

Pocono Mountain Lake Forest
Community Association Inc.

BY-LAWS

2008 Bylaws
Amended 5-21-23

PMLFCA By-Laws

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ARTICLE I. IDENTITY

The name of this Association is Pocono Mountain Lake Forest Community Association, Inc. The office is located on Silver Lake Road, Dingmans Ferry, PA 18328. The Seal of the Corporation bears the name of the Association, the words "Commonwealth of Pennsylvania", "Corporation Not for Profit", and the year of the Incorporation, 1975. These Bylaws govern the operation of this Association, a Pennsylvania not for profit, organized and existing under the laws of the Commonwealth of Pennsylvania, created under and subject to the Restrictive Covenants (Schedule A), made part of each deed and hereinafter called Deed. If there is any conflict, contradiction or ambiguity between these By-Laws and the Constitution of the Association, the By-Laws control and govern.

ARTICLE II. PURPOSE

The Association is established to provide for all the rights, privileges, duties and obligations of all members and to enforce the provisions of the Deed, Constitution, By-Laws and other governing documents. To accomplish this, it performs all the duties necessary, expedient, or desirable to administer the Development for the benefit of its members. These duties are specifically, but not limited to the following:

Provide mutual and beneficial standards, controls, and restrictions on the use and improvement of property in the Development, and the use of the Common Areas, Roads and Facilities.

Take action necessary to comply with all orders and requirements affecting the Common Areas, Roads and Facilities of the Development placed thereon by any Federal, State, County, or Municipal Authority, the Board of Fire Underwriters or other similar bodies with jurisdiction there over;

Purchase, lease, exchange, sell, mortgage, or otherwise acquire or encumber real or personal property and rights or privileges for the Association. Make contracts for all necessary services; purchase, lease, or rent equipment tools, appliances, materials, and supplies.

Borrow money, make and issue promissory notes, bills of exchange bonds, debentures, and their evidence of indebtedness, whether secured by mortgage pledge, or otherwise, and secure the same;

Operate, manage, preserve and maintain the Common Areas, Roads and Facilities; Collect all Dues and Assessments.

Hire and discharge personnel as necessary to fulfill the duties of the Association.

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ARTICLE III. GENERAL PRINCIPLES

The Association consists of lot owner members, governed by a Board of Directors, they elect. It functions in a system of regular meetings in a democratic method of operation, developing the means, methods, and decisions for perpetual government of the Community. It is guided by the Constitution's established principles of broadest possible voluntary participation by all members; full respect for all opinions; and full support for all decisions.

The Association always has the right to use any and all remedies to enforce all provisions, covenants, or conditions provided in the governing documents, and any other remedies which may exist in law or in equity.

The Association is not liable for injury or damage caused by latent conditions in the property, the elements, or other owners or persons.

ARTICLE IV. FINANCES

The fiscal year for the Association begins on the first day of May of each year, with provision for change to comply with regulations prescribed by the Internal Revenue Code of the United States of America.

Prior to the Fall General Membership Meeting, the Board of Directors prepares a proposed annual budget for the ensuing year. There it is forwarded to members, along with the notice of the meeting, a copy of the proposed budget, including the estimate of expenses, reserves, dues and assessments.

The budget is submitted for approval at the Fall General Membership Meeting. The membership votes to accept or reject the budget as presented. If at the General Membership Meeting the proposed budget is not approved, the prior year's budget remains in effect until a new budget is adopted.

The funds of the Association are deposited in banks and/or savings and loan associations as determined by the Board of Directors and can be withdrawn only upon check or demand executed pursuant to Article VI, of these By-Laws. The Treasurer and any other officer of the Association who is authorized to sign checks, handle, have control over or be responsible for funds of the Association must be bonded in an amount determined by the Board of Directors as sufficient to equal the moneys an individual controls.

ARTICLE V. MEMBERSHIP, RIGHTS, AND DUTIES

Section 1. Membership

- A. Membership in the Association is limited to recorded owners of lots.
- B. If ownership is vested in more than one person, all the persons are members of the Association, eligible to hold office, attend meetings, etc. If ownership is vested in a corporation, the corporation designates an individual officer or employee as its member.

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- C. Transfer of ownership of a lot, either voluntarily or by operation of law terminates membership in the Association. Lot owners must notify the office in the prescribed format of any transfer of ownership at least 14 days prior to the date of the transfer, so that all governing documents binding on the new owner may be directed to him/her. The transferee acquires all the rights, privileges, and duties of his/her predecessor.

Termination of membership in the Association by lot transfer does not release the former owner from obligations incurred during the period of ownership or impair any rights or remedies the Association has against the former owner. If the former owner does not satisfy the obligations, the new owner becomes liable and responsible for any unpaid dues, assessments, charges, and liens, provided the new owner is notified, as described in this Section.

Section 2. Rights of All Members

- A. A member has the right to participate in the operation of the Development by attending General Membership Meetings, making proposals, comments, recommendations, and suggestions for improvement in any phase of the Associations or the Committees' activities.
- B. Members also have the right to question and, if necessary, present charge and receive fair and open hearings through appropriate channels and procedures (See Article IX Grievances)

Section 3. Rights of Paid Up Members

(Owners whose dues and assessments are paid up to date on all lots owned)

- A. Every paid up member has the right to participate in all social, cultural and recreational activities of the Association.
- B. Every paid up member has the right to serve on Association committees, be a candidate for elective posts and participate in the leadership of the Association.
- C. Every paid up member has the right to vote. Voting guidelines are as follows:
 - 1. There is one vote per lot and it is indivisible. Owners of more than one lot are entitled to one vote per lot owned, up to a maximum of three lots, provided all moneys due this Association on all lots are paid in full. Payments by cash or certified check are acceptable up to the start of the General Membership Meeting; payments in other forms must be made in full at least 30 days prior to the date of the meeting. If a lot is owned by more than one person, the owners may designate one as the voting member. If a lot is owned by a corporation, the officer or employee entitled to cast the vote for the lot is designated in a certificate signed by the president or vice president of the corporation, attested to by the corporation secretary and filed with the secretary of this Association.

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2. The majority of votes cast on a question decide any question, unless the governing documents provide otherwise.
 3. Votes may be cast in person or by absentee ballot. In keeping with established business practice, an in person vote supersedes any prior vote.
 4. Proposals to be voted on are submitted in writing to the General Membership at least 30 days before the meeting. An absentee ballot listing all candidates for office and/or proposals is included. Properly completed absentee ballots must be received at the Association office before the start of the General Membership Meeting.
- D. Combined Lots-Effective May 1, 2003, any member in good standing that owns adjoining lots that have been combined by the filing and approval of a lot improvement subdivision by Delaware Township, which has been recorded in the office of the Recorder of Deeds of Pike County, shall be considered as one lot for all purposes of the Association. The rate of dues will be the highest applicable rate for the combined lots (Home, Lot, Unbuildable). No pro-rating of the dues shall be performed. Only the combined resulting lot may be voted for any purpose. The maximum number of lots (defined as lots as shown on original subdivision plans) that may be combined under this program is three except that a member may be granted leave by the Board to combine a larger number of lots only to make the combined parcel buildable or home suitable for occupancy.

Section 4. Duties

- A. Lot owners must comply strictly with all provisions of the Deed, these By-laws, the Rules and Regulations and all resolutions or decisions of the Association and/or the Board of Directors. A lot owner who fails to comply is subject to the remedies provided for in these documents, and may be required by the Board to give security or other guarantees for future compliance.
- B. Lot owners must use and occupy their lots only as residences and in accordance with the above cited documents and related Municipal regulations. This precludes use of any temporary structures or mobile homes as residences.
- C. Each lot owner must ensure that individuals renting, leasing or otherwise using or occupying his/her lot abide by all the provisions of the governing documents. The lot owner is solely responsible for this compliance. In addition, members renting or leasing their homes to individuals or corporations other than immediate family members (parents, children or siblings) shall be charged an additional fifty percent (50%) of the homeowner's annual dues assessed. Members who rent or lease their homes shall be required to submit a \$500 security deposit to the Association. The security deposit shall be placed in a non-interest-bearing account and be used to cover any fines or other charges which may be levied against the tenants. In the event that funds are removed from this

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security deposit to cover fines or other charges, the lot owner is required to bring the account balance back to \$500 within thirty days. Upon the tenants vacating the property, the security deposit or remaining shall be refunded to the lot owner within thirty days.

- D. Every lot owner must share the costs of the operation of the Association by payment of yearly dues and assessments adopted by the membership. Every lot owner also shares in keeping dues and assessments within reason by volunteering personal services to the community, by participating as a working member of any of the established committees or by forming and working on new committees as needs arise. Lot owners in arrears in cost sharing are subject to late charges and may be subject to termination of services and to legal action. They are denied the right to vote. They and their families are denied the use of community facilities and social functions and are not permitted to participate as guests of other members. Lot owners cannot exempt themselves from payment of dues, etc., by waiving rights to use the development's facilities, by abandoning lots or by any other comparable device.
- E. Each lot owner is urged to attend all special and regular General Membership Meetings.

Payment guidelines are as follows:

1. The membership's adoption of the budget determines the pro-rata amount for which each lot owner is liable. Each lot owner is sent by regular mail to his/her address, as listed on the records of the Association, a statement setting forth his/her dues for each lot owned. Dues and Assessments are due and payable as stated on the bill.

The membership's adoption of a special assessment determines the pro-rata amount for which each lot owner is liable.

2. In the event that the Board of Directors determines that any expenditure which has been or must be made out of the funds of the Association is primarily for the benefit of or the responsibility of a specific lot owner, the Board will levy an individual special assessment upon the lot owner to obtain or recover the funds necessary for the expenditure.

A fine is a charge levied against any owner as a result of any violation of the Rules and Regulations, Constitution or By-Laws of the Association.

Each member of the Association is liable and responsible for paying any individual special assessments and/or fines set forth in the Governing Documents approved by the General Membership.

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Upon the determination set forth above, the office Notifies the affected lot owner by certified or registered mail of the individual special assessment and/or fine, the amount, the reasons and the terms and conditions for payment.

The individual special assessments and/or fines provided for herein must be paid within 60 days of receipt of the notice.

Any lot owner who objects to an individual special assessment and/or fine must file a written request for review within 14 days of the receipt of notification. Within 14 days of receipt of the request, the office Notifies the requester and any other lot owners involved of the objection and the date set for hearing by the Grievance Committee.

The final decision must be made within 90 days of receipt of notification.

3. If a lot owner fails to pay any dues and assessments, special assessments, fines, or individual special assessments provided for in these By-Laws, the Board of Directors will institute action against the lot owner to collect, and may foreclose and enter judgment on the lot Judgment entered against a lot will include interest on the assessment at the maximum rate allowed by law, costs and attorney's fee for collection. If a tot owner desires to remedy his/her default, he/she is obligated to pay, in addition to the amount of the assessment and the interest due thereon, all expenses of the Association including attorney's fee.

F. Violations (other than the nonpayment of dues, assessments, and fines) of any of the provisions of the Governing Documents generate notification by certified or registered mail by the Board of Directors. If the violation continues for a period of 30 days from the date of notice, the Board must treat the violation as an intentional and material breach of the Governing Documents and the Board may exercise the following remedies:

Action at law to recover damages caused by the violation.

Action in equity to enforce performance by the owner.

Action in equity for relief necessary under the circumstances, including equitable and/or injunctive relief.

Upon judgment by the court of law in favor of the Association, the owner must reimburse the Association for attorney's fees. Violations deemed by Municipal authorities or the Board of Directors to be hazards to public health will be corrected immediately as emergency measures and the costs will be charged to the owners.

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- G. A transfer fee of 100% of the prior year's dues for an improved lot or 50% of the prior year's dues for unimproved lots shall be collected at the time a recorded owner of a lot is changed. This fee shall be placed in a segregated account to be used for capital improvements. The resale of homes and unimproved lots on the water system will be charged the standard transfer fee for that property type plus the additional appropriate water system transfer fee. This statute does not state who pays the fee, however the new owner is not a member in good standing until the fee is paid. All parties must pay the fee unless (1) the lot comes from an exempt source such as the Tax Claim Bureau; (2) the lot is purchased directly from the Association, (3) the buyer files an affidavit with the Association at the time of sale indicating that the lot was purchased for resale. That owner is then exempt for 18 months. If the lot is not resold within 18 months, the fee is payable. (4) No fees shall be imposed on any gratuitous transfer of a unit between any of the following family members: spouses, parent and child, siblings, grandparent and grandchild.

BOARD OF DIRECTORS, OFFICERS

Section 1. Board of Directors

A. Composition, Qualifications, Election, Term

The affairs of the Association are governed and administered by a Board of Directors composed of Nine (9) persons ^{*1} at least 21 years of age and members entitled to vote. Eligibility for service on the Board of Directors at any one time cannot exceed one owner per lot, or one member per family, or one corporate designee.

At the Fall General Membership Meeting, the members elect by plurality vote one third of the Board of Directors and any additional Directors needed to fill vacancies.

Each Director holds office for a term of 3 years and may serve more than one term, consecutive or otherwise.

To run for a director seat you must be a PMLFCA member for a minimum of 1 year prior to the Fall General Membership Meeting election resume deadline. ^{*2}

B. Powers and Duties

The Board of Directors has the full power and duty to fulfill the purpose for which the Association exists. It must take all actions necessary to govern and administer the Association effectively. These include, but are not limited to the following:

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1. Develop long and short term plans for the full functioning of the Association, assuring that they are supported by complete and biennially reviewed Governing Documents and guidelines, and promulgate and distribute them for fullest membership awareness; Implement the documents and guidelines for the use and enjoyment of the common areas, roads and amenities and for the personal conduct of the members; set special assessments and penalties for violations, for approval by the General Membership; Appoint and regulate Committees for purposes deemed necessary designating their powers and responsibilities; these Committees are in addition to the Grievance Committee which is an established continuing Committee (see Article IX Grievances); Review all expenses incurred by Officers and arrange for reimbursement; Revoke privileges, services or rights of any member who violates regulations, fails to pay dues and assessments, etc.; Attend all regular and special meetings of the Membership and Board of Directors.
2. Initiate all actions required to comply with all Federal, State and Local requirements affecting the development; Sue or defend litigation on behalf of or in the name of the Association; Pay all taxes and assessments against all property of the Association.
3. Acquire, sell, own, hold, use or lease real property by gift, bequest, devise or otherwise; Enter into contracts, agreements and other written instruments or documents and authorize the execution, delivery and recording by the Officers; Prepare an annual budget for the Association for approval by the General Membership; Open bank accounts, sign checks and drafts; Purchase supplies, materials, equipment and other personal property necessary for the maintenance, improvement and repair of the common areas, roads and amenities in the development.
4. Spend at their discretion up to 3% of the total budget. Enter into financial actions such as borrowing money, issuing notes, bonds or other evidence of indebtedness necessary to secure loans; Purchase or otherwise acquire stocks, bonds, securities, etc. up to 10% of the current budget of the Association without prior approval of the Membership; All actions involving more than 10% of the current budget must have prior approval by a majority of the total voting Membership; Obtain all necessary and adequate insurance coverage for the Board of Directors, the Association and its property.
5. Operate, maintain, renew, replace, and provide care and surveillance of the common areas, roads, amenities and all other real or personal property owned by the Association.
6. Collect fees, dues and assessments under the budget and use funds in accordance with the budget.
7. Determine staffing, agents, etc., required for the efficient management and daily operation of the development; Hire and dismiss, set terms of employment, define duties and responsibilities and fix compensation.

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C. Meetings

All meetings of the Board of Directors are held at the development.

1. The organizational meeting of the Board of Directors is held within 14 days of the Fall General Membership Meeting at which the new Directors are elected, at a time Fixed by the Board. No notice is required of the organizational meeting. The Board holds regular meetings at least once a month and Board members are notified in writing at least 10 days prior to the date. Once a regular schedule has been adopted no notice of regular meetings needs to be given to Board members. Special meetings of the Board may be called by the President or in his/her absence, the Vice President. upon his/her own motion, or upon the written request of five members of the Board. The President calls such meeting not less than five nor more than fifteen days after receipt of a request and designates the time of the meeting. Written notice is provided at least 5 days prior to the day of the special meeting. The notice states the purpose for the special meeting and only that business may be conducted at that meeting. Members are notified by Community marquee, Community website and e-mail alerts and posting of flyers at common areas.
2. A majority of Directors in office at the time of any meeting comprises a quorum for the transaction of all business.
3. Each Board Member is entitled to one vote, absentee ballots shall be accepted. A majority vote of the Board, a quorum being present, binds the Board for all purposes unless otherwise provided by law, in the Deed, or in these By-Laws.
4. Any action which may be taken at a meeting of the Directors may be taken without a meeting if consent in writing. setting forth the action so taken, is signed by a majority of Directors and filed with the Secretary. However, such action should be used only in cases where timing prohibits a regular or special meeting of the Board of Directors.

D. Resignation, Disqualification and Removal of Directors

1. A Director may resign at any time by sending a written notice to the office of the Association. Unless otherwise specified therein, the resignation takes effect upon receipt and acceptance by the Board of Directors. The transfer of title to his/her lot or failure to meet the qualifications for a Board member constitutes immediate resignation.
2. At the discretion of the Board of Directors, a director may be removed from the Board by a majority vote of the remaining active Directors if he/she fails to attend three consecutive regular Board meetings, or four meetings between two consecutive General Membership Meetings.
3. At any duly convened regular or special meeting of the Association, any one or more of the Directors may be removed by an affirmative vote of 90% of the voting members present. Such removal must be for just cause.

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4. A vacancy caused by Membership removal of a director is filled by Membership election of a successor at that same or a future meeting. Vacancies resulting from failure to elect a successor as well as vacancies from all other causes are filled temporarily by majority vote of the remaining Directors. Those selected serve until the next Fall General Membership Meeting election.

E. Compensation and Indemnification

1. Directors serve with no financial compensation for their services to the Community.
2. The Association indemnifies every Director, his/her heirs, executors and administrators, against all loss, cost and expense reasonably incurred by him/her in connection with any action, suit or proceeding to which he/she may be made a party by reason of being or having been a Director of the Association, except as to matters wherein he/she shall be finally adjudged to be liable for or guilty of gross negligence or willful misconduct. The right of indemnification is in addition to and not exclusive of all other rights to which a Director may be entitled.

Section 2. Officers

A. Composition, Qualifications, Election and Term

Officers of the Association consist of a President, 1st Vice President, Treasurer, Secretary, and such other Officers as shall be deemed necessary, chosen from the Members of the Board of Directors. Only the offices of Treasurer and Secretary may be held by the same person.

The Officers are elected by plurality vote of the Board of Directors at their Organizational Meeting.

Each Officer serves for a one-year term commencing with the Organizational Meeting of the Board of Directors and may serve an unlimited number of terms as long as he/she has been re-elected to the Board of Directors.

B. Duties

1. President

The President has all of the powers and duties ordinarily attributable to the Chief Executive Officer of a corporation domiciled in the Commonwealth of Pennsylvania. As the Chief Executive Officer of both the Association and the Board of Directors and subject to the control of those two bodies, he/she is responsible for:

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- A. Directing, supervising, coordinating, and having general control over the affairs of the Association and the Board, presiding at all meetings of either body, signing checks and documents on behalf of the Association, enforcing all principles and provisions of the Governing Documents and Resolutions of the Membership and the Board and appointing Committees to act in advisory capacity to the President of the board.
- B. Presenting to the Membership of the Association at the Semi• Annual Meetings a report of the progress, operation, achievement, and problems of the Association during the previous half year.
- C. Appointing the Executive Committee consisting of three Members of the Board of Directors for a term of one year.
- D. In an emergency when it is impractical to convene a special meeting of the Board of Directors, spending an amount not in excess of \$1,000.00 in order to correct, alleviate or resolve the situation, provided he/she obtains prior approval for the expenditure from a majority of the Executive Committee.
- E. A working capital fund of up to \$200.00 a month for conducting the Association business without prior authorization of the Board of Directors. This fund is not cumulative and the President accounts for all monies spent at the next monthly meeting of the Board of Directors.

2. Vice President

The 1st Vice President performs all the duties and has the authority of the President in his/her absence. He/she also performs other duties, as required or assigned from time to time by the President of the Board of Directors.

3. Secretary

The Secretary performs all the duties and has the authority ordinarily attributed to the secretary of a corporation domiciled in the Commonwealth of Pennsylvania, and in addition has the duties and authority assigned or delegated by the President or the Board of Directors. He/she is responsible for:

- A. Keeping all records or copies of recorded documents of the Association and the Board and has the authority to affix the seal to any documents which require it.
- B. Giving timely notices as required by law, the Deed or these Bylaws.
- C. Taking and keeping minutes of all meetings of the Association and Board; notifying all Members of all actions taken at all General Membership Meetings.
- D. Maintaining a record of the names and addresses of all lot owners, a voting list, copies of the Rules and Regulations of the Development, copies of the Deed, and copies of these By-Laws at the Office of the Association for inspection by lot owners.

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4. Treasurer

The Treasurer performs duties and has all the powers ordinarily attributed to the treasurer of a corporation domiciled in the Commonwealth of Pennsylvania in addition has the duties and authority assigned to him/her by the President or the Board of Directors. He/she is responsible for:

- A. Custody of all funds and securities of the Association.
- B. Timely collection of all monies due, timely disbursement of funds of the Association in accordance with the direction of the Board of Directors, and depositing all funds and securities in depositories as the Board of Directors may direct.
- C. Keeping correct and complete accounts and records of all financial transactions of the Association and submitting to the Board and the Association an annual report of financial status, and such other reports as the Law, the Deed, these By-Laws or the Board may require. These records include, but are not limited to, chronological listings of all receipts and expenditures of the Association, itemized lists of the maintenance, repair and replacement expenses relating to the common areas, roads or amenities in the Development and other expenses incurred by the Association, the amount of the Association dues, assessments, and special assessments, etc. for each owner; amounts paid and amounts due on each charge and assessment. The financial records must be kept at the Association Office and are available there for inspection by owners.

{*3}

C. Removal of an Officer

Any Officer may be removed for just cause at any time by a 2/3 vote of the Board of Directors in the best interest of the Association.

D. Expenditures by Officers

Officers are reimbursed for all valid expenditures incurred by them in the pursuit of Association affairs and are subject to review by the Board of Directors. However, expenses exceeding \$200.00 in any one month require prior Board authorization.

E. Execution of Instruments

Agreements, documents or other instruments are binding upon the Association only if approved by the Board and executed by the designated Corporate Officer(s).

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ARTICLE VII: GENERAL MEMBERSHIP MEETINGS

Section 1. Place, Time, Conditions

- A. All meetings of the Association are held at the Community Clubhouse at the times designated by the Board of Directors. Notices of the times of Regular Meetings are provided to lot owners at least 30 days prior to the meetings. Notices of the times of Special Meetings are provided to lot owners at least 15 days {*4} prior to the meetings. Notices are mailed to the last address of record. Notice is also placed on the community marquee and Community website and by e-mail alerts.
- B. Or special meetings are provided to lot owners at least 15 days prior to the meeting. Notices are either mailed to the last address of record or delivered personally.
- C. A quorum for General Membership Meetings consists of 7% of voting members (exception: see Adjourned Meetings). Once a quorum is present the vote of the majority is binding upon the Association unless otherwise provided for in these Bylaws (See also Adjourned Meetings).

Once a quorum has been established the Meeting will continue until all business on the agenda is concluded regardless of a change in numbers.

- D. Any action taken at any General Membership Meeting is reported to all Members either by mail or in person.

Section 2. Regular Meetings

- A. Regular Meetings are held on a weekend in Spring and Fall of each year.
- B. At the Fall Regular Meeting the following items must be included in the business brought before the Membership:
 - 1. Election to fill vacancies existing on the Board of Directors
 - 2. Adoption of the annual budget for the ensuing Fiscal year.
- C. At either Regular Meeting other business requiring Membership consideration and action is transacted.

Section 3. Special Meetings

Special Meetings are called by a majority of the Board of Directors, or at the request in writing of Voting Members of the Association representing 10% of all lots and stating the purpose of the proposed meeting. Business transacted at all Special Meetings is confined to the item stated in the notice.

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Section 4. Adjourned Meetings

If a quorum is not present within one hour after the scheduled start of a proposed meeting the meeting is adjourned.

If so, a Special Meeting may be called by the President or the Board of Directors to conduct the business of the Association provided that notice is given as described above. That notice will include a statement that the quorum for the Special Meeting will be 6%.

ARTICLE VIII: AMMENDMENTS

In the event that any provisions of the Association Governing Documents require change to fulfill the best interest of the Membership for which they are designed, they may be amended by a 2/3 vote of the Members present at a General Membership Meeting.

A proposed amendment must be submitted in writing to the Board of Directors at least 60 days prior to the Meeting and must bear the signatures of at least 10 different lot owners of 10 different lots.

Following the review and approval by a majority of the Board of Directors a statement of the proposed amendment is included with the notice of the General Membership Meeting.

Amendments generated through the biennial or more frequent review of Governing Documents must follow the same procedure.

ARTICLE IX: GRIEVANCES

The grievance procedure is established to preserve the unity of the Community by insuring fair and equitable application of the Governing Documents and guidelines. It provides an organization and method for the internal presentation, examination and resolution of any grievance or change of any nature whatsoever by a Member against another Member or Committee of the Association. Exceptions: Charges against Members in their capacity as Officers which are heard and resolved by the Board of Directors; items covered in Article V, Section 4E of these By-Laws.

The organization for achieving this purpose is the Grievance Committee, made up of at least five voting Members of the Association who are not Members of the Board, appointed by a majority vote of the Board of Directors for a term of four years. Vacancies of whatever duration from whatever cause are filled in a similar manner. The Committee has the duty and responsibility to:

- Hold hearings with a majority of the Grievance Committee Members present.
- Consider all evidence, testimony, etc. relevant to the grievance.
- Make a determination, fairly and impartially, to resolve the grievance.

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- Within 14 days of the hearing, submit a written report of the decision to the Board of Directors setting forth the basis for the conclusion.

The method of operation is as follows:

- Grievances are submitted in writing, addressed by the Board of Directors, and filed at the Association Office.
- Within 14 days of receipt, the Office schedules a hearing to be held within 30 days and provides notice of the nature of the grievance. the date and place of the hearing to all parties concerned.
- Following consideration of all relevant evidence, testimony by all parties, etc., the Committee by majority vote renders a decision of guilty or innocent to the Board of Directors in writing within 14 days of the date of the hearing. If the verdict is guilty, the Association shall issue the applicable fine(s). All parties involved receive a copy of the decision by certified mail.

If either party disagrees with the Grievance Committee ruling, a second and final appeal may be made to the Board of Directors within 14 days of the date of receipt of the Grievance Committee's ruling letter. The Board will hear the appeal at its next regularly scheduled meeting and communicate its decision within 14 days. The decision of the Board of Directors is final.

If a property owner, tenant, or other party aggrieved by the decision of a Committee, Officer, or other Agent of the Association relative to a violation of any Rule, Regulation, Covenant or other requirement, or the amount of the fine or penalty related thereto, the sole and exclusive remedy of such property owner, tenant, or other party aggrieved shall be by appeal to the Board of Directors. The Board of Directors shall promptly hold a hearing on such appeal and render a decision. The decision of the Board of Directors shall be final. If a property owner, tenant, or other party aggrieved by the decision of the Board their sole remedy shall be by appeal of such decision within 30 days to the Court of Common Pleas of Pike County, PA. In the event that the Association seeks to collect on the lien created by the assessment or any fine or other penalty for violation of such Rules, Regulations, Covenants or other requirements, the jurisdiction of the court in such matter shall be limited to whether or not the appropriate procedures were followed and not to the merits of the underlying case.

ARTICLE X. INTERPRETATION

The provisions of these By-Laws shall be liberally construed to effectuate the purpose of the Association.

ARTICLE XI. SEVERABILITY

The provisions hereof shall be deemed independent and severable and the invalidity of partial invalidity or unenforceability of any one provision or portion thereof shall not affect the validity of enforceability of any other provision or portion thereto.

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ARTICLE XII. PROCEDURES NOT COVERED

Any procedure not covered in this document will be handled in accordance with Roberts Rules of Order.

REVISIONS

Description of Change	Date	Approval
ARTICLE IX. GRIEVANCES Grievance Committee only determines guilt or innocence.	29 Oct 00	GMM
ARTICLE VI BOARD OF DIRECTORS, OFFICERS Section 1E, Increased BOD discount from 20% to 50%	29 Oct 00	GMM
ARTICLE V. MEMBERSHIP, RIGHTS AND DUTIES Section 2. Rights of All Members, Section C. (3 Vote Limit)	29 Apr 01	GMM
ARTICLE V. MEMBERSHIP, RIGHTS AND DUTIES Section 4. Duties, Section G. (Transfer Fee)	29 Apr 01	GMM
ARTICLE V. MEMBERSHIP, RIGHTS AND DUTIES Section 3. Rights of Paid Up Members, Section D. (Combined Lots)	27 Apr 03	GMM
ARTICLE IX. GRIEVANCES Paragraph 12, Appeal Board decision to the Court of Common Pleas of Pike County	23 Oct 05	GMM
ARTICLE V. MEMBERSHIP, RIGHTS AND DUTES Section 4. Duties, Section G. (Transfer Fee for Gratuitous Transfer)	11 Nov 07	GMM
ARTICLE VI. BOARD OF DIRECTORS, OFFICERS Section 1E, (Abolished BOD Discount)	11 Nov 07	GMM
ARTICLE V. MEMBERSHIP, RIGHTS AND DUTIES Section 4. Duties, Section G. (Add Transfer Fee for Water System)	27 Apr 08	GMM
ARTICLE VII. GENREAL MEMBERSHIP MEETINGS Section 1. Place, Time, Conditions	16 Nov 08	GMM
ARTICLE VI. BOARD of DIRECTORS, OFFICERS C. Meetings	16 Nov 08	GMM
ARTICLE VI. BOARD of DIRECTORS, OFFICERS Section 1. Board of Directors A. Composition, Qualifications, Election, Term	16 Nov 08	GMM

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ARTICLE VI. BOARD of DIRECTORS, OFFICERS Section 2. Officers, B. Duties (Addition)	16 Nov 08	GMM
ARTICLE VI. BOARD of DIRECTORS, OFFICERS Section 1. Board of Directors {*1} (changed from 10 to 9 Directors)	21 May 23	GMM
ARTICLE VI. BOARD of DIRECTORS, OFFICERS Section 1. Board of Directors {*2} (added 1 year prior membership to run)	21 May 23	GMM
ARTICLE VI. BOARD of DIRECTORS, OFFICERS Section 2. Board of Directors {*3} (Removed V. Ethics & Transparency Officer)	21 May 23	GMM
ARTICLE VII. GENERAL MEMBERSHIP MEETINGS Section 1. Place, Time, Conditions {*4} (SMM 30 day notice changes to 15 days)	21 May 23	GMM