

# DEER CREEK HOMEOWNERS ASSOCIATION OF LIVONIA, MI

## Association By-Laws

We endeavored to create a verbatim recitation of language from the actual recorded documents. In the event of any errors, the legally binding documents recorded with Wayne County Register of Deeds shall control. Nothing in this document provides, grants, or extends any rights of privileges and is meant for general information purposes only. All questions should be referred to a qualified legal representative, or to the registered documents themselves.

The By-Laws of Deer Creek Subdivision Are Presented On This Page For Your Information. Should You Have Additional Questions Please Contact A Board Member

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### [ARTICLE I. - NAME, TERRITORY AND INCORPORATION](#)    [\[Return To Top\]](#)

#### Section 1    Name

The name of this association shall be the DEER CREEK HOMEOWNERS ASSOCIATION, hereinafter referred to as the "ASSOCIATION".

#### Section 2    Territory

The geographical territory encompassed by this ASSOCIATION shall be that area situated in the City of Livonia, Michigan, known as DEER CREEK, described as:

Lots 497 through 705 inclusive, of Windridge Village Subdivisions No. 4, 5, & 6, part of the West 1/2 of Section 4, Town 1 South, Range 9 East, City of Livonia, Wayne County, Michigan, according to the plat thereof as recorded in Liber 101, pages 57 through 60 inclusive, Wayne County records

#### Section 3    Incorporation

This ASSOCIATION shall be incorporated as a non-profit corporation under the laws of the State of Michigan.

### [ARTICLE II. - PURPOSE](#)    [\[Return To Top\]](#)

#### Section 1    General

The purpose for which this ASSOCIATION is formed is to initiate and participate in those activities which will result in the maintenance of the attractiveness and general desirability of the subdivision,

and any and all other matters of common interest and concern to the residents of these subdivisions, and to administer and enforce the covenants and charges set forth in the DECLARATION OF COVENANTS AND RESTRICTIONS FOR WINDRIDGE VILLAGE SUBDIVISIONS NUMBER 4, dated June 12, 1986, NUMBER 5, dated January 9, 1987, NUMBER 6, dated October 1, 1987, and any amendments thereof.

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Section 1    Structure

The following shall be the organization of this ASSOCIATION:

Board of Directors

Officers	Four
Trustees	Three
Welcoming Committee Chair	One
General Membership	

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Section 1    Eligibility

Membership in this ASSOCIATION shall be open to all homeowners within the geographical territory heretofore defined and shall automatically terminate upon sale of residence in said territory. Memberships are not transferable and will be valid only as long as all dues and assessments (if any) are fully paid.

Section 2    Application

Membership in this ASSOCIATION is obtained by making proper application with a Director or delegated agent of the ASSOCIATION, and will require proof of eligibility and advance payment of the yearly membership fee. There shall be no initiation fee for membership.

Section 3    Privileges And Voting Rights

Each home shall be limited to one membership, which shall entitle all members residing in the household to full privileges and benefits of the ASSOCIATION. Each household membership will be limited to a maximum of two votes (voting members) on each matter submitted to a vote of the general membership. No renter, representative, or proxy vote shall be recognized.

Section 4    Dues

The Board of Directors shall have the authority to determine annual dues for membership and to fix the time and method of payment; provided however, that at no time shall the dues per household exceed the sum of One Hundred (\$100.00) Dollars per year. Dues are not refundable, payable in advance of membership initially, and then renewable annually as of the date of the Annual Meeting.

Section 5    Special Assessments

Special assessments may be levied by an affirmative vote of not less than a simple majority of voting members present at an annual or special meeting; provided that notice of such proposed assessment shall have been given in advance of such meeting.

Section 6    Liability

The members shall not be liable for any debts or obligations of the ASSOCIATION.

## [ARTICLE V. GENERAL MEMBERSHIP MEETINGS](#)    [\[Return To Top\]](#)

### Section 1    Annual Meeting

The Annual meeting of this ASSOCIATION shall be held at such reasonable time and place as the Directors may designate, with notice in accordance with Article V, Section 3, for such business as may properly come before said meeting. Newly elected Directors will take seats effective on that date.

### Section 2    Special Meetings

Special meetings of this ASSOCIATION may be called by the President or the Board of Directors. A special meeting may also be called at the written request of not less than one third (1/3) of the memberships, and shall be held within sixty (60) days from the date of presentation of said written request to the Board of Directors. The notice of any such shall state the purpose for which it is called, and no other business than specified in such notice shall be transacted.

### Section 3    Notice Of Meetings

Notice of annual and special meetings shall be distributed to the membership by the Secretary or agent at least ten (10) days prior to the date of such meeting. Such notice shall state a reasonable place, date, time, and agenda of said meeting.

### Section 4    Quorum

At any annual or special meeting, except as otherwise provided in these By-Laws, twenty-five (25) memberships shall constitute a quorum, and shall be empowered to transact business. If at any meeting a quorum is not present, said meeting shall be adjourned to a subsequent date, and the Secretary shall give notice as set forth in Article V, Section 3, at least ten (10) days prior to such subsequent date, and at such adjourned meeting the active memberships present shall constitute and be a quorum empowered to transact business.

### Section 5    Eligible Voters

At any meeting of the membership, only voting members from active memberships shall be entitled to vote.

### Section 6    Voting Procedure

All voting shall be in person; proxies will not be recognized. Voting may be by voice, show of hands, or written ballot. A roll call vote will be required at the request of not less than one fourth (1/4) of the voting members. A simple majority vote of those present shall carry, except as otherwise noted in these By-Laws.

## [ARTICLE VI. BOARD OF DIRECTORS](#)    [\[Return To Top\]](#)

### Section 1    General Authority

The affairs of this ASSOCIATION shall be managed by its Board of Directors which shall have full control and management of the affairs, business, and operation of the ASSOCIATION except as otherwise provided for in these By-Laws. They shall have full responsibility for performance and enforcement of all of the objectives and purposes for which it was organized and shall have full power to promulgate, adopt, amend, and/or rescind rules and regulations governing the manner and method of operation or activities of the ASSOCIATION consistent with these By-Laws and amendments hereto.

### Section 2    Jurisdiction

The decision of the Board of Directors on any question involving the rules and regulations shall be final, providing the decision made is substantiated by a written report to the person or persons concerned, stating the reason for the decision. The Board shall have jurisdiction over all violations of the By-Laws, rules, and regulations of the ASSOCIATION.

### Section 3 Number and Term

The Board of Directors shall consist of eight (8) elected Directors which shall include the officers of President, Vice-President, Secretary, Treasurer, three (3) Trustees and one (1) Welcoming Committee Chair. All candidates for Directorships must represent an active membership, and must be nominated at the Annual Meeting by voting members of active memberships, and said candidates must accept at the time of nomination. Alternatively, candidates may be nominated by the Board of Directors and may indicate their acceptance to the Board prior to the Annual Meeting. The nominee for each office receiving the greatest number of votes shall be elected. The election of Directors shall take place at the Annual Meeting. Newly elected Directors shall take office immediately. The term of each Director is two (2) years, and the number of consecutive terms a Director can hold office is not limited.

### Section 4 Regular Meetings

A Board of Directors Meeting shall be held within one (1) month after the Annual Membership Meeting unless otherwise announced at the Annual Membership Meeting.

### Section 5 Special Meetings

Special meetings of the Board of Directors may be called by or at the request of the President or any two (2) or more Directors.

### Section 6 Notice of Meetings

Notice of meetings of the Board of Directors shall be given at least five (5) days previous thereto by written notice delivered, or by personal contact, to each Director at their address as shown by the record of the ASSOCIATION except as otherwise stated. Any Director may waive notice of any meeting.

### Section 7 Quorum

A simple majority of the Board of Directors shall constitute a quorum for the transaction of business at any meeting of the Board. If less than a majority of the Directors are present at said meeting, the Directors present may adjourn after establishing a subsequent meeting date; said meeting to be within seven (7) days of the original or adjourned meeting date.

### Section 8 Manner of Acting

The act of a majority of the Directors present at a meeting at which a quorum is present, shall be the act of the Board of Directors.

### Section 9 Vacancies

Any vacancies occurring on the Board of Directors shall be filled by a majority vote of the Board. A Director appointed to fill a vacancy shall be appointed until the next annual meeting. The appointment shall be made from applications of nominations submitted for the vacancy by interested active members. The vacancy shall be up for election at the next annual meeting.

### Section 10 Compensation

Directors as such shall not receive any compensation for their services, but nothing herein contained shall be construed to preclude any Director from serving the ASSOCIATION in any

other capacity and receiving compensation therefore upon affirmative vote of two-thirds (2/3) of the voting members present at any annual, or special meeting empowered to transact business.

#### Section 11 Personnel

The Board shall hire and discharge all personnel, and personnel so hired shall be responsible to the Board unless the Board shall delegate such responsibility.

#### Section 12 Removal

Any Director may be removed by a ruling of the Board on a petition submitted by one fourth (1/4) of the active memberships. The petition must state the reasons for removal. Additionally, a Director may be deposed by a petition of two-thirds (2/3) of the voting members which shall be effective the date of the first Directors meeting subsequent to the submission of the petition to the President or Secretary of the ASSOCIATION.

### [ARTICLE VII. OFFICERS](#)    [\[Return To Top\]](#)

#### Section 1 Elected Officers

The elected officers of the ASSOCIATION shall be a President, Vice-President, Secretary, and Treasurer.

#### Section 2 Election And Term Of Office

Refer to ARTICLE VI, Section 3.

#### Section 3 Removal

Any elected Officer may be removed by a ruling of the Board of Directors on a petition submitted by one fourth (1/4) of the active memberships. The petition must state the reason for removal.

#### Section 4 Vacancies

A vacancy created during a term of office shall be filled by a majority vote of the Board of Directors for a term not to exceed the next Annual Meeting.

#### Section 5 President

The President shall be the principal executive officer of the ASSOCIATION, and shall supervise all of the business and affairs of the ASSOCIATION. He or she shall preside at all meetings of the membership and of the Board of Directors, and shall perform all duties incident to the office of President.

#### Section 6 Vice-President

In the absence of the President or in the event of the President's inability to act, the Vice-President shall perform the duties of the President and when so acting, shall have all the powers of, and be subject to, all the restrictions upon the President. The Vice-President shall perform such other duties that may be assigned by the President or by the Board of Directors.

#### Section 7 Secretary

The Secretary shall keep the minutes of the meetings of the membership and of the Board of Directors in books provided for that purpose; see that all notices are duly given in accordance with the provisions of these By-Laws; be custodian of the corporate records and of the seal of the ASSOCIATION; keep a register of the post office address of each membership which shall be furnished to the Secretary by such membership; and perform all other duties that may be assigned by the President or the Board of Directors.

#### Section 8 Treasurer

The Treasurer shall have charge and custody of, and be responsible for, all funds and securities of the ASSOCIATION; receive and give receipts for money due and payable to the ASSOCIATION from any source whatsoever; deposit all such monies in the name of the depositories as directed by the Board of Directors; perform all other duties that may be assigned by the President or Board of Directors. Further, at every Annual Meeting, shall be required to give a complete financial statement of the ASSOCIATION. The Treasurer may be bonded at the expense of the ASSOCIATION

## [ARTICLE VIII. COMMITTEES](#)    [\[Return To Top\]](#)

### Section 1    Special Committees

As the need arises, special committees shall be created by and be responsible to the Board of Directors. The special committee shall keep minutes of the proceeding and shall forward a copy to the Secretary within a reasonable time.

## [ARTICLE IX. CONTRACTS, CHECKS, AND FUNDS](#)    [\[Return To Top\]](#)

### Section 1    Contracts

The Board of Directors may authorize any officer or officers, agent or agents of the ASSOCIATION, in addition to the officers so authorized by these By-Laws to enter into any contract or execute and deliver any instrument in the name of and on behalf of the ASSOCIATION, and such authority may be general or confined to specific instances; provided however, that without the consent of a majority of votes of the active voting members at a meeting duly called and held for such purpose, the Board of Directors may not enter into any contract, arrangement, or commitment wherein the ASSOCIATION will be obligated for an amount in excess of five hundred dollars (\$ 500.00) from the General Fund. All checks, drafts, or orders for the payment of money, notes or other evidences of indebtedness issued in the name of the ASSOCIATION shall be signed by the Treasurer and the President or Vice-President of the ASSOCIATION.

### Section 2    Gifts

The Board of Directors may accept on behalf of the ASSOCIATION any contribution, gift, bequest, or device for general purposes or for any special purpose of the ASSOCIATION.

## [ARTICLE X. BOOK AND RECORDS](#)    [\[Return To Top\]](#)

### Section 1    General

The Treasurer or delegated agent shall keep correct and complete books and records of accounts of the ASSOCIATION except as otherwise specifically delegated to the Treasurer. The Secretary shall keep minutes of the proceedings of the membership, Board of Directors and committees having any of the authority of the Board of Directors and further, shall keep at the principal office or at the residence of a Director or delegated agent of the ASSOCIATION, upon lack of a principal office, a record giving the names and addresses of the active membership. All books and records of the ASSOCIATION may be inspected by any member for any proper purpose at a reasonable time.

The ASSOCIATION may require that officers, directors, employees, and others who are responsible for handling funds obtain adequate fidelity coverage to protect against dishonest acts, the cost of which coverage shall be an administration expense.

## [ARTICLE XI. FISCAL YEAR](#)    [\[Return To Top\]](#)

### Section 1    Term

The fiscal year of the ASSOCIATION shall begin on the first day of January and end on the last day of December of each year.

## [ARTICLE XII. WAIVER OF NOTICE](#)    [\[Return To Top\]](#)

### Section 1    Provisions

Whenever any notice is required to be given under the laws of the State of Michigan or under the provisions of the By-Laws of the ASSOCIATION, a waiver thereof in writing signed by the persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

## [ARTICLE XIII. AMENDMENTS TO THE BY-LAWS](#)    [\[Return To Top\]](#)

### Section 1    Requirements

The By-Laws of the ASSOCIATION may be amended by a vote of two-thirds (2/3) of the voting members present at any Annual Meeting of the ASSOCIATION or at any special meeting duly called for that purpose: however, no such amendment shall be voted upon unless written notice has been given to the membership not less than ten (10) days prior to such meeting.

### Section 2    Procedure

Amendment of By-Laws will be proposed as follows:

1. By the Board of Directors
2. Upon petition to the Board of Directors by not less than one fourth (1/4) of the total number of active memberships.

Such proposed amendments shall be presented to the membership and voted upon in accordance with the provisions of Article XIII, Section 1 of the By-Laws.

## [ARTICLE XIV. PROCEDURE](#)    [\[Return To Top\]](#)

### Section 1    Parliamentary Procedure

All meetings of the ASSOCIATION or any of its committees shall be conducted according to "Roberts Rules of Order" (latest revision).

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The original By-laws were unanimously approved at a meeting of homeowners on June 9, 1988. The By-laws were subsequently amended on January 29, 2003 and on September 15, 2004. The records of these meetings are on file with the Secretary.

The Declaration of Covenants and Restrictions for DEER CREEK are recorded with the Wayne County Register of Deeds as follows:

- Lots 497 through 535 inclusive: Liber 22818 Page 504, recorded Jun. 24, 1986
- Lots 536 through 646 inclusive: Liber 23079 Page 651, recorded Jan. 14, 1987
- Lots 647 through 705 inclusive: Liber 23607 Page 536, recorded Feb. 9, 1988