

**BY-LAWS**  
**OF**  
**SUMMERLAKE HOMES ASSOCIATION, INC.**

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## **ARTICLE ONE**

### **GENERAL PROVISIONS**

**SECTION ONE:** The name of the corporation is SUMMERLAKE HOMES ASSOCIATION, INC., hereinafter referred to as the “Association”. The principle office of the corporation and meetings of members and directors may be held at such place within the State of Virginia, City of Newport News as may be designated by the Board of Directors.

**SECTION TWO: Definitions.** The terms defined in Article One of the Declaration shall be deemed to have the meanings therein specified and ascribed to them wherever they appear in these Bylaws, unless the context otherwise requires.

### **ARTICLE TWO**

# MEMBERSHIP

**SECTION ONE:** Every person or entity who is a record owner of a lot in the Summerlake Community, including contract sellers, shall be a Member of the Association. The foregoing is not intended to include persons or entities who hold an interest merely as security for the performance of an obligation. Membership shall be appertained to and may not be separated from ownership of any Lot which is subject to assessment by the Association.

**SECTION TWO: Semi-annual Meetings.** Meetings of the Members of the Association shall be held within the first 15 days of April and within the first 15 days of November of each year.

**SECTION THREE: Special Meetings.** Special meetings of the Members may be called at any time by the President or by the Board of Directors or upon written petition of one-fourth (1/4) of all the votes of the entire membership.

**SECTION FOUR: Notice of Meetings.** Written notice of each meeting of the Members shall be given by, or at the direction of, the Secretary or person authorized to call the meeting, by notice in the newsletter or by special flier, at least thirty (30) days in advance of any semi-annual or regularly scheduled meeting and seven (7) days for a Special Meeting, to each Member entitled to vote thereat, delivered to the Members lot in Summerlake or mailed to the last address recorded with the Association. Such notice shall specify the place, day and hour of the meeting, and, in the case of a special meeting, the purpose of the meeting. The seven (7) day notice for a Special Meeting may be waived if the Board of Directors determines that the urgency of the situation warrants such, but the members shall still be notified in writing.

**SECTION FIVE: Voting Rights and Requirements.** Each Lot is assigned one (1) vote which may be cast by the Owner(s) upon any call for a vote at any meeting of the Association. A majority of the Owners voting in person or by proxy at one time at a duly convened meeting at which a quorum is present is required to adopt decisions at any meeting of the Association, except where a greater owner may vote at any meeting of the Association if the Association has perfected a lien against his Lot and the amount necessary to release such lien has not been paid at the time of such meeting or election.

**SECTION SIX: Proxies.** A vote may be cast in person or by proxy. Such proxy may be granted by any Owner in favor of only another Owner, a Mortgagee or the Declarant. Proxies shall be designated therein and must be filed with a Board Member before the appointed time of the meeting or presented by another Member at the meeting.

**SECTION SEVEN: Quorum.** Except as otherwise provided in these By-laws or the Declaration, Members having ten percent (10%) of the total votes of the Association either in person or by proxy shall constitute a quorum at all meetings of the Membership of the Association. If a quorum is not obtained at a meeting, of which the Membership

has been properly notified, and it is necessary to call another meeting in order to conduct business, then one half of the normal requirement (5%) shall be considered a quorum at the next meeting of the Association.

**SECTION EIGHT: Adjournment of Meetings.** If at any meeting of the Association a quorum is not present, Members who are present at such meeting in person or by proxy, may adjourn the meeting without notice other than announcement at said meeting, until a quorum shall be present or be represented.

**SECTION NINE: Conduct of Meetings.** The President shall preside over all meetings of the Association and the Secretary shall keep the minutes of the meeting and record in a minute book all resolutions adopted at the meeting as well as a record of all transactions occurring thereat. The then current edition of Robert's Rules of Order shall govern the conduct of all meetings of the Association when not in conflict with the Declaration and these By-laws.

## **ARTICLE THREE**

### **BOARD OF DIRECTORS**

**SECTION ONE. Management of Association.** The affairs of the Association shall be managed by a Board of Directors, hereinafter referred to as the "Board".

**SECTION TWO. Board of Directors.** The Board shall consist of five (5) persons, all of whom shall be Owners, or spouses of Owners, Mortgagees or designees of the Declarant. The term of office for each member of the Board shall be three (3) years. The members of the Board shall hold office until their respective successors shall have been elected by the Members of the Association.

**SECTION THREE. Election of Directors.** Election of Directors shall be conducted in the following manner:

- (a) Elections will be held at the first semi-annual meeting of the calendar year.
- (b) Nomination for election to the Board shall be made by a Nominating Committee, which shall consist of a Chairman, who shall be a member of the Board, and two or more Members of the Association. Nominations may also be made by Members contacting the Nominating Committee by February 15. Nominations may also be made at the meeting from the floor. The Nominating Committee shall be appointed by the Board prior to any meeting of the Association where a vote will be taken to fill a Board position. The Nominating Committee shall make as many nominations for election to the Board as it shall in its discretion determine, but not less than the number of vacancies that are to be filled.

- (c) A person may not be elected to serve on the Board if the Association has perfected a lien against his Lot and the amount necessary to release such lien has not been paid at the time of such election.

**SECTION FOUR. Regular Meetings.** Regular meetings of the Board shall be held monthly, and the scheduled dates, location and hour shall be published in the newsletter but may be subject to change without notification of the Membership. All meetings are open to the Membership and attendance is encouraged.

**SECTION FIVE. Special Meetings.** Special meetings of the Board shall be held when called by the President of the Association, or by any Director with sufficient notice to each Director based on the circumstances of the emergency.

**SECTION SIX. Action Without Meeting.** Any action by the Board required or permitted, by these By-laws, to be taken at any meeting may be taken without a meeting if a majority of the members of the Board individually or collectively consent in writing to such action. Any such written consent shall be filed with the minutes of the proceedings of the Board. In extremely emergent cases a vote may be taken by phone and documented at a later date as required above.

**SECTION SEVEN. Quorum.** A majority of the number of Directors shall constitute a quorum for the transaction of business. Every act of decision by a majority of the Directors present at a duly held meeting at which a quorum is present shall be regarded as the act of the Board.

**SECTION EIGHT. Compensation.** No member of the Board shall receive compensation from the Association for acting as such.

**SECTION NINE. Powers.** The powers of the Board may, subject to the limitations set forth herein, be exercised by the Board, in the Board's sole discretion. Notwithstanding the above, the Board shall have the following powers:

- (a) Adopt and publish rules and regulations governing the use of the Common Area and facilities, and the personal conduct of the Members and their guests thereon, and to establish penalties for the infraction thereof.
- (b) Suspend the voting rights and right of use of the recreational facilities of a Member during any period in which such Member shall be in default in the payment of any assessment levied by the Association. Such rights may also be suspended after notice and hearing, for a period not to exceed sixty (60) days for infraction of published rules and regulation.
- (c) Exercise for the Association all powers, duties, and authority vested in or delegated to this Association and not reserved to the Membership by other provisions of these By-laws, the Articles of Incorporation, or the Declaration.

- (d) Declare the office of a member of the Board of Directors to be vacant in the event such member shall be absent from three (3) consecutive regular meetings of the Board of Directors.
- (e) Employ a manager, an independent contractor, or other such employees as they deem necessary, and to prescribe their duties.
- (f) To prepare an annual budget, in which there shall be established the annual assessments of each Owner.
- (g) To make, levy and collect assessments against Owners to defray the costs and expenses of the Association and Accumulation of reserves for the replacement of the Common Properties.
- (h) To open bank accounts on behalf of the Association and designate the signatories thereof.
- (i) To make, or contract for the making of, repairs additions and improvements to or alterations of the Common Property and repairs and restoration of the Common Property.
- (j) To cite an Owner in the event of neglect of their grounds or dwelling, and to fine the Owner by certified mail for failure to comply within a ninety (90) day period after notification.

**SECTION TEN: Duties of the Board of Directors.** It shall be the duty of the Board of Directors to:

- (a) Cause to be kept a complete record of all its acts and corporate affairs and to present a statement thereof to the members at the bi-annual meetings of the Members, or at any special meeting when such statement is requested by one-fourth (1/4) of Members who are entitled to vote.
- (b) Consider the placement of liens against any property for which assessments are not paid within thirty (30) days after due date or to bring an action at law against the Owner personally obligated to pay the same.
- (c) Issue or cause an appropriate officer to issue, upon demand by any person, a disclosure package complete with a certification that all assessments have been paid. A reasonable charge may be made by the Board for the issuance of these disclosure packages. If a certificate states an assessment has been paid, such certificate shall be conclusive evidence of such payment, such certificate shall be valid for thirty (30) days after issuance.
- (d) Procure and maintain adequate liability and hazard insurance on property owned by the Association.

- (e) Cause all officers and employees having fiscal responsibilities to be bonded, as it may seem appropriate.
- (f) Procure and maintain Officers and Directors Liability Insurance.
- (g) Appoint an Architectural Control Committee and a Nominating Committee, as provided in these By-laws. In addition, the Board shall appoint other committees as deemed appropriate in carrying out its purpose.

**SECTION ELEVEN. Removal of Directors.** Should the Members of the Association at any duly convened regular or special meeting convened desire, they may remove any Director with or without cause by the vote or agreement in writing by a majority of all Members and a successor may immediately be elected to fill the vacancy thus created. Should the Members fail to elect a successor, the Board may fill the vacancy.

#### ARTICLE FOUR

## OFFICERS AND THEIR DUTIES

**SECTION ONE.** The officers of this Association shall be president, vice-president, who shall at all times be members of the Board of Directors, a secretary and/or treasurer, and such other officers as the Board may from time to time by resolution create.

**SECTION TWO. Election of Officers.** The election of officers shall take place at the first meeting of the Board of Directors following the first semi-annual meeting of the Members.

**SECTION THREE. Term.** The officers of this Association shall hold office for one (1) year unless he shall sooner resign, or shall be removed, or otherwise disqualified to serve.

**SECTION FOUR. Resignation and Removal.** Any officer may be removed from office with or without cause by the Board. Any officer may resign at any time by giving written notice to the Board president or secretary. Such resignation shall take effect on the date of receipt of such notice or at any later time specified therein, the acceptance of such resignation shall not be necessary to make it effective.

**SECTION FIVE. Vacancies.** A vacancy in any office may be filled by appointment by the Board. The officer appointed to such vacancy shall serve the remainder of the term of the officer that he replaces.

**SECTION SIX. Multiple Offices.** The offices of secretary and treasurer may be held by the same person.

**SECTION SEVEN. Duties.** The duties of the officers are:

- (a) President – The president shall preside at all meetings of the Board of Directors; shall see that orders and resolutions of the Board are carried out; shall co-sign promissory notes, contracts, and other written instruments as may be required.
- (b) Vice-president – The vice-president shall act in the place and stead of the president in the event of absence, inability or refusal to perform duties as may be required by the Board.
- (c) Secretary – The secretary shall record the votes and keep the minutes of all meetings and proceedings of the Board and of the Members; keep appropriate current records and shall perform such other duties as required by the Board.
- (d) Treasurer – The treasurer shall receive and deposit in appropriate bank accounts all monies of the Association and shall disburse such funds as directed by resolution of the Board; shall co-sign all checks and promissory notes of the Association as required by the Board; and shall prepare an annual budget and statement of income and expenditures to be presented to the membership at its regular annual meeting, and deliver a copy of each to the Members. At the discretion of the Board, a contract may be made with an individual who is not a member of the Board for bookkeeping and banking duties.

## **ARTICLE FIVE**

### **COMMON PROPERTIES**

COMMON AREAS are those real properties owned by the Association for the use and common enjoyment of the Owners as described in the Declaration. Every owner shall have a right and easement of enjoyment in and to the common areas, which right shall pass with the title to every Lot subject to the following provisions:

- (a) The right of the Association to charge reasonable admission and other fees for the use of any recreational facility situated upon the Common Area.
- (b) The right of the Association to suspend the right of use the recreational facilities by an Owner for a period during which any assessment against his Lot remains unpaid.
- (c) The right of the Association to suspend the right of use of the recreational facilities by an Owner for a period not be exceed sixty (60) days for any infraction of its published rules and regulations.
- (d) The right of the Association to assess reasonable fines against Owners for any destruction/damage to common properties. (ie. Dumping of waste on common property, failure to clean after pets, vandalism, etc.) A citation will be issued and

the Owner allowed to correct the situation prior to fines being levied. Liens will be placed on Lots for failure to pay the fines within thirty (30) days.

- (e) Only emergency and maintenance vehicles are allowed on emergency access and non-paved roads and areas.
- (f) Any adult Member of the Association whose dues are current, may request a key from Board and use the clubhouse at no charge if the activity is for general community use and the clubhouse has not been scheduled for prior use. A signed general use agreement is required of the person requesting the key.
- (g) The right of the Association to enact rules and regulations restricting the rights of Owners to permit persons other than Owners from the use or enjoyment of such common areas.

## **ARTICLE SIX**

### **ARCHITECTURAL GUIDELINES**

#### **INTRODUCTION:**

A properly designed and well-managed system of architectural design review will yield substantial benefits – both economic and aesthetic – to the entire community. Architectural controls, rather than being a harmful burden to residents, will enhance the quality of life, promote property qualities that add value to the community and make the community more attractive. In short, the basic purpose of architectural controls is to keep the community looking like a nice place to live.

These positive benefits must be kept in mind by all homeowners. From time to time, some homeowners who are denied permission to make certain modifications to their property may complain that the architectural controls are unduly restrictive. Even the most loosely drawn and weakly enforced controls would be subject to such criticism. Anytime you have controls, someone at some point will be denied permission to do something.

The key to making the architectural guidelines successful is to set reasonable standards that have the support of the community, and then to enforce them in a fair, even-handed manner. If the guidelines are unnecessarily strict, many homeowners will object, eroding community support for the standards. On the other hand, lax standards and weak enforcement will open the community to many types of objectionable architectural practices, harming the entire community.

It should be remembered that all new construction and property alterations must comply with Newport News building codes and zoning ordinances. Construction that is not allowed by Newport News is also forbidden by the covenants. For example, a fence not

permitted by the city building codes is not permitted by the architectural standards. Before undertaking construction, all homeowners are liable to ensure they are in compliance with all city regulations and laws. On the other hand, construction that is allowable by Newport News laws and codes might not be permitted under the covenants. All modifications construction or additions that do not meet or pass state, Newport News, or Association regulations shall be removed by the homeowner at his/her expense.

### **ROLE OF THE ARCHITECTURAL CONTROL COMMITTEE:**

The Summerlake By-laws requires that the Board of Directors or an appointed Architectural Control Committee composed of three or more persons review and properties of Summerlake. The Board will appoint a committee to serve this function. This committee will apply the guidelines and interpret the By-laws in responding to homeowner requests for exterior changes.

All decisions approving or denying a request will be in writing.

### **GENERAL PURPOSES OF GUIDELINES:**

- (1) To encourage homeowners to maintain the present appearance and property values of our community.
- (2) To encourage homeowners only to make exterior changes that blend in with the community and their neighbors properties, and use, wherever possible, for any exterior additions materials similar in style and composition to those originally used by their builder.
- (3) To maintain a feeling of open space for the front yard areas within the community.
- (4) To prohibit changes that are unsightly, poorly constructed, are not harmonious or otherwise may tend to diminish property values in the community.

### **THE GUIDELINES:**

We recognize that not all changes or additions should require pre-clearance from the Committee. In the following guidelines, we set out (1) those activities which do not require approval from the Committee; (2) those activities which the Board has determined to be prohibited by the covenants; and (3) those activities which do require clearance before the modification or addition is begun.

## **A. ITEMS NOT REQUIRING ACC APPROVAL**

HOUSE

- (1) Painting of trim or shutters with the same or closely similar color to those used by the builder in the community.
- (2) Replacement of existing gutters, downspouts or siding with same style and color used by the builder in the community.
- (3) No lot owner shall install any antenna, disc or other transmitting or receiving device on any lot, other than one (1) residential, non-disc, television antenna of the skeletal variety, which antenna shall be attached to the rear or side of the house.
- (4) Wood or brick sheds that are no higher than eight feet (8') and placed in the rear of the lot so as not to be visible from any street in the community.
- (5) Replacement of existing driveways and sidewalks using the same type of materials used in the Community by the builder of your home, i.e., replacing a concrete driveway with a concrete driveway.
- (6) Flagpoles
- (7) Front yard lamp posts
- (8) Basketball backboards (but place them so as not to invite trespassing on your neighbors' yard).
- (9) Wood or brick landscaping items that are not higher than three (3) feet for the front yards or eight (8) feet for the rear or side yards, landscaping items such as gazebos, trellises, raised flower beds.
- (10) Retractable clothesline placed in the rear of the property so as not to be visible from any street.
- (11) Customary landscaping, such as addition of flowers, trees, or shrubs
- (12) Playground equipment placed in the rear of the property so as not to be visible from any street.
- (13) Uncovered decks placed in rear yard of the property that are not visible from the front of the Lot.
- (14) Wood or brick fences marking the rear and side lot boundaries that: (1) are no higher than six (6) feet; (2) meet city code requirements; (3) do not extend from the rear of the lot past the midpoint at the side of house; and for a privacy fence (4) does not front an adjoining neighbor's property (this may occur, for example, on some corner lots). A wire mesh screen of neutral color is permitted to be used on the inside of a split-rail fence.

## **B. PROHIBITIONS**

### HOUSE

- (1) Painting of brick

### **FRONT YARDS**

- (1) Signs advertising professional services (other than For Sale or Rent signs, and signs advertising yard sales).
- (2) Satellite TV antennas

### **SIDE AND BACK YARDS**

- (1) Metal sheds unless the shed is placed in the back yard and shielded from view by an approved fence.
- (2) Above ground pools higher than three (3) feet unless the pool is placed in the back yard and shielded from view by an approved fence in the back yard.
- (3) Chain link fences (the back portion of an otherwise wood or brick fence may be chain link if the ACC determines that landscaping at the rear of the lot shields the chain link section from view from neighboring properties).
- (4) Satellite TV antennas

## **C. ITEMS REQUIRING ACC APPROVAL**

This first group of modifications or additions will generally be approved upon submission of application and plans.

- (1) Decks that do not meet guidelines that are specified in Section A number 13
- (2) In-ground pools placed in the backyard that meet city code requirements.

All other changes not previously covered also require ACC approval. This would include, but not be limited to:

- (1) Decks, fences or in-ground pools not covered above,
- (2) Screened-in porches or screened-in decks,
- (3) Greenhouses, including window units,

- (4) Exterior room additions,
- (5) Solar collectors,
- (6) Exterior chimneys from wood or coal stoves or additional fireplaces,
- (7) Exterior Ham radio, Citizen Band, and Exterior TV antennas longer than ten (10) feet,
- (8) Tree houses
- (9) Any structure placed in the back yard that is of a height greater than eight (8) feet or covers an area in the back yard greater than one hundred (100) square feet,
- (10) Any structure placed in the front yard that is higher than three (3) feet or is not made of wood or brick,
- (11) Any change that results in the removal of more than one third (1/3) of the sod in the front yard (e.g., turning the front yard into a rock garden).

In looking at each request, the ACC will consider whether the proposed alteration is compatible in design, scale, materials, quality of construction and color with the applicant's house and adjacent houses. Any proposed structure must be appropriate for the lot size.

## **HOW DOES A HOMEOWNER OBTAIN CLEARANCE?**

Before undertaking any construction or modification that is of the type requiring ACC approval, homeowners must request such approval in writing from the ACC. For larger projects such as room additions, additional information, such as project sketches, blueprints, and a list of materials to be used must accompany the application. Generally, the bigger the project the more information that must be supplied to the ACC.

Homeowners failing to supply adequate information will be asked by the ACC to provide more details on the project. Construction, modifications or additions may not commence until approved or until thirty (30) days after submission of plans and specifications to the ACC (whichever occurs first) and may not be done if disapproved within thirty (30) days by the ACC.

### **NOTIFICATION OF NEIGHBORS:**

The Board believes that it is only proper and reasonable to require any homeowner seeking to make an addition or modification to tell his or her neighbors what is being planned.

Thus, the Exterior Alteration Application should contain the name and address of those neighbors adjacent to/ and who have a view of the proposed change that have been notified. Persons who oppose approval of such plans should notify the ACC or the Board of Directors.

## **WHAT HAPPENS IF THE ACC DENIES THE REQUEST?**

In cases where an Exterior Alteration Application is rejected by the ACC, the ACC may ask the homeowner to modify his or her alteration plans so the project may be given approval. This process may involve some negotiations and compromises between the homeowner and the ACC. Where such compromises are made by the ACC, they should not be considered as new de facto architectural standards. The integrity of these architectural guidelines should not be construed to be undermined by a carefully decided, case-by-case decision.

## **APPEAL OF ACC DECISION**

First, to the Board of Directors –

If a homeowner wishes, he or she may request that the Board of Directors review the action of the ACC. A letter, appealing the decision, should be sent to the Board at the following address: Summerlake Homeowners Association, P.O. Box 2388, Newport News, Virginia 23609.

The Board will consider the matter at its next regularly scheduled monthly meeting and issue its decision within ten (10) days after that meeting. The homeowner may attend that meeting, if desired, and present his or her case to the Board.

Then to the Homeowners –

If the homeowner wishes, he or she can appeal any adverse Board decision to all the homeowners. In such a case, the homeowner will be asked to pay \$50.00 to discourage frivolous appeals and defray the costs of a mailing by the Board to all homeowners of the request for alteration of the ACC's and Board's decision to reject it. In that letter, the Board will call for a special meeting of the association. If two-thirds (2/3) of those present in person, or by proxy, at that meeting approve the request, provided a quorum is present, the modification can proceed and the homeowner will be reimbursed for the costs of mailing and printing.

## **ARTICLE SEVEN**

### **PROPERTY RESTRICTIONS**

**SECTION ONE. Parking.** Parking on the streets in Summerlake is governed by the codes of the city of Newport News, however, residents should show consideration to their neighbors by parking in front of their own property and requesting that their guests do the same so far as space permits.

**SECTION TWO. Repair and Storage of Automotive Vehicles.** No inoperable, unlicensed or abandoned motor vehicle of any type shall be parked or stored upon the Properties and no portion of the Properties shall be used for any substantial repair, overhauling, painting, or work of a similar nature on any motor vehicle, routine maintenance being specifically permitted.

**SECTION THREE. Trailer, Boats, Campers and Mobile Equipment.** No trailers, boats, campers, or other mobile equipment, except passenger automobiles and small trucks may be parked on the streets or on any Lot within the front property set back line.

## **ARTICLE EIGHT**

### **PROVISIONS AS TO LEASED PROPERTY**

Any Owner who shall lease his or her Lot shall provide the Association with a copy of the lease agreement, the name, address and telephone number of the lessee, and the name, address, and telephone number of the Owner prior to the acceptance date of the lease.

## **ARTICLE NINE**

### **AMENDMENT OF BY-LAWS**

**SECTION ONE.** These By-Laws may be amended at a regular or special meeting of the Owners by a vote of the majority of the quorum of the Owners present in person or by proxy.

**SECTION TWO.** In case of any conflict between the Articles of Incorporation and these By-Laws, the Articles shall control and in the case of any conflict between the Declarations and By-Laws, the Declarations shall control.