

**AMENDED BY LAWS
DIXIE BEND RETREAT LOT OWNERS ASSOCIATION INC.
SEPTEMBER 3, 2022**

PREAMBLE

To promote the orderly development of the community known as Dixie Bend Retreat; to enhance the ability of lot owners to regulate community activities; to resolve problems; supply services, and provide for the common welfare of the neighborhood, the Dixie Bend Retreat Lot Owners Association is created, and these By-Laws shall govern its activities.

ARTICLE I - AREA COVERED

The area in which membership in the Association shall be limited is the area covered by the platted subdivision on Lake Cumberland, in Pulaski County, Kentucky. Refer to recording information for plats. As recorded in Plat B slide 72, 75, 81, 82, 93 and 95 in Pulaski County Clerks office.

ARTICLE II – MEMBERSHIP

1. Membership shall be extended to all adult property owners within the area described in Article 1 who subscribe to the purposes and objectives of the Association, and who pay the required annual dues and assessments as stipulated in the By-Laws. Such members shall be known as regular members.
2. Members in good standing shall be entitled to all rights and privileges of the Association, and shall share in its responsibilities.
3. A membership roster shall be maintained by the Corresponding Secretary showing names and addresses of all members in good standing.
4. Members agree to comply with Title VI of the Civil Rights of 1964 (P.L. 88-352) and all requirements imposed by the Directive of the Department of Defense (Directive 5500-11, December 28, 1964) issued pursuant to that title which provides that “no person in the United States shall, on the grounds of race, creed, color, religion, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subject to discrimination under this program.”

ARTICLE III - MEMBERSHIP MEETINGS

1. Regular meetings shall be held twice annually, on the Saturday preceding Memorial Day, and on the Saturday preceding Labor Day.
2. Special meetings may be called by written request of twenty-five (25) members of the Association, or by the President by a written notice to all members, such meetings to be approved by the Executive council.

3. On alternate years the meeting on Saturday preceding Labor Day shall be the meeting for the purpose of electing and installing officers.

4. Voting by mail. Where officers are to be elected by members; Members in good standing shall have the right to vote by mail in elections of officers. The Nominating Committee shall provide absentee ballots by request. These ballots must be mailed to be counted.

5. Voting rights are determined by the names registered on deeds. If there is only one name on the deed only one vote may be cast.

6. Votes cast: Members in good standing are entitled to one (1) or two (2) votes on each matter submitted to the membership, provided, that there shall be only two (2) votes regardless of how many owners, or deeds are owned. A certificate of designated voter must be filled out in order to vote. The forms will be mailed out with the notice of the Saturday before Labor Day meeting.

7. Members shall be given notice of meetings at least four (4) weeks in advance of said meetings. If mailed, such notice shall be deemed to have been delivered when deposited in the United States Mail addressed to the member at his or her address as it appears on the records of the Association.

8. All meetings of the Association shall be conducted under Roberts Rules of Order.

ARTICLE IV – EXECUTIVE COUNCIL MEETINGS

1. The Executive Council shall meet two (2) weeks prior to all membership meetings.

2. Special meetings of the Council may be called by written request to the President by three (3) members of the Council. The President may call special meetings by written notice to Council members.

ARTICLE V – DUES, FEES, AND ASSESSMENTS

1. Membership dues shall be \$10.00 per annum.

2. There is an annual Road Assessment of thirty (\$30.00) per deed, for each deed registered in Pulaski County. This fee is due and payable on March 1st of each year.

3. There is an annual Maintenance Assessment of one hundred and twenty dollars (\$120.00) per deed, for each deed registered in Pulaski County. This fee is due and payable on March 1st of each year.

4. The Maintenance Assessment to be increased by \$25.00 per year for the next five years. Starting 2023 through 2027.

ARTICLE VI – FISCAL YEAR

The fiscal year of the Association shall be May 1st to April 30th.

ARTICLE VII - Default in payment of Dues or Assessments

1. If any member fails to pay his or her assessments as they become due, on the failure of payment of the Assessments after thirty (30) days' written notice of such delinquency given by the Association to such member, the amount of the assessment plus court cost, filing fees and the attorney fees incurred in its collection shall become a lien on such members property in Dixie Bend Retreat in favor of the Association. The Association shall have the right to record a notice of claim of lien, and proceed on such claim for the foreclosure and enforcement of liens. In the event the Association shall not record a lien, it shall have the right to commence an *In personam* action against such member for the collection of the assessments in any court of competent jurisdiction. Any unpaid assessments shall accrue interest at the rate of 12% per annum.

ARTICLE VIII – ELECTIONS OF OFFICERS

1. The officers of the Association shall be a President; a Vice President; a treasurer; a Chairman of the roads and street Committee; a Chairman of the Sanitation Committee; a chairman of the Moorage Committee; a Recording Secretary, and a Corresponding Secretary. These officers and six (6) Trustees constitute the Executive council.

2. The President, with the approval of the Executive council, shall appoint a nominating Committee of three (3) members, and shall announce their names at the regular Memorial Day meeting which precedes the next biennial election. Also, at this meeting he shall announce the Chairman of this committee. This committee shall present its report to the Executive Council in August and shall list only candidates who have agreed to serve if elected. At least one (1) candidate shall be named for each office. All elections shall be by secret ballot unless otherwise agreed to by unanimous vote of the members present plus any absentee votes.

3. Election of officers shall be held at the regular meeting in September preceding Labor Day (previously held preceding Memorial Day) on alternate years, which will take effect in 2023. Newly elected officers shall take office immediately after the close of the meeting at which they are elected and shall serve for two (2) years or until qualified successors are elected.

4. A member of the Executive Council may be removed by a majority vote of the Council. An officer who misses three (3) consecutive regular meetings shall be deemed to have resigned unless good reason is given to the Executive Council.

5. Officers and Trustees shall be permitted to serve for as many terms as they are re-elected by the membership.

6. Vacancies in office shall be filled by a special election by the Executive council following announcement of the vacancy.
7. The term office for trustees shall be four (4) years. Three (3) Trustees will be elected at each election.
8. All officers shall serve without pay except that the Treasurer shall be paid the sum of four dollars (\$4.00) for each road assessment fee collected and processed.
9. No member shall hold more than one (1) elective office at the same time. If a member is elected to fill a vacant office while he holds a different office, he shall resign his present office.

ARTICLE IX – IDEMNIFICATION

The Association shall indemnify each Officer and Trustee, including former Officers and Trustees, to the full extent permitted by the Kentucky General Corporation Act and the Kentucky Nonprofit Act.

ARTICLE X - DUTIES OF OFFICERS

1. **PRESIDENT** – The President shall preside at all regular meetings, sign the records thereof, and perform the duties usually performed by presidents of like associations. He shall perform such duties as shall from time to time be required of him by members and by the Executive council.
2. **VICE PRESIDENT** – The Vice President shall perform all the duties of the President during the absence or disability of the President. In cases where both President and Vice President are absent, or unable to perform their duties, the members of the Executive Council may appoint a President pro tempore.
3. **TREASURER** – The Treasurer shall perform all Association duties of a financial nature, such as the collection, banking, and disbursement of funds. He shall make financial reports to the Executive Council and at regular membership meetings. He shall be bonded. He shall make available all financial records for the biennial Association audit. He shall receive and accept direction from the Executive Council in matters involving record keeping and the handling of association funds. At the expiration of his term of office he shall turn over to his successor or to the Executive Council all money and property of the Association then in his possession.
4. **CHAIRMAN, ROADS AND STREETS COMMITTEE** – The Chairman of the Roads and Streets Committee shall be responsible for all activities necessary for the maintenance and improvement of the roads in Dixie Bend Retreat. He shall preside at all meetings of the Roads and Streets Committee, and shall make reports at the regular membership meetings and Executive Council meetings. He shall be responsible for all equipment and maintenance of the equipment used on the roads.

5. CHAIRMAN, SANITATION COMMITTEE – The Chairman of the Sanitation Committee shall be responsible for the enforcement of Pulaski County and Association laws governing the health, welfare, and living conditions in the area. His duties shall include inspection and approval of mobile homes and trailers brought into Dixie Bend; inspection and of new home construction to insure that the buildings meet association standards; the removal of junked and abandoned vehicles, and the inspection of new and/or faulty septic systems and the correction of any problems disclosed. His duties may include such other assignments as are deemed necessary by the Executive Council.

6. CHAIRMAN, MOORAGE COMMITTEE – The chairman of the Moorage Committee shall be responsible for all matters pertaining to the operation of the boat moorage facilities at Dixie Bend Retreat. He shall take direction from the Executive Council. He shall enforce the rules and regulations of the Association out-lined in “Moorage Regulations”, and other rules and regulations as are from time to time promulgated by the U. S. Army Corps of Engineers.

7. RECORDING SECRETARY – The Recording Secretary shall take the minutes of Executive Council and membership meetings, keep the record book, and read the minutes at the meetings. He/she shall perform such other secretarial duties as may be required of him/her by the Executive Council.

8. CORRESPONDING SECRETARY – The Corresponding Secretary shall be responsible for all correspondence with the members, such as notices of meetings and elections; annual newsletters, and other special mailings or correspondence deemed necessary by the Executive Council.

9. TRUSTEES – Trustees shall have no assigned duties except those placed upon them by the President or the Executive Council.

ARTICLE XI – ADVISORY BOARD

The Advisory Board shall consist of all outgoing Officers and Trustees for at least three (3) years after their expired terms. This board shall assist the Executive Council when called upon. The Advisory Board shall have no executive powers. Or voting power.

ARTICLE XII – AMENDMENTS TO THE BY-LAWS

Amendments to the By-Laws may be proposed by members in writing at any regular meeting. Written notification of the proposed amendment shall be made to all members at least thirty (30) days prior to the next regular meeting. The proposed amendment shall be voted on at the regular meeting following its introduction. A vote of two-thirds of the members present shall be necessary to amend. Amendments will become effective immediately upon approval at the meeting.

ARTICLE XIII-AUDITS

There shall be a regular biennial audit of all Dixie Bend Retreat accounts. Such audit shall be conducted by an Audit Committee appointed by the President and approved by the Executive Council. The Committee shall consist of three (3) non – Executive Council members of the Dixie Bend Retreat Lot Owners Association, one of which shall be appointed chairman.

The Committee shall be appointed on or before May 1st of the election year and shall complete the audit before the regular May meeting of that year so that it may be available at the meeting. Upon completion of the audit, copies of the audit report shall be reviewed by the Executive Council at the Council meeting prior to the regular May meeting of the election year and the President shall present the findings and any recommendations concerning the report to the membership at the meeting held for the purpose of electing officers. Members shall have the right to ask questions and receive full explanations from their officers.

ARTICLE XIV-RESTRICTIONS

1. In addition to any restrictions imposed by Pulaski County or other authority, such as the U. S. Army Corps of Engineers, the following Association restrictions are in effect in Dixie Bend Retreat.
2. Junked or abandoned vehicles and boats are not permitted on property described as Dixie Bend Retreat without current license plates and stickers.
3. Dixie Bend Retreat maintains a ten (10) foot right of way from the edge of the road for the purpose of trimming bush and trees to keep the roads free of obstructions and blind spots.
4. The R.E.C.C . (The electric company) has a right of way across the road frontage of all lots for the purpose of installing distribution of power.
5. All building construction in Dixie Bend Retreat must be of all new material.
6. All mobile homes brought into or moved within Dixie Bend Retreat must meet with approval of the Executive Council. The Council has the right to condemn and remove, at the owner's expense, trailers and other vehicles, which have been abandoned in the area. Lot owners desiring to locate trailers in the area should contact the President for approval prior to placing the trailer on their lot.

ARTICLE XV - COMMITTEES

The Standing Committees of the Association are: The Roads and Streets, Sanitation, and moorage.

ARTICLE XVI - QUORUM

1. Ten (10) per cent of the membership shall constitute a quorum for the transaction of Association business.
2. Eight members of the Executive Council shall constitute a quorum for the transaction of Association business.

ARTICLE XVII - POLICIES

It shall be the policy of the Association that whenever an issue arises which affects the members and the community generally, and whatever petitions are to be circulated, the appropriate standing committee shall make an investigation and report the facts at a general meeting. A vote will be taken and a majority vote of the members shall decide.

ARTICLE XVIII – SUSPENSION OF MEMBERS

1. A member may be suspended for the following reasons:
 - A. Failure to pay dues or assessments.
 - B. For abuse of the name of the Association.
 - C. For advocating actions inimical to the purpose and objectives of the Association.
2. A two thirds vote of the Executive Council will be required to suspend a member. To be suspended the member must have been notified in writing at least fifteen (15) days in advance of the hearing. A two thirds vote of the membership present at the next membership meeting is required to rescind the Executive council action and reinstate the member.