



# Duna Vista Resorts By-Laws

Enacted July 20, 1991

(Amended 2002, 2003, 2008, 2010, 2011, 2012,  
2015, 2016, 2017, 2019, 2025)



# Duna Vista Resorts By-Laws

## ARTICLE I MEMBERSHIP, MEETINGS, VOTING AND FACILITY USAGE

### SECTION 1: MEMBERSHIP *(Amended 2016, 2019 and 2025)*

- a) All persons, ownership groups of persons or trusts, with an equitable or legal interest of record (other than land contract sellers and mortgagees) in one or more lots in Hebblewhite's Sub-division of Singing Sands, Oceana County, Michigan, Pentwater Beach Addition Number Four (4), Oceana County, Michigan and/or by deed restriction, shall be deemed to be Members of this Corporation.
- b) The number of Memberships associated with an equitable or legal interest as defined above shall equal the number of separate habitable residences unless there are no habitable residences in which case there shall be a single Membership.
- c) Any subsequent owner of such property, who is not already a Member, shall be considered a Member of the Corporation at their time of purchase, so long as their membership has been approved by the Board of Directors and there are no delinquent dues, annual charges, fees (including renter usage fees), or assessments associated with the property at the time they take ownership.
- d) Members shall be deemed to be Members in Good Standing, and shall enjoy all the rights and privileges thereof and be charged with all the duties and liabilities of such Membership, unless they are delinquent in dues, annual charges, fees (including renter usage fees), or assessments, or have been deemed Members Not in Good Standing by the Board in accordance with Article V, Section 2.
- e) Sale or transfer of the last equitable or legal interest of any Member of the Corporation shall constitute automatic loss of Membership in the Corporation.

### SECTION 2: USE OF COMMON FACILITIES *(Amended 2019 and 2025)*

- a) Any person who is a Member of the Corporation, together with family members, social guests, and lessees may use the common facilities. "Common Facilities", as stated in this section and also in Section 3, means any service or property, either provided by or owned by Duna Vista Resorts.
- b) Should a Member be deemed a Member Not in Good Standing, the Board of Directors, at its option, may deny the Member, and/or their authorized users, the use and enjoyment of the Common Facilities until such time as they are again a Member in Good Standing.

### SECTION 3: NEGLIGENCE OR ABUSE OF COMMON FACILITIES

- a) All Members shall be liable for the expense of any maintenance, repair or replacement rendered necessary by his or her act, neglect, or carelessness, or by that of any family member, or his or their guests, employees, agents or lessees.
- b) The expense of any maintenance repair or replacement required shall, at the discretion of the Board of Directors, be charged to said Member as a specific item which shall be a lien against said Member's property with the same force and effect as if the charge were a part of the annual charge.

### SECTION 4: PLACE OF MEETINGS *(Amended 2025)*

All formal Membership meetings, whether the Annual meeting or a Special Membership Meeting, shall be held by videoconference and in-person at Duna Vista Resorts.

### SECTION 5: ANNUAL MEETING *(Amended 2010)*

An Annual Meeting of the Membership shall be held on the third Saturday of each July.

**SECTION 6: NOTICE OF ANNUAL MEETING** *(Amended 2025)*

At least ten (10) days, but no more than twenty-one (21) days prior to the date of the Membership Annual Meeting, the Secretary shall give notice, in accordance with Section 12, of such meeting to all who are Members as of the date the notice is sent.

**SECTION 7: DELAYED ANNUAL MEETING** *(Amended 2025)*

If, for any reason, the Annual Meeting of the Membership is not held on the designated date, such meeting must be rescheduled to occur within 45 days with similar notice as provided for the Annual Meeting.

**SECTION 8: ORDER OF BUSINESS AT THE ANNUAL MEETING** *(Amended 2025)*

The order of business at the Annual Meeting of the Membership shall be as follows, except that presiding officers, in the absence of an objection, may vary the order of business at his or her discretion:

- 1) Roll call
- 2) Proof of notification about meeting
- 3) Approval of minutes of the previous meeting
- 4) Reports of officers
- 5) Reports of committees
- 6) Election of Directors
- 7) Transaction of other business
- 8) Member and Director Comments and Discussion
- 9) Adjournment

**SECTION 9: VOTING RIGHTS** *(Amended 2025)*

There shall only be one vote per paid Membership, regardless of the number or size of lots owned. Only Members in Good Standing may vote.

**SECTION 10: SPECIAL MEETINGS** *(Amended 2010 and 2025)*

- a) A Special Meeting of the Membership to conduct business of the Corporation may be called at any time by fifteen (15) Members in Good Standing, or by five (5) members of the Board of Directors.
- b) The method by which such Special Meeting may be called is as follows: Upon receipt by the President of a written notice setting forth the date and objects of said meeting, at least ten (10) days but no more than twenty-one (21) days prior to the date fixed for such meeting, a notice of the time, place, and purposes of said meeting shall be sent, as provided in Section 12, to each Member. Any business that is not stated in the notice shall not be transacted at such meeting.
- c) Informational meetings of the Membership for the sharing of information and discussion of topics of interest may be called by the President with notice to the Members, as provided in Section 12. No votes by the Membership will be taken at informational meetings, and such informational meetings shall not be considered a Special Meeting of the Membership.

**SECTION 11: QUORUM**

One quarter of the Members in Good Standing shall constitute a quorum for purposes of conducting business at an Annual Meeting or Special Meeting of the Membership, or in accordance with Section 14.

**SECTION 12: NOTICE** *(Amended 2010 and 2025)*

- a) All notices required to be given by any provision of these By-Laws shall state the purpose of the notification and shall bear the written or printed signature of the Secretary or President.



- b) Notices will be sent by electronic mail to Members with an email address registered with the Corporation, and will originate from the official email address of the Corporation ([dunavistaresort@gmail.com](mailto:dunavistaresort@gmail.com)).
- c) For Members without an email address registered with the Corporation, notice will be sent by letter to the mailing address registered by the Member with the Corporation.
- d) Every notice shall be deemed duly served when the same has been a) sent by electronic mail or b) deposited in the United States mail, with 1st Class postage fully prepaid, plainly addressed to the Member, using the addresses registered with the Corporation.
- e) Each Member is required to register their current primary email and postal mail addresses with the Corporation, and to update those addresses as needed. The Corporation may rely on the addresses last provided by the Member as the correct address for notices and other correspondence.
- f) Prior to the sale or transfer of property, a selling Member is required to inform the Corporation of the sale and provide the name of the purchasing new Member with their contact information.
- g) A notice sent to a husband or wife shall be deemed a notice to both, unless separate addresses are registered with the Corporation. A notice sent to one person in an ownership group shall be deemed a notice to all persons in the ownership group, unless separate addresses are registered with the Corporation.

### **SECTION 13: WAIVER OF NOTICE**

Notice of the time, place and purpose of any meeting of the Membership may be waived by a Member.

### **SECTION 14: VOTING BY MEMBERS** *(Adopted 2010, amended 2015 and 2025)*

- a) Except for the election of Directors, any business requiring a vote by the Membership shall be conducted through the use of a reputable online voting software system which provides for email and postal notifications, has appropriately secure and confidential voting, and has automated tallying of results.
- b) Only Members in Good Standing as of the date voting is to begin shall be allowed to vote.
- c) A notice regarding the ballot and vote shall be sent to each Member in Good Standing as provided in Section 12. The notice shall contain the motion(s) to be voted on and a due date by which each Member must vote or return his/her ballot and that date shall be at least ten (10) days after the sending of the notice.
- d) A resolution shall pass if a majority of the votes cast approve the resolution.
- e) The election of Directors to open positions on the Board shall occur at the Annual Meeting of the Membership by those Members present at the meeting, either in-person or by videoconference, casting votes. The Members receiving the most votes shall fill the open Director positions.

### **SECTION 15: AMENDMENTS TO THE BY-LAWS** *(Amended 2010 and 2025)*

- a) The By-Laws or Rules and Regulations may be amended when:
  - 1) The amendment is approved by the Board of Directors, and
  - 2) The amendment is approved by a majority of the Members in Good Standing casting ballots with voting conducted as provided in Section 14, and
  - 3) Notice of the amendment is sent to all Members as provided in Section 12; and
  - 4) The amended By-Laws are posted to the Duna Vista website.
- b) Any amendment shall be effective ten (10) days after notice of the change in By-Laws or Rules and Regulations is sent to all Members.



- c) The Board of Directors may make changes to the published By-Laws which are not material and do not substantively change the content of the By-Laws in order to correct typographical or grammatical errors, or to enhance readability.

## **ARTICLE II BOARD OF DIRECTORS**

### **SECTION 1: NUMBER AND TERM OF DIRECTORS**

- a) The business, property and affairs of the Corporation shall be managed by a Board of Directors composed of nine (9) Members in Good Standing, who need not be residents of Michigan.
- b) Each Director shall hold office for a term of three (3) years, or until his or her successor is elected.

### **SECTION 2: VACANCIES**

- a) A vacancy on the Board of Directors shall be filled by appointment made by the remaining Directors.
- b) Each person so appointed shall remain a Director until the expiration of the term of the vacant position, or until his or her successor has been elected by the Membership. Such election may be held at a regular Annual Meeting or at a Special Meeting of the Membership called for that purpose.

### **SECTION 3: ACTION BY WRITTEN CONSENT OF A MAJORITY OF THE BOARD** *(Amended 2025)*

If and when a majority of the Board of Directors consents in writing or by electronic mail to any action to be taken by the Corporation, such action shall be considered a valid corporate action as though it had been authorized at a meeting of the Board.

### **SECTION 4: CODE OF CONDUCT** *(Adopted 2025)*

- a) The Board shall establish a Code of Conduct for Directors and employees, and update it as needed.
- b) Each Director or employee of the Corporation in order to hold the position must, upon accepting the position, agree to abide by the Code of Conduct and sign a copy thereof.

### **SECTION 5: POWER TO ELECT OFFICERS** *(Amended 2025)*

- a) The Board of Directors shall elect as officers, a President, Vice-President, Secretary, and Treasurer.
- b) The Board of Directors may appoint a General Manager. The General Manager need not be a Member.
- c) One person may hold two offices, other than both President and Vice President.
- d) Each officer shall hold office for a term of one (1) year.

### **SECTION 6: POWER TO APPOINT OR REMOVE OFFICERS OR AGENTS**

The Board of Directors shall have the power to appoint or remove any officer or agent as the Board may deem necessary for the transaction of Corporation business in its own best interest.

### **SECTION 7: REMOVAL OF DIRECTORS BY MEMBERSHIP**

Any member of the Board of Directors may be recalled and removed from office, with cause, via a petition representing a majority of the Members in Good Standing as of the date of the petition, and signed by one person per paid membership. Such petition shall necessitate the calling of a Special Meeting of the Membership, as prescribed in Article I, Section 10 and 12 of the By-Laws.



## **SECTION 8: QUORUM**

A majority of the Directors shall constitute a quorum.

## **SECTION 9: ORGANIZATION MEETING OF THE BOARD OF DIRECTORS** *(Amended 2025)*

By videoconference and/or in-person within 5 days following the Annual Meeting of the Membership, the Board of Directors as constituted upon final adjournment of such Annual Meeting, shall convene for the purpose of electing officers, and transacting any other business properly brought before it.

## **SECTION 10: REGULAR MEETINGS OF THE BOARD** *(Amended 2025)*

- a) Regular meetings of the Board of Directors shall be held not less frequently than semi-annually at such time and place as the Board of Directors shall from time to time determine.
- b) A written notice to each Board member, and a posting for the Membership, of such meeting is required.
- c) The meeting may be held wherever a quorum can conveniently convene.
- d) Any Member in Good Standing may observe a regular meeting of the Board.
- e) Any Member in Good Standing may submit in writing to the President, at least three (3) days prior to such meeting, any issues which may need attention.
- f) Minutes of the Board meeting shall be taken by the Secretary or their designate, with the minutes subsequently approved by the Board and published on the Duna Vista website.

## **SECTION 11: SPECIAL MEETING OF THE BOARD** *(Amended 2025)*

- a) A special meeting of the Board of Directors may be called by means of electronic mail or verbal notice of the time, place and purpose thereof to each Director, as the President, in his/her discretion, shall deem sufficient.
- b) Any action taken at any such meeting shall not be invalidated for want of notice if such notice shall be waived by each Director.
- c) Minutes of the special meeting will be taken in the same manner as minutes of regular meetings of the Board of Directors.
- d) An informal working session of the Board of Directors may be called by the President by means of electronic mail or verbal notice of the time, place and purpose thereof. No formal action by the Board may be taken during such informal working session.

## **SECTION 12: DELEGATION OF POWERS**

For any reason deemed sufficient by the Board of Directors, whether occasioned by absence or otherwise, the Board may delegate all or any of the powers and duties of any officer to any other officer or Director, but no officer shall execute, acknowledge or verify any instrument in more than two capacities.

## **SECTION 13: DUES, ANNUAL CHARGES, FEES AND ASSESSMENTS** *(Amended 2012, 2019 and 2025)*

- a) To operate and maintain the Corporation, the Board of Directors shall recommend from time to time the sum or sums necessary and adequate for the expenses of the Corporation. The Corporation, through approval by its Membership in accordance with Article I Section 14, shall have the power to assess its Members for dues, annual charges, fees (including renter usage fees), and assessments.
- b) A Member is not exempt from the obligation to pay the dues, annual charges, fees (including renter usage fees), and assessments by nonuse or waiver of the common facilities or by abandonment of his or her property.



- c) As stated in the deed or Covenants of Restriction, any amounts owed for dues, annual charges, fees (including renter usage fees), assessments, late fees and other fees are obligations which attach to the property of the Member. Upon sale or transfer of a Member's property, all amounts owed should be paid in full. Any unpaid amounts are obligations of any subsequent owner if not paid by the time property ownership is transferred.
- d) Any of the stated annual charges are due and payable on the first day of January of each year, and become delinquent as of the first day of April of each year if the same remain unpaid.
- e) Any other fees, including, without limitation, assessments and renter usage fees, shall be due in accordance with the then current policies set forth by the Board of Directors.
- f) All dues, annual charges, fees (including renter usage fees), assessments, late fees and other fees are part of an ongoing open account between the Member and the Corporation.
- g) In the event a Member does not pay the stated charges in full on or before the due date, he or she will be deemed a Member Not in Good Standing, and there shall be levied a late fee of 10% of the total amount of the stated charges still owed for each year a balance remains unpaid.
- h) Any additional funding, revisions of amounts, or alterations of dues and/or delinquent dates must be approved by a vote of the majority of Members eligible to vote and casting ballots under the provisions of Section 14 of Article 1 of these Bylaws.
- i) The Board of Directors, at their discretion, shall have the power to place liens against the property or properties of any Member delinquent in payment. The lien shall be prepared in accordance with county and state requirements.
- j) The delinquent Member shall be responsible for the payment of any legal costs involved with collection of the dues, annual charges, fees (including renter usage fees), assessments, late fees and other fees. Legal costs include, but are not limited to, the costs for preparation and recording of any lien, attorney fees associated with collection of the dues, and court costs.
- k) The Board of Directors may take actions to foreclose on the lien. Any foreclosure actions shall be taken in accordance with county and state requirements and be done with the assistance of a reputable, qualified attorney.
- l) The Board of Directors, acting on behalf of the Corporation, may bid at the foreclosure sale, may acquire, hold, lease, incur property related expenses, and mortgage the foreclosed property, and may convey the foreclosed property following expiration of the delinquent Member's redemption period.
- m) The delinquent Member, and any purchaser, grantee, successor or assignee of the Member's property, whose property is foreclosed under this section, remains liable for all sums due the Corporation, together with any advances made by the Corporation to protect its lien, before the expiration of the redemption period.
- n) The following activities shall be part of collecting amounts owed from a delinquent Member:
  - 1) Invoices for dues, annual charges, fees (including renter usage fees), and assessments shall be sent prior to the due date of each respectively.
  - 2) Any Member with an amount owed past a due date shall be sent a reminder invoice prior to the accrual of an associated late fee.
  - 3) At least annually, any Member with a past due balance shall be sent a statement of their account showing all amounts owed, including late fees.
  - 4) A lien may be placed on the delinquent Member's property at any time for the total of amounts owed, and a lien shall be placed if any amount is more than three (3) years past due. The lien may be subsequently updated with revised amount as needed.
  - 5) The Board of Directors, at least annually during a regular Board meeting, shall review the status of each delinquent Member account, and take any actions it deems appropriate to collect the amounts owed.



## **SECTION 14: RECORDS** *(Adopted 2025)*

- a) The Board of Directors shall retain records regarding the activities of the Corporation, the activities of the Board, and the Membership in accordance with an appropriate Records Management Policy adopted and updated as needed by the Board.
- b) The Records Management Policy shall address physical documents, electronic documents, digital files, membership lists and contact information, recordings of meetings, webcam recordings, cloud repositories, and records maintained on behalf of the Corporation by accounting services and other professionals.
- c) The Secretary shall have the primarily responsibility for oversight of records management.

## **ARTICLE III OFFICERS, EMPLOYEES, AND AGENT(S)**

### **SECTION 1: ELECTIVE OFFICERS**

The principal officers of the Corporation shall be a President, a Vice-President, a Secretary, and a Treasurer, all of whom shall be elected by the Board of Directors.

### **SECTION 2: THE PRESIDENT**

- a) He or she shall be the chief executive officer of the Corporation and shall preside at all meetings of the Membership and of the Board of Directors.
- b) He or she shall have executive powers and general supervision over the affairs of the Corporation and other officers.
- c) He or she shall sign all written contracts as required for the affairs of the Corporation.
- d) He or she shall perform all of the duties incident to his or her office or which may be delegated to him or her from time to time by the Board of Directors.

### **SECTION 3: THE VICE-PRESIDENT**

- a) He or she shall perform all of the duties of the President in his or her absence.
- b) He or she shall perform such other duties as may be required of him or her from time to time by the Board of Directors.

### **SECTION 4: THE SECRETARY** *(Amended 2025)*

- a) He or she shall issue all notices required by statute, by-laws or resolution.
- b) He or she shall preserve in records of the Corporation minutes of the meetings of the Membership and the Board of Directors.
- c) He or she shall have charge of all of the Corporation's books, records, electronic files, and papers, except those kept by the Treasurer.
- d) He or she shall perform such other duties as may be required of him or her from time to time by the Board of Directors.

### **SECTION 5: THE TREASURER** *(Amended 2025)*

- a) He or she shall have custody of the Corporation's funds, and securities.
- b) He or she shall cause to be kept full and accurate accounts of receipts and disbursements in books belonging to the Corporation,



- c) He or she shall cause to be deposited all monies and other valuable effects in the name of and to the credit of the Corporation, in such depositories as may be designated for that purpose by the Board of Directors.
- d) He or she shall cause the funds of the Corporation to be disbursed as may be ordered by the Board of Directors or an Officer in accordance with the By-Laws, with proper vouchers for such disbursements.
- e) He or she shall render to the Board of Directors at the regular meetings of the Board a summary of the financial position of the Corporation, or whenever the Board may require it provide financial statements of the Corporation with appropriate detail.
- f) He or she shall direct and review the activities of any accountant or firm which may be contracted by the Corporation to handle bookkeeping, financial statements and/or tax returns.
- g) If the Treasurer does the bookkeeping, prepares financial statements and/or prepares tax returns of the Corporation, their activities and the financial records of the Corporation shall be regularly reviewed by another Member or Members with appropriate experience.

## **SECTION 6: THE GENERAL MANAGER**

- a) The Board of Directors shall have power to appoint a General Manager, who in the absence of the Board of Directors shall have general and active control and management of the business and affairs of the Corporation, as specified by the Board of Directors.
- b) The General Manager shall be responsible to the Board of Directors.
- c) The Board of Directors may hire or contract with a person who is not a Member of the Corporation to perform specified duties as General Manager.

## **SECTION 7: INDEMNIFICATION** *(Amended 2015)*

- a) The Corporation shall assume all liability to any person other than the Corporation, its shareholders or its Members for all acts or omissions of a volunteer Director, volunteer officer, employee or other Board recognized volunteer occurring on or after the official filing of this Article III, Section 7 if all of the following are met:
  - 1) The volunteer or employee was acting or reasonably believed he/she was acting within the scope of his/her authority, and
  - 2) The volunteer or employee was acting in good faith, and
  - 3) The volunteer's or employee's conduct did not amount to gross negligence or willful and wanton misconduct, and
  - 4) The volunteer's or employee's conduct was not an intentional tort, and
  - 5) The volunteer's or employee's conduct was not a tort arising out of the ownership, maintenance or use of a motor vehicle for which tort liability may be imposed by Section 3135 of the insurance code of 1956 (MCLA Section 500.3135 and after).
- b) The Corporation shall indemnify every Director, officer, and the General Manager, their heirs, executors, and administrators against all loss, cost and expense reasonably incurred by them in connection with any action, suit, or proceeding to which they may be made a party by reason of their being or having been a Director, officer, or General Manager of this Corporation.
- c) The Provision of Public Act No. 170, approved November 13, 1987, and filed with the Secretary of State, November 16, 1987, pertaining to indemnification, are made a part of these By-Laws.
- d) The Board of Directors is authorized to procure adequate directors and officers liability insurance coverage to implement the indemnification provided for in this Section.



**SECTION 8: EMPLOYEES** *(Adopted 2025)*

- a) The Board of Directors shall have the power to employ persons as employees of the Corporation.
- b) An employee of the Corporation may be a Member or a person who is not a Member of the Corporation.
- c) The Board of Directors shall establish employee policies, and update them as needed
- d) The employee policies shall address hiring, compensation, supervision, termination, employee records and compliance with employment laws.
- e) Each employee must abide by the Code of Conduct.

**SECTION 9: AGENTS and CONTRACTORS** *(Adopted 2025)*

- a) The Board of Directors shall have the power to appoint agents, who shall have specific responsibilities on behalf of the Corporation, the Board of Directors, or an officer.
- b) The Board of Directors may hire or contract with a person who is not a Member of the Corporation to perform specified duties.
- c) If the Board hires or contracts for the services of an accountant, the firm or person chosen must be qualified and reputable, and the firm or person must carry adequate liability insurance relevant to the duties being performed for the Corporation.
- d) If the Board hires or contracts for the services of an attorney, the firm or person chosen must be qualified and reputable, and the firm or person must carry adequate liability insurance relevant to the duties being performed for the Corporation.

**ARTICLE IV  
EXECUTION OF INSTRUMENTS**

**SECTION 1: CHECKS, DRAFTS AND ORDERS**

All checks, drafts, and orders for payment of money shall be signed in the name of the Corporation by such officer, officers or agent as the Board of Directors shall designate for the purpose.

**SECTION 2: EXECUTION OF INSTRUMENTS AND DOCUMENTS**

The Board of Directors shall have the power to designate the officers and agents who shall have authority to execute any instrument or document on behalf of the Corporation.

**SECTION 3: SEAL**

The Corporation shall not have a seal.

**SECTION 4: FISCAL YEAR**

The fiscal year of the Corporation, unless otherwise designated by the Board of Directors, shall be from January 1 to December 31.

**ARTICLE V  
RULES AND REGULATIONS GOVERNING MEMBERS**

**SECTION 1: ESTABLISHMENT OF RULES AND REGULATIONS** *(Adopted 2002, amended 2017 and 2025)*

- a) The purpose of the Rules and Regulations shall be to provide for and promote the general health, safety, welfare and enjoyment by Members in Good Standing and to promote the goals of the Covenants of Restriction.



- b) All Members of the Corporation, their family members, guests, renters and lessees shall abide by the rules established as they are amended from time to time.
- c) Members are required to inform their family members and guests of the Rules and Regulations.
- d) Members are required to provide a copy of the Rules and Regulations to any renter or lessee.
- e) The Board of Directors shall from time to time recommend rule changes, or new rules and regulations that govern the use of the common facilities and for other purposes contemplated by the applicable Covenants of Restriction. These recommendations will be presented to the membership and voted on as provided in Article I Section 12 and Section 14.
- f) A copy of the Rules and Regulations as amended shall be posted on the Duna Vista Website for access by Members.

**SECTION 2: ENFORCEMENT OF RULES AND REGULATIONS** (Adopted 2025)

- a) The Board of Directors has primary responsibility for the enforcement of the Rules and Regulations.
- b) Should a Member observe a violation of the Rules and Regulations by another Member, their family, guests, renters or lessees, they may remind the party of the Rules and Regulations and/or notify the Board of an infraction. A Member, through their rights under the restrictive covenants associated with their property, may enforce the Rules and Regulations against another Member.
- c) The Board of Directors will determine whether a violation of Rules and Regulations is a Major Infraction, based on the extent to which the violation adversely impacts another Member or Members as described by complaints from Member(s).
- d) The Board of Directors may take actions to address violations of Rules and Regulations, including:
  - 1) Notifying the Member by electronic mail and/or in writing of the violation and demanding compliance and remediation.
  - 2) If after notifying the Member of the violation at least three times and the Member continues to be in violation, for Major Infractions the Board of Directors, as part of an Annual or Special Meeting of the Membership, may designate the Member as a Member Not in Good Standing.
- e) Any violation of the Rules and Regulations shall be considered a nuisance and subject to abatement by a court of competent jurisdiction.
- f) The Board of Directors may take actions to remediate what it considers Major Infractions, including:
  - 1) Participating in professionally conducted mediation or non-binding arbitration with the Member regarding compliance;
  - 2) Taking legal action, with the involvement of a qualified and reputable attorney, to enforce compliance by the Member with the Rules and Regulations; or
  - 3) Taking direct action(s) to remediate the violation.
- g) The Corporation may recover from the violating Member all costs, including court costs and actual attorney fees, the Corporation incurs regarding non-compliance with the Rules and Regulations.
- h) All such costs recoverable from the violating Member, and any judicial awards of damages, shall be charged to the violating Member as specific item(s), and shall be an encumbrance against said Member's property with the same force and effect as if the charge were a part of the annual dues or an assessment.

