



Sedgwick County
Register of Deeds - Tonya Buckingham
Doc. #/Film-Pg: 29676657

Receipt #: 2011524
Pages Recorded: 10

Recording Fee: \$144.00

Cashier: cponder

Authorized By *Tonya Buckingham*

Date Recorded: 03/14/2017 02:28:38 PM



Please do not remove this cover page, it has become part of this document

Grantor	PARK HOMEOWNERS ASSOCIATION NO 1
Grantee	THE PARK ADDITION
Type of Document	MISC.BYLW
Recording Fees	\$144.00
Mtg Reg Tax	\$0.00
Total Amount	\$144.00
Return Address	ROB HARTMAN 2507 TEE TIME CIRCLE WICHITA KS 67215

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1. Government

- 1.1. The government of the corporation shall be vested in a Board of Directors consisting of seven (7) Directors. Director's fees shall be determined by a majority vote of the members of the corporation.
- 1.2. Election of Directors shall be conducted at the annual members' meeting. A nominating committee of five (5) members shall be appointed by the Board of Directors not less than thirty (30) days prior to the annual members' meeting. The committee shall nominate one (1) person for each Director then serving. Additional nominations for Directorships and Directors may be made from the floor. The election shall be by ballot (unless dispensed with by unanimous consent) and by plurality of the votes cast, each person voting being entitled to cast his votes for each of as many nominees as there are vacancies to be filled. There shall be no cumulative voting.(2)
- 1.3. Except as to vacancies provided by removal of Directors by members, vacancies in the Board of Directors occurring between annual meetings of members shall be filled by the remaining Directors.
- 1.4. Any Director may be removed by concurrence of two-thirds of the votes of the membership at a special meeting of the members called for that purpose. The vacancy in the Board of Directors so created shall be filled by the members of the corporation at the same meeting.
- 1.5. The term of each Director's service shall be two years with a maximum of four directors elected in any one year at the annual General Membership Meeting. Each Director shall serve until his successor is duly elected and qualified or until he/she is removed in the manner herein provided.(2)

2. Offices and Resident Agent

- 2.1. The registered address of the corporation shall be The Park Homeowners' Association, NO. 1, PO Box 12682, Wichita, KS 67277. The resident agent of the corporation shall be the president of the HOA board. (4)

3. Conveyances

- 3.1. Any and all instruments of conveyance, deeds, assignments, mortgages, pledges, releases, trust indentures or other instruments of conveyance, transfer, mortgage or pledge shall be deemed to be valid and sufficient when the same are signed and executed in the name of the corporation (and acknowledged where required) by the President or Vice President, and when the same are attested by the Secretary of the corporation.

4. Members Meetings

- 4.1. The annual members' meeting shall be held on the first Monday in December at a place as may be determined by the Board of Directors for the purpose of electing Directors and transacting any other business authorized to be transacted by the members. If that date is a legal holiday, the meeting shall be held at the same hour on the next day. (1)(4)
- 4.2. Special members' meetings may be held whenever called by the President or Vice President or by a majority of the Board of Directors, and must be called by such officers upon receipt of a written request from members entitled to cast one-third of the votes of the entire membership.

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- 4.3. Notice of all members' meetings, stating the time and place and the objects for which the meeting is called, shall be given by the President or Vice President or Secretary, unless waived in writing. Such notice shall be in writing to each member at his/her address as it appears on the books of the corporation and shall be mailed not less than ten (10) days nor more than thirty (30) days prior to the date of the meeting. (4)
 - 4.3.1. Proof of such mailing shall be given by the affidavit of the person giving the notice. Notice of meeting may be waived before or after meetings.
- 4.4. A quorum at members' meetings shall consist of persons and proxies entitled to cast a minimum of ten percent of the votes of the entire membership. (4)
 - 4.4.1. If any meeting of the members cannot be organized because a quorum has not attended, the members who are present, either in person or by proxy, may adjourn the meeting for at least ten (10) days, and adequate notice of the new date shall be given as described in 4.3.
- 4.5. In any meeting of members, the owners of dwelling units shall be entitled to cast one vote for each dwelling unit owned. A dwelling unit is defined as a lot upon which a residence has been completed.
 - 4.5.1. Undeveloped lot owners (that is, owners of lots upon which no residence has been completed) shall have 1/10 of a vote for each lot owned, unless the lot owner elects to pay full dues for each lot owned. Full (instead of the normal 1/10) payment of the prior twelve months dues shall entitle the undeveloped lot owner to vote a full vote per lot. However, full voting privileges will be retained by all lot owners when voting on special assessments for Capital Improvements. (2)
 - 4.5.2. Lots vacated by occurrences of storm damage, fire or other catastrophe shall maintain the full voting privileges by the land owner of record. (4)
 - 4.5.3. If a dwelling unit or lot is owned by one person, his right to vote shall be established by the record title to his lot. If a dwelling unit or lot is owned by more than one person, or is under lease, the person entitled to cast a vote for the dwelling unit or lot shall be designated by a certificate signed by all record owners of the dwelling unit or lot and filed with the Secretary of the corporation. If a dwelling unit or lot is owned by a corporation, partnership or trust, the person entitled to cast a vote for the dwelling unit or lot shall be designated by a certificate of appointment signed by the President or Vice-President, and attested by the Secretary or assistant Secretary of the corporation, or signed by the partners or trustee, and filed with the Secretary of this corporation. Such certificate shall be valid until revoked, or until superseded by a subsequent certificate, or until a change in the ownership of the dwelling unit or lot concerned. A certificate designating a person entitled to cast a vote of a dwelling unit or lot may be revoked by any owner thereof. In the event the owners of a dwelling unit or lot are unable to agree upon who shall cast the vote, the owners of such dwelling unit or lot shall not be entitled to vote.
- 4.6. Votes may be cast in person or by proxy. Proxies may be made by any person entitled to vote. They shall be valid only for the particular meeting designated and must be filed with the secretary before the appointed time of the meeting. Voting by email may be permitted when authorized and administered by the Board. (4)

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4.7. The payment of all assessments and penalties must be current with the Treasurer, as of any special or annual General Membership Meeting, for any member to be eligible to cast their vote(s).(2)

5. Directors' Meetings

5.1. The organizational meeting of the Board of Directors shall be held at the first regularly called Director's meeting of the New Year. It shall be held at such a place as shall be determined by the Directors held from the previous year as well as the newly elected Directors and no further notice of the organizational meeting shall be necessary providing a quorum shall be present. (4)

5.2. Regular meetings of the Board of Directors may be held at such time and place as shall be determined from time to time, by a majority of the Directors. Notice of regular meetings shall be given to each Director, personally or by mail or by email or telephone at least three (3) days prior to the day named for such meeting.(4)

5.3. Special meetings of the Directors may be called by the President and must be called by the Secretary at the written request of one-third of the Directors. Notice of the meeting shall be given personally or by mail or by email or telephone at least three (3) days prior to the day named for such meeting, which notice shall state the time, place, and purpose of the meeting. (4)

5.4. Any Director may waive notice of a meeting before or after the meeting and such waiver shall be deemed equivalent to the giving of notice.

5.5. A quorum at Directors' meeting shall consist of a majority of the entire Board of Directors. The acts approved by a majority of those present at a meeting at which a quorum is present shall constitute the acts of the Board of Directors

5.5.1. If at any meeting of the Board of Directors less than a quorum is present, the majority of those present may adjourn the meeting from time to time until a quorum is present. At any adjourned meeting any business which might have been transacted at the meeting as originally called may be transacted without further notice. The joinder of a Director in the action of a meeting by signing and concurring in the minutes, thereof shall constitute the presence of such Director for the purpose of determining a quorum.

5.6. All of the powers and duties of the corporation existing under the Articles of Incorporation of this corporation and these By-Laws shall be exercised exclusively by the Board of Directors, its agents, contractors, or employees, subject only to the approval by dwelling unit or lot owners when such is specifically required. Compensation of employees of the corporation shall be fixed by the Directors. A Director may be an employee of the corporation, and a contract for management of the corporation may be entered into with a Director.

6. Officers

6.1. The officers of the corporation shall be chosen by the Board of Directors, and shall be a President, Vice President, Secretary and Treasurer. The President and Vice President shall be chosen from among the Directors. All officers shall be elected annually by the Board of Directors and they may be removed by vote of the Directors at any meeting.

6.1.1. Any person may hold two or more offices except the President and Vice-President. The President and Vice President may hold only one executive position (President, Vice President, Treasure, and Secretary) at a time. (4)

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- 6.1.2. The Board of Directors may from time to time elect other officers to exercise such powers and duties as the Board shall find to be required to manage the affairs of the corporation.
 - 6.2. The President shall be the chief executive officer of the corporation; the President shall preside at all meetings of the members and directors; the President shall have general and active management of the business of the corporation, and shall see that all orders and resolutions of the Board of Directors are carried into effect.
 - 6.2.1. The President shall further have power to appoint committees from among the members from time to time, as he/she may in his/her discretion determine appropriate, to assist in the conduct of the affairs of the corporation. The President shall execute contracts, bonds, mortgages, deeds, and other instruments requiring the signature of the corporation.
 - 6.3. The Vice President shall, in the absence of or disability of the President, perform the duties and exercise the powers of the President, and shall perform such other duties as the Board of Directors may prescribe.
 - 6.4. The Secretary shall attend all meetings of the Board of Directors and all meetings of the members, and record all votes and the minutes of all proceedings in a book, to be kept for that purpose. He/she shall give, or cause to be given, notice of all meetings of the members and of the Board of Directors, and shall perform such other duties as may be prescribed by the Board of Directors or the President.
 - 6.5. The Treasurer shall have custody of all the funds of the corporation, including securities and evidences of indebtedness. He/she shall keep the books of the corporation in accordance with good accounting practices and shall perform all other duties incident to the office of Treasurer. He/she shall give bond indemnifying the corporation, against larceny, theft, embezzlement, forgery, misappropriation, wrongful abstraction, willful misapplication, or other act of fraud or dishonesty, if required by the Board of Directors, in such sum and with such sureties as the Board of Directors may determine.
 - 6.6. In the event of vacancies occurring as to any officer; one or more, by reason of death, resignation, retirement, disqualification, removal from office or otherwise; the Board of Directors, by a majority vote, may choose a successor or successors, who shall hold office for the unexpired term in respect to which such vacancy occurred.
7. Accounting
- 7.1. The funds and expenditures of the corporation shall be credited and charged to accounts under the following classifications as shall be appropriate, all of which expenditures shall be common expenses:
 - 7.1.1. "Current Expenses", which shall include all funds and expenditures to be made within the year for which the funds are budgeted, including a reasonable allowance for contingencies and working funds, except expenditures chargeable to reserves, to additional improvements, or to operations. The balance of this fund at the end of each year shall be applied to reduce the assessments for current expense for the succeeding year.
 - 7.1.2. "Reserve for Deferred Maintenance", which shall include the funds for maintenance items which occur less frequently than annually.

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- 7.1.3. "Reserve for Replacement", which shall include funds for repair or replacement required because of damage, depreciation or obsolescence.
 - 7.1.4. "Additional Improvements", shall include the funds to be used for capital expenditures for additional improvements or additional personal property which will be part of the common area.
 - 7.1.5. "Capital Improvements", shall include the funds to be used for capital expenditures for the development of common areas and common facilities.(2)
- 7.2. The Board of Directors shall adopt a budget for each calendar year which shall include the estimated funds required to defray common expenses and to provide funds for the accounts listed above in these By-Laws. The budget shall take into account the following items:
- 7.2.1. "Current Expense", the amount for which shall not exceed 105% of the budget for this account for the prior year
 - 7.2.2. "Reserve for Deferred Maintenance", the amount for which shall not exceed 105% of the budget for this account for the prior year,
 - 7.2.3. "Reserve for Replacement", the amount for which shall not exceed 105% of the budget for this account for the prior year.
 - 7.2.4. "Additional improvements", not included in 7.2.1, 7.2.2, or 7.2.3, not budgeted, the amount for which shall not exceed \$2,000.00 provided, however, that in the expenditure of this fund no sum in excess of \$1,000.00 shall be expended for a single item or purpose without approval of the members of the corporation. (4)
 - 7.2.5. "Capital Improvements", the amount of which shall equal the sum of specific capital expenditures authorized and approved by the members of the corporation. Funds collected after January 1, 1990, from regular dues cannot be used for Capital Improvements, unless approved by the membership. Capital Improvements must be assessed in accordance with 7.7. (2)
 - 7.2.6. "Operations", the amount of which may be to provide a working fund or to meet losses.(1)
 - 7.2.7. The amount for each budgeted item may be increased over the foregoing limitations when approved by dwelling unit or lot owners entitled to cast a simple majority the votes of the entire membership of the corporation.(1)
- 7.3. Copies of the budget and proposed assessments shall be transmitted to each member on or before November 15 preceding the year for which the budget is made. If the budget is subsequently amended, a copy of the amended budget shall be furnished to each member.(2)
8. Assessments
- 8.1. Assessments against the dwelling unit or lot owners for their share of the items of the budget shall be made on or before December 20 preceding the year for which the assessments are made.
 - 8.1.1. Such assessment (dues) shall be billed in four (4) equal quarterly installments, with the first installment due on or before the 30th day of the first month of the applicable quarter (i.e. January 30th, April 30th, July 30th, October 30th). Any installment of such assessment that is

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not paid by the 30th of the billing month, shall incur a late fee in the amount of \$2.00 monthly, or 18% annually (maximum); whichever is greater. (4)

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- 8.1.2. In the event the annual assessment proves to be insufficient, the budget and assessments therefore may be amended at any time by the Board of Directors if the items of the amended budget do not exceed such limitations thereon for that year. Any item which does exceed such limitations shall be subject to the approval of the membership of the corporation as provided in 7.1 of these By-Laws or 8.3, if an emergency assessment. The unpaid assessment for the remaining portion of the calendar year for which the amended assessment is made shall be due upon the date of the assessment.(1)
- 8.2. If a dwelling unit or lot owner shall be in default in the payment of an installment upon an assessment, the Board of Directors may accelerate the remaining installments of the assessment upon notice thereof to the lot owner, and thereupon the unpaid balance of the assessment shall come due upon the date stated in the notice, but not less than ten (10) days after delivery thereof to the dwelling unit or lot owner, or not less than twenty (20) days after the mailing to him of such notice by registered or certified mail, whichever shall first occur.(1)
- 8.3. If any assessment remains unpaid after notice thereof as provided in 8.2., such unpaid assessment shall become a lien upon the real estate of the defaulting dwelling unit or lot owner (the cost for filing such lien shall be borne by the owner of the dwelling unit), and such lien shall be subject to foreclosure in the same manner as are mechanic's liens, and in any such foreclosure the owner of the dwelling unit or lot subject to the lien shall be required to pay a reasonable rental for the real estate, if improved, and the corporation shall be entitled to the appointment of a receiver to collect such rental. In lieu of foreclosing on the lien herein provided for, the corporation may waive such lien and sue for the amount of the assessment. (4)
- 8.4. Assessment for common expense emergencies which cannot be paid from the annual assessments for common expenses or which would cause a deficit in the annual budget, shall be made only after notice of the need therefore to the members. After such notice and upon approval by members entitled to cast more than one-half of the votes of the members at a meeting called pursuant to 4.2., the assessment shall become effective, and it shall be due after thirty (30) days' notice thereof in such manner as the Board of Directors may require, provided, however, the Board of Directors may expend not to exceed \$1,000.00 without member approval to protect the property of the corporation from damage caused by an emergency.
- 8.5. The depository of the corporation shall be such bank or banks as shall be designated from time to time by the Directors in which the monies of the corporation shall be deposited. Withdrawal of monies from such accounts shall be only by check signed by such persons as are authorized by the Directors. All out-of-pocket expenditures for HOA-related expenses, above \$100.00, must be approved in advance by two of the HOA Board of Directors.(4)
- 8.5.1. Board members and/or HOA homeowners must submit an Expense Reimbursement Request, along with copies of their original receipts for items purchased and/or expenses incurred. Expense Reimbursement Requests should be submitted to the HOA Treasurer in a timely manner. Two Board member signatures are required for all payments (with the exception of monthly payments for utility bills and other contractual obligations that have been previously approved by the HOA Board).(4)
- 8.6. A compilation of the financial records of the corporation shall be made annually by a committee of three non-board member Park residents, and if they deem necessary, a public accountant, and

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a copy shall be furnished to each member not later than April 1 of the year following the year for which the report is made.(2)

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- 8.7. Assessments for "Capital Improvements" shall be levied equally against all lots, whether improved or unimproved. Payment of assessments for "Capital Improvements" levied against unimproved or vacant lots may be deferred without late charge at the option of the lot owner, until such time as construction and occupancy of the dwelling unit occurs, at which time such deferred assessments shall be due in full in one lump sum payment. Assessments for "Capital Improvements" shall require an affirmative vote of 75% of the total membership.(2)
- 8.8. The Board of Directors of this association, by a simple majority of the members thereof, shall have the power to levy fines against the lot owners or members of the corporation, in addition to the authority to bring an injunction action as set out in 8. 9 below. Said fines shall be authorized to a maximum amount of \$100.00 per occurrence against any property owner who has breached or continues to breach any of the provisions of these By-Laws, or the Articles of Incorporation as amended from time-to-time, or the Declaration of Covenants originally recorded at Film 258, Page 1568 in the Office of the Register of Deeds of Sedgwick County, Kansas, as amended from time-to-time. The Board of Directors must notify a lot owner of an infraction by certified mail and allow thirty (30) days for the infraction to be corrected before a fine is levied. The fine will be reassessed every thirty (30) days until the infraction is corrected. Any fines so levied shall constitute a lien against the real estate of the defaulting dwelling unit or lot owner and such lien shall be subject to foreclosure in the same manner and under the same provisions as other assessments against the dwelling unit or lot owner as set out in this Article VII.(2) The cost for filing and executing such lien shall be at the expense of the dwelling unit and owner. (4)
- 8.9. The Board of Directors of this Association, by a simple majority vote of its members, shall have the authority, but not the exclusive obligation or duty, to enforce each and every provision of the Articles of Incorporation, By-Laws and the Declaration of Covenants relating to this corporation, as the same may be amended from time-to-time, including the right to commence and maintain an action to enjoin any breach or threatened breach of any of the provisions of said documents and to pay all costs of any such action or other enforcement procedure.(1)

9. Amendments

- 9.1. These By-Laws may be amended in the following manner:
- 9.1.1. Notice of the subject matter of the proposed amendment shall be included in the notice of any meeting at which the proposed amendment is considered.
- 9.1.2. A Resolution adopting a proposed amendment may be proposed by either the Board of Directors or by the members of the corporation. Directors and members not present in person or by proxy at the meeting considering the amendment, may express their approval in writing, providing such approval is delivered to the Secretary at or prior to the mailing. Except as elsewhere provided, such approvals must be by at least 75% of the entire membership of the Board of Directors and by not less than 75% of the votes of the entire membership of the association. Until the first election of Directors, all Directors must approve any amendment.
- 9.2. No amendment shall discriminate against any dwelling unit or lot owner or against any dwelling unit or lot or class or group of dwelling units or lots provided the dwelling unit is occupied by the owner. In such case that a dwelling unit is being leased or rented, the dwelling unit owner having no real interest in the daily operations, aesthetics, maintenance, upkeep and general appearance

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of The Park HOA, and, having no immediate interest in the By-Laws and Covenants of The Park HOA, shall not be accorded the full benefits of membership in The Park HOA, unless the dwelling unit or lot owners so affected shall have provided complete and full disclosure as to the unit being rented, the term of the rent/lease, and all necessary contact information that the Board of Directors may need to contact the dwelling unit owner. (4)

- 9.3. A copy of each amendment shall be certified by the President and Secretary of the corporation as having been duly adopted and shall be effective when recorded in the office of the Register of Deeds of Sedgwick County, Kansas.

10. Miscellaneous

- 10.1. The order of business at annual members' meetings, and as far as practical at all other members' meetings, shall be as follows:

10.1.1. Calling of the roll and certifying of proxies.

10.1.2. Proof of notice of meeting or waiver of notice.

10.1.3. Reading and disposal of any unapproved minutes.

10.1.4. Reports of officers.

10.1.5. Reports of committees.

10.1.6. Election of judges of election.

10.1.7. Election of Directors (if necessary).

10.1.8. Unfinished business.

10.1.9. New business.

10.1.10. Adjournment. provided, however, that the order of business may be changed by an affirmative vote of a majority of the members present.

- 10.2. The order of business at any meeting of the Board of Directors shall be substantially as follows, so far as is consistent with the purposes of the meeting.

- 10.3. The fiscal year of the corporation shall be the calendar year.

- 10.4. Robert's Rules of Order (Latest Edition) shall govern the conduct of the corporation meetings when not in conflict with the Declaration, the Articles of Incorporation or these By-Laws.

- 10.5. Except as specifically provided to the contrary in the By-Laws, the term "lot owner" shall include both the owners of dwellings and unimproved lots.(2)

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Document Update Key

- (1) Indicates the item was amended at the 11/7/1983 General Membership Meeting.
- (2) Indicates the item was amended at the 7/29/1989 General Membership Meeting.
- (3) Indicates the item was amended at the 12/7/1992 General Membership Meeting.
- (4) Indicates the item was amended by special vote of all members of Park Homeowners Association, No. 1 January 25, 2017 and confirmed by Park Homeowners Board of Directors on February 6, 2017.

APPROVAL CERTIFICATE

The foregoing was amended by a vote of the entire membership of the Park Homeowners Association, No. 1 and adopted as the By-Laws of The Park Homeowners' Association, No. 1, a corporation, not for profit, under the laws of the State of Kansas, at a meeting of the Board of Directors held on January 25, 2017.

State of Kansas
County of Sedgwick

The Park Homeowners' Association No. 1 *[Signature]*
Grant Delmar, President

Date: 3-13-17

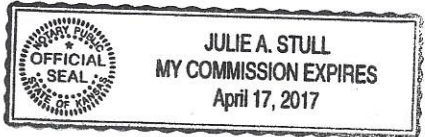
Attested: *[Signature]*
Brooke Mueller, Secretary

Date: 3-13-17

This instrument was acknowledged before me on March 13, 2017 by Grant Delmar, President of The Park Homeowners' Association No. 1 and attested by Brooke Mueller, Secretary of The Park Homeowners' Association No. 1 on behalf of whom instrument was executed.

Julie Stull Notary Public

[Signature]
My appointment expires: April 17, 2017



To all homeowners – The above Declaration of Covenants is a faithful representation of the legal documentation on file with the Register of Deeds, Sedgwick County Kansas. The official record of these covenants are filed on March 14, 2017, inclusive, and are to be referenced for any legal purpose. Any errors or omissions in this document are to be considered non-binding in the event that the error or omission is in conflict or contradicts the official filed version of these covenants.

The Park Homeowners' Association, No. 1 Board of Directors
A Kansas Limited Partnership

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