

## **ARTICLE 5 THE ASSOCIATION**

### **Section 5.1 Responsibilities of the Association**

The Association is responsible for the protection, improvement, alteration, maintenance, repair, replacement, administration, management, and operation of the Common Areas. The Association is specifically responsible for:

**Section 5.1.1** maintaining the streets and sidewalks located on the Common Areas;

**Section 5.1.2** maintaining the landscaped portions of the Common Areas including any monuments;

**Section 5.1.3** maintaining, replacing, restoring or reconstructing street signs and other improvements constructed on the Common Areas;

**Section 5.1.4** paying real estate taxes, Assessments and other charges on those portions of the Common Areas owned by the Association;

**Section 5.1.5** insuring all Improvements which the Association is obligated to maintain against damage by casualty;

**Section 5.1.6** hiring, firing, supervising and paying all independent contractors hired by the Association;

**Section 5.1.7** maintaining liability insurance, which the Association considers necessary to protect the Members and the Board from liability for conditions existing and events occurring on the Common Areas, including, but not limited to, errors and omissions insurance for the Board and Officers of the Association;

**Section 5.1.8** purchasing all goods, supplies, and labor and services reasonably necessary for the performance of these obligations,

**Section 5.1.9** enforcing the Governing Documents;

**Section 5.1.10** establishing and maintaining such cash reserves as the Board considers necessary for the maintenance and repair of the Improvements for which it is responsible and for unforeseen contingencies;

**Section 5.1.11** paying all utility services for Common Area facilities;

**Section 5.1.12** entering into agreements and taking actions which are necessary for the accomplishment of the preceding obligations.

## **Section 5.2 Restrictions on Road Closure**

At no time will the Association block, close, or allow be blocking or closing, any private street within the Properties. Any block or closure of any private street within the Properties will be for a limited period of time for the purpose of making repairs to streets or improvements lying beneath the streets.

## **Section 5.3 By-Laws and Articles of Incorporation**

The manner in which the Association carries out its responsibilities is controlled by the Governing Documents. If there is any conflict between any of the Governing Documents, the Declaration will control. If there is a conflict between the Articles of Incorporation and the By-Laws, the Articles will control.

## **ARTICLE 6 MEMBERSHIPS**

Every person who is an Owner of a Lot is a Member of the Association. Membership is appurtenant to and may not be separated from ownership of any Lot.

## **ARTICLE 7 VOTING RIGHTS**

### **Section 7.1 Voting Rights**

All Members are entitled to vote on those matters, which, under the Governing Documents, require a vote of the membership. Each Member has one vote for each Lot owned by that Member. If a Lot is owned by more than one Person, the co-owners must agree among themselves on how to cast the vote allocated to that Lot. If they cannot agree, the vote will be void. Cumulative voting is not permitted.

### **Section 7.2 Suspension of Voting Rights**

Voting rights will be suspended for non-payment of any Assessment and, after notice and an opportunity for a hearing, if the Owner is in violation of any of the provisions of the Governing Documents.