

**BY-LAWS OF  
OAK CREST HARBOUR TOWNHOME ASSOCIATION, INC.**

OAK CREST HARBOUR TOWNHOME ASSOCIATION, INC., a Louisiana corporation (hereinafter referred to as the “Association”) being the governing body of the property submitted to the townhome regime by Townhome Declaration dated this date, does hereby adopt the following By-Laws which shall govern administration of such townhome project, as provided in compliance with the declaration.

All present or future owners, tenants, or their employees, or any other person who might use the facilities of this townhome property, including the actual townhomes and all common elements, in any manner, are subject to the regulations set forth in these By-Laws. The acquisition, rental or occupancy of any of said townhomes in this development will signify and constitute a ratification and acceptance of these By-Laws by any such owner or person.

**ARTICLE I. VOTING RIGHTS**

**Section 1. Right to Vote.** The right to vote upon Association matters shall be vested in the Board of Directors, as elected or appointed from time to time, and the Members as set forth herein. All assessments must be current in order to exercise the right to vote. All assessments due or any other money owed to the Association (including but not limited to monthly dues/assessments, special assessments, late fees, or money due under a court judgment or recorded lien) must be paid and current in order to exercise the right to vote **OR** to have a voice at an Association meeting. *(Revised 6/4/2012)*

**Section 2. Proxies.** Voting by proxy is hereby authorized provided that all proxies shall be filed in writing with the Secretary of the Association prior to the time of the meeting at which the proxy is to be used.

**Section 3. Quorum.** One half (½) of the Members entitled to vote shall constitute a quorum for the transaction of any business of the Association, including the election of Directors.

**Section 4. Adoption of Resolutions.** A majority of the Members present must vote to approve or adopt a resolution presented at a membership meeting for adoption.

**ARTICLE II. MEMBERSHIP MEETINGS**

**Section 1. Annual Meetings.** The annual meeting of the Association shall be held in January, or as soon as practicable after the first (1<sup>st</sup>) of the year, at such time and place as may be fixed by the Board of Directors.

**Section 2. Special Meetings.** Special meetings of Members of the Association may be called by the president, or by resolution of the Board of Directors, or upon a petition signed by not less than fifty percent (50%) of the members entitled to vote, presented to the Secretary. A notice of any special meeting shall state the time and place of the meeting and the purpose thereof. No business shall be transacted at any special meeting except as stated in such notice, unless by agreement of a majority of the Members present entitled to vote.

**Section 3. Place of Meetings.** Meetings, both general and special, of the membership, shall be held at Oak Crest Harbor Townhomes, in any designated townhome, or at such other suitable place designated by the Board of Directors.

**Section 4. Notice of Meetings.** Notice of the annual meeting of Members of the Association shall be mailed to members at least fifteen (15) days prior to the date fixed for such meetings. Notices of special meetings shall be given to Members at least five (5) days before the meeting is to be held. All such notices shall be mailed by the Secretary of the Association, postage prepaid, first class mail, to the Member at his or her last known address as shown on the records of the Association. Any institution holding a first mortgage on any townhome may, upon written request to the Association, receive notice of and be allowed to attend (through designated representative) all such meetings.

**Section 5. Adjourned Meetings.** If any meeting of the Members cannot proceed by reason of the fact that a quorum is not present, either in person or by proxy at said meeting, the President may adjourn the meeting to a later date which shall not be more than ten (10) days from the time of the original meeting.

**Section 6. Order of Business.** The order of business of the annual meeting of the Members shall be as follows:

- 1) Roll call of Members present;
- 2) Inspection and verification of proxies;
- 3) Reading of minutes of the preceding annual meeting;
- 4) Report of officers;
- 5) President's report;
- 6) Committee reports;
- 7) Appointment of inspectors for canvass of ballots to be cast;
- 8) Election of Members to the Board of Directors;
- 9) Unfinished business, and
- 10) New Business.

### **ARTICLE III BOARD OF DIRECTORS**

**Section 1. Number.** The affairs and business of the Association shall be conducted by the Board of Directors, consisting of not more than five (5) members: the President, Secretary, Treasurer and two (2) members at large.

**Section 2. Election and term of Directors.** The Board of Directors shall be elected at the annual meeting by the Members of the Association.

**Section 3. Vacancies.** Vacancies in the membership of the Board of Directors caused by any reason shall be filled by a vote of a majority of the remaining Board of Directors even though they may constitute less than a quorum; and each person so elected shall be a Director until his or her successor is elected at the next annual meeting of the membership.

**Section 4. Removal of Directors.** The term of office of any Director shall be declared vacant when such Director ceases to be a member of the Association.

**Section 5. Compensation.** Directors shall not be paid any compensation for their services performed as such Directors unless a resolution authorizing such remuneration shall have been adopted by the Association. Directors may be reimbursed for actual expenses incurred in connection with their

duties as such Directors.

**Section 6. Organization Meeting.** Within a period of ten (10) days following the election of a new Board of Directors, an organization meeting shall be held at a time and place fixed by the Board of Directors.

**Section 7. Regular Meetings.** Regular meetings of the Board of Directors shall be held at such time and place as shall be determined from time to time by the President of the Association or by majority of its Board of Directors. Notice of regular meetings of the Board of Directors shall be given each Director personally or by mail or telephone, at least three (3) days prior to the time named for such meeting.

**Section 8. Special meetings.** Special meetings of the Board of Directors may be called by the President or Secretary on forty-eight (48) hours-notice to each Director given personally, by U.S. mail, email or telephone, which notice shall state the time and place of the meeting and the purpose thereof.

**Section 9. Waiver of Notice.** Before or at any meeting of the Board of Directors, any Director may, in writing, waive notice of such meeting and such waiver shall be deemed equivalent to the giving of such notice. Attendance by a Director at any meeting of the Board shall be a waiver of notice by him or her of the time and place thereof. If all the Directors are present at a meeting of the Board, no notice shall be required and any business may be transacted at such meeting.

**Section 10. Quorum.** A majority of the Board of Directors then in office shall constitute a quorum for the transaction of any business of the Association and the acts of the majority of the Directors present at a meeting at which time a quorum was present shall be the act of the Board of Directors. If at any meeting of the Board of Directors there is less than a quorum present, the majority of those present may adjourn the meeting. At any adjourned meeting any business that might have been transacted at the meeting as originally called may be transacted without further notice.

**Section 11. Duties.** The Board of Directors of the Association shall carry out the duties and manage the affairs of the Townhome project known as OAK CREST HARBOUR TOWNHOMES pursuant to and in accordance with the laws of the State of Louisiana and the Townhome Declaration creating and establishing Oak Crest Harbour Townhomes as filed of record with the Register of Conveyance for St. Tammany Parish, State of Louisiana.

**Section 12. Indemnification.** The Manager of a Management Company, if any, employees of the Association and each Director and Officer of the Association, shall be indemnified by the Association against all expenses and liabilities, including attorney's fees, reasonably incurred by or imposed upon them in connection with any proceeding to which they may be a party, or in which they may become involved, by reason of being or having acted as such upon behalf of the Association provided that this indemnification shall not apply if the said person is adjudged guilty of willful misfeasance or malfeasance in the performance of his or her duties; provided further that in the event of a settlement, the indemnification herein shall apply only when the Board approves such settlement and reimbursement as being for the best interest of the Association. The foregoing rights of indemnification shall be in addition to and not exclusive of all other rights to which such person may be entitled.

#### **ARTICLE IV OFFICERS**

**Section 1. Designation.** The principal officers of the Association shall be a President, Secretary

and Treasurer, all of whom shall be elected by the Members of the Association. The officers of the Association may be combined, except that the President and Secretary-Treasurer shall not be the same person. Other officers may be appointed or elected by the Board of Directors from time to time.

**Section 2. Election of Officers.** The officers shall be elected annually by the Members of the Association. Officers shall serve for one (1) year, or until the following annual meeting is held. If, at the next annual meeting, an officer position is not filled, the officer previously elected will continue to serve until the Board of Directors fills the vacancy. *(Revised 6/4/2012)*

**Section 3. Removal of Officers.** Upon an affirmative vote of a majority of the members of the Association any officer may be removed, either with or without cause, and his or her successor may be elected at any regular meeting of the Association, or any special meeting of the Association called for such purpose.

**Section 4. President.** The President shall be the chief executive officer of the Association. He or she shall preside at all meetings of the Association and of the Board of Directors. He or she shall have all of the general powers and duties which are usually vested in the office of the President, including, but not limited to, the power to appoint committees from among the Owners from time to time as he or she may in his or her discretion decide is appropriate to assist in the conduct of the affairs of the Association.

**Section 5. Secretary.** The Secretary shall have the responsibility for keeping the Minutes of all meetings of the Board of Directors and the Association and such correspondence as shall be necessary, and such other duties as shall from time to time be imposed on him or her by the Board of Directors.

**Section 6. Treasurer.** The Treasurer shall have the responsibility for Association funds and shall be responsible for keeping full and accurate accounts of all receipts and disbursements of the Association, and deposit its funds in such Banks and Savings & Loan Associations which earn a standard rate of interest and are insured by the FDIC, as may from time to time be designated by the Board of Directors.

**Section 7. Indemnification.** Officers of the Association shall be indemnified for any act they may perform upon behalf of the Association in the same manner herein provided for indemnification of members of the Board of Directors.

## **ARTICLE V RULES & REGULATIONS**

**Section 1. Promulgation of Rules.** The Board of Directors may, from time to time, promulgate rules and regulations governing the Units Common Elements as a supplement to the conditions and restrictions contained in the Townhome Declaration of Oak Crest Harbour Townhomes filed of record with the Register or Conveyances for St. Tammany Parish, Louisiana.

**Section 2. Harbor Regulations:** *(Revised 3/14/2007)*

- 1) Please respect the privacy of individual boat slips and waterfront townhomes.
- 2) Running, horseplay, diving/jumping, loud music and unnecessary noise are not permitted on the boardwalk, docks or waterfront. Do not sit or play on the fences along the decks.
- 3) A resident MUST accompany guests on the boardwalk, docks or waterfront.
- 4) An adult MUST accompany guests under 18 years old and residents under 13 years old on the boardwalk or within fifteen feet of the waterfront. Unaccompanied children or visitors will be asked to leave.

- 5) Use safe mooring equipment and procedures (see Harbor master for suggestions.) Do not tie any vessel up to electrical boxes, struts, planking, etc. Individual homeowners will be assessed for damage due to their negligence or that of their guests. (Article 5: Section 3, d. (b) of the Townhome Declaration)
- 6) Remove personal possessions and trash (including cigarette and cigar butts) from the boardwalk, docks and waterfront property.
- 7) Notify Harbor master of visiting boats. An owner may allow a visiting boat to be moored at his or her slip for no more than 10 days in any calendar quarter. During the calendar quarter the owner may have more than one boat moored at his or her slip, with each mooring for 10 days or less; however it cannot be the same boat. If an owner is not using his or her assigned boat slip, he or she may allow another Oak Crest Harbour Townhome owner to use his or her slip indefinitely, without any remuneration whatsoever passing between the two.
- 8) Follow the Harbor masters instructions in the event of storm warning.

Each owner will be asked to fill out an information sheet giving current information about his or her boat (name of vessel, type, registration information and brief description of boat) and return it to the Harbor master. Individual homeowners will be assessed for damage due to negligence by their vessel or any visiting vessel in a townhome slip, as allowed out in Article V: Section 3 (b) of the Townhome Declaration.

**Section 3. Pool Rules:** *(Revised 7/23/2005)*

- 1) There is no life guard on duty. Swim at your own risk.
- 2) Running or horseplay is not permitted.
- 3) No sitting or playing on the fences or the gates.
- 4) Pets are not allowed in the pool area.
- 5) No loud music or unnecessary noise.
- 6) Breakable containers are not permitted in pool area.
- 7) Remove your personal possessions and trash promptly. This includes cigarette/cigar butts!
- 8) Residents must accompany guests in the pool area. Non-resident owners must accompany any family members or guests on Oak Crest Harbour Townhome premises. *(Revised 6/4/2012)*
- 9) An ADULT MUST accompany guests under the age of 18 and residents under the age of 13 years old.
- 10) The swimming pool area closes to minors at 10 p.m. and does not re-open to them until 8 a.m. *(Revised 5/12/2007)*

**Section 4. Non-Compliance.** All townhome owners have a vested interest in maintaining property values while reducing costs. In addition, all owners have an insurable interest in the pool, waterfront, boat slips and other common areas. The Oak Crest Harbour Townhome Association seeks to insure the well-being of the community, protect the privacy of individual homeowners preserve and increase property values and limit liabilities under Article V of the By-Laws of the Association.

The Board of Directors of the Association should be notified in writing of non-compliance with the conditions and restrictions contained in the Townhome Declaration of Oak Crest Harbour Townhomes or the supplementary rules and regulations governing the Units and Common Elements set forth in the By-Laws of the Association. A letter of reminder, if appropriate, will be sent by the Board to the homeowner concerned. If the Board is notified in writing of a second incident of non-compliance, an appropriate warning letter will be sent to the homeowner concerned. In the event of a third similar incident of non-compliance reported in writing, the Board may consider further action, such as a restraining order. If appropriate, an additional rider on the master insurance policy may be obtained and the homeowner concerned assessed as provided by Article V, Section 3) b) of the Townhome Declaration.

#### **Section 5. Parking Restrictions**

- 1) Parking in the Oak Crest Harbour Townhome lots is limited to two (2) vehicles per unit.
- 2) Owners/guests should park in numbered spaces assigned to the homeowner's unit only.
- 3) Unused vehicles should not be stored in the Oak Crest lots.
- 4) "NO PARKING" AREAS:
  - a. No vehicle should be parked in the "drive way" area in any manner that it would block access to the parking lot by other residents.
  - b. No vehicle should be parked in any area marked as a "fire lane".
- 5) Guests should be encouraged to park in the public lot along Jackson Avenue. It is the responsibility of each townhome owner to make sure that visitors, repairmen and other invitees are aware of and abide by the parking restrictions.

As a supplement to the **Parking** Regime, any two property owners by mutual consent and with the concurrence of the Board of Directors may swap parking places. Any such swap agreement may be extended to include the assigned **boat slips**, with the owners paying for the rewiring of the shore power connections. Parking assignments in the south parking lot (Jefferson Street) are as follows, two spots per unit, beginning from Jackson Street: 305, 309, 313, 301, 321, 319, 311, 307 and 303 nearest the Bayou. Parking assignments in the north parking lot are south side, two spots per unit, beginning from Jackson Street: 317, 315, 323 and the north side, two spots per unit, beginning from Jackson Street 329, 327 and 325.

### **ARTICLE VI BOOKS AND RECORDS - INSPECTION**

**Section 1. Books and Records.** The Board of Directors shall cause to be maintained at the principal office of the Association, complete books of account of the affairs of the Association.

**Section 2. Inspection.** Such books of account shall be open to inspection upon the written demand of any member or holder of a first mortgage on any Unit for a purpose reasonably related to his or her interest as Owner or first mortgage holder and shall be exhibited to such Owner or holder at any reasonable time upon reasonable request made to the Board of Directors. The time and place of such inspection shall be at the discretion of the Board of Directors. Such inspection may be made in person, or by agent or his or her attorney, and the right of inspection includes the right to make extracts or perform audits. All of the foregoing shall be at the expense of the inspecting party. Requests for inspection shall

be made in writing, directed to the President or Secretary of the Board of Directors. Upon written request, any member or holder of a first mortgage on any unit may receive an annual financial statement of the Association within ninety (90) days following the end of any fiscal year of the Association.

## ARTICLE VII AMENDMENTS

Section 1. By-Laws. These by-Laws may be amended by a majority vote of the Board of Directors at any regular meeting or at any special meeting called for such purpose. The notice of any meeting to amend the By-Laws shall specify such purpose.

Section 2. Articles of Incorporation. The Articles of Incorporation of the Association may be amended by a two-thirds vote of the members present, in person or by proxy, entitled to vote thereon, at any regular or special meeting called for such purpose. The Board shall adopt a resolution setting forth the proposed amendment and directing its submission to such vote. Written notice setting forth the proposed amendment or a summary of changes to be effected thereby shall be given to each member entitled to vote thereon at least ten (10), but no more than thirty (30) days, before such meeting.

## ARTICLE VIII ASSESSMENTS AND RESERVE

Each Owner, upon transfer of title, agrees to pay the Association (1) assessments and charges, and (2) special assessments to be fixed, established and collected from time to time as herein provided. Such Assessments, together with late fees and/or interest, and the cost of collection in the event of delinquency in payment as allowed hereinafter, also shall be the personal obligation of the person who was the Owner, or the persons jointly and severally who were the Owners at the time when the assessment was made. Payment of the assessment shall be made by the Owners of the Association on a monthly or other periodic basis.

The Board of Directors shall collect special assessments and an initial capital contribution to provide for reserves for maintenance, replacements, working capital and other appropriate purposes as more fully set forth in the Townhome Declaration for Oak Crest Harbour Townhomes. Fees or assessments which are not paid by the 5<sup>th</sup> day of each month are delinquent and shall bear interest from the date of delinquency at the rate of twelve percent (12%) per annum plus incur (on both monthly and special assessments) a late fee of \$25 per month for that month and for all subsequent months that the assessment remains outstanding. *(Revised 5/10/2007)*

In the event of delinquency, the Board of Directors may also take steps to reduce, restrict, or interrupt access by delinquent owners to services or utilities funded by the Association, including, but not limited to, well and city water. Delinquent homeowners will be notified by certified letter ten days prior to such action. Extenuating circumstances contributing to delinquency may be appealed in writing to the Board of Directors within those ten days, or, following a written request submitted to the Board within those ten days, a delinquent homeowner will be given an opportunity to be heard by the Board of Directors at a private meeting not to be held at the Annual Meeting. *(Revised 6/4/2012)*

## ARTICLE IX ARBITRATION

Disputes arising among unit owners concerning the administration of the Townhome property

which cannot be resolved amicable shall be submitted to arbitration. The Board of Directors shall appoint one or more persons to act as arbitrator.

The foregoing By-Laws were duly adopted at a meeting of the Board of Directors held on the 7<sup>th</sup> day of March, 1993.

Signed: Larkin E. Fultz Secretary

By-laws reviewed, revised and ratified by the Board of Directors on the tenth day of May, 2007.

Signed: Leigh Anne Gleghorn Secretary

By-laws reviewed, revised and ratified by the Board of Directors on the 4<sup>th</sup> day of June, 2012.



Signed: Susan L. Daigle, Secretary