

202312200096 TBYE 9 PGS
 12/20/2023 10:26:42 AM \$211.50
 AUDITOR, Pierce County, WASHINGTON

Name & Return Address:

MARCI J. TENNANT
 P.O. BOX 1147
 MCKENNA, WA 98558

Washington State Recorder's Cover Sheet (RCW 65.04) Please print legibly or type information.

<p>Document Title(s) BYLAWS OF SUNSET ACRES HOMEOWNERS ASSOCIATION</p>
<p>Grantor(s) SUNSET ACRES HOMEOWNERS ASSOCIATION</p> <p>____ Additional Names on Page ____ of Document</p>
<p>Grantee(s) PUBLIC</p> <p>____ Additional Names on Page ____ of Document</p>
<p>Legal Description (Abbreviated: i.e., lot, block & subdivision name or number OR section/township/range and quarter/quarter section)</p> <p>Complete Legal Description on Page ____ of Document</p>
<p>Auditor's Reference Number(s)</p>
<p>Assessor's Property Tax Parcel/Account Number(s)</p>
<p>Non Standard Fee \$50.00 By signing below, you agree to pay the \$50.00 non standard fee. I am requesting an emergency non standard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.</p>
<p>Signature of Party Requesting Non Standard Recording NOTE: Do not sign above or pay additional \$50.00 fee if document meets margin/formatting requirements.</p> <p>The Auditor/Recorder will rely on the information provided on this cover sheet. Staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.</p>

For reference only, not for re-sale.

**BYLAWS
OF
SUNSET ACRES HOMEOWNERS ASSOCIATION
NON-PROFIT WASHINGTON CORPORATION**

**ARTICLE 1
PURPOSES**

SECTION 1. These Bylaws are adopted for the administration of the Association and property described in that certain Declaration of Protective Covenants, Conditions and Restrictions (the "Declaration") recorded on February 6, 1996, under Pierce County Auditor's No. 9602060943, together with such other property as may, from time to time, be made subject to said Declaration.

SECTION 2. The terms used in these Bylaws shall have the same meaning as in the Declaration, unless otherwise indicated.

SECTION 3. The initial office of the Association shall be located at 4224 Waller Road, Tacoma, Washington 98443-1623.

**ARTICLE 2
MEMBERSHIP AND VOTING**

SECTION 1. Membership of the Association shall consist of and be limited to the initial members and such others as are record owners of a fee interest in any lot within SUNSET ACRES large lot subdivision as recorded under Auditor's No. 9601190255, in Pierce County, Washington, together with any subsequent phases of said development as may, from time to time, be made subject to the Declaration; PROVIDED that any such person or entity who holds such interest merely as a security for the performance of an obligation shall not be a member. Owners shall be subject to the Articles of Incorporation and Bylaws of the Association and shall pay assessments to the Association as provided in their contracts, deeds, Protective Covenants, these Bylaws and/or the Articles of Incorporation.

The Association shall have one class of voting membership:

Class A: Class A members shall be all those owners as defined in Section 3.1 of the Declaration. Class A members shall be entitled to one (1) vote for each lot in which they hold the interest required for membership in Section 3.1. When more than one person holds such interest in the lot, all such persons shall be members and the vote for such lot shall be exercised as they among themselves determine, but in no event shall more than one vote be cast with respect to any such lot.

For reference only, not for re-sale.

Lot owners, for purposes of such membership are:

- (1) Fee owners pursuant to a Deed.
- (2) Grantors under a Real Estate Trust; or
- (3) Purchasers under a Real Estate or Land Contract.

SECTION 2. VOTING: Votes may be submitted in person, by proxy, or by mail to vote for officers and any measures determined by the Association Board of Directors. Mail returned ballots must be received by the Association Board of Directors on or before the stipulated return date (meeting date or due date if no meeting has been called) and will be added to those ballots cast in person or by proxy at the meeting, if one is held. This total number of votes must meet the 20% of Association voting members requirement to be valid. Ballots not returned or received by due date will be considered as not present and therefore not count.

Ballots returned by mail do not count towards any meeting quorum, 20% of all association members, this quorum must be met by members and proxies present at a meeting.

For any measure that the Association Board wishes to be voted on by mail. The Board of directors must mail the ballots and all information explaining the measure to be voted on, to every Homeowner's association address or alternate address on record with the Board, 60 days before the required due date.

ARTICLE 3.

DIRECTORS AND OFFICERS

SECTION 1. Power of the Association shall be vested in a Board of Directors. The number of directors who shall manage the affairs of the Association shall be not more than nine or less than three. At any meeting or special meeting called therefore the members may increase or decrease the number of directors to any number not more than nine or less than three. All directors must be a member as defined in Article II or a designated representative of a member.

SECTION 2. Directors shall be elected to serve two years, or until their successors are elected and duly qualified; provided, the first Board of Directors following transfer of management by the Developer shall be elected by the members for staggered terms (i.e., at least two directors will be elected for one-year terms) so as to assure continuity of management from year to year). Thereafter, directors shall be elected by the members at the annual meeting.

SECTION 3. At the first meeting of the Board of Directors, they shall elect a president, vice-president, secretary, and treasurer. The Board may also at any time appoint an executive secretary and /or assistant secretary and /or assistant treasurer. Officers of the Association so elected shall hold office for the term of one year and until their successors are qualified. Any officer may be suspended or removed by a majority vote of all of the

directors. Thereafter, officers shall be elected by the Board of Directors at the annual meeting.

SECTION 4. No director or officer shall receive any salary or compensation from the Association.

SECTION 5. The Board of Directors may fill vacancies in its membership of the unexpired portion of any term by appointment by a majority vote of the voting power in the Association present, in person or by proxy, and entitled to vote at any meeting of the members at which a quorum is present, may remove any member of the Board of Directors with or without cause.

ARTICLE 4

MEETINGS

SECTION 1. Annual meetings of the members of the Association shall be held at the principal place of business of the Association or at such other place as the Board of Directors may select. The annual meeting shall be determined by the Board to a Wednesday in October. Notice thereof shall be given by the secretary by mailing a notice to each member not less than twenty-one days prior to the date of the meeting.

SECTION 2. Special meetings of the members may be called at any time by the President or a majority of the Board of Directors or upon written request by the members who are entitled to vote twenty-five percent (25%) of all the votes of the Class "A" membership. Notice of the special meeting stating the object thereof shall be given by the Secretary by mailing such notice to each member not less than 30 days prior to the date on which such meeting is to be held.

SECTION 3. A member may exercise his right to vote by proxy.

SECTION 4. At all annual mandatory special meetings, the presence of members entitled to cast, or of proxies entitled to cast, 20% of the votes of each class of membership shall constitute a quorum for the transaction of business.

ARTICLE 5

POWERS AND DUTIES OF DIRECTORS

SECTION 1. Subject to limitations in the Articles of Incorporation, these Bylaws and Laws of the State of Washington, all powers of the Association shall be exercised by and under the authority of and the business affairs of the Association shall be controlled by the Board of Directors. Without prejudice to such general powers, and subject to the same limitations, it is hereby expressly declared that the directors shall have the following powers:

- (a) Adopt and publish rules and regulations governing the use of common areas and facilities, and the personal conduct of the members and their guests thereon, and to establish penalties for the infraction thereof.

- (b) Suspend the voting rights and the right to use of common areas and facilities member during any period in which such member shall be in default in the payment of any assessment levied by the Association.
- (c) Exercise for the Association of all powers, duties and authority vested in or delegated to this Association and not reserved to the membership by other provisions of these Bylaws, the Articles of Incorporation, or the Declaration.
- (d) Employ a manager, or independent contractor, or such other employees as they deem necessary, and to prescribe their duties.

THE BOARD SHALL NOT HAVE THE POWER TO:

- (a) Amend the Articles of Incorporation or take any action that requires the vote or approval of the members.
- (b) Terminate the Association.
- (c) Elect member of the Board of Directors, or to determine the qualification, powers, and duties, or terms of office of members of the unexpired portion of any term, to serve until the next annual meeting.
- (d) Perform any act expressly prohibited under RCW 64.38.

DUTES OF THE BOARD OF DIRECTORS:

It shall be the duty of the Board of Directors to:

- (a) Cause to be kept a complete record of all its acts and corporate affairs and to present a statement thereof to the members at the annual meeting of the members, or at any special meeting when such statement is requested in writing by twenty-five (25%) of the Class A members who are entitled to vote.
- (b) Supervise all officers, agents, and employees of this Association and to see that their duties are properly performed.
- (c) As more fully provided in the Declaration to:
 - (1) Fix the amount of the annual assessment against each lot at least thirty (30) days in advance of each annual assessment period.
 - (2) Send written notice of each assessment to every Owner subject thereto at least thirty (30) days in advance of each annual assessment period.
 - (3) Levy and collect special assessments as more particularly described in the Declaration; and
 - (4) Place a lien against any property for which assessments are not paid, or to bring an action at law against the owner personally obligated to pay the same.

For reference only, not for re-sale.

- (d) Procure and maintain adequate liability and hazard insurance on property owned by the Association.
- (e) Cause all officers and employees having fiscal responsibilities to be bonded, as it may deem appropriate.
- (f) Cause all property/facilities owned by the association, including roads, storm drainage system, etc. to be properly maintained.

ARTICLE 6

DUTIES OF OFFICERS

SECTION 1. President. The President shall preside at all meetings of the directors and members; shall sign as President all certificates and all other instruments in writing authorized by the Board of Directors; shall call special meetings of the Directors or of the members whenever deemed necessary; shall have and exercise under the direction of the Board of Directors, the general supervision for enforcing the Articles of Incorporation and Bylaws and any rules and regulations established by the Board of Directors and levying such penalties deemed necessary as provided by the Bylaws.

SECTION 2. Vice President. The Vice-President shall preside at all meetings in the absence of the President, and in case of the absence or disability of the President shall perform all other duties of the President which are incidental to his office.

SECTION 3. Secretary. The Secretary shall issue all notices and shall attend and keep the Minutes of all meetings; shall have charge of all Association books, records, and papers; shall attest his/her signature on all written contracts of the Association and shall perform all such other duties as are incidental to his office. In addition, the Secretary shall keep appropriate current records showing the members of the Association, together with their addresses.

SECTION 4. Treasurer. The Treasurer shall keep safely all monies and securities of the Association and disburse the same under the direction of the Board of Directors; shall cause to be deposited all funds of the members, and at any time directed by the directors shall issue and present a full statement showing in detail the condition of the affairs of the Association.

SECTION 5. The Executive Secretary and/or Assistant Secretary and/or Assistant Treasurer, if appointed by the Board of Directors, shall perform such duties as may be designated by it.

SECTION 6. Any officer, other than the President, may occupy two offices concurrently if the Board of Directors so directs.

For reference only, not for re-sale.

ARTICLE 7**BUDGET**

Within thirty (30) days after adoption by the Board of Directors of any proposed regular or special budget of the Association, the Board shall set a date for a meeting of the members to consider ratification of the budget not less than fourteen (14), nor more than sixty (60) days after mailing of the summary. Unless at that meeting the members of a majority of the votes in the Association are allocated or any larger percentage specified in the governing documents reject the budget, in person or by proxy, the budget is ratified, whether or not a quorum is present. In the event the proposed budget is rejected, or the required notice is not given, the periodic budget last ratified by the members shall be continued until such time as the members ratify a subsequent budget proposed by the Board of Directors.

ARTICLE 8**ASSESSMENTS**

As more fully provided in the Declaration, each member is obligated to pay the Association annual and special assessments which are secured by a continuing lien upon the property against which the assessment is made. Any assessments which are not paid when due shall be delinquent and shall be subject to a late fee as described in the Declaration. If the assessment remains unpaid, the Association shall place a lien upon the property against which the assessment is made. The Association may bring an action at law against the owner personally obligated to pay the same or foreclose the lien against the property, and interest, costs, and reasonable attorneys' fees of any such action shall be added to the amount of such assessment. No owner may waiver or otherwise escape liability for the assessments provided for herein by nonuse of the common areas or abandonment of his lot.

ARTICLE 9**DISSOLUTION**

In event of a dissolution of the Association, the property, and assets after all debts have been paid, shall be distributed as provided for in the Articles of Incorporation.

ARTICLE 10**AMENDMENTS**

SECTION 1. These Bylaws may be amended, by a vote of a majority of members of the association members returning mail in ballots in accordance with Article 2, Section 2 of this document.

SECTION 2. In the case of any conflict between the Articles of Incorporation and these Bylaws, the Articles shall control; and in the case of any conflict between the Declaration and these Bylaws, the Declaration shall control.

ARTICLE 11

FISCAL YEAR

The fiscal year of the Association shall coincide with the calendar year, except that the first fiscal year shall begin on the date of incorporation.

Adopted by resolution of the Association's Board of Directors on March 15, 1996.

THE PAGE THAT FOLLOWS IS THE SIGNATURE AND AFFIDAVIT PAGE.

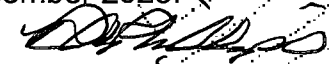

For reference only, not for re-sale.

**ADOPTION OF AMENDED AND RESTATED BYLAWS
FOR
SUNSET ACRES HOMEOWNERS ASSOCIATION, INC.**

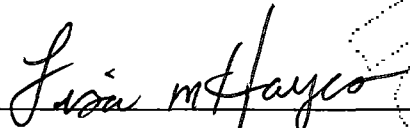
(A nonstock, nonprofit corporation - effective 5 December 2023)

The undersigned, constituting the current Board of Directors for SUNSET ACRES HOMEOWNERS ASSOCIATION, INC., in the form attached hereto and incorporated by this reference, is hereby adopted as the Bylaws for the Association.

IN WITNESS WHEREOF, the undersigned execute this Resolution, effective as of 5 December 2023.

Rodney A. Phillips, President



Lisa M. Hayes, Secretary

State of Washington)
County of Pierce)

On this day personally appeared before me Rodney A. Phillips, President and Lisa M. Hayes, Secretary, to me known to be the individual(s) described in and who executed the within and foregoing instrument and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and seal of office this 5th day of December 2023.



Notary Public residing at 34301 24th Avenue East, Roy, Washington 98580.

Printed Name: Marti J. Tennant

My Commission Expires: September 28, 2025

NOTARY PUBLIC
STATE OF WASHINGTON
MARTI J TENNANT
COMM. # 113335
COMM. EXP. 09/28/2025

For reference only, not for re-sale.