

BY-LAWS OF  
DILLON PINES APARTMENT ASSOCIATION

ARTICLE I - OFFICES

The principal office of the corporation in the State of Colorado shall be located in the town of Dillon, Summit County, Colorado. The corporation may have such other offices within the State of Colorado as the Board of Directors may determine the affairs of the corporation require from time to time.

ARTICLE II - MEMBERS

SECTION 1. (Amended September 10, 1977) Each apartment constructed on Lots 4 and 8, Block D, New Town of Dillon, Summit County, State of Colorado, shall be entitled to one membership in the corporation, whether ownership interest in such apartment is held by one person individually, a corporation, or two or more persons in joint tenancy, or as tenants in common.

SECTION 2. (Amended September 10, 1977) Membership in the corporation shall accrue automatically to the owner or owners of each apartment, whether such apartment is located on Lots 4 and 8, described above, or on any other lot in the New Town of Dillon, Summit County, State of Colorado, the management of which is agreed to by the Board of Directors. The rights, obligations, and privileges of membership shall be exercised by the owners of said apartments but cessation of membership shall not relieve a member of the obligation to pay any assessments or other charges theretofore accrued and unpaid.

SECTION 3. Each apartment constructed upon any land managed by the corporation shall be entitled to one vote regardless of the manner in which title to such apartment is held. If two or more individuals who together own a single apartment cannot agree upon how to vote on any matter when the vote is called for, then the presiding officer may rule that such vote is forfeited.

ARTICLE III - MEETINGS OF MEMBERS

SECTION 1. (Amended September 10, 1977) An annual meeting of the members shall be held on the second Saturday of September in each year, or at such other time and at such place as the Board of Directors determines at an hour designated by notice, for the purpose of electing directors and for the transaction of such other business as may come before the meeting. If the election of directors shall not be held on the day designated herein for the annual meeting, or at any adjournment thereof, the Board of Directors shall cause the election to be held at a special meeting of the members as soon thereafter as conveniently may be.

SECTION 2, Special Meetings. Special meetings of the members may be called by the President, the Board of Directors, or not less than one-third of the voting membership.

SECTION 3. Place of Meeting. The Board of Directors may designate any place within the State of Colorado as the place of meeting. If no place is designated or if a special meeting be otherwise called, the place of meeting shall be the principal office of the corporation.

SECTION 4. Notice of Meeting. Written notice stating the place, day and hour of any meeting of members shall be delivered either personally or by regular mail to each member not less than seven days nor more than thirty days before the date of such meeting. In case any amendment of the Certificate of Incorporation or the By-Laws of this corporation, or any assessment, or change in assessment, of the members of the association is to be voted upon, the purpose for which the meeting is called shall be stated in the notice.

SECTION 5. Informal Action by Members. Any action required by law to be taken at a meeting of the members, or any action which may be taken at a meeting of members, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by not less than one member of each voting membership.

SECTION 6. Quorum. A majority of the voting memberships shall constitute a quorum at any meeting. If a quorum is not present at any meeting of members, a majority of the voting memberships present may adjourn the meeting from time to time without further notice.

SECTION 7. Proxies. At any meeting of members, a voting membership may be represented by proxy executed in writing by a member representing such voting membership. Proxies shall be filed with the Secretary before being used in connection with any vote which is taken.

SECTION 8. Voting by Mail. Where directors or officers are to be elected by the voting membership, such election may be conducted by mail in such manner as the Board of Directors may determine.

#### ARTICLE IV - BOARD OF DIRECTORS

SECTION 1. General Powers. The affairs of the corporation shall be managed by its Board of Directors. Directors must be owners of apartments which have voting membership in the corporation.

SECTION 2. Member, Tenure. The number of directors shall be five. Each director shall hold office until the next annual meeting of members and until his successor shall have been elected, provided that if a director ceases to be an owner, his term shall likewise cease.

SECTION 3. Powers and Duties. The Board of Directors shall have the powers and duties necessary for the administration of the affairs of the association and may do all such acts and things as are not by law or by these By-Laws directed to be exercised and done by the owners.

SECTION 4. Other Duties. In addition to duties imposed by these By-Laws or by resolutions of the association, the Board of Directors shall be responsible for the following:

(a) Care, upkeep and surveillance of the project and the common areas and facilities.

(b) Collection of monthly assessments from the owners.

(c) Designation and dismissal of the personnel necessary for the maintenance and operation of the project and the common areas and facilities.

SECTION 5. The Board of Directors shall have the powers and duties set forth in the Certificate of Incorporation of this corporation and the powers and duties set forth in the Declaration of Covenants, Easements, Restrictions and Homes Association Declaration for Dam Site Apartments-South recorded in Summit County, Colorado in Book 170 at pages 358-361.

SECTION 6. Management Agent. The Board of Directors may employ for the association a management agent at a compensation established by the Board to perform such duties and services as the Board shall authorize including, but not limited to, the duties listed in Section 4 of this Article.

SECTION 7. Regular and Special Meetings. A regular annual meeting of the Board of Directors shall be held without other notice than this By-Law, immediately after, and at the same place, as the annual meeting of members. Special meetings may be called by or at the request of the president or any two directors.

SECTION 8. Notice. Notice of any special meeting of the Board of Directors shall be given previously thereto either orally or in writing. Any directors may waive notice of any meeting before, at, or after the meeting. The attendance of a director of any meeting shall constitute a waiver of notice of such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting was not lawfully called.

SECTION 9. Quorum. A majority of the Board of Directors shall constitute a quorum for the transaction of business at any meeting, but if less than a majority of the directors are present, a majority of those present may adjourn the meeting from time to time without further notice.

SECTION 10. Vacancy. The Board of Directors may by majority vote of the remaining directors, fill any vacancy occasioned by death, transfer of ownership, resignation, or other circumstances. A director elected to fill a vacancy shall be elected for the unexpired term of his predecessor in office.

SECTION 11. Compensation. Directors as such shall not receive any stated salaries for their services, but may be reimbursed for actual expenses incurred in attending any meeting. Nothing herein shall be construed to preclude any director from serving the corporation in any other capacity and receiving compensation therefor.

SECTION 12. Informal Action. Any action required to be, or which may be, taken at a meeting of the directors, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the directors.

ARTICLE V - OFFICERS - Ed Secretaries:

SECTION 1. Designation. The principal officers of the association shall be a President, a Vice President, a Secretary, and a Treasurer, all of whom shall be elected by the Board of Directors. The directors may appoint an assistant treasurer, and an assistant secretary, and such other officers as in their judgment may be necessary.

SECTION 2. Election of Officers. The officers of the association shall be elected annually by the Board of Directors at the organization meeting of each new Board and shall hold office at the pleasure of the Board.

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

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

SECTION 5. Vice President. The vice president shall take the place of the president and perform his duties whenever the president shall be absent or unable to act. If neither the president nor the vice president is able to act, the Board of Directors shall appoint some other member of the Board to so do on an interim basis. The vice president shall also perform such other duties as shall from time to time be imposed upon him by the Board of Directors.

SECTION 6. Secretary. The secretary shall keep the minutes of all meetings of the Board of Directors and the minutes of all meetings of the association; he shall have charge of such books and papers as the Board of Directors may direct; and he shall, in general, perform all the duties incident to the office of secretary.

SECTION 7. Treasurer. The treasurer shall have responsibility for association funds, and securities, and shall be responsible for keeping full and accurate accounts of all receipts and disbursements in books belonging to the association. He shall be responsible for the deposit of all moneys and other valuable effects in the name, and to credit, of the association in such depositories as may from time to time be designated by the Board of Directors.

## ARTICLE VI - OBLIGATIONS OF OWNERS

SECTION 1. Assessments. All owners are obligated to pay monthly assessments imposed by the association to meet all common expenses, which may include a liability insurance policy premium and an insurance premium for a policy to cover repair and reconstruction work in case of hurricane, fire, earthquake or other hazard. The assessments shall be made pro rata according to the number of units covered. Such assessments shall include monthly payments to a general operating reserve and a reserve fund for replacements as required by resolution of the Board of Directors.

### SECTION 2. Maintenance and Repair.

(a) Every owner must perform promptly all maintenance and repair work within his own unit, which if omitted would affect the project in its entirety or in a part belonging to other owners, being expressly responsible for the damages and liabilities that his failure to do so may engender.

(b) All the repairs of internal installations of the unit such as water, light, gas, power, sewage, sanitary installations, doors, windows, lamps and all other accessories belonging to the unit shall be at the owner's expense.

(c) An owner shall reimburse the association for any expenditures incurred in repairing or replacing any common area and facility damaged through his fault.

### SECTION 3. Use of Family Units.

(a) All units shall be utilized for residential purposes only.

(b) Any owner shall not make structural modifications or alterations in his unit or installations located therein without previously notifying the association in writing, through the management agent, if any, or through the president of the association, if no management agent is employed. The association shall have the obligation to answer within thirty days and failure to do so within the stipulated time shall mean that there is no objection to the proposed modification or alteration.

### SECTION 4. Use of Common Areas and Facilities.

(a) The Board of Directors may from time to time prescribe the use which may be made by the owners of the apartments and their tenants of the common area and may install thereon for the use of such persons the playground equipment, tables, and other facilities or improvements as may be determined by the Board of Directors.

(b) The Board of Directors may assess the owners of the apartments for the costs of improvements placed upon the common areas.

SECTION 5. Right of Entry.

(a) An owner shall grant the right of entry to the management agent or to any other person authorized by the Board of Directors or the association in case of any emergency originating in or threatening his unit, whether the owner is present at the time or not.

(b) An owner shall permit other owners, or their representatives, when so required, to enter his unit for the purpose of performing installation or repairs to the water, gas, sewer, or electrical services, provided that requests for entry are made in advance and that such entry is at a time convenient to the owner. In case of an emergency, such right of entry shall be immediate.

SECTION 6. Rules of Conduct.

(a) No resident of the project shall post any advertisements, or posters of any kind in or on the project except as authorized by the association.

(b) Resident shall exercise extreme care about making noises or the use of musical instruments, radios, television, and amplifiers that may disturb other resident. Residents keeping domestic animals will abide by the municipal sanitary regulations.

(c) It is prohibited to hang garments, rugs, etc., from the windows or from any of the railings on the balconies.

(d) It is prohibited to dust rugs, etc., from the windows, or to clean rugs, etc. by beating on the balconies or porch of the ground level.

(e) It is prohibited to throw garbage or trash outside the disposal installations provided for such purposes in the common area.

(f) No owner, resident or lessee shall install wiring for electrical or telephone installation, television antennae, machines or air conditioning units, etc., on the exterior of the project or that protrude through the walls of the roof of the project except as authorized by the association.