

# **Timber Lakes Community Association, INC.**

*Last Amended, Feb 2016*

## **Article I NAME**

The name of this corporation shall be TIMBER LAKES COMMUNITY ASSOCIATION, INC., hereinafter referred to as "ASSOCIATION," a non-profit corporation incorporated under the laws of the State of New Jersey in the month of December 1958.

## **Article II OBJECTS**

The object of the Association is to:

1. Provide aid and assistance of a charitable nature in the community.
2. Promote sports and projects of education for the children.
3. Endeavor to combat juvenile delinquency.
4. Provide awards to outstanding children in the community of Cecil, New Jersey, for attainment in schoolwork or other outstanding achievements.
5. Provide social activities, promote civic improvements and promote the general welfare of the community.

## **Article III MANAGEMENT**

The management of the Association shall be vested in 15 trustees; to be elected as may be provided in the by-laws. All matters shall be governed by the majority vote of the trustees, a quorum being present. They shall make all interpretations of these Articles and any by-laws.

## **Article IV Membership**

1. Regular membership shall be limited to a property owner of Timber Lakes and/or spouse.
2. Associate membership shall be limited to residents of but not property owners in Timber Lakes.

## **Article V Meetings**

Meeting of the Association shall be held as provided in the by-laws but in no case shall there be less than three meeting in a calendar year.

## **Article VI Amending Constitution**

The constitution may be amended at any regular meeting of the Association provided notice of the intention to do so is given in writing to the regular membership at least two weeks prior to the next Association meeting. Any rebuttal to the proposed change shall be made in writing and in possession of the Secretary of the Association at least 48 hours prior to the meeting. The last reading of the proposed amendment shall be presented to the Association at its next meeting following notification of proposed change. A two-thirds majority vote of the regular members present, a quorum being understood, shall be required for adoption.

# By-Laws

## Section 1

The President and Vice-President shall be elected by the trustees for a maximum term of three years or until his current term expires. The secretary and/or the treasurer's terms shall be at the discretion of the trustees.

## Section 2

- (A) All members of the Board of Trustees will be elected to the Board by popular vote of the regular membership.
- (B) All vacancies on the Board occurring before general election shall be filled by appointment by the Board; such appointed Trustee to serve only until the next annual election, preference being given to candidates failing selection at the previous election.
  - I. Trustees may be removed from the Board for failure to attend two consecutive meeting without excusable cause and/or non-payment of dues by the first day of May.
- (C) At the Association meeting in the month of August, the president shall present to the Association, the names of the candidates endorsed by the nomination committee and approved by the Board of Trustees. Nominations, from the floor, may be made at the meeting by any regular members in good standing. Nominations shall be closed at the time of the adjournment of the August meeting. Elections of Trustees shall be held at the October Meeting.
- (D) The five candidates receiving the highest number of votes shall serve for three years. Those receiving the next highest vote shall serve for the longest unexpired term, in descending order. The results of the election, including the respective terms of office, shall be entered in the minutes and posted at the clubhouse.

## Section 3

- (A) The results of the election shall be reported and new member of the Board installed prior to the close of the October meeting. The terms of the Trustees elected shall expire in the month of October of such year as their term is concluded.
- (B) Association meeting and at the time elect from their member a president, vice-president, secretary and treasurer.

## Section 4

- (A) The PRESIDENT shall preside at all meetings of the Trustees, and all regular and special meeting of the membership of the Association. He shall be an ex-officio member of all committees, except for the nomination committee, unless otherwise provided for. When necessary, he shall call meetings of the Trustees or of the full membership of the Association, and shall preform such duties as may be appropriate for office. Each year, the president shall appoint the following chairman of each committee: Nominating,, Civics, Ways and Means, Recreation, House, Audit & Budget, Security, By-Laws, and any other special committee as may be necessary.
- (B) The VICE-PRESIDENT shall act as president in the absence or disability of the president.
- (C) The SECRETARY shall keep the minutes of every meeting of the Board and read the minutes at the subsequent meeting of the Board for approval. The secretary shall keep the minutes of the Association meetings and read the minutes at the subsequent Association meeting for approval.

- (D) The TREASURER shall receive all moneys including but not necessarily limited to dues and assessment properly the property of the Association. He shall pay all bills, after authorization by the Trustees. Payment of bills shall be by check carrying the signature of the Treasurer and on other officer. The treasurer shall render an account at each meeting of the Board and the Association. The treasurer's books shall be open for inspection at all meetings but an itemized report shall be made only at the discretion of the president or upon request of a majority of the quorum. At the expiration of the term, the treasurer shall deliver to his successor all of the property of the Association within his possession and a report of the fiscal year. And at the conclusion of his term. There shall be an appropriate security bond obtained. The treasurer shall receive remuneration in an amount negotiated with the board, such amount to be a proper budget item for presentation at the general membership meeting of the Association held in October of each year. A favorable vote of two-thirds of those members present and eligible to vote shall be required for approval.

### **Section 5**

- (A) The Board of Trustees of the Association shall meet on the third Tuesday of the Month except the month of December or at the discretion of the Trustees
- (B) The meetings of the Association shall be held in the month of FEB, May, August and October of each year.
- (C) Any additional meetings may be called at the discretion of the Board of Trustees.

### **Section 6**

- (A) Eight members of the Board of Trustees shall constitute a quorum.
- (B) Twenty-five members of the regular membership of the Association shall constitute a quorum.
- (C) In the event that quorum of the regular membership is not in attendance at any General Membership meeting, action can be taken on any business on the agenda if the membership has received the agenda by mail two (2) weeks prior to the meeting and a quorum of the Board is present.

### **Section 7**

- (A) Up to May 1st of each year, beach and lake privileges and the right to vote at meeting of the Association shall be restricted to regular member whose dues and assessments for previous years are paid in full. After May 1st, beach and lake privileges and the right to vote at meetings of the Association shall be restricted to regular members whose past and current year's dues and assessments have been paid in full.
- (B) No Person shall be nominated for Trustee whose current and/or past dues and assessments are not paid in full at the time of nomination.
- (C) There shall be one vote per member, or a maximum of two votes per membership. Dual ownership of lots will be restricted to two votes.
- (D) Associate members shall have no voting privileges.

### **Section 8**

- (A) Each lot owner of record of one to four lots and/or one residence, regardless of location, within Timber Lakes, shall pay only one forty-two dollars (\$42.00) membership dues and any assessment that may be deemed necessary and approved by the Association.

**As of 10/21/19**

\$42 - Dues

\$219 – Assessment approved 10/21/19

\$168 – Dam Loan assessment approved 10/21/19

- i. Additionally, on residences owned, from two to four (2-4), the owner of record shall pay forty-two dollars (\$42.00) per residence yearly and any assessment that may be deemed necessary and approved by the Association.
  - ii. Additionally, on lots owned in excess of four (4) the owner of record shall pay ten dollars (\$10) for each lot in excess of four (4), such dues to be paid yearly.
  - iii. Additionally, on residences owned in excess of four (4) the owner of record shall pay thirty-two dollars (\$32.00) and any assessments that may be deemed necessary and approved by the association for each additional residence owned, such dues and assessments to be paid yearly.
- (B) The dues and assessments are due and payable on the 31<sup>st</sup> day of March of each year to the Treasurer of the Association.
- (C) Associate members shall pay dues and assessments as prescribed by the Board but in no case shall be less than those required by regular members.
- (D) Any member whose dues and assessments remain unpaid on the 1<sup>st</sup> day of May immediately succeeding the 31<sup>st</sup> of March each year shall be subject to the limitations stated in Section 7. Paragraphs A and B of these by-laws.
- (E) Any member whose dues and assessments remain unpaid for 90 days after March 1<sup>st</sup> of each year shall be required to pay interest on unpaid balance of dues and assessments at the rate of 18% per annum (1.5% per month).
- (F) In the event that dues and assessments are not paid on or before the 1<sup>st</sup> day of July of each year for which these shall be due, the Association will be required to forward the delinquent member a letter advising that member that in the event such delinquent monies are not paid within fifteen (15) days, in addition to the dues, assessments and interest due, the delinquent member will be required to pay reasonable attorney's fees and court costs not to exceed \$250. Thereafter, should a member continue to fail to pay such dues, assessments and interest due and legal action is required to be initiated by the Association against the member for the collection of what is due, attorney's fees and court cost may be assessed against the delinquent member in an amount not to exceed \$250.00.

**Section 9**

- (A) The decision to sell or otherwise dispose of any property owned by the Association shall require the approval of two-thirds (2/3) of the members present and eligible to vote.
- (B) No agreement of disposition of sale shall be executed unless and until the approval of the Association is obtained and the action recorded in the official minutes of the Association.
- (C) Expenditures in excess of the funds provided for in the budget shall require approval of two-thirds (2/3) of those members present at a meeting of the Association who are eligible to vote.

**Section 10**

All members and their guests are obliged to observe those rules and regulation set forth by the Association.

### **Section 11**

Assessments on the membership for funds in excess of the existing dues may be proposed at any regular meeting of the Association provided notice of intention to do so is given in writing to the regular membership at least 2 weeks prior to the next Association meeting. Any rebuttal to the proposed assessment shall be made in writing and in the possession of the Secretary of the Association at least 48 hours prior to the meeting following notification of the membership. A majority vote of the regular members present, a quorum being understood, shall be required for adoption.

### **Section 12**

These By-Laws may be amended at any regular meeting of the Association provided notice of intention to do so is given in writing to the regular membership at least two weeks prior to the next Association meeting. Any rebuttal to the proposed change shall be made in writing and in the possession of the Secretary of the Association at least 48 hours prior to meeting. The last reading of the proposed amendment shall be presented to the Association at its next meeting following notification of the proposed change. A majority vote of the regular members present, a quorum being understood, shall be required for adoption.

### **Section 13**

Robert's Rules of Order Revised shall be followed in the conduct of meetings of the Board of Trustees and the Association.

### **Section 14**

**INDEMNIFICATION** Each member hereby agrees to indemnify and hold Timber Lakes Community Association, Inc harmless against and in respect of any and all actions, suits, damages, judgements, liabilities, costs, charges, expenses and attorneys' fees of every kind and description, directly or indirectly arising out of, attributable to, on account of or resulting from:

- i. Any breach of any of the obligations and responsibilities of each member as set forth in the Articles of incorporation of his Association and/or any of the By-Laws of this Association;
- ii. Any claims, demands, obligations, liabilities or causes of action which currently exist or which may hereafter arise as a result of any act or admission or failure to act of the member, including, but not limited to any and all legal costs, court fees, recording fees, postage, attorneys' fees and all other expenses associated with the collection of the delinquent accounts of said member.

## Amendments

**December 4, 1984**

### **Amendment to By-Laws**

#### **Section 8E**

Any member whose dues and assessments remain unpaid for 90 days after March 1<sup>st</sup> of each year shall be required to pay interest on unpaid balance of dues and assessments at the rate of 18% per annum (1.5% per month).

#### **Section 8F**

In the event that dues and assessments are not paid on or before the 1<sup>st</sup> day of July of each year for which these shall be due, the Association will be required to forward the delinquent member a letter advising that member that in the event such delinquent monies are not paid within fifteen (15) days, in addition to the dues, assessments and interest due, the delinquent member will be required to pay reasonable attorney's fees and court costs not to exceed \$250. Thereafter, should a member continue to fail to pay such dues, assessments and interest due and legal action is required to be initiated by the Association against the member for the collection of what is due, attorney's fees and court cost may be assessed against the delinquent member in an amount not to exceed \$250.00.

Amendments passed by General Membership 12/4/1984 - 41for; 1against

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**August 8, 1990**

### **Amendment to By-Laws**

January 17th 1990 Discussion of By-Laws amendment to protect the Association and Board member from frivolous lawsuits---Indemnification of the Association/Board

Oct 1990 advertised the Indemnity amendment

#### **Section 14 - Indemnification**

Each member hereby agrees to indemnify and hold Timber Lakes Community Association, Inc harmless against and in respect of any and all actions, suits, damages, judgements, liabilities, costs, charges, expenses and attorneys' fees of every kind and description, directly or indirectly arising out of, attributable to, on account of or resulting from:

- i. Any breach of any of the obligations and responsibilities of each member as set forth in the Articles of incorporation of his Association and/or any of the By-Laws of this Association;
- ii. Any claims, demands, obligations, liabilities or causes of action which currently exist or which may hereafter arise as a result of any act or admission or failure to act of the member, including, but not limited to any and all legal costs, court fees, recording fees, postage, attorneys' fees and all other expenses associated with the collection of the delinquent accounts of said member.

In addition – consider the amending of Section 8A-2 of the By-Laws read:

Additionally, on lots owned in excess of four (4), the owner of record shall pay the prevailing dues and assessment per lot owned by said owner

Oct 1990 Mr. Borth made a motion to approve the amendment to the By-Laws for Indemnification. 2<sup>nd</sup> by Gage Petty 69for; 1against

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**December 2, 1992**  
**Amendment to By-Laws**

Proposed by-law amendment presented to membership for consideration.

**Section 6, Item C**

In the event that quorum of the regular membership is not in attendance at any General Membership meeting, action can be taken on any business on the agenda if the membership has received the agenda by mail two (2) weeks prior to the meeting and a quorum of the Board is present.

May 1993 Mike Bush made motion to approve the above amendment; 2<sup>nd</sup> by Paul Haaf - 27for; 3against

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**May 2, 2015**  
**Amendment to By-Laws**

**Section 5, Item B**

As advertised in the May 2015 Newsletter the board proposed adding an additional General membership meeting in the month of February.

Proposed by-law amendment presented to membership for consideration.

May 2, 2015 Mr. Morrison made motion to approve the above amendment; 2<sup>nd</sup> by Ron Pilla – All in attendance approved