

LAKE WILDERNESS
PROPERTY OWNERS' ASSOCIATION, INC
BYLAWS



Approved, November 2018

**LAKE WILDERNESS PROPERTY OWNERS' ASSOCIATION
BYLAWS¹**

ARTICLE I: NAME AND LOCATION

The name of the Association is Lake Wilderness Property Owners' Association, Inc., hereinafter referred to as the "Association." The principal office of the Association shall be located at 12910 Jackson's Ford Road, Spotsylvania, Virginia 22551. Meetings of members and directors may be held at such places within the State of Virginia as may be designated by the Board of Directors.

ARTICLE II: DEFINITIONS (See also, Code of Virginia, Section 55-509.)

1. **"Articles of Incorporation"** shall mean the legal instrument and corporate charter, which established the Association name, purpose, and other information needed under the laws of the Commonwealth of Virginia. This charter supersedes all other rules, none of which shall legally contain anything in conflict with the charter.
2. **"Association"** shall mean and refer to the Association, its successors and assigns. (See also, Code of Virginia, Section 13.1-814.1.)
3. **"Properties"** shall mean and refer to that certain real property described in the Declaration of Covenants, Conditions, and Restrictions and such additions thereto as may hereafter be brought within the jurisdiction of the Association.
4. **"Common Area"** shall mean all real property owned by or operated by the Association for the common use and enjoyment of the members of the Association. Examples: parks, beaches, playgrounds, campsites, parking lots, and islands.
5. **"Lot"** shall mean and refer to any plot of land shown upon any recorded development map or plat of the properties with the exception of common areas.
6. **"Member"** There shall be one class of members. Any person, firm, association or corporation having the fee simple title to any residential lot or lots shall automatically be a member of the Association. In the event any lot is owned by more than two persons, firms, associations, or corporations jointly, such joint owners may designate two individuals who shall become members, but upon their failure to do so within ninety 90 days after obtaining lot ownership, the Board of Directors may make the designation. In no event shall there be

¹ See Code of Virginia, Chapter 26, Sections 55-508-516 (Property Owners' Association Act) for provisions of law that affect the conduct of a property owners' association's business. As well, see Code of Virginia, Chapter 10, Sections 13.1-814.1, 837-878, 884-893, & 932-935 (Virginia Nonstock Corporation Act).

more than one vote per lot, regardless of the number of members. (See also, Code of Virginia, Section 13.1-837.)

7. **"Owner"** shall mean and refer to the owner of record, whether one or more persons or entities, of the fee simple title to any lot which is a part of the properties, including land sales contract purchases, but excluding those having such interest merely as security for the performance of an obligation.
8. **"Declarant"** shall mean and refer to the Lake Wilderness Property Owners' Association, its successors and assigns.
9. **"Declaration"** shall mean and refer to the Declarations of Covenants, Conditions and Restrictions (also known as Deeds of Dedication) applicable to the properties in the Lake Wilderness Development as recorded in the offices of the Clerk of the Circuit Courts of Spotsylvania and Orange Counties, Virginia. (See also, Code of Virginia, Section 55-515.)
10. **"Good Standing"** shall mean and refer to owners who for each lot owned that does not have an approved Association dues reduction assessment; are current in payment of lot assessments, special assessments, and road maintenance fees; have paid all monetary fines or charges assessed against such owners by the Association; and whose membership privileges have not been suspended by the Association. Members who are not in good standing may not use common areas under any circumstance.

ARTICLE III: MEMBERSHIP AND SUSPENSION OF PRIVILEGES (See also, Code of Virginia, Section 13.1-837.)

1. **Membership.** Every owner shall be a member of the Association. No owner shall have more than one membership per lot. Membership shall be appurtenant to and may not be separated from ownership of any lot subject to assessment by the Association. Ownership shall be the sole qualification for membership.
2. **Suspension of Privileges.** (See also, Code of Virginia, Section 55-513.)
 - A. **Exercise of Privileges.** A member's privileges to use the Association's recreational facilities and to vote can only be exercised by a person whose membership is in good standing as defined in Article II. Nothing contained herein shall be construed as denying a member direct access to the member's lot(s) over any road within the development.
 - B. **Automatic Suspension of Privileges.** The membership privileges of a member not in good standing are automatically suspended from the time at which he is no longer in good standing. (See also Article X.)
 - C. **Notification of Suspension of Privileges.** Any member whose voting and/or recreational privileges are suspended shall be notified in writing of the suspension.

ARTICLE IV: RIGHT OF ENJOYMENT AND USE OF COMMON AREAS

1. Members, Lessees, and Their Immediate Family.

- A.** Each member shall be entitled to the use and enjoyment of the common area facilities, as provided in the Declaration. This entitlement may extend to a member's immediate family (spouse, significant other, and children). Such member should notify the Association's office of the identity of any such family member. The entitlement of any family member to use and enjoy the common area facilities shall be subject to suspension to the same extent as that of a member.
- B.** Lessees and their immediate family in residence at Lake Wilderness, will be granted the same privilege of use and enjoyment of the common area facilities as property owner members in good standing, except they will have no vote. Consequently, they cannot be board members.
- C.** A member in good standing who leases his property retains entitlement to use and enjoyment of the common area facilities.

2. Guests.

All persons not covered by Section 1 of this Article are guests. A member not in good standing cannot be a guest. For all guests above the number stipulated by the Board of Directors, a recreation fee, as set by the Board, shall be paid for use of a facility.

ARTICLE V: BOARD OF DIRECTORS (See also, Code of Virginia, Sections 13.1-653 through 13.1-674.)

1. Enumeration, Term of Office and Restrictions.

- A.** The affairs of the Association shall be governed by a Board of Directors comprised of nine (9) members of the Association; three of whom shall be elected annually for a non-successive three-year term.
- B.** Except as otherwise provided in this section, no director elected to a three-year term by the general membership, or to a vacancy of longer than one year's duration by the Board of Directors or the members, may succeed him or herself. A one-year hiatus is required before a former director, whether elected by the members or the Board of Directors, may seek or accept nomination as a member of the Board of Directors, except that a director elected by the members of the Board to a vacancy of one year or less may succeed him or herself.
- C.** Nothing precludes a former director, not removed with cause, from serving on one of the existing standing or ad hoc committees of the Association.

2. Nomination. (See Article VIII, Section 4.E. for related provisions.)

- A.** Nomination for election to the Board of Directors shall be made by a Nominating Committee, consisting of at least one Board member and, if possible, one representative from each of the three main Subdivision areas (Sections I & IA, II-XI, and XII-XVI). Members of the committee shall be appointed at least ninety (90) days prior to an annual meeting of the Association and, as necessary, at least fifteen (15) days prior to any special meeting of the members.
- B.** Any former Board member who has been removed for cause involving gross negligence, willful misconduct, fraud, or bad faith in the performance of his or her duties is ineligible for nomination or re-election to the Board of Directors.
- C.** No member of the Nominating Committee may be a candidate in the same election for which the committee seeks nominees.
- D.** Applications for nominations shall be solicited and accepted by the Nominating Committee up to forty-five (45) days prior to an annual meeting and fifteen (15) days prior to a special meeting.
- E.** Nominations may also be made from the floor at an annual or special meeting.

3. Election. (For election of officers of the Board of Directors, see Article VI, Section 3.)

- A.** Election of the Board of Directors shall be by secret ballot.
- B.** At such election the members by their presence, in person or by proxy or absentee ballot, may cast, for each position to be filled, as many votes as they are entitled to exercise under the provisions of the Articles of Incorporation and these bylaws.
- C.** Individuals receiving the most number of votes shall be elected; the three top vote-getters at an annual meeting shall be elected to the three, three-year terms filled thereat. Any vacancy (vacancies) shall be filled by the next highest vote-getter(s).
- D.** Cumulative voting is not permitted.²
- E.** The Credentials Committee shall count the ballots immediately following their being cast.

4. Resignation and Removal

² This means that no member may cast more than one of his entitled votes for a single candidate. For example, assume a member owns ten lots and three directors are to be elected. His total vote is thirty. Under no circumstance, however, may he cast more than ten votes for any one candidate. (See also, Code of Virginia, Sections 13.1-846 & 13.1-852.)

- A. Any officer may be removed from office with or without cause by majority vote of the Board. [Note: Virginia law (Code of Virginia, Section 13.1-874.B.) authorizes only the Board of Directors to remove an officer, i.e., the members may not do so.] (For resignation and removal of directors, see Article V, Section 4.)
- B. Any officer may resign at any time by giving written notice to the Board, the President or the Secretary. Such resignation shall take effect on the date of receipt of such notice or at any time specified therein. Unless otherwise specified, the acceptance of such resignation shall not be necessary to make it effective.

5. Vacancies.

- A. In the event of death, resignation or removal of a director, a successor shall be elected by the remaining Board members to serve until the next annual meeting, at which meeting the members shall elect a member to serve the balance of the unexpired term. (See also, Code of Virginia, Sections 13.1-857 & 13.1-862.)
- B. In filling any vacancy, the Board may consider, but is not limited to, nominees who received votes at the last annual meeting.
- C. A director who resigns may not be considered by the Board for filling any vacancy until after the next annual membership meeting, but may be nominated by the membership at that annual meeting. (For resignation and removal of officers of the Board of Directors, see Article VI, Section 6.)

6. Compensation.

- A. No director shall receive compensation, directly or indirectly, for any service rendered when acting in his capacity as a director.
- B. A director may be reimbursed for expenses actually incurred in the performance of Association business. Evidence of such expense shall be submitted to the Lake Wilderness Property Owners' Association Treasurer for approval. Approval is not automatic. Disputes will be settled by recorded Board vote.

7. Limitation of Liability. (See also, Code of Virginia, Sections 13.1-870, 13.1-870.1, 13.1-870.2, & 13.1-875 through 13.1-878.)

- A. Board members, officers, and members serving on committees under the authority of and acting on behalf of the Board of Directors are individually liable for their actions.
- B. In accordance with Article 7 of the Articles of Incorporation (May 28, 1971), a Board member, officer, and committee member shall be indemnified (compensated) against all claims, liabilities, judgments, settlements, costs and expenses, including all attorney's fees, imposed upon or reasonably incurred by him in connection with or resulting from

any action, suit, proceeding, or claim to which he is or may be made party by reason of his being or having been a Board member, officer, or committee member of the Association; except when the Board member, officer, or committee member was adjudged in such action, suit, proceeding, or claim to be liable for gross negligence or willful misconduct in the performance of his duties as such director, officer, or committee member.

- C. The Board shall carry adequate "personal injury" liability insurance for each of its directors, officers, and members of any committees, which it may form.

8. Authority. The Board of Directors shall have the authority to:

- A. Adopt and publish reasonable rules and regulations, and to amend the same, in order to promote the community welfare and security of Lake Wilderness property owners. The Board shall govern the use of the common area and facilities, and regulate the personal conduct of members and their guests. (See also, Code of Virginia, Section 55-513.)
- B. Exercise for the Association all powers, duties and authority vested in or delegated to this Association and not reserved to the membership by other provisions of the bylaws, the Articles of Incorporation, or the Declaration (Deeds of Dedication).
- C. Declare the seat of a member of the Board of Directors to be vacant in the event such member shall be absent from three (3) consecutive monthly Board of Directors' and/or membership meetings.
- D. Hire an Executive Director, or such other employees as they deem necessary and prescribe their duties and remuneration in writing. The Executive Director shall have the skills for supervising office and maintenance operations. The Board may also enter into concessionaire agreements to operate recreational activities subject to any pertinent membership requirements of the development. The Executive Director will be a non-voting member of the Board of Directors.
- E. Take any action without a formal meeting, which they could take at a meeting, provided written or oral approval is obtained from all directors. Any action so approved shall have the full force and effect as though taken at a meeting of the Board. Failure to obtain the written or oral approval from all directors defeats the action. A record of each such proposal to take action and of each Board member's position shall be added to the minutes of the next regularly scheduled Board of Directors' meeting.
- F. Do all other things for the benefit of the Association and its members not prohibited by law or as required by the Articles of Incorporation.

9. Conflicts of Interest.³

³ Code of Virginia, Section 13.1-871A, states: "A conflict of interest transaction is a transaction with the corporation in which a director of the corporation has a direct or indirect personal interest."

- A. Board members, officers, and committee members shall not engage in projects or activities for the Association which are in conflict of interest with their positions. As a general guideline, directors, officers, and committee members shall avoid practices which constitute a conflict of interest.
 - B. Directors, officers, and committee members shall abstain from any transaction vote in which they have a direct or indirect monetary interest.
 - C. No director or officer of the Board, nor any committee member, should use his position for personal gain, i.e., he should not directly or indirectly benefit financially, unless in accordance with the provisions in D of this Section, nor may he be a paid employee of the Association.
 - D. However, the Board of Directors may contract or transact business with any Association director, officer, or committee member, or any other corporation, firm, association or entity regardless of any interest a director, officer, or committee member may have in that other corporation, firm, association or entity, provided:
 - 1) The contract or transaction is in the best interest of the Association.
 - 2) There is a two-thirds (2/3) recorded vote by the full Board to authorize, approve or ratify the contract or transaction without counting the vote(s) of such interested director(s); or, in the case of new capital improvements, a two-thirds (2/3) written (ballot) vote of all of the lot owners by their presence, in person or by proxy or absentee ballot, at an annual or special meeting.
 - 3) Such director, officer, or committee member has disclosed or made known, in writing, the extent (material facts) of his relationship or interest in the contract or transaction to the Board of Directors (or committee which recommends, authorizes, approves or ratifies the contract or transaction) or to the members entitled to vote.
 - E. As stated in Virginia law, approval of a transaction by the Board or the membership authorizes any known conflict of interest.
 - F. This section is to be construed and applied in a manner which conforms to the Code of Virginia, Section 13.1-871 (“Director conflict of interests” provision regulating nonstock corporations).
 - G. All members of the Board of Directors will sign a Code of Ethics Standard which will be filed with the LWPOA Office after the Membership meeting.
- 10. Duties.** Directors, officers, and committee members owe two basic duties to the corporation (Lake Wilderness Property Owners’ Association): one of loyalty – to deal honestly with the corporation – and one of diligence. They shall discharge their duties in accordance with their

good faith judgement of the best interest of the corporation. The following shall also be the duty of the Board of Directors:

- A.**
 - 1) Attend a Board of Directors/Orientation/Planning Session prior to the first board meeting of the New Year. This session will be conducted by the Executive Director and outgoing President.
 - 2) Cause complete books and records of account to be kept. They shall keep summary minutes of the proceedings of Board, annual, and special meetings and of actions taken. Except for votes taken by secret ballot, minutes of the Board shall note the votes of directors in such a way as to enable members to ascertain who voted aye, nay, or abstained.
 - 3) Except as noted in the Code of Virginia, Section 55-510.C., all books and records of the Association may be inspected by any member, or his agent or attorney, for any proper purpose at any reasonable time (proper purpose to mean that the purpose is lawful, reasonable and germane to the individual's status as a member).
 - 4) Copies of documents may be purchased at reasonable costs. (See also, Code of Virginia, Sections 13.1-932 through 13.1-935 & 55-510.)
- B.** Arrange, or cause to be arranged, adequate cost-effective recreational activities, which promote the common welfare of Association members and encourage continued year-round use of recreational facilities and the clubhouse.
- C.** Direct all officers, agents and employees of this Association and see that their duties are properly performed; and as more fully provided herein, or in the Declaration, to do the following:
 - 1) Except for regular, routine, and established maintenance, the Board shall annually prepare and distribute to members a 3-5 year development plan for major capital improvements. The Board shall first consider projects identified from previous 3-5 year plans. For each project, to the extent feasible, practicable, applicable, and obtainable, the plan shall contain and discuss alternative approaches; likely budgetary, community, and environmental impacts; competitive cost estimates; project size, scope, expected duration, and priority; and a justification. In developing an annual budget, the Board shall take this plan into account. Any substantive change in a plan shall be communicated in writing to members in good standing.
 - 2) a. Determine the fiscal needs of the Association. Develop an annual budget not to exceed the anticipated income of the Association. Determine the amount of the annual assessment against each lot at least sixty (60) days in advance of each annual meeting as hereinafter provided in Article X, and send the proposed budget to all members in good standing at least thirty (30) days in

advance of an annual meeting. (See also, Article VI, Section 9.D.2 and Article VIII, Section 4.C.)

- b. Any proposed increase in lot assessment above the increase in the Consumer Price Index, as defined below, shall require the approval of a majority of members present at the annual meeting or by proxy or absentee ballot. Should the Board of Directors propose an assessment increase above this value, the proposed increase shall be distributed to all members at least 30 days prior to the annual meeting.
 - c. The cost of living increase shall be determined in the same manner used by the Spotsylvania County Government from the U. S. Department of Labor Consumer Price Index Summary, under Table A for the category, "All Items less Food & Energy" (highly volatile variables) unadjusted previous 12- month increase.
- 3) Procure and maintain sufficient liability and hazard insurance on property owned by the Association.
 - 4) Cause all officers or employees having fiscal responsibilities to be bonded, as it may deem appropriate.
 - 5) Cause the development and the common area facilities to be protected and maintained.
- D.** Establish standing or ad hoc committees, as necessary or as required in the Declaration and these bylaws, for addressing specialized areas in the promotion of the community welfare of the Lake Wilderness property owners.
- E.** The Board shall publish, or cause to be published, any and all current Association rules and regulations and will establish and publish uniform penalties for the infraction of the restrictions and covenants provided in the Declarations, these bylaws and Association rules and regulations. A copy of such rules and regulations (including penalties for infractions) shall be provided upon request to any property owner. Written notice of any subsequent changes to such rules and regulations (including penalties for infractions) which may be made shall be reasonably published or distributed to members. All property owners shall, by ownership of a Lake Wilderness development lot, be subject to such rules, regulations and penalties. (See also, Code of Virginia, Sections 55-512 through 55-516.)
- F.** The Board shall provide, or cause the provision of, an information newsletter to all property owners no less than three (3) times a year. At a minimum the newsletters shall contain Board actions and plans, a quarterly income and expense statement, committee reports and plans, and other items of potential community interest, as space and funds permit. The newsletter shall provide a reasonable free flow of information and encourage a positive exchange of ideas between management and membership without

allowing any individual or group of individuals to use it as a platform for expressing personal views and opinions which do not promote the common welfare of Lake Wilderness and the property owners.

- G.** The Board shall review any Bylaws Review Committee recommendations and mail said recommendations, with their comments and an absentee bylaws amendment voting form, to all members in good standing thirty (30) days before the annual meeting or fifteen (15) days before a special meeting. (See also, Article VIII, Section 4.D.)
- H.** The Board shall assure and oversee the inventory and accounting for all Association property, to include maintenance equipment and tools. Such inventory shall be updated annually.

11. Board Meetings.

Board meetings will be conducted under Robert's Rules of Order. The Board of Directors shall determine the edition of Robert's Rules of Order that will be used by the Board in the conduct of its meetings. (See elsewhere in these bylaws for other provisions affecting the agenda and procedures at such meetings. The relevant provisions for the Code of Virginia also apply to conduct of such meetings). All meetings of the Board shall be at such place and time as fixed by the Board, and shall be posted in advance on the bulletin boards at the two main entrances to the development. Meetings shall be open for members to attend and participate, under terms and with the exceptions prescribed in Robert's Rules of Order or these bylaws. (For the procedure for the Board to meet in an Executive Session, see Code of Virginia, Section 55-510.1, and "Meetings of the board of directors".)

- A.** Regular meetings of the Board of Directors shall be determined by a majority of Board members, but in no event shall the Board meet less than eight times each calendar year for a regular meeting. A minimum of thirty (30) minutes will be set aside during each regular Board meeting for the hearing of any comments and suggestions from members.
- B.** Special meetings of the Board of Directors shall be held when called by the President and/or any two directors of the Association, after not less than three (3) days written or verbal notice to each director.
- C.** A majority of the number of directors (five) shall be present to constitute a quorum for the transaction of business. (See Robert's Rules of Order regarding procedures for conducting business in the absence of a quorum under unusual circumstances.) Except when an extraordinary majority vote is required, every act or decision made by a majority of the directors present at a duly held meeting at which a quorum is present shall be regarded as an act of the Board.
- D.** For action taken without formal meeting, see Section 8.E. of this Article.

ARTICLE VI: OFFICERS AND THEIR DUTIES (See also, Code of Virginia, Sections 13.1-853 through 13.1-874.)

1. Officers.

The officers of this Association shall be a President, Vice President, Secretary, Treasurer and Executive Director (non-voting) who shall at all times be members of the Board of Directors and such other officers as the Board may by resolution create.

2. Term.

The officers of this Association shall be elected annually by the Board and each shall hold office for one (1) year, unless he shall sooner resign, or shall be removed or otherwise be disqualified to serve. An officer may be re-elected successively to an office.

3. Election of Officers.

The election of officers shall take place at a meeting of the Board of Directors to be held within thirty (30) days following each annual meeting of the members.

4. Special Officer Elections.

The Board may elect such other persons as the affairs of the Association may require, each of whom shall hold office for such period, have such authority, and perform such duties as the Board may determine.

5. Compensation.

- A.** No officer shall receive compensation, directly or indirectly for any service rendered when acting in his capacity as an officer.
- B.** An officer may be reimbursed for expenses actually incurred in the performance of Association business. Evidence of such expense shall be submitted to the Lake Wilderness Property Owners' Association Treasurer for approval. If the Treasurer is requesting reimbursement for such expenses, he shall submit written evidence to the Association President for approval.
- C.** Approval is not automatic. Disputes will be settled by recorded Board vote.

6. Vacancies.

A vacancy in any office may be filled in the manner prescribed by the Virginia Nonstock Corporation Act. Once elected to fill such vacancy, the officer shall serve for the remainder of the unexpired term. An officer who resigns may be elected to replace himself but cannot withdraw a resignation. (For filling a vacancy for a director of the Board, see Article V, Section 5.)

7. Multiple Offices.

No director shall simultaneously hold more than one office, except in the case of special officers created pursuant to Section 4 of this Article.

8. Immediate Past President

Upon leaving the Board at the end of their term, the immediate Past President may serve on the Board in an advisory position the following year. The Member shall have a non-voting status and shall serve at the will of the current Board.

The duties of the officers are:

- A.** President. The President shall preside at all meetings of the Board of Directors and at all annual and special meetings of the membership; shall supervise implementation of orders and resolutions by the Board; shall sign all leases, mortgages, deeds and other written instruments; and shall cosign all checks and promissory notes.
- B.** Vice President. The Vice President shall act in the place and stead of the President in the event of his absence, or inability or refusal to act, and shall exercise and discharge such other duties as may be required of him by the Board.
- C.** Secretary. The Secretary shall record the votes and keep the minutes of all meetings and proceedings of the Board and of the members (in Board minutes, votes of directors, except for those taken by secret ballot, shall be recorded in a manner so that members may know who voted aye, nay, or abstained.
- D.** Treasurer.
 - 1) The Treasurer shall receive and deposit, or cause to be received and deposited, in appropriate bank accounts all monies of the Association and shall disburse, or cause to be disbursed, such funds as directed by resolution of the Board of Directors; shall cosign all checks and promissory notes of the Association, together with the President; keep, or cause to be kept, proper books of account which shall be submitted for annual audit or review by a Certified Public Accountant; and shall prepare, or cause to be prepared, and present monthly financial statements in the form of a statement of income and expenses to members of the Board at each regular meeting.
 - 2) The Treasurer shall assist the Finance Committee in the preparation of an annual budget and a statement of income and expenditures to present, after approval by the Board of Directors, for informational purposes and general concurrence of the membership at its annual meeting.
 - 3) The Board may appoint the Treasurer to serve as Chair of the Finance Committee.

E. Executive Director. The Executive Director will be the “Chief Executive Officer” (CEO) of the LWPOA and will be guided by the rules and regulations of LWPOA and by the duties assigned by the Board of Directors as pertaining to the job description.

- 1) The Executive Director will be a LWPOA staff paid position and will be responsible for seeing that all manner of business for the association is competently carried out.
- 2) The Executive Director will be responsible for the hiring and firing of staff and ensuring that an adequate staff is provided to conduct LWPOA business.
- 3) All duties and responsibilities for the Executive Director are outlined in the job description.
- 4) The Executive Director shall keep the Corporate Seal of the Association and affix same to all necessary documents; cause notice of meetings of the Board and of the members to be brought to their attention; see that appropriate current records are kept setting forth the names and addresses of the Association members; and perform such other duties as may be required by the Board.

ARTICLE VII: MEETINGS OF MEMBERS (See also, Code of Virginia, Sections 13.1-837 through 13.1-852.)

All meetings of members will be conducted under Robert’s Rules of Order. The Board of Directors shall determine the edition of Robert’s Rules of Order that will be used by the Association in the conduct of its meetings. (See elsewhere in these bylaws for other provisions affecting the agenda and procedures at such meetings; the relevant provisions of the Code of Virginia also apply to the conduct of such meetings.) Code of Virginia, Section 55-510.1.A. states that all meetings of the Board of Directors, including any subcommittee or other committee thereof, shall be open to all members of record.

1. Annual Meeting.

The annual meeting of the members shall be held at least forty-five (45) days and not earlier than ninety (90) days prior to the end of the fiscal year of the Association, and at a time and place to be selected by the Board of Directors.

2. Special Meeting.

Special meetings of the members may be called at any time by the President, the Board of Directors, or upon written request of one-tenth (1/10) of the members eligible to vote.

3. Notice of Meeting.

Written notice of each annual or special meeting of the members shall be given by the Board of Directors by mailing a copy of such notice, postage prepaid, at least thirty (30) days prior to an

annual meeting and fifteen (15) days prior to a special meeting to each member entitled to vote thereat, addressed to the member's address last appearing on the books of the Association, or supplied by such member to the Association for the purpose of notification. Such notice shall specify the place, date, time, purpose, and specific agenda of the meeting.

4. Quorum.

The presence at the meeting of members, in person or by proxy or absentee ballot, who are entitled to cast one-tenth (1/10) of the votes of the total eligible membership shall constitute a quorum for any action, except as otherwise provided in the Articles of Incorporation, the Declaration, or these bylaws. If, however, such quorum shall not be present or represented at any meeting within thirty (30) minutes from the stated time of the meeting, the members present, or represented by proxy or absentee ballot, shall constitute a quorum.

5. Absentee Ballots.

At least thirty (30) days before any annual meeting or fifteen (15) days before any special meeting, the Board shall provide, or cause to be provided, to each member in good standing an absentee ballot, which shall include, but not be limited to, the names and biographical sketches of nominees for position of director; annual or special assessment and impact fee proposals; amendments or changes, if any, in a Deed of Dedication (the Declaration), the Articles of Incorporation, or these bylaws; and any other matter requiring membership approval.

6. Proxies.

At all meetings of members, each member may vote in person, or by proxy or absentee ballot. All proxies shall be in writing (preferably on the form approved by the Board of Directors) and filed at the Association office. Approved proxy forms shall be made available by the Secretary of the Board of Directors at the Association's office or at any membership meeting. They may be requested either in person or by phone or mail. In accordance with the Code of Virginia, Sections 13.1-847 & 13.1-848, notarization of a proxy is not required and a proxy assigned to a member may not be transferred by him to another member. Code of Virginia, Sections 13.1-847 & 13.1-848, state that only the "member may appoint a proxy" and that an organization is not obligated to accept a vote unless a member or his legal designee's signature is on it.)

ARTICLE VIII: COMMITTEES (See also, Code of Virginia, Section 13.1-869.)

- 1.** The Board of Directors shall appoint the following standing committees to be composed of as many members of the Association as the Board deems appropriate or as is otherwise provided either in the Deeds of Dedication or these bylaws. Committee members serve at the pleasure of the Board. Unless otherwise provided for in these bylaws, the President, subject to the consent of the Board, may designate the chair for each committee annually. All committee chairs should submit a written report of activities prior to, or at, the regular monthly meetings of the Board of Directors. They shall prepare a report, as necessary, for any newsletter, and should submit a written report at the annual Association meeting of members.

2. Committee meetings shall be held in Association facilities, unless these facilities are unavailable. If a more appropriate facility is deemed necessary for a particular meeting, the committee chair may assign a new location. The date, time, and location of committee meetings shall be posted in advance on the bulletin boards at the two main Association entranceways. Committee meetings shall be open for all members to attend and participate. In order to vote on any committee, a committee member must be in good standing. A committee shall consist of at least three (3) members, unless otherwise provided under Section 4.A. through 4.M. of this Article. In the event that the committee fails to meet these requirements as stated in these bylaws, the Board shall temporarily assume the duties of the committee.
3. Except as otherwise provided in these bylaws tenure of committee members shall be the fiscal year. Committee members may resign at any time for any reason. An individual may be removed with cause from a committee by the Board of Directors by majority vote.
4. **Committee Organization and Duties.**
 - A. **Executive Committee.** Shall consist of the President, Vice President, Secretary, Treasurer, Executive Director and a Fifth Member of the Board, elected by the directors. The Fifth Member (non-officer position) of the Executive Committee shall be elected in accordance with Article VI, Section 3. The functions of the committee may include the preparation of the agenda for all regular meetings of the Board of Directors and the preparation of the agenda for the annual meeting of the members. When meeting at the call of the President, it may conduct business on any matter that could come before the Board of Directors. However, before carrying out any action involving financial or contractual matters, the approval of two-thirds (2/3) of the Board must be secured.
 - B. **Architectural and Environmental Control Committee.**
 - 1) The committee shall:
 - a. Consist of at least three members, including at least one Board member. The committee chair shall be appointed by the Board of Directors.
 - b. Prepare, or cause to be prepared, and provide upon request (postage prepaid by requester) a Lake Wilderness Architectural and Environmental Control Committee (AECC) building packet which will include, but not be limited to, the conditions and requirements specified by the Deeds of Dedication, these bylaws, and the Architectural and Environmental Control Committee Procedures (hereinafter, AECC Procedures) for new home construction, building improvements, landscaping, erosion control, etc. These AECC Procedures must be approved by the Board before they can take effect.
 - c. Review the design, placement, landscaping, and environmental impact of all building and improvements to be constructed, altered or added in the development. Such plans shall be approved in writing by the committee prior to

such construction. The committee shall respond to requests for approval within thirty (30) days after the LWPOA construction application form and all plans, and any other required documentation have been submitted to the LWPOA office. Construction shall be completed within six (6) months from the date of approval unless an extension is granted by the AECC. LWPOA construction permits shall be conspicuously posted on construction sites. The design of the intended construction must be in keeping with the standards and appearance of the development as interpreted by the AECC. Appeals to the AECC decisions may be brought in accordance with clause e below. An orderly home site shall be maintained throughout the construction period and thereafter. (For requirements relating to property line setbacks, minimum house floor square footage, roof pitch, construction site health and safety, construction vehicle access, construction vehicle parking, culvert pipe installation, private swimming pools, lakefronts, docks, fences, building additions, satellite dishes, contractors, real estate signs, etc., see the AECC Procedures.)

- d. In order to preserve the wilderness environment of Lake Wilderness development, no live trees measuring six (6) inches or, in the case of trees within fifteen (15) feet from the front line of a lot, three (3) inches or more in diameter at one (1) foot above ground may be removed from any developed lot without the written permission of the committee. Dead trees, or trees which must be removed to meet state or county laws or codes, may be removed by any property owner from his own lot upon notification of the committee. (For other aspects of tree removal and burning in Lake Wilderness, see the AECC Procedures.)
 - e. Committee approval or disapproval of any site plans or construction design may be based on any grounds, including purely aesthetic grounds; however, no approval shall be unreasonably withheld. Any disapproval shall be subject to appeal to the Board of Directors within thirty (30) days from the date of such disapproval. Such appeal shall be in writing addressed to the President of the Association. The Board of Directors shall render a decision within sixty (60) days from the date of such appeal and its decision shall be final.
 - f. The committee shall oversee the AECC Procedures enforcement policy. In accordance with the provisions of Code of Virginia Sections 55-513, 55-514 & 55-516 of the Property Owners' Association Act of 1989, as amended, the committee, subject to the approval of the Board, shall set penalty charges for violations of the Association's architectural and environmental standards, rules, regulations, and procedures.
- 2) The Board of Directors shall assess an impact fee for any new home construction, addition, or improvement. Such fee shall be disbursed in the following manner:
- a. 65% to the applicable roads committee or roads association where construction is taking place;

- b. 35% to the Association's General Fund to offset administrative and compliance costs.
 - 3) Any fee collected at the time of application shall be refunded only if an application is rejected, or is withdrawn, prior to work commencing on a lot.
 - 4) a. Notice of any proposed increase in any impact fee of more than 10% per annum shall be distributed to all members in good standing at least thirty (30) days prior to an annual meeting or fifteen (15) days prior to a special membership meeting.
 - b. Said fee increase proposal is to be voted on at the annual meeting by members present, in person or by proxy or absentee ballot.
- C. Finance Committee.** The Board of Directors shall appoint the committee chair. The committee shall consist of at least three members, the chair and two other Association members in good standing. At least one of the committee members must be a Board member. If the Board does not appoint the Treasurer to chair the committee, the Treasurer shall be one of the members of the committee. The Finance Committee, with the assistance of the Treasurer and Executive Director, shall be responsible for preparation of the annual budget and statement of income and expenditures for presentation to the membership at its annual meeting as provided in Article VI, Section 9.D.2.
- D. Bylaws Review Committee.** Shall consist of at least five (5) members, including at least one Board member. The committee chair shall be appointed by the Board of Directors. The committee shall advise the Board of Directors through that chairperson on all matters pertaining to the bylaws. The committee shall recommend bylaws changes and amendments, as it deems necessary. Any recommended change or amendment shall be presented to the Board at least 120 days before an annual or special membership meeting. The committee shall meet as often as it deems necessary to accomplish its tasks. (See also, Article V, Section 10.G.)
- E. Nominating Committee.** Shall be appointed by the Board of Directors at least ninety (90) days prior to each annual meeting, and, as necessary, at least fifteen (15) days prior to any special meeting of the members. It shall consist of a chair, who shall be a member of the Board, and three or more members of the Association. The committee shall solicit members for nomination for director for any term to be filled at an annual or special meeting. Upon completion of its task, the committee is automatically disestablished. (See also, Article V, Section 2.)
- F. Parks and Property Committee.** Shall consist of at least three (3) members. The committee shall select its own chair. The committee shall assist with the preparation of the 3-5 year development plan. The committee shall advise the Board of Directors on all matters pertaining to the beautification of all common areas such as parks, beaches, entrances, etc., and shall perform such other duties as the Board may assign. The

committee shall meet as necessary to accomplish its tasks, and to assure proper evaluation of program progress, but no less than twice a year.

G. Recreation Committee. The committee shall:

- 1) Consist of at least three (3) members, and shall select its own chair.
- 2) Advise the Board of Directors on all matters pertaining to recreation within the Lake Wilderness development.
- 3) Cause recreation programs and activities to be self-sustaining as much as possible. This may include, but is not limited to, determining anticipated expenses, projecting usage levels, and recommending appropriate user fees. The Board may empower the committee to collect and account for reasonable user fees. The money collected will be earmarked to a recreation account and used to perpetuate Lake Wilderness recreation programs, provided they do not exceed the amount collected from user fees.
- 4) Plan, or cause to be planned, community recreation activities which have widespread appeal, and perform such other functions as the Board may assign. The committee shall survey, by whatever means it deems effective, the residents in the development on at least once a year for recreation program or activity preferences.
- 5) When presenting an event, work together with the Board of Directors to assure coordination and financial accountability.

H. Security Committee. The committee shall consist of at least three (3) members, including at least one Board member. The committee chair shall be appointed by the Board of Directors. With the approval of the Board, the committee shall determine security policy in Lake Wilderness and publish the same in the Association newsletter, including any policy changes. Subject to the approval of the Board, and in conformance with state law (Code of Virginia, Section 55-513, as amended), the committee shall recommend fines for traffic violations and penalty charges for violations of any other standard, rule, or regulation of the development (see the LWPOA Security Rules and Regulations), except for penalty charges for the violation of architectural and environmental standards, which shall be recommended by the AECC and approved by the Board. The committee shall establish a standard operating procedure for any security personnel. In fulfilling its legal compliance functions, the committee shall meet as necessary to conduct hearings on and, in line with state law and Board directive, determine the penalty for alleged traffic infractions committed on the properties and alleged infractions of any other standard, rule, or regulation of the Association. Hearing procedures shall conform to the procedures set forth in the Code of Virginia, Section 55-513, as amended, and Article X, Section 9, of these bylaws.

- I. Credentials Committee.** The President shall appoint not less than three (3) non-Board members who shall validate the absentee ballots, the proxies, and the status of members attending any annual or special meeting. They shall be appointed prior to any annual or special meeting and shall perform its validation duties, to the extent possible and feasible, prior to a meeting. The committee shall also ensure that nominees for Board of Directors are deeded property owners and are in good standing. In meeting its responsibilities, it shall work together with the Secretary of the Board and the Association's office staff. At the end of any annual or special meeting, the committee is automatically disestablished.
- J. Communications Committee.** The committee shall consist of at least three (3) members. One member must be a current Board member. The committee will select its own chair. The committee will be required to meet four (4) times a year. A schedule of meetings will be posted each January for the current year. This committee will communicate with other committee chairs to gather information to be disseminated to residents. The duties of the committee are to provide general information, safety and emergency alerts, community news, and messages to homeowners. This committee will use the web site and current bulletin boards allotted for this purpose. Other tools will be used as they become available. This committee may aid in the collection and solicitation of advertisers for our newsletter as necessary.
- K. Lakes and Dams Committee.** Shall consist of at least three (3) members and shall select its own chair. The committee shall have the responsibility to ensure the environment and ecology of our lakes are maintained and promoted. The committee shall advise the Board of recommendations for improvements and maintenance of all aspects of the lakes and dams. The committee shall develop and revise fishing and boating regulations as needed. The committee shall also advise the Board of any state or local regulation updates pertaining to the three dams within the Association. Committee meetings may be at such time as the committee chair designates.
- L. Lake Wilderness Swim Team Committee.** The Lake Wilderness Swim Team (LWST) committee will consist of at least three members to include the positions of chair, vice-chair and secretary. These positions will be determined by LWST committee vote and must be filled by members of the community in good standing. Meetings for the swim team will be held monthly, January through October each year. The purpose of the LWST Committee will be to oversee the operations of the swim team, including financial stability, communication with pool management and adherence to Rappahannock Swim League rules. The committee will keep the Board of Directors informed as to any matters concerning the swim team via committee reports and newsletter articles.
- M. Newsletter Committee:**
- 1) The committee shall consist of at least three (3) members. The Executive Director will serve as editor. The committee shall select its own chair.

- 2) The committee will publish a quarterly newsletter.
 - 3) The newsletter will provide general information and community news to the members of LWPOA.
 - 4) The committee will seek articles and information from members, committees and Board of Directors.
 - 5) This committee will seek advertisements for the newsletter to help defray the cost of publication.
- N. Property Owners' Roads Committee.** (LWPOA Sections II-XI) (See Article IX, Section 4, (Roads), for committee specifics.)
- O. Ad Hoc Committees.** The Board President may appoint an ad hoc committee, as the need arises, to carry out a specific task. These committees are temporary in nature, and with assigned functions that do not readily fall within a standing committee. Upon completion of its task, the committee shall be disestablished by the President. The specific duties, selection of chair, etc., shall be as prescribed by the President.

ARTICLE IX: ROADS

- 1. **Roads.** The term "roads" shall mean and refer to the roads, including culverts, drainage facilities, barricades, or any other facility, structure or condition incidental or appurtenant to the existence of a road or the right of way thereof.
- 2. **LWPOA Maintained Roads.** Certain sections of Lake Wilderness roads shall remain the sole maintenance and repair responsibility of the Association. These roads are: the entranceways to the three main sections (Sections I and IA from Lee-Grant gate to the intersection of Lee Drive and Grant Court; Sections II-XI from Rt. 621 to Flank March Lane; Section XII-XVI from Rt. 621 to Plantation Drive; the portion of Pickett Court across from Wilderness Run Dam to the point where Sections I and IA begin on Jackson's Ford Road; the portion of Plantation Drive from the park at Witt's Pool across the dam; and the area on Plantation Drive and Thiel Court fronting on Section XVI Lots 153 through 156 on the LWPOA Sections XII-XVI playground area.
- 3. **Roads, Sections I and IA and XII-XVI.** The maintenance and repair of the roads in Sections I and IA and in Sections XII-XVI shall not be the responsibility of the Lake Wilderness Property Owners' Association (LWPOA), but shall be the sole responsibility of the owners of the lots in said sections.
 - A. In accordance with the provisions of the Declaration, the owners of the lots in Sections I and IA and XII-XVI shall undertake and agree to form either a property owners' Roads Association or Roads Committee. The Roads Association/Committee shall be legally vested with the duty and authority to maintain and repair the roads in their

respective sections and to fix the assessment against each lot, and to expend the funds collected from the assessment to maintain and repair roads. The assessment shall become a lien in the manner provided by Article X.

- B.** The Property Owners' Roads Association/Committee for Sections I and IA and XII-XVI may request the LWPOA to add their assessments to the assessments of the LWPOA for purposes of recordation and collection; there shall be no obligation or responsibility on the LWPOA other than to account to such Roads Association/Committee for such collections and to make available, upon demand, any part or all of such funds in their possession.

4. Property Owners' Roads Committee (Sections II-XI).

- A.** The committee shall consist of at least three (3) members, and shall elect its own chair. The committee shall meet no less than two (2) times a year. Membership shall be limited to property owners in Sections II-XI.
- B.** The Roads Committee shall maintain, or cause to be maintained, repaired and/or improved, the roads in Sections II-XI, with the exception of common roads as set forth in Section 2 of this Article.
- C.** Each property owner in Section II-XI is deemed to covenant and agree to pay the Association's Roads Committee an annual road maintenance fee. The amount of this fee shall be determined by the Roads Committee at least thirty (30) days in advance of each annual Roads Committee II-XI membership meeting, where it shall be presented and voted upon.
- D.** The property owners in Section II-XI shall be compensated for extra road usage resulting from common area access traffic. The Association shall contribute, from general funds, an amount not to exceed 5% of the road maintenance fees actually collected from property owners in Sections II-XI.
- E.** The committee may request the Association to add their assessment(s) to the assessment(s) of the Association for purposes of recordation and collection; there shall be no obligation or responsibility on the Association other than to account to the Roads Committee for such collections and to make available upon demand any part or all of such funds in their possession.
- F.** The Association shall disburse any road assessment monies at the direction of the committee. The committee must seek approval from the property owners in Sections II-XI for any capital improvement not in the initial plan.
- G.** The committee shall develop regular routine road maintenance and repair schedules, as well as long and short range projects, as required. The committee shall also solicit comments from and report annually on its plans and/or accomplishments regarding road maintenance, repair, and improvements to the property owners of Sections II-XI.

5. Reports.

The Presidents of the Roads Association in Sections I and IA and XII-XVI shall submit a report of its activities prior to, or at, each regular monthly meeting of the LWPOA Board and a report at the LWPOA annual meeting of members. The Presidents shall also submit reports, as necessary, for inclusion in the LWPOA newsletter.

ARTICLE X: ASSESSMENTS AND TRAFFIC FINES (See also, Articles II, III, and IV and Code of Virginia, Sections 55-513 through 55-516.)

1. **Creation of the Lien and Personal Obligation of Assessments.** By the Declaration, and/or these bylaws, each member is deemed to covenant and agree to pay to the Association and the Property Owners' Roads Association or Roads Committee for Sections I and IA, II-XI, and XII-XVI, as applicable, annual lot and road assessments or charges. Such annual assessments, together with interest thereon, costs of collections thereof and reasonable attorney's fees, shall be a charge on the land and shall be a continuing lien upon the property against which each such assessment is made. Each such lot or road assessment, together with such interest, costs, and reasonable attorney's fees, shall also be the personal obligation of the owner of such property at the time any assessment becomes due; and, upon conveyance of any lot, the purchaser thereof, and each and every successive owner, from time of acquiring title, shall covenant and agree to pay such assessments, including those outstanding, to the Association.
2. **Purpose of Assessments.** The lot assessments levied by the Association shall be used exclusively for the purpose of promoting the recreation, health, safety and welfare of the owners of the properties and in particular for the improvement and maintenance of the properties, services and facilities devoted to this purpose and related to the use and enjoyment of the common areas. However, the maintenance and repair of the roads in Sections I and IA, II-XI, and XII-XVI shall be the sole responsibility of the lot owners in those Sections and shall be subject to assessment by their Roads Association or Roads Committee.
3. **Determination of Assessment.** As provided in the Declaration, each member shall be subject to an annual lot assessment of a sum to be determined by the Board of Directors, and approved by the members, payable on the date as specified by the Board of Directors; said lot assessment shall be used to defray maintenance and upkeep costs for the common area facilities and shall be payable by each owner irrespective of whether or not the privilege of common area use is exercised. Partial assessment payments, in cases of personal hardship, may be approved by the Board of Directors, provided written justification is submitted and a regular payment plan is established.
4. **Interest Effect of Nonpayment of Assessments.** Any assessment not paid when due shall be considered delinquent. If the assessment is not paid within thirty (60) days after the due date, the assessment shall bear interest from the date of delinquency at the highest rate permitted by law per annum (Virginia Code 55.513.3) and the Association, or the Property Owners' Roads Associations for Sections I and IA, and XII-XVI, may bring an action at law against

the owner obligated to pay same, or foreclose a lien against the property; interest, costs and reasonable attorney's fees in connection with any such action shall be added to the assessment charge. No owner may waive or otherwise escape liability for the assessments provided for herein, except in extraordinary and justifiable circumstances, after recommendation from the Board and approved by the membership at an annual or special meeting. In no case will dues be waived for more than two (2) years for any lot owner(s). Requests for dues waivers must be made annually, with ALL required documentation submitted to the LWPOA office by July 1 to be considered by the Board for that year. The following information will be required to support a request for dues waiver:

- A. Signed Statement of Assets and Liabilities of all legal owners listed on lot deed;
- B. Proof of all income (self and spousal), including but not limited to employment pay, unemployment pay, disability pay, retirement pay, social security benefits, child support, and spousal support;
- C. Proof of monthly expenses, i.e., mortgage payment, utility bills, telephone bills, car payments, credit card bills, grocery expenses, child support, spousal support, etc.;
- D. Applicable medical bills and doctor statements of condition; and
- E. Default and/or termination notices.

This documentation must cover the past twelve (12) months, including the most current month for the current year waiver request; and the previous twelve (12) months (for a total of twenty-four (24) months) if the waiver request includes the previous year. In addition to this mandatory documentation, additional justification with supporting documents may be submitted to the Board for consideration.

- 5. **Subordination of the Lien to the Mortgage.** The lien of the assessment provided for herein shall be subordinate to the lien of any mortgage or mortgages against a lot or any structure on it. Sale or transfer of any lot shall not affect any assessment lien. However, the sale or transfer of any lot, which is subject to any mortgage, pursuant to a decree of foreclosure thereof, shall extinguish the lien of such assessments as to payments thereof which became due prior to such sale or transfer. No sale or transfer shall relieve such lot from liability for any assessments thereafter becoming due or from the lien thereof.
- 6. **Exempt Property.** The following property, subject to the Declaration, shall be exempt from the assessments authorized herein:
 - A. All properties dedicated to and accepted by a local public authority;
 - B. All common areas;
 - C. All lots owned by the Lake Wilderness Property Owners' Association, however, road fees shall be paid; and

- D. All lots designated as assessment free by the Declarations, these bylaws or member approved rule or regulation.

7. Special Assessments.

- A. **Authority.** The Board of Directors shall have the authority to levy a special assessment, provided the purpose of said assessment is in the best interest of the Association and the proceeds of the assessment are used for the maintenance and upkeep of the common area.

- B. **Debt on Owners.** A special assessment established hereunder shall constitute a debt which may give rise to a lien, if unpaid against such member's property and which may be collected by suit in any court of competent jurisdiction or otherwise. The provisions of these bylaws pertaining to the suspension of membership privileges also apply to the nonpayment of special assessments.

- C. **Special Assessments for Damage or Loss to the Association.**

- 1) Whenever any member of the Association or his immediate family (See Article IV, Section 1, for definition of "immediate family.") shall cause damage to any Association property, or whenever such member's activities shall cause any loss to the Association, such member shall be liable for such damage and/or loss. Upon reasonable notice to the member, the Board shall conduct a hearing to determine whether such member is responsible for such damage and/or loss, and, if so, the amount of the damage and/or loss.
- 2) The Board of Directors, upon a finding of a member's responsibility for damage and/or loss, shall provide the member with a specific period of time in which to pay the amount of damage and/or loss. In the event that the member fails to pay such amount within such period of time, such amount shall be a special assessment collectible in accordance with the provisions of these bylaws and applicable Virginia law. In addition, such person's and his family's membership privileges shall be suspended so long as such sums remain unpaid.

- 8. **Failure to Pay Regular or Special Assessments As and When Due.** If it becomes necessary for the Association to record a Memorandum of Lien and/or file suit against a lot, by reason of the failure of the property owner(s) thereof to pay regular and/or special assessments against such lot, the owner(s) of such lot shall be liable for all costs and expenses incurred by the Association, including interest and attorney's fees.

- 9. **Fines for Violation of Motor Vehicle Laws.** As provided in Article XV, Sections 13 through 15 of these bylaws, and authorized by the Code of Virginia, Section 55-513, as amended, the laws of the Commonwealth of Virginia governing the use of its secondary roads shall apply as rules and regulations with respect to the streets and roads of Lake Wilderness. (See LWPOA Security Rules and Regulations for specific rules, penalties, and procedures.)

- A.** The Association, through security personnel authorized by the proper authorities to do so, shall have the right to issue notices of violations and traffic tickets to any person operating a motor vehicle in the development if there exists probable cause to believe that such person has violated any such rule or regulation.
- B.** As authorized by, and in accordance with the provisions of the Code of Virginia, Section 55-513, as amended, any person receiving a notice of violation shall be entitled to a hearing before the Security Committee to determine whether such person has violated such rule or regulation. Upon a finding by the committee that there exists proof beyond a reasonable doubt of such violation, the fine assessed against such violator shall be payable.
- C.** Hearing decisions by the Security Committee may be appealed, in person or in writing, to the Board of Directors at its next regular meeting. After hearing an appeal, the Board shall render a decision as soon as practicable, but in no event later than seven (7) days after the regular meeting at which it hears an appeal.
- D.** The provisions of the Code of Virginia, Section 55-513, as amended, and the Traffic Infractions and Uniform Fine Schedule of the Commonwealth of Virginia (as set forth in Rule 3B:1 of the Rules of the Supreme Court of Virginia) shall govern the maximum fines to be assessed against such violator; however, in the event that the fine schedule is not applicable to the particular violation, the fines set forth in the Motor Vehicles Laws of the Commonwealth of Virginia (Title 46.1 of the Code of Virginia) shall govern the maximum fines to be assessed such violator, so long as they do not exceed the limit specified in the Code of Virginia, Section 55-513, as amended.
- E.** Upon a finding of guilty and within the allowed period of time for payment, the violator shall pay such fine as is determined by the Security Committee or, if appealed, by the Board. In the event that the violator fails to pay any fine within such period of time, such violator's membership voting and recreational privileges shall be suspended in accordance with Article III, Section 2, A, B, and C if he is an owner or lessee, or an immediate family member of either as defined in Article IV, Section 1. As further authorized by the Code of Virginia, Section 55-513, as amended, unpaid fines shall be treated as an assessment against the member's lot.
- F.** Where applicable, the foregoing procedures shall apply to nonmembers of the Association. Any nonmember who is assessed a fine(s) pursuant to such procedures, and does not pay them within the time allotted by the Board to do so, shall be automatically barred from Lake Wilderness until such fine(s) is paid; and shall be so notified in writing.

ARTICLE XI: REDUCTION OR ELIMINATION OF ASSESSMENTS

A. Effective January 1, 2019, there will be no exemptions for non-perk lots other than those currently granted, which will be grandfathered in. No new applications will be considered.

B. The Grand fathered lot exemption is for annual dues only and this exemption is not transferable. An Exemption will end on any previously Grandfathered lot once any transfer of ownership has occurred.

a. Special Assessment obligations are not exempt for any lot owner in Lake Wilderness.

C. Road fees have no bearing on perk or non-perk status and therefore, there shall be no exemptions for Road fees, and those currently exempt will not be Grandfathered.

a. All lot owners will pay Road fees as established by their respective Committee or Road Association.

D. The Grandfathered lot owner shall waive during the period of the exemption any and all rights or privileges of a “Member” of the Association as it affects that individual lot ownership, which includes voting and utilization of the common grounds and facilities.

E. The Grandfathered lot owner should otherwise comply with all of the development’s declarations; all of the Association’s bylaws and rules and regulations; and all other obligations of a “member” of the Association.

F. The Grandfathered lot owner shall agree to pay all dues which are accrued during the time of exemption if it is later determined by the Board that the exemption should not have been granted. In such case, the owner shall also pay all expenses incurred by the Association in collecting such amounts, interest thereon at the legal rate of interest, plus the Association’s attorney’s fees.

G. The Grandfathered owner shall agree to provide such explanation or documentation as may be requested by the Board to determine whether any statements made by or information provided by the owner were or are true and accurate.

H. The exemption shall automatically terminate once permits to use the lot for any permanent improvement have been filed by the owner or their representative. The Board of Directors may otherwise terminate an exemption for good cause.

ARTICLE XIII: CORPORATE SEAL

The Association shall have a seal in circular form, having within its circumference the words: Lake Wilderness Property Owners’ Association.

ARTICLE XIV: MISCELLANEOUS

1. The fiscal year of the Association shall begin on the first day of January and end on the thirty-first day of December.
2. In order to exercise any of the rights and privileges set forth in these bylaws, a member must be in good standing. (See Article II, Section 10.)
3. Prospective home and lot owners should contact the Association office for copies of all rules, regulations, and procedures, and for the Association disclosure packet required by the Code of Virginia, Section 55-512. Copies of all current rules and regulations will be provided upon request in person, by phone, or by mail, postage prepaid at reasonable rates.
4. Security and AECC manuals further delineate rules pertaining to the Lake Wilderness Property Owners' Association.

ARTICLE XV: RESTRICTIVE COVENANTS (See also, Deeds of Dedication.)

1. The discharge of firearms within the development is prohibited.
2. Only electric trolling motors are permitted on watercraft on the lakes in the development. Life preservers shall be carried in boats on the lakes at all times for personal safety.
3. Children under 13 shall not use the swimming pool without adult supervision present at all times.
4. Posted speed limits shall be observed at all times when operating a motor vehicle in the development.
5. Owners are required to show proof of membership to security officers upon request.
6. Metal detecting will be permitted on owner's lot only with written permission from the lot owner, provided that permission is on file at the Association office. No metal detecting will be permitted on common property, including parks, beaches, playgrounds, campsites and islands. Any person found detecting on common property, or on owner lots without permission, may be subject to charges of trespassing.
7. No trespassing on private property. Owners may post their property.
8. There is a boat launching area on each of the lakes. These should be used at all times for putting boats in the water or taking them out. There should be positively no beaching or launching of boats on Wilderness Run Lake where there are sandy beaches for swimmers, or on lots which belong to other people.

9. No littering in the development.
10. Obnoxious acts on privately owned lots or unauthorized fishing from privately owned lots in the development are prohibited. Owners on common grounds must have an appropriate fishing license.
11. Dogs shall be restrained to their owner's lot(s) unless walked on a leash. No pets except service dogs are permitted on beaches, in the swimming pool area, on the tennis courts, or in the clubhouse facilities. No one wants to get involved in a pet's business so, if your pet conducts business in an area where folks walk and play, please dispose of it properly.
12. Any dog that is a "dangerous dog," as defined by the Code of Virginia, Section 3.1-796.93:1, is banned from Lake Wilderness. Any dog that creates an unreasonable risk of harm to anyone within Lake Wilderness may be banned from Lake Wilderness by the Board of Directors. The Board of Directors is provided with full authority to enforce this bylaw in any manner authorized by law, including the imposition of fines to the full extent that fines may be imposed under Virginia Law.
13. Regular overnight parking on any road right of way is permitted only upon notification of and written approval from the Executive Director or his/her designee. A parking permit from the Association shall be visibly displayed in any vehicle parked overnight. Vehicles parked without authorization are subject to being towed, at owner's expense.
14. All vehicles authorized to be driven on roads by the Commonwealth of Virginia, including motorcycles, must be operated only on roads and parking areas while in the development. All vehicles prohibited on Commonwealth of Virginia roads are likewise prohibited on development roads.
15. As authorized by the Code of Virginia, Section 55-513, as amended, the motor vehicle laws (Code of Virginia, Title 46.1) are declared the road rules and regulations in the development and shall be enforced.
16. The Board of Directors, together with its committees, shall determine and publish penalties and/or fines for infractions of these bylaws as they deem necessary and in accordance with applicable state law.