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Office of County Recorder, Mercer County, Missouri

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Tammy J. Crouse  
Mercer County Recorder



INDEXED  
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(Space above reserved for Recorder of Deeds certification)

**Title of Document:** By Law Changes

**Date of Document:** 9-9-2023

**Grantor(s):** Lake Marie Property Owners Association

**Grantee(s):**

**Mailing Address(s):** 4 Club House  
Princeton, Mo 64673

**Legal Description:**

**Reference Book and Page(s):**

(If there is not sufficient space on this page for the information required, state the page reference where it is contained within the document.)

**BY-LAWS  
OF  
LAKE MARIE PROPERTY OWNER'S ASSOCIATION**

**ARTICLE I-CORPORATE OFFICE**

**SECTION 1- Principal Office:** The principal office for the transportation of business of the association shall be located at the Lake Marie Clubhouse, Mercer, in Mercer County, Missouri.

**SECTION 2-Other Office:** The Association may change the principal office and may also have offices at other places, as all Board of Directors may from time to time appoint or the business of the corporation may require.

**ARTICLE II-MEMBERSHIP**

**SECTION 1-Definitions:** The word owner as used herein shall include all purchasers of at least one lot in the Lake Marie subdivision whether on contract or for cash.

**SECTION 2(a)-Qualifications:** Each and every owner (as said term is defined herein) of a lot shall be a member of the Association. Each owner, by virtue of becoming an "owner" automatically shall become and remain a member of the Association until such time as his ownership ceases for any reason whatsoever, at which time their membership in the Association automatically shall cease and be terminated. No certificate of membership shall be required to be issued. Membership in the Association shall be evidenced by an official list of members, which list shall be kept by the Secretary of the Association. Membership shall be appurtenant to and may not be separated from the ownership of legal title to any lot.

Each and every owner shall maintain their membership in good standing. Responsibility for establishing and maintaining good standing in accordance with the Covenants, Restrictions and By-Laws, rest entirely with each individual property owner.

Each property owner must be of good moral character and agree to be bound by the provisions of these covenants, restrictions and by-laws and any amendments thereto and by the policies, *Rules and Regulations* established by the Lake Association.

Each owner must also maintain good standing status by payment of all assessments and obligations in advance and will only be officially recognized and acceptable evidence when recorded in the Lake Association office.

**SECTION 2(b)-Active Members:** The qualifications of active member shall be that each member be the record owner of a lot or tract of land located in Lake Marie subdivision, or any addition thereto, including any person who has contracted for the purchase thereof, provided that said person meets the requirements set forth in the By-laws and or Rules and Regulations which may be adopted. The term "person" shall embrace any person, firm, or corporation.

**SECTION 2(c)-Holder of Record:** In the case of a married couple with a joint ownership, the holder of record of Active Membership may be designated by the *owners* at the Association office and, failing that, the *person listed first on the title* shall be designated holder of record of the Active Membership, and all privileges shall be extended to *their* immediate family. The word "family" shall be interpreted to mean the *partner*, if living at home, and all unmarried children under 21 years of age who still reside in the home of said Active Member.

**SECTION 2(d)-Company/Corporate Membership:** A company or corporation owning property within the lake Marie subdivision may obtain a membership in an individual's name at the same cost and basis as an Active Membership.

A company membership may be transferred to another individual of the same firm for a transfer fee of \$50.00. The individual in whose name the membership is being transferred to must be approved in the same manner as an Active Membership as provided in the By-Laws.

Corporate memberships must designate one officer of the corporation to be the registered active owner.

**SECTION 3(a)-Voting:** Each owner who is a member in good standing shall be entitled to one vote regardless of the number of lots *they have* purchased. If the owner consists of more than one person or entity, the membership as to each lot shall be deemed a single membership, and such persons or entities who comprise the owner shall decide who among themselves shall cast the vote for and on behalf of the owner. If in any case where the owner consists of more than one person or entity, and a vote is cast showing lack of unanimity by such person or entities, the vote shall be void. If the owner of a lot is a corporation or other entity, an officer or other duly authorized representative of the corporation or other entity may cast the vote for and on behalf of the owner.



*Proxies: At any meeting of members, an Active Member entitled to vote must vote in person and no proxies shall be permitted.*

*All members must be in good standing at least 48 hours prior to participating in any vote of the association.*

**SECTION 3(b)-Limitations:** All members, their assigns and heirs shall abide by the Restrictions on file at the Recorder of Deeds Office in Mercer County, Missouri governing the use of property. Said Restrictions are hereby adopted as a part of the By-Laws and may be amended only by a two-thirds (2/3) majority vote of those entitled to vote. No member or group of members shall so conduct themselves in or on Association property as to jeopardize the right and privileges of other association members, guests or any other person or persons. The Board of Directors of the association shall have the right to issue a "cease and desist order" against such infractions and upon failure of such infractors to comply with said order, the Board of Directors of the association may deny the use of association property.

**SECTION 4(a)-Assessments:** To provide funds for the purposes and uses specified in the Articles of Incorporation of the Association, there shall be an assessment against each owner, all assessments to be paid in full by March 1 of each year, regardless of how many lots they own. This will be a reasonable, necessary and proportionate charge to sufficiently maintain the upkeep and operation of all areas and facilities of Lake Marie Association properties. The dollar amounts to be set at each annual meeting. The Association shall have the right to adopt rules and regulations setting forth procedures for the collection of the assessments provided herein.

**SECTION 4(b)- Change of Assessments:** Only the membership of the Association by 2/3 approval of those present and entitled to vote may change the assessment rate as set forth herein at any regular or special meeting held by them when they deem it necessary to do so.

**SECTION 4(b) (1) -Addition Voted in 9/11/2021:** All property owners shall be a member of the Lake Marie Association and will be assessed membership dues in the amount of \$385.00 per annum in 2022. The membership dues will increase to \$420.00 in 2023 and \$455.00 in 2024 and subsequent years UNLESS OR UNTIL VOTED OTHERWISE. This will allow the member to own 10 or less distinct parcels of land or lots in the Lake Marie Subdivision.

Upon the effective date of this amendment dated September 11, 2004, persons owning lots in excessive of 10 will be assessed an additional fee of \$25.00 per lot. However, this shall not apply to any persons owning more than 10 lots prior to the effective date of this amendment, in excess if those numbers owned on the effective date, \$25.00 per lot assessment would apply.

**SECTION 4(c) - Enforcement: (passed September 10, 2011)**

- These By-Laws and Rules and Regulations propounded from time to time by the Board of Directors pursuant hereto, shall be enforced by the Board of Directors of this Association directly or acting through *their* officers, and agents, including the Security Patrol and others to whom enforcement responsibility shall be delegated by the board.
- Any officer of the Association or any member of the Board or Association member may file a complaint against any member or person who *they* allege has committed an infraction or violation of these By-Laws or the Rules and Regulations as amended from time to time, and it shall be the duty of an infraction board, the Regulation Board, to hold a hearing to determine and assess the penalty to be imposed for such infraction or violation.
- A "Regulation Board" or in its absence, the Board of Directors itself, shall from time to time meet and hold hearings pertaining to any alleged infractions or violations of the Rules and Regulations or By-Laws of the Association.
- The "Regulation Board" may from time to time establish procedural rules and practices to guide its hearing and the conduct of its business. "Regulation Board" will meet after monthly meeting, as needed.
- The "Regulation Board" shall have authority to impose such penalties as may be deemed just and proper upon those members and persons whom it finds in violation of having committed infractions of said Rules and Regulations or By-Laws which may include the levy of a fine after **1 written warning not to exceed \$100 per infraction unless the member is deemed a habitual offender. Three (3) infractions within a 12-month period shall be deemed a habitual offender. If the lot owner accumulates more than three (3) fines in a 12-month period, the lot owner shall be subject to the normal fee plus \$500.** ~~2-written warning not to exceed \$100 infraction.~~

Any fine imposed by the Regulation Board or Board of Directors and not paid within 30 days shall carry a penalty of 1 ½ percent if legal per month, and the non-payment of said fine and penalty shall, after 30 days, be deemed to run with the land and become a lien on the property owner's lot(s) (even though title is held in joint tenancy or estate by the entirety) in favor of Lake Marie Association, and shall be enforceable by said Lake Marie Association.

- Any member or person accused of any violation or infraction of the rules, regulations or By-Laws of this Association shall have the privilege of being heard at any such



hearing or proceeding and of being represented by Counsel. Failure to attend after notice was provided shall constitute a waiver that the fine imposed was fair or lawful. One continuance of the lot owner's hearing shall be granted if written notice is provided to the board at least seven days prior to the scheduled hearing. Any additional continuation shall only be granted at the discretion of the board.

- No hearing shall be held on any cause without at least *ten (10)* day's written notice to the member or person charged with violation or infraction, unless such person or member shall waive the privilege of receiving the *ten (10)* day notice. Hearings shall be held at places to be designated by the "Regulation Board" within the subdivision, if practical, or if not practical or more convenient may be held at any other place so designated by the "Regulation Board" within Mercer County, Missouri.
- The Board of Directors may suspend the privileges of the member or person found to be in violation of any of the Rules and Regulations or By-Laws of this Association until such time as such member or person shall have satisfied and complied with the penalty imposed by said Board for the infraction or violation.

The suspension of Association and facility privileges, the restitution of property and the payment of expenses in connection therewith, etc. It shall also have the authority to impound or continue the impoundment of any boat and its accessories, motor vehicle or other vehicle which shall be involved in such infraction or violation until the hearing and any penalty imposed thereby shall be concluded and satisfied.

- An appeal of any decision of the "Regulation Board" may be appealed to the Board of Directors of this Association which shall consider the matter a second time.

**SECTION 4(d)-Denial of Privileges:** No person shall be allowed to use the lakes or other facilities or to vote at any meeting of the association unless they are members in good standing.

**SECTION 4(d)-Assessment Lien:** Each lot shall be with and subject to a continuing servitude and lien for the amount of the charge assessed and levied against each lot. The lien against each such lot shall be superior to any and all other charges, liens or encumbrances which hereafter in any manner may arise or be imposed upon each such lot.

If the owner of any lot fails to pay the assessment when due the Association may enforce the payment of the Assessment Lien against the lot by taking either or both of the following actions:

- (a) Bring an action at law against the owner personally obligated to pay the assessment;
- (b) Foreclose the Assessment Lien against the lot in accordance with the then prevailing Missouri law relating to the foreclosure of realty mortgages (including the right to recover and deficiency), and the lot may be redeemed after foreclosure sale as provided by law.

### ARTICLE III – MEETINGS

**Section 1 – Annual Meeting:** The members of the Association shall meet at a meeting to be held the second Saturday of September, 10:00 a.m., Lake Association office, for the presentation of annual reports and for the nomination and election of candidates for the Board of Directors and for the transaction of such other business as may properly be brought before the meeting. A quorum for this and all other association meetings shall be the presence of ten percent (10%) of the members in good standing, present in person.

**Section 2-Place of Meeting:** Meetings of the membership shall be held at the principal place of business of the association or at such other place as may from time to time be selected by the Board of Directors of the association provided however, that written notice designating the place of said meeting call for a place other than the principal office of the association shall be mailed to each member at least five (5) days prior to said meeting.

**Section 3-Special Meetings:** Special meetings of the association or the Board of Directors of the association may be called upon written request signed by the owners of at least fifty percent (50%) of the lots in Lake Marie Subdivision, Said written request for a special meeting shall contain the subject or subjects to be discussed and/or voted upon at such special meeting.

### ARTICLE IV – BOARD OF DIRECTORS

**Section 1 – Number and Compensation:** There shall be five (5) Directors of Lake Marie Property Owners Association, none of whom shall receive compensation of any kind for their service to the association as a Director. There shall be two (2) Directors elected to 2 year terms and three (3) Directors elected to 2 year terms. Term off office to be on alternating years.

**Section 1 (b) - Nomination:** Any candidate for election to the Board of Directors for the Lake Marie Property Owners Association MUST be a member in good standing. Present

to the Secretary a petition form nomination carrying ten signatures of members who are in good standing, 60 days prior to election date.

**Section 2 – Term of Office** – The Directors shall hold office beginning the first regular board meeting following their election and shall fulfill their duties to the end of their official term at which time they shall be required to deliver to their successor all books, papers, monies or other property in their possession belonging to the Lake Marie Association.

**Section 3 – Duties:** The Board of Directors shall hold and administer the asset and shall direct, control, manage and supervise the affairs of the association.

**Section 4 – Authorities:** The Board of Directors shall have authority to make rules and regulations as deemed expedient and with the authority as set forth in the Articles of Incorporation and the By-Laws.

**Section 5 – Vacancies:** Vacancies, for any reason, shall be filled by the Board of Directors by appointment and such appointed Director may be nominated for election at the termination of the appointed period. Any member of the Board of Directors missing two consecutive meetings, without just cause will be automatically terminated and a new member appointed by the Board to complete *their* term.

**Section 6 Removal from Office:** *Any member of the Board of Directors may be removed from office by a declaration duly signed and notarized by two-thirds of the active members of the Association.*

*The term of any Board Member, who ceases to own an ownership interest in a lot, shall cease when Board Member ceases to own an ownership interest in a lot.*

*The term of any Board Member who becomes delinquent in the payment of any assessments (regular or special) including dues shall cease immediately upon reaching more than thirty (30) days past due.*

**Section 6 – Limitations:** The Board of Directors shall not have authority to obligate the association for debts or obligations beyond the ability to pay in due course from the current income of the association. The members of the association shall not be responsible for any acts of the directors or officers exceeding their state authority.



## ARTICLE V-HOUSING

**Section 1 – Renting Property:** There will be no renting allowed of homes or lots in in the Lake Marie subdivision.

**Section 2 – Selling Property:** Any member who sells any of their lot(s) within the Lake Marie subdivision are required to notify the office manager. Seller will provide the information of the buyer including name, address and telephone number so records may be updated.

**Section 3 – Destroyed Dwellings:** In the event a dwelling or structure is fully or partially destroyed by fire or any other cause, the owner shall have ninety (90) days to repair or demolish the dwelling or structure. If after ninety (90) days, the owner has failed to repair or demolish the dwelling or structure the Board may take any steps it deems reasonable to repair or demolish the dwelling or structure and bill all costs to the owner plus an administrative fee of one hundred fifty dollars (\$150).

## Article VI– AMENDMENTS

These By-Laws may be amended at any meeting of the members of the association at any regular meeting or at any special meeting called for that purpose if approved by a 2/3 majority of those present and entitled to vote at such meeting.

Updated September 15, 2023