

**Covenant and Restrictions of Needels Oak Park Subdivision #1
and Needels Oak Park Subdivision #2
(known as Sears Lake Community Association, Inc.)**

Name, territory and association: Sears Lake Community Association, Inc. Milford Township, Michigan, 48381.

The geographical territory encompassed by this Association shall be Needels Oak Park Subdivisions #1 and #2 and all properties having frontage on Sears Lake whether subdivided or not.

Article I: Purposes

Section 1. The purposes of the Association are as follows: to assure the development of all lands on Sears Lake into a residential community of the highest type; to improving and maintaining the roads, lake and adjoining properties owned by members of the Association; to promote the welfare of its members in matters relating to recreation, maintenance, sanitation, safety, noise abatement; or to execute any project which the members feel is mutually beneficial to the majority of the members.

Article II: Membership

Section 1. Eligibility.

- A. Membership in the association shall be open to all lot owners or their designated resident of Needels Oak Park Subdivisions #1 and #2, and property owners with frontage on Sears Lake.
- B. Anyone other than property owners occupying property in Needels Oak Park Subdivisions #1 and #2 and wishing to obtain privileges of the Association must pay the same dues as for property owners. However, such person or persons must be approved by the board of directors.
- C. There shall be no honorary memberships granted in this Association. All eligible persons wishing to join must make application to the Board of Directors.
- D. Memberships are not transferrable or assignable.

Article III: Voting Rights

Each member in good standing shall be entitled to one vote at the annual meeting, elections and any special meetings. A member in good standing has been defined as one who is current in payment of annual dues and assessments. Any member in good standing shall be entitled to one (1) vote only, regardless of the number of lots owned by such member. Joint owners are each entitled to one vote. In the event a member is not present to vote at a meeting, a written and

signed proxy shall be accepted on a form as approved by the Board of Directors. All candidates for election must be present at the meeting at which the election is held.

Article IV: Dues

Section 1. Annual Dues commencing with the adoption of these Bylaws (1994) shall be \$40.00. The annual dues were amended at the June 2003 general membership annual meeting and current dues are \$120.00 for private road property owners and \$60.00 for county road property owners. The fiscal year of Sears Lake Association, Inc. begins July 1 and ends June 30.

Section 2. Annual Dues payable to the Sears Lake Community Association, Inc. shall be determined and voted upon by members in good standing present at the annual meeting after an assessment of the previous year's financial statement.

Section 3. Annual Dues are used for maintenance of private facilities and do not apply to areas of Sears Lake frontage other than Needels Oak Park #1 and #2 Subdivisions. These frontage areas not in Needels Oak Park #1 and #2 Subdivisions will be charged the same as lake frontage in Needels Oak Park #1 and #2 Subdivisions on lake improvement programs.

Section 4. Annual Dues are to be paid at the annual meeting. Any dues not current 30 days after the annual meeting may be subject to penalties and interest as determined by the Board of Directors.

Section 5. Civil action can/will be taken (within accordance to Michigan Law) to collect dues not paid and the delinquent party will be liable for legal fees and court costs. Collection Policy amended July 2007 and is as follows:

- A. Notices will be mailed with the Association newsletter (every quarter) for unpaid dues.
- B. Publication of Delinquency: The Association may elect to publish the names of homeowners who are 60+ days delinquent in the Association Newsletter and/or Web site.
- C. Notice of intent to file lien: A lien may be filed if Homeowner is two years delinquent or the house goes up for sale. Said homeowner will be responsible for all legal fees and court costs.

Section 6. Officers cannot participate or vote at meetings unless their dues are current. Any officers whose dues are not current 30 days after the annual meeting will be subject to dismissal.

Section 7. Hardship.

Sears Lake Community Associations, Inc. will grant an abatement for those members financially unable to pay their dues. An abatement means that for the time being you are excused from paying your dues in full, but with the adoption of these Bylaws (1994) a payment of \$10.00 will be expected payable to the Association. This \$10.00 will be deducted from the amount owing on your back and/or current dues. At the time your property is sold or changes ownership (for whatever reason), the Lake Association will expect all dues (back dues and current dues) paid in

full. Hardship is defined by the township of Milford in regards to taxation. Any property owner requesting a hardship deferral on their own, will sign a voluntary lien for unpaid dues.

Article V: Board of Directors

Section 1. General Powers.

This association shall be managed by its Board of Directors.

Section 2. Composition and Election.

The Board of Directors shall consist of a President, a Vice President, a Secretary, a Treasurer, and three Trustees, all of whom shall be elected by a majority of the members of the Association at the annual meeting of the Association. Officers shall serve one year terms beginning the next succeeding July 1. Trustees serve 2 years. Only property owners within Needels Oak Park Subdivisions #1 and #2 are eligible to serve on the Board of Directors. In the event more than one person owns a particular property(s) jointly, within the subdivisions, only one of the owners of such property(s) shall be eligible to serve on the Board of Directors concurrently. No more than one household/or family member may serve on the Board of Directors.

Section 3. Duties of Officers.

- A. Duties of the President shall be to preside at all meetings of the Association and to preside as Chairman at all meetings, and to call any special meetings that are necessary, and to perform such other duties as are required of this office.
- B. Duties of the Vice President shall be to preside at all meetings in the absence of the President, to fulfill all duties of the President in his/her absence and to perform such other duties as are required of this office.
- C. Duties of the Secretary shall be to keep a record of all meetings, keep an accurate and classified list of all members, keep copies of all correspondence and all other records of the Association, and shall give due notice of meeting to all members of the Association. The annual report of Sears Lake Community Association must be filed with the Michigan Department of Commerce by October 1 each year, in order to maintain corporation status.
- D. Duties of the Treasurer shall be to receive all money due, give receipt for each sum received and notify delinquent members of all dues payable. The Treasurer shall pay all bills as presented at monthly board meetings. Bills in excess of ten dollars are to be paid only upon a vote of three board members and with the signatures of two (2) board members. The Treasurer shall keep an itemized account of all receipts and disbursements. A financial report will be given by the Treasurer at each monthly board meeting and each annual Membership Meeting.
- E. Duties of the Trustees shall be as a liaison between the general membership and the Board of Directors, and to ensure that the performance of all officers conforms to the bylaws. One of the trustees will be appointed by the Board or Directors to be chairman of

the Construction Committee for a period of one year.

- F. Duties of the Board of Directors shall be to transact all business and enforce all rules and regulations pertaining to the Association, and shall act as managers and financial representatives. Any board member may inspect the books of the Secretary and the Treasurer at any time deemed necessary. The books will be available for inspection by any member at all Membership Meetings.

Section 4. Removal of Officers and Vacancies.

Any officer neglecting or failing to carry out the duties required of his office, in a fitting and nondiscriminatory manner, may be relieved of his office by a majority vote of Association members. Any officer wishing to resign his office should give two (2) weeks written notice. In the event of a vacancy, the President shall call a special meeting of the Board of Directors and they will appoint a member of the Association to fill such office until the time of the next annual election.

Section 5. Power and Duties.

The officers shall have such powers and shall perform such duties as may from time to time be specified in these resolutions or other directives of the Board of Directors. In the absence of such specifications, each officer shall have the powers and authority and shall perform and discharge the duties of officers of the same title serving in nonprofit associations having the same or similar general purposes and objectives as this Association.

Article VI: Committees

Section 1. The officers may assign special committees from time to time to assist in operation of the Association.

Section 2. Each committee, when formed, shall organize itself, shall elect from its members a chairman and a secretary, and shall perform the functions and discharge the duties, concerning the consideration, approval, and election of new members, as are given to the committee elsewhere in these bylaws, or by resolution of the Board of Directors, or by resolution of the members.

Section 3. Committee recommendations must be submitted in writing to the officers and a full membership vote will be required to pass on any new programs submitted. At the inception of these bylaws a Construction Committee has been established for the purpose of overseeing and acting as a liaison to Milford for zoning, codes of township, any construction in Needles Oak Park Subdivisions #1 and #2, and any sales or exchanges of properties.

Article VII: General Membership Meetings

Meetings shall be conducted in accordance with Robert's Rules of Order.

Section 1. Annual Meeting.

The annual meeting and election of officers of the Association shall be held in June at such time and place as prescribed by the officers of the Association.

Section 2. Special Meetings.

Special meetings may be called at the written request of twenty (20) general members in good standing.

Section 3. Quorum.

At all membership meetings of the Association, a quorum constitutes those eligible voters present. 51 percent of the votes that may be cast at a meeting shall constitute a majority at such meeting.

Article VIII: Board of Directors Meetings

Meetings shall be conducted in accordance with Robert's Rules of Order.

Section 1. Monthly Meetings.

Meetings to be held each month for the officers to conduct Association business. All monthly meetings are open to members in good standing.

Section 2. Special Meetings.

Special meetings may be called at the request of four (4) members of the Association Board.

Section 3. Notice of Meetings.

Written or printed notice stating the place, day, and hour of any meeting of members shall be delivered either personally or by mail or by public notice. Notification must be given not less than fourteen (14) nor more than thirty (30) days before the date of such meeting. The purpose of the meeting shall be stated in the notice. If mailed, the notice of a meeting shall be deemed to be delivered when deposited in the United States mail addressed to the member at his address as it appears on the records of the Association, with postage thereon prepaid. In the event of an emergency, the Board of Directors upon two-thirds consent, may call a special meeting of the board or the board members with less notification than 14 days.

Section 4. Decisions.

The act of a majority of the directors present at a meeting at which a quorum is present shall be the act of the Board of Directors, unless the act of a greater number is required by law or by these bylaws. A majority of the officers shall constitute a quorum for transaction of business.

Article IX: Amendment of Bylaw

These bylaws may be altered, amended, or repealed, and new bylaws may be adopted at any time at a special meeting called for that purpose, or at the regular annual meeting, by the majority of members attending the meeting. All members must be notified not less than fourteen (14) nor more than thirty (30) days in advance of a meeting called for the purpose of approving the amending of these bylaws. A listing of the sections of these bylaws to be amended, altered,

added, or repealed will be available from officers and/or township library.

Article X: Limitations of Liability

It is expressly understood and agreed that Sears Lake Community Association Inc., members and officers, shall not be responsible in any manner for any and all losses, damages, costs, expenses, suits, actions, proceedings, claims and /or demands and liability whatsoever regardless of the cause of said damage, including damage or loss resulting from negligence arising from the acts of the members of the Association, or their agents, employees, representatives and invitees, as a result of the use, occupancy, or possession of Needels Oak Park Subdivisions #1 and #2, and any adjoining or abutting properties.

Article XI: Standards

We, the members of this Association, agree to do our part in upholding high standards of sanitation, good appearance of properties, and the privacy of each and all persons residing in Needels Oak Park Subdivisions #1 and #2.

Section 1. The Lake Overflow System must be maintained yearly to ensure the health and safety of residents and lake properties.

Section 2. Common Association areas: beaches, entry ways, roads, easements, canals must be maintained to ensure the health and safety of residents and lake properties.

Rules and Regulations

The rules and regulations indicated below are all covered by various township ordinance, State laws, county regulations and our Association's desires. Said rules were amended July, 2007. Please be cooperative and our purpose as outlined in the bylaws will be a success.

- 1) ~~No persons shall operate a motor of any kind on Sears Lake.~~
Adopted June, 2012

On the waters of Sears Lake, Sections 5 & 8, T2N, R7E, Milford Township, Oakland County, it is unlawful to operate a motorboat with the following exceptions:

1. Electric trolling motors are allowed.
 2. One motor per boat is allowed
- 1a) All boats must have a Sears Lake sticker displayed on each side of the boat.
- 2) Hunting and fishing within the jurisdiction of this Association shall be in accordance with the Michigan Game and Fish Laws.
 - 3) Speed limit on all private roads in Needels Oak Park Subdivisions #1 and #2 is 15 MILES PER/HOUR.
 - 4) Unlicensed vehicles of any kind are not allowed on the private roads of Needels Oak Park Subdivisions #1 and #2.

- 5) According to the Milford Charter Township Code - Section 10.4, Act 8 the following is not allowed: "Collecting, accumulating, processing or storing junk, used machines, old automobiles or materials for salvage unless such use is permitted under Chapter 19"
- 6) No objectionable loud noises shall be permitted that disturbs residents of this Association.
- 7) Sanitation.
 - a) All property owners shall be responsible for maintaining septic tanks and drain fields to assure no flow into Sears Lake or contamination of any neighboring areas.
 - b) No campers, tents, or house trailers shall be erected permanently on Needels Oak Park Subdivisions #1 and #2 properties.
 - c) Burning of garbage or other materials producing an offensive odor is prohibited. Garbage must be covered and arrangements shall be made to have individual regular weekly pickup. Abandoned junk and other debris accumulation must be removed.
- 8) Dogs or other pets shall be kept under the control of owner thereof.
- 9) The unauthorized planting of fish and unauthorized application of weed control poisons shall not be permitted.
- 10) Association will not be liable for damage to person or property through use of private facilities and roads.
- 11) The South and North Beaches are private, and are to be used by property owners of Needels Oak Park Subdivisions #1 and #2 only. The following rules apply:

- Beach closes at 10 pm
- No motorized vehicles
- No glass containers
- No boat launching (except at North Beach ramp)
- No fishing
- No pets on South Beach (allowed on North Beach)
- No fires
- No littering
- No alcohol
- There are no lifeguards on duty, therefore individuals must swim at their own risk.

All children must be supervised by adults. According to State Law children under 12 years of age are not allowed to be left unattended. Please report any violations of this law to the Milford Police Department at (248) 684-1815.