

**By-Laws  
Of  
Home Owners of KONO TAYEE ESTATES**  
\*\*\*\*\*

**REVISION – April 2018**

**ARTICLE I**

\*\*\*

**NAME AND LOCATION**

\*\*\*\*\*

The name of the Corporation is HOMEOWNERS OF KONO TAYEE ESTATES, hereinafter referred to as the “CORPORATION”. The principal address of the Corporation is S.R. 7897 Richard Drive, Lucerne, California 95458, but meetings of Members and Directors may be held within Lake County, State of California, at such place as may be designated by the Board of Directors.

**ARTICLE II**

**DEFINITIONS**

\*\*\*\*\*

**Section 1.** “CORPORATION” shall mean and refer to HOMEOWNERS OF KONO TAYEE ESTATES, its successors and assignees.

**Section 2.** “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 CORPORATION.

**Section 3.** “Common Area” shall mean all real property owned by the CORPORATION for the common use and enjoyment of the Owners.

**Section 4.** “Lot” shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any lot which is part of the Properties.

**Section 5.** “Owner” shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any lot which is part of the Properties.

**Section 6.** “Declarant” shall mean and refer to KONO TAYEE COMPANY, its successors and assignees if such successors or assignees should acquire more than one undeveloped Lot from the Declarant for the purpose of development.

**Section 7.** “Declaration” shall mean and refer to the Declaration of Covenants, Conditions and Restrictions applicable to the Properties recorded in the Office of the Recorder of Lake County, California.

**Section 8.** “Member” shall mean and refer to those persons entitled to membership as provided in the Declaration.

**Section 9.** “Fiscal Year” shall be July 1 - June 30.

**ARTICLE III**

\*\*\*

**MEETING OF MEMBERS**

\*\*\*\*\*

**Section 1.** Annual Meetings. Regular annual meetings of the members shall be held on the Saturday nearest the 4<sup>th</sup> of July each year at the hour of 10:00 o’clock A.M.. If the Saturday for the annual meeting should fall on the 4<sup>th</sup> of July, the meeting will be held at the same hour on the first Saturday following.

**By-Laws  
Of  
Home Owners of KONO TAYEE ESTATES**

\*\*\*\*\*

**Section 2.** Special Meetings. Special meetings of the members may be called at any time by the President or by the Board of Directors, or upon written request of the members who are entitled to vote forty percent (40%) of all the votes of the membership.

**Section 3.** Notice of Meetings. Written notice of each regular, annual, or special meeting of the members shall be given by the Secretary, by mailing or by hand delivery a copy of such notice, postage paid, at least 15 but not more than 30 days before such meeting to each member entitled to vote thereat, addressed to the Corporation for the purpose of notice. Such notice shall specify the place, day and hour of the meeting and in the case of a special meeting, the purpose of the meeting.

**Section 4.** Quorum: The main purpose of the annual meeting is to elect a board of directors. At least 20% of the members or mailed ballots are needed to make a quorum (26 votes). Each ballot received by an inspector shall be treated as a member present at a meeting for purposes of establishing a quorum. If the required quorum is not present, the meeting may be adjourned until a quorum is present or represented. It also is a time to review the past years performance by the President, to inform members of items they may be interested in, to answer questions members may ask and to ask for members input, suggestions, etc. Any change to the CC&R's requires a 2/3<sup>rd</sup> majority vote of the association members. Any change to the Articles of Incorporation requires a 75% vote of the association members.

**Section 5.** Ballots: All official ballots must be mailed or hand delivered to an election inspector prior to the annual meeting. Once in an inspector's possession no change can be made. When the polling period is closed the ballots can be tallied consistent with the governing documents. A member stating he or she has not received a ballot may be given a ballot at the annual meeting.

Changes made to above meeting time was SEPTEMBER 12, 1998 by present board

Willis Foley

Tony Marchese

Vern Hunt

Robert Woolworth

Nancy Piazza

**ARTICLE IV**

\*\*\*

**BOARD OF DIRECTORS: SELECTION: TERMS OF OFFICE**

\*\*\*\*\*

**Section 1.** Number. The affairs of this corporation shall be managed by a Board of five (5) Directors. Including: President, Vice President, Secretary, Treasurer and one (1) Director. These officers to be elected by those members attending the annual meeting or submitted proxies for other members of the HOMEOWNERS OF KONO TAYEE ESTATES. The Board of Directors has the option of appointing one or two alternate Directors as they see fit. Alternate Directors would not vote unless a quorum is needed. (Ref. Article VIII. Section 1).

**Section 2.** Term of office. Officers and Directors who are elected at the annual meeting shall take their offices on September 1<sup>st</sup>, following the election and hold this office until the following September 1<sup>st</sup>, except in the case of a resignation, death, disability, or removal.

**Section 3.** Removal. Any Director may be removed from the board, with cause, by a majority vote of the members of the CORPORATION. In the event of death, resignation or removal of a Director, his successor shall be elected by the remaining members of the Board and shall serve for the unexpired term of his predecessor.

**By-Laws  
Of  
Home Owners of KONO TAYEE ESTATES**

\*\*\*\*\*

**Section 4.** Any expense that a board member or any other member occur for the association will be reimbursed when bills are submitted to the treasurer.

**Section 5.** Action taken without a meeting. The Directors shall have the right to take any action in the absence of a meeting which they could take at a the absence of a meeting which they could take at a meeting by obtaining the written approval of all the Directors. Any action so approved shall have the same effect as though taken at a meeting of the Directors.

**Section 6.** Anyone who serves on the Board of Directors who is involved in a business that in any way could impact or affect a vote in their favor must abstain from voting on that issue.

**Section 7.** No more than one member of a voting parcel can serve on the Board of Directors at one time.

**ARTICLE V**

\*\*\*

**NOMINATION AND ELECTION OF OFFICERS**

\*\*\*\*\*

**Section 1.** Nominations: Nominations for election to the Board of Directors shall be made by a Nominating Committee. There will be no nominations from the floor unless no candidate gets any vote. The Nominating Committee shall consist of a Chairman, who shall be the Past President of the CORPORATION if he or she is willing and able to serve and two(2) other members who are not officers of the CORPORATION. If the Past President is not willing and able to serve the Board of Directors will appoint a chairman to work with the other two(2) members of this committee. The nominating Committee shall be appointed by the Board of Directors at the first regular meeting of the new Board of Directors, to serve from that time until the close of the next Annual Meeting of the members. The Nominating Committee shall make as many nominations for election to the Board of Directors as it shall in its discretion determine, but no less than the number of vacancies that are to be filled. All members in good standing are qualified to run or nominate someone for an office including her or himself. Candidates need not be members of the association. All forms to nominate a candidate are to be returned to the nominating committee in order for the nominating committee to verify the willingness of the candidate to run. The association has no forum for campaigning. Candidates may campaign at their own expense.

**Section 2** Elections: At the election the members or their ballots may be cast in respect to each vacancy on the Board of Directors as many votes as they own lots. ONE VOTE FOR EACH LOT! When more than one person holds an interest in any lot, the vote for such lot shall be exercised as they among themselves determine, but in no event shall more than one vote be cast with respect to any lot. The persons receiving the largest number of votes shall be elected. In the case of a tie the winner will be decided by the flip of a coin. One or three inspectors of election, with the option for an alternate inspector will be appointed by the Board of Directors. An alternate would have no vote unless needed for a quorum.

**Section 3** Inspectors of Election: Inspectors of Election are to be appointed by the Board of Directors at the January meeting. They may be a member of the association but must be an independent third party. They may not be a member of the Board of Directors or related to a member of the Board of Directors, or a candidate for the Board of Directors. An independent third party may not be a person, business entity, or subdivision of a business entity that is currently employed or under contract to the association for any compensable services. An inspector of election shall perform his or her duties impartially, in good faith, to the best of his or her ability, and as expeditiously as is practical. If three inspectors are appointed the decision or act of a majority shall be effective in all respects as the decision or act of all.

**By-Laws  
Of  
Home Owners of KONO TAYEE ESTATES**

\*\*\*\*\*

Duties of the inspectors:

1. Determine the number of votes that each member is entitled to cast using the current association roster.
2. Determine the validity and authenticity of each ballot returned using the above document as a guide.
3. Receive and maintain secure custody of all ballots.
4. Hear and determine all questions and challenges.
5. Count and tabulate all ballots.
6. Determine when the polls close at the annual meeting in July.
7. Determine the tabulated results of the election.
8. Perform any duties to insure that the election is fair to all.

**Section 4 Voting Instruction and Procedures:**

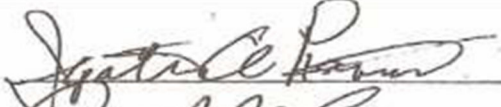
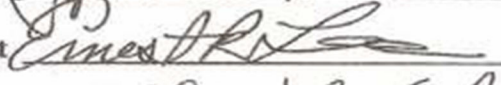
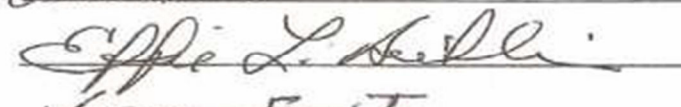

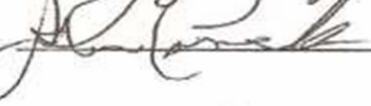
1. Absentee Ballot system is to be employed. Ballots and two separate envelopes with instructions on how to return ballots shall be mailed by the association to each voting member not less than thirty days prior to the deadline for the election, postage paid by the association.
2. The ballot is not to be signed by the voter. However a ballot shall not be invalidated solely due to the inclusion of a signature. The completed ballot is inserted into the first envelope and it is sealed. The first envelope is then inserted into the second pre-addressed envelope. The voter shall write his or her name, the address that entitles the vote to be tabulated and sign his or her name in the upper left hand corner of the second envelope.
3. The second envelope is pre-addressed to the inspector or inspectors of election for tallying. The Envelope is to be mailed or hand carried to the inspector or inspectors of election. The voting member may ask for a receipt. All ballots must be returned in the second pre-addressed envelope prior to the closing of the polls at the July meeting.
4. All ballots shall be counted and tabulated by the inspector or inspectors of election at the annual meeting in July. No person, including a member of the association, shall open or otherwise review any ballot prior to the time and place at which the ballots are counted and tabulated. Anyone may observe the tabulation. The inspector or inspectors must verify the information supplied on the outside of the envelope prior to the annual meeting. Once a ballot is received by an inspector it shall be irrevocable.
5. The tabulation of the results shall be promptly reported to the Board of Directors and recorded in the minutes of the annual meeting. The results of the election shall be available to all members of the association within fifteen(15) days of the Annual Meeting.
  1. The ballots and both sets of envelopes shall be in the custody of the inspectors until after the votes have been tabulated and until the seven(7) day period of time for challenge has expired. Only then will the ballots and envelopes be transferred to the association. If there is a recount or challenge, the inspector or inspectors shall make the ballots available, upon written request for inspection and review by any member or representative.
  2. After the transfer to the association, the ballots and pre-addressed envelopes shall be stored in a safe place for at least a full year after the election.

**By-Laws  
Of  
Home Owners of KONO TAYEE ESTATES  
\*\*\*\*\***

**AMENDMENTS TO THE BYLAWS  
APRIL 21, 2007**

**The Board of Directors have approved the following amendments and additions to the Bylaws for The Home Owners of Kono Tayee Estates Association regarding nominations and elections in order to be in compliance with the state law that went into effect in 2006 (Civil Code Section 1363.03- 1463.09): Amendments to Article III Section 4 & 5 and Article V Section 1& 2, and the addition to Article V of Sections 3 & 4.**

**KONO TAYEE ESTATES BOARD OF DIRECTORS**

Naish Piazza, President	
Ernie Lee, Vice President	
Joy Bertlin, Secretary	
Gary Fugit, Treasurer	
John Cormack, Director	

**ARTICLE VI**

\*\*\*

**MEETINGS OF DIRECTORS**

\*\*\*\*\*

**Section 1.** Regular meetings. The first regular meeting of the Board of Directors shall be held as soon as convenient for the members after the first of September each year. Each new board may provide by resolution the time and place for the holding of additional regular meetings of the Board without further notice.

**Section 2.** Special meetings. Special meetings of the Board of Directors shall be held when called by the President of the CORPORATION, or by any two Directors, after not less than three (3) days notice to each Director.

**Section 3.** Quorum. A majority of the number of Directors shall constitute a quorum for the transaction of business. Every act or decision done or made by a majority of the Directors present at a duly held meeting at which a quorum is present shall be regarded as the act of the Board.

**ARTICLE VII**

\*\*\*

**POWERS AND DUTIES OF THE BOARD**

\*\*\*\*\*

**Section 1.** Powers. The Board or Directors shall have the power to:

- (a) Adopt and publish rules and regulations governing the use of the Common Area and facilities, and the personal conduct of the members and their guests thereon, and to establish penalties for the infraction thereof.

**By-Laws  
Of  
Home Owners of KONO TAYEE ESTATES**

\*\*\*\*\*

- (b) Suspend the voting rights and right to use the recreational facilities of a member during any period in which such a member shall be in default in the payment of any assessment levied by the CORPORATION. Such rights may also be suspended after notice and hearing, for a period not to exceed 30 days for infraction of published rules and regulations:
- (c) Exercise for the CORPORATION all powers, duties and authority vested in or delegated to this CORPORATION and not reserved by other provisions of these by-laws, the Articles of Incorporation, or the Declaration:
- (d) Declare the office of a member of the Board of Directors to be vacant in the event such member shall be absent from three (3) consecutive regular meetings of the Board of Directors unless excused.
- (e) Employ an independent contractor, or such other employees as they deem necessary, and to prescribe their duties.

**Section 2. Duties:** It shall be the duties of the Board of Directors to:

- (a) Cause to be kept a complete record of all its acts and corporate affairs and the President shall give a report to the members at the Annual Meeting.
- (b) Supervise all officers, agents and employees of this CORPORATION, and to see that their duties are properly performed.
- (c) As more fully provided in the Declaration
  - (1) Fix the amount of the annual assessments against each building site at least thirty (30) days in advance of each annual assessment period. This assessment to include sufficient funds to build up a reserve fund to be used for deferred maintenance or capital expenditures. Yearly reserve fund shall be proposed by the budget committee consisting of the current Treasurer and a selection of committee members (between 3 to 5). The Annual Proposed Budget Report and Reserve Study Report are presented to the Board of Directors at the April Board meeting. The Board reviews, possibly amends, and approves the two studies. Expenditures from the reserve fund would require a unanimous approval of the Board of Directors.
  - (2) Send written notice of each assessment to every owner subject thereto at least thirty (30) days in advance of each annual assessment period (September 1 - August 31); and
  - (3) Foreclose the lien against any property for which assessments are not paid within thirty (30) days after due date or to bring an action of law against the owner personally obligated to pay the same:
- (d) Procure and maintain adequate liability and hazard insurance on property owned by the CORPORATION.
- (e) Cause the Common Area as well as the non-county roads, canal (Parcel B), mail delivery area and 5 mph buoys to be maintained.

**By-Laws  
Of  
Home Owners of KONO TAYEE ESTATES**

\*\*\*\*\*

(f) California law (Civil Code 5500, 5501, 5380 January 1, 2019) increases the financial review requirements and reporting of HOA Boards

1. Transfer of funds or expenditures in Kono Tayee's general fund requires a vote of a majority of Board members. Transfer of funds or expenditures from the reserve account require a unanimous approval of the Board of Directors.
2. The Board is required to review and report MONTHLY on:
  - a. a current reconciliation of the operating accounts.
  - b. a current reconciliation of the reserve accounts.
  - c. the current year's actual reserve revenues and expenses compared to the current year's budget.
  - d. the latest bank statements for the operating and reserve accounts.
  - e. an income and expense statement for the association's operating and reserve accounts
  - f. the check register, monthly general ledger, and delinquent assessment receivable reports.
3. Since the Board does not meet on a monthly basis an Executive Financial Sub Committee is required and consists of the treasurer and L other Board member who is appointed on a yearly basis. The Financial Sub Committee conducts a monthly review that is subsequently ratified by the Board at its next meeting and is placed in the minutes.
4. An independent yearend financial review will be conducted by the Executive Financial Sub Report committee plus a Board appointed non Board member from the Association.
5. The Board is required to purchase a Fidelity Bond, a form of insurance protection which covers losses that the Association incurs. The coverage amount is equal to or more than the combined amount of reserves and total assessments for three months. The Board must also include coverage for computer fraud, funds transfer fraud, and dishonest acts by Board members.

**SECTION 5500**

(g) Annual Policy Statement

- (1) California law (Civil Code Sections 5975, 5300 & 4525) requires information be provided to all homeowners including operating budget and reserve study, assessment collection policy, insurance coverage, alternative dispute resolution rights, and notice of right to receive Board minutes.

Our Kono Tayee Estates Homeowners Association's Annual Policy Statement will be reviewed annually by the Board and distributed to members not less than 30 days nor more than 90 days before the general meeting in July.

**ARTICLE VIII**

\*\*\*

**OFFICERS AND THEIR DUTIES**

\*\*\*\*\*

**Section 1. Special appointments:** The Board may elect such other officers as the affairs of the CORPORATION may require each of who shall hold office for such period, have such authority, and perform such duties as the Board may, from time to time, determine.

**By-Laws  
Of  
Home Owners of KONO TAYEE ESTATES**

\*\*\*\*\*

**Section 2. Resignation and removal:** The Board may remove any officer from office with cause. 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 later time specified therein, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

**Section 3. Multiple Offices:** No person shall; simultaneously hold more than (1) office except in the case of special offices created pursuant to Section 1 of this Article.

**Section 4. Duties:** The duties of the Officers are as follows:

**President**

- (a) The president shall preside at all meetings of the Board of Directors: shall see that orders and resolutions of the Board are carried out: shall sign all leases, mortgages, deeds and other written instruments.

**Vice President**

- (b) The Vice President shall act in the place and stead of the President in the event of his absence. Inability or refusal to act and shall exercise and discharge such other duties as may be required of him by the Board.



**By-Laws  
Of  
Home Owners of KONO TAYEE ESTATES**

\*\*\*\*\*

**Secretary**

- (c) The Secretary shall record the votes and keep the minutes of all meetings and proceedings of the Board and of the members: keep the Corporate Seal of the CORPORATION and affix it on all papers requiring said seal: serve notice of meetings of the Board and of the members of the CORPORATION together with their addresses and shall perform such other duties as required by the Board.

**Treasurer**

- (d) The Treasurer shall receive and deposit in appropriate bank accounts all moneys of the CORPORATION and shall disburse such funds as directed by resolution of the Board of Directors. All checks shall be signed by two (2) of the following four (4) Officers: President, Vice President, Secretary, and Treasurer.

A separate interest bearing account shall be maintained for the reserve account. Reports on this account as well as the checking account shall be made by the Treasurer to the Board at each Board of Directors meeting.

**ARTICLES IX**

\*\*\*

**COMMITTEES**

\*\*\*\*\*

The Board of Directors shall appoint a Budget Committee, which shall include the Treasurer: an Architectural Committee and a Nominating Committee, as provided in these by-laws. In addition, the Board of Directors shall appoint other committees as deemed appropriate in carrying out its purpose.

**ARCHITECTUAL COMMITTEE—RESPONSIBILITIES AND DUTIES**

The Committee shall consist of three (3) members who are not on the current Board. The chairperson shall be appointed by the Board. The chairperson shall recommend the other two members of the committee for Board approval.

1. Plans shall be submitted to the Committee for the following: All new construction of buildings, fences, boat houses, docks, retaining walls, exterior remodeling and all improved parking areas. They shall be reviewed by the Committee to insure they comply with the CC & R's. Particular attention shall be given to the setbacks and outside appearance.
2. In compliance with article 3 of the CC & R's - none of the above structures are to be started without written approval by the Architectural Committee. If work is started without approval, all work shall cease until such approval has been requested and obtained. In the event the owner refuses to comply, the provisions of article 10 of the CC & R's shall be enforced.
3. The Architectural Committee is not to be involved in the structural inspection of construction. This is the responsibility of the Lake County Building Department.

**By-Laws  
Of  
Home Owners of KONO TAYEE ESTATES**

\*\*\*\*\*

4. All existing buildings, boat houses, docks, piers, retaining walls and any appurtenances shall comply with the intent of Article 1 of the CC & R's in that they shall be properly maintained in their original approved condition with particular attention to painting and structural integrity. In the case of new construction, particular attention shall be given to the conditions and compliance with article 3 A of the CC & R's as regards to painting and landscaping.
5. Tree removal shall be in compliance with the CC & R's. All requests shall be in writing. When a tree is in common with adjacent building sites, the request shall bear the signatures of all owners.
6. When a request is received for either construction or tree removal the Committee shall respond within a reasonable time. All approvals or denials shall bear the signatures of the Committee. In the event a Committee member is unavailable a Board member can act in his absence.
7. The Committee Chairman shall be responsible for notifying the secretary when lots require weed cutting or cleanup. The secretary then notifies the owner in writing and if the owner does not comply with Article 4 of the CC & R's, the Chairman will arrange to have the work done.
8. The Committee Chairperson shall recommend to the Board of Directors when weed cleaning, aquatic spraying, and dredging of the canal (Parcel B only) is needed. The Board must approve proposed expenditures and sign the contract prior to any work being done.
9. If the application is denied it may be resubmitted with changes to the architectural committee or the owner may appeal the decision within 30 days to the Board of Directors.
10. The Board of Directors has the power to amend or reverse the architectural committee's decisions. The resulting Board decision will be discussed, voted upon at a Special Board Meeting, and published in the Board minutes.

**“HOKT” Canal Advisory Committee to the Architectural Committee**

**"Special Rules and Regulations for the Kono Tayee Estates Canal"**

Definitions:

Canal Properties are split into three sections:

1. "PARCEL B": The center section of the Canal, about 25 feet wide at the smallest point. "Parcel B" is owned by "HOKT"
  2. "BUILDING SITES":
    - a) Land-portion of a property. This is the section of the property which extends from the street (Cora or Richard Drive) to the sea wall at the canal.
    - b) Water-Portion of a property. This is the section of the property, which extends from the sea wall outwards into the Canal and borders on "PARCEL B".
1. "PARCEL B"

"PARCEL B" is dedicated exclusively to Boat-Traffic and is to be considered as a "*BOAT LANE*".

    - a) NO Dock or similar floating or mooring device or other kind of object or any part of it shall encroach" PARCEL B".
    - b) No Water Craft of any kind shall be moored, anchored or docked in the Water-Portion of a building site, so that it or any part of it encroaches at any time upon "PARCEL B"

**By-Laws  
Of  
Home Owners of KONO TAYEE ESTATES**

\*\*\*\*\*

c) Maintenance: Maintenance of the waterway of the Canal including "PARCEL B" is the sole responsibility of "HOKT". If needed, a certified "Extermination Company" shall be contracted to control the growth of weeds in the water.

WEED CONTROL in the water will be a permanent maintenance program. The costs are to be reflected in the annual budget of "HOKT".

2. CANAL BANKS:

Maintenance of the exposed Canal Banks is strictly the responsibility of the individual property owner. They are subject to periodical inspection by the "Architectural Committee". Canal Banks shall at all times be clean, free of weeds and trash.

3. BOAT DOCKS:

Boat Docks or similar floating or mooring devices, after being approved for size, placement, construction and compliance with the regulations, may be placed into the Water-Portion of a property. They may, at no time, encroach "PARCEL B". Any water craft or part of a water craft docked outside of a dock may at no time encroach "PARCEL B".

A) STRAIGHT DOCKS'

Straight Docks with a maximum width of **5 feet** may be placed into the Water-Portion of a property and shall at no time be closer than 6 feet from the neighbor's property lines. They have to be kept as close as possible back to the sea wall.

B) STRAIGHT DOCKS WITH OUTWARD EXTENSIONS:

The out ward extensions of straight Dock must at least be 10 feet inside the neighboring property lines and may not extend into "PARCEL B".

C) "V-DOCKS" must be at least 10 feet inside from the neighbors property lines.

Any dock or mooring device that is being replaced, relocated, expanded, or modified shall be brought into compliance with current by- laws pursuant to page 10 of 23, Item #3 subsections A, B, and C.

Repairs or replacement of pilings, decking, framing and /or floats effecting more than 45% of existing materials shall also mandate compliance with current by-laws.

In a dispute about the placement of a mooring device, the property owner will be required to provide a survey of his property lines at his own expense.

Measurements, as provided on the Lake County Map for KONO TAYEE ESTATES, dated February 1965 shall apply.

4. BOAT LIFTS:

Boat lifts are permitted. Size, type and placement are subject to approval.

5. COVERS FOR BOAT DOCKS:

Dock-Covers are permitted and are subject to approval, as to Size, Construction, Placement and Color.

NO shiny, bright or light reflecting materials shall be permitted.

**By-Laws  
Of  
Home Owners of KONO TAYEE ESTATES**  
\*\*\*\*\*

6. RESTRICTIONS:

1. FENCES: No fences shall be permitted to be built outwards from the sea wall into the Water-Portion of a property.

2. STRUCTURES: No structures of any kind (Boathouses, Storage sheds etc.) shall be permitted to be erected in the Water-Portion of a building site, or to be placed on docks, floats or any similar mooring device, anchored or tied down on the Water-Section of a building site. No permanent structure or super structure shall be erected to extend outwards over the sea wall or into the Water-Portion of a building site.

3. HOUSE BOATS:

NO House-Boats or similar water crafts are permitted to be moored or anchored at any time in the Water-Portion of any property or, "Parcel B". NO water craft shall be used as living quarters on a temporary or permanent basis.

7. 'NUISANCE' MOORING DEVICES:

Docks or similar floating or mooring devices, which have deteriorated or are in a state of repair so that they are an eyesore to the neighbors residing along the canal will be inspected by the "Architectural Committee".

Owners will then be advised in writing and given the choice of either to restore, repair or remove the Dock within a reasonable time, but not to exceed a four month time frame. In case of non compliance "HOKT" will have the right to remove "nuisance docks or floating and mooring devices" at the owners expense.

8. DISPUTES:

In case of a dispute, the "CLEAR LAKE SHORELINE ORDINANCE", provided by the "LAKE COUNTY PUBLIC WORKS DEPARTMENT" and the "FLOOD AND LAKE MANAGEMENT PROGRAMS DMSION" shall serve as guidelines for Canal properties.

Signed:

Dean Carson		Date: 6/7/98
Robert Woolworth		Date: 6/7/98
Naish Piazza		Date: 6-7-98
Ted Blunier		Date: 6-7/98

By-Laws  
Of  
Home Owners of KONO TAYEE ESTATES  
\*\*\*\*\*

## AMENDMENTS TO THE BYLAWS

### BOARD MEETING JANUARY 9, 2010

The Board of Directors has approved the following additions and or deletions to the Bylaws for the Home Owners of Kono Tayee Estates Association .

**Section 3, A** The KTHOA By-laws to be changed from 4 feet dock width to 5 feet dock width. The section "Special Rules and Regulations for the Kono Tayee Estates Canal" page 10 of 23, 3A. The specific line states "Straight docks with a maximum width of 4 feet." Diagram on Page 13 of 21, A, B, C to be changed to 5'.

The resolution will change the distance between the owners' property line from the current 10 feet to 6 feet. All docks over 5 feet in width will still need 10 feet from the dock to owners' property lines.

### SPECIAL BOARD MEETING FEBRUARY 27, 2010

**Section 3 C.** Any dock or mooring device that is being replaced, relocated, expanded, or modified shall be brought into compliance with current by-laws pursuant to page 10 of 23, Item #3 subsections A, B and C.

Repairs or replacement of pilings, decking, framing and or floats effecting more than 45% of existing materials shall also mandate compliance with current by-laws.

# 4 Nuisance Mooring Devices renumbered to # 7 on page 11 of 23.

# 5 Disputes renumbered to # 8 on page 11 of 23.

#### KONO TAYEE ESTATES BOARD OF DIRECTORS

Jim Hiss, President *Jim Hiss*

Bob Sullivan, Vice President *Bob Sullivan*

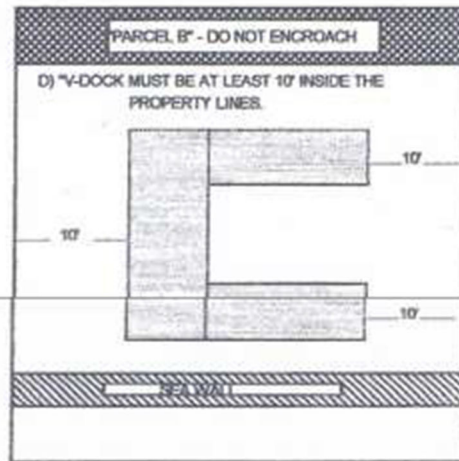
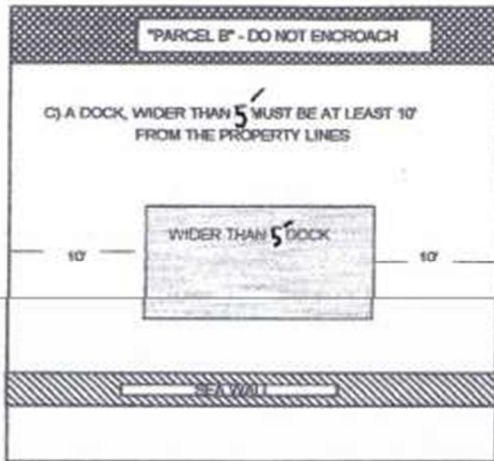
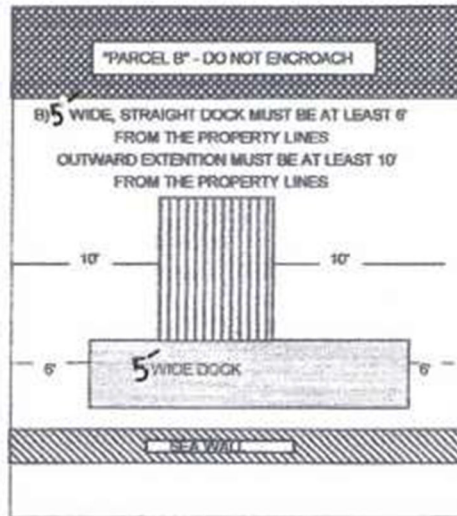
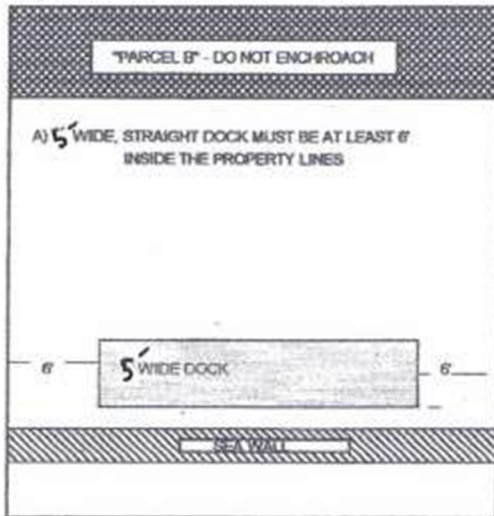
Mike Braley, Secretary *Mike Braley*

Debbie Pryor, Treasurer *Debbie Pryor*

Mike Morarity, Director *Michael P. Morarity Sr.*

By-Laws  
Of  
Home Owners of KONO TAYEE ESTATES  
\*\*\*\*\*

“HOKT” APPROVED DOCKS  
IN CANAL



By-Laws  
Of  
Home Owners of KONO TAYEE ESTATES  
\*\*\*\*\*

**“HOKT”**  
**Canal Advisory Committee**  
**to the Architectural Committee**

The undersigned officers of Kono Tayee Homeowners hereby adopt the “Special Rules and Regulations for Kono Tayee Estates Canal” that will be added to Governing Documents as part of Architectural Committee under Maintenance of the Canal Page 7a of Bylaws.

Willis M. Foley *Willis M. Foley*  
Maurice A. Wendt *Maurice A. Wendt*  
Nancy J. Piazza *Nancy J. Piazza*  
Anthony Marchese *Anthony Marchese*  
Vern Hunt *Vern Hunt*

Dated 6/15/98

ARTICLE X

\*\*\*

**BOOKS AND RECORDS**

\*\*\*\*\*

The books, records and papers of the CORPORATION shall at all times, during reasonable hours, be subject to inspection by any member. The Declaration, the Articles of Incorporation and the by-laws of the CORPORATION shall be available for inspection by any member at the principal office of the CORPORATION, where copies may be purchased.

For security reasons membership address lists and phone numbers will only be given to persons who are engaged in the operation of the Corporation and have a need to know.

Copies of the Articles of Incorporation, the by-laws, Covenants, Conditions and Restrictions (cc & R's) and the Guidelines and Special Regulations shall be distributed to all existing members and any new members.

**By-Laws  
Of  
Home Owners of KONO TAYEE ESTATES**

\*\*\*\*\*

**ARTICLE XI**

\*\*\*

**ASSESSMENTS**

\*\*\*\*\*

As more fully provided in the Declaration, each member is obligated to pay to the CORPORATION annual and special assessments, which are secured by a continuing lien upon the property against which the assessment is made. Any assessments which are not paid when due shall be delinquent and shall, if not paid within fifteen (15) days after date due, be subject to a late charge of ten percent (10%) of the assessment amount plus interest at twelve percent (12%) per annum (One percent (1%) per month). If the assessment is not paid within thirty (30) days after the due date, the CORPORATION may bring an action of law against the owner personally obligated to pay the same or foreclose the lien against the property, interest, costs and reasonable attorney's fees of any such action shall be added to the amount of such assessment. No owner may waive or otherwise escape liability for the assessments provided for herein by nonuse of the Common area or abandonment of his lot.

**ARTICLE XII**

\*\*\*

**CORPORATE SEAL**

\*\*\*\*\*

The corporation shall have a seal in circular form.

**ARTICLE XIII**

\*\*\*

**Section 1.** These by-laws may be amended by a majority of the Directors at any regular or any special meeting.

**Section 2.** In the case of any conflict between the Articles of Incorporation and these bylaws, the Articles shall control; and in the case of any conflict between the Declaration and these by-laws, the Declaration shall control.

**Section 3.** Rules Enforcement

**General Process for Rules Violation:**

- A. Whenever possible residents are encouraged to talk to one another about Associations' rules and following them. In specific cases, such as speeding, noise, animals, Special District water problems, trespassing, and boating violations, county agencies should be contacted.
- B. The Board should be only notified for repeated violations of an Association rule. The violating party will be contacted by mail, email,



**By-Laws  
Of  
Home Owners of KONO TAYEE ESTATES**

\*\*\*\*\*

or in person with the specific violation by a representative of the Board who will request compliance. A record will be kept of this contact.

- C. If the same violation occurs with the same owner, tenant, or guest of the owner the Board will compose a letter to be sent to the homeowner indicating the violation, the repeating date(s), asking for their cooperation to resolve this issue.
- D. If the violation continues or is repeated again the Board will request in writing that an Executive Board Meeting be held with the owner to resolve the infraction.
- E. If there is no compliance to meet with the Board, The Board may initiate the Dispute Resolution process with the owner. The result of this request and result for Dispute Resolution will be placed on a Board meeting agenda for members' information.
- F. The Board may assess the owner for costs and damages. CC&R's #8 b. "The Corporation shall have the power from time to time: b) Special assessments may be used for the following purposes: To reimburse the corporation for the cost to the corporation of the prevention or abatement of any nuisance, or any other condition on a building site in violation of these restrictions."

**Section 4. Internal Dispute Resolution Policy Summary (IDR), Alternative Dispute Resolution Policy Summary (ADR)**

## INTERNAL DISPUTE RESOLUTION

**Meet & Confer.** Associations must provide a "fair, [reasonable](#) and expeditious" procedure for resolving disputes between the association and its members without charging a fee to the member participating in the process. ([Civ. Code §5910.](#)) The process is referred to as "Internal Dispute Resolution" (IDR) or "Meet and Confer."

**Notice.** Associations must notify their members of both [ADR](#) and [IDR](#) dispute resolution procedures.

**A. Default Procedure.** If an association does not establish its own procedures, then the following procedures automatically apply ([Civ. Code §5915\(b\)](#)):

- (1) The party may request the other party to meet and confer in an effort to resolve the dispute. The request shall be in writing.
- (2) A member of an association may refuse a request to meet and confer. The association may not refuse a request to meet and confer.
- (3) The board shall designate a director to meet and confer.

**By-Laws  
Of  
Home Owners of KONO TAYEE ESTATES**  
\*\*\*\*\*

(4) The parties shall meet promptly at a mutually convenient time and place, explain their positions to each other, and confer in good faith in an effort to resolve the dispute. The parties may be assisted by an attorney or another person at their own cost when conferring. The association may not charge a cost.

(5) A resolution of the dispute agreed to by the parties shall be memorialized in writing and signed by the parties, including the board designee on behalf of the association.

**Written Resolution.** Any agreement resolving the dispute must be in writing and signed by both parties. The agreement cannot conflict with the law or governing documents and within the authority of the board. (Civ. Code §5915(c).)

## ALTERNATIVE DISPUTE RESOLUTION

Upon failure of the Parties to a dispute involving enforcement of an association's governing documents through IDR, the parties are encouraged to submit the dispute to ADR, PRIOR TO filing a lawsuit.

ADR law mandates that the Association must include certain wording in notices to members of ADR rights.

**A. Procedure:** Request for Resolution must have

- (1) Brief description of nature of dispute,
- (2) Request for ADR, and
- (3) Notice that party receiving Request for Resolution is required to respond within 30 days of receipt, or that Request is deemed rejected. (If accepted, ADR must be completed within 90 days, unless otherwise agreed by involved parties). The purpose of ADR is to allow for a cost effective resolution with a 3<sup>rd</sup> party mediator and not clog courts.

Failure of a member of the association to comply with the ADR requirements of Section 5930 of the Civil Code may result in the loss of your right to sue the association or another member of the association regarding enforcement of the governing documents or the applicable law.

**Alternative Dispute Resolution** ("ADR") refers to methods of resolving disputes outside of court. The most common forms of ADR are arbitration and mediation.

**Arbitration.** An arbitrator conducts a hearing between the parties and then, acting as a judge, renders a legally binding decision.

**Award.** Decision of an arbitrator which is enforceable in court.

**By-Laws  
Of  
Home Owners of KONO TAYEE ESTATES**  
\*\*\*\*\*

**Caucus.** Meetings in which a mediator talks with the parties individually.

**Claimants.** The plaintiffs. The party or parties bringing the action.

**Counterclaims.** Claims by the defendant back against the plaintiff.

**Discovery Master/Referee.** A neutral third party who assists in discovery disputes.

**ARTICLE XIV**

\*\*\*

**WAIVER OF NOTICE**

\*\*\*\*\*

Whenever any notice is required to be given under the provisions of the General NonProfit Corporation Law of California or under the provisions of the Articles of Incorporation or the by-laws of the Corporation, a waiver thereof in writing signed by the person entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

**Original by-laws revised April 1, 1989.  
1998**

**By-Laws Revised January, 21,**

Neo Corsini, President

Willis. M. Foley, President

Leo Melcher, Vice President

Maurice A. Wendt, Vice President

Dorothy Atteberry, Secretary

Nancy Piazza, Secretary

Ted Blunier, Treasurer

Anthony Marchese, Treasurer

Clifford Perry, Director

Vern Hunt, Director

**ALL SIGNATURES ON FILE WITH KONO TAYEE ASSOCIATION**

Changes made to Article 8, Page 7, Treasurer Section September 11, 1999

Robert Woolworth----- Tony Marchese----- Nancy

Piazza----- Leo Melcher-----

Carl Hickey-----

**HOMEOWNERS OF KONO TAYEE ESTATES**

**GUIDELINES AND SPECIAL REGULATIONS**

**AMENDED September 8, 2007**

**I. GENERAL**

- A. The BBQ area, beach, pier, floating dock, swimming float and launching facility are for the use of the members and their immediate families.

**By-Laws**  
**Of**  
**Home Owners of KONO TAYEE ESTATES**  
\*\*\*\*\*

**B. EXCEPTIONS THERETO:**

1. Guests of members accompanied by members.
2. All renters using the rental property as their primary residence, shall have the privilege of use as set forth herein, provided that:
  - a. The property owner signs and delivers to the Association for filing an “Assumption of Responsibility Agreement” for any and all financial losses to the Association or it’s members caused by the tenant’s violation of the CC & R’s and/or Special Regulations as set forth by the Board of Directors, or from any act that endangers the property, health or welfare of the membership.
  - b. If the Assumption of Responsibility form is not on file with the Secretary of the Association then the tenant shall have no privilege or authority to use any of the facilities described above and herein.
  - c. The owner of rental property shall, at the time of renting the property, advise the tenant as to whether or not the described privileges are available to the tenant and whether or not the landlord has signed and filed the Assumption of Responsibility form. Such advise to tenant shall be in writing on a “Tenant Privilege Notification” form available through the Association.

Example: If the owner (or his designee) signs an Assumption of Responsibility form, then the tenant has the use of all facilities as set forth in Article #1A, and the tenant will be so advised in the Tenant Privilege Notification. If the owner does NOT sign the Assumption of Responsibility form, then the tenant has NO PRIVILEGE OF USE of any of the recreational facilities as set forth in Article #1, and the tenant will be so advised in the Tenant Privilege Notification

- d. The Tenant Privilege Notification shall be acknowledged by the tenant by signature on such notification and the form shall be filed with the Association along with the Assumption of Responsibility prior to the execution of any rental agreement.
  - e. Reference to the Tenant Privilege Notification shall be made in any and all rental agreements executed by members advising tenants of the privileges to which they are entitled.
- C. “Tenant Privilege Notification” shall include the following:
1. The name of the owner of the property
  2. If the owner is not a Kono Tayee Estates resident, then the name of the Kono Tayee Estates resident who is the designated representative (designee) of the owner that is to be contacted by the tenant or the Association in the event of need.
  3. The beginning and ending date of the tenancy.
  4. The number of tenants occupying the premises.
  5. The names and permanent home addresses of each tenant.

**By-Laws  
Of  
Home Owners of KONO TAYEE ESTATES**

\*\*\*\*\*

- D. A current copy of the Association guidelines and Special Regulations, that has been read, understood, agreed to and acknowledged by signature of the tenant on the Tenant Privilege Notification, which shall be submitted to the Association for filing upon arrival for their tenancy at Kono Tayee.
  - E. At least one copy of the Guidelines and Special Regulations shall be posted within the premises of the rented property.
  - F. Copies of the Guidelines and Special Regulations shall be available through the Association Secretary at a cost of \$25.00 each.
- II. None of the foregoing shall relieve property owners from liability for the conduct of their guests.
- III. **Dogs** must be leashed at all times when not on their owner's property as per Lake County Ordinance #1502. Violators are subject to citation and/or impoundment of the animal by the Animal Control Department. Any member or citizen may report violations of this Ordinance. Dog owners shall be responsible for any and all nuisances caused by their animals including, but not limited to, excessive or loud noise (barking) and damage to property of others from urination or defecation. Dog owners shall remove droppings left by their animals on the property of others.

**DOGS ARE NOT ALLOWED ON THE BEACH OR PIER AT ANY TIME.**

- IV. **Vehicles and boat trailers** cannot block the boat launching facilities from the use of others. Resident, guests and tenants shall park vehicles and trailers on their own property, or that of the Kono Tayee resident of whom they are guests, immediately after launching. Parking is not allowed against red curbs or which inhibits the unobstructed use of other.

**V. Use of recreational vehicles and camping in Kono Tayee Estates.**

- A. No camping except as defined in 2. b. is permitted on undeveloped property.
  - 1. Article II, Section 15-15 of the Lake County Code states: It shall be unlawful for any person or persons to camp, cook, or sleep upon any public road, highway, or other public road highway, or other public place in the County of Lake, except where camping is expressly designated permissible by Federal, State or Local authority. (Ordinance No. 213, Paragraph 1, 1937)
- B. Limited storage of trailers and vehicles on undeveloped lots is allowed as follows:
  - 1. Owners of such undeveloped property may store no more than three of their own (vehicles and/or trailers) on their own property for longer than two(2) weeks.
  - 2. Owners may store more than three vehicles and/or trailers for a short period, not to exceed two weeks.

Owners may give permission to another member or members to park non owner vehicles on their property under the same guidelines and limitations as specified in (1) and (2) above. Any long-term non-owner authorized use shall be authorized in writing and such authorization be on file with the Association Secretary.

    - a. Members are advised that they may be held liable for damage to non-owned vehicles stored on their property and for injuries caused by those vehicles.
    - b. Recreational Vehicles (RV's) or travel trailers may be used for additional sleeping quarters provided they are parked on property owned by members

**By-Laws  
Of  
Home Owners of KONO TAYEE ESTATES**

\*\*\*\*\*

for a period not to exceed two (2) weeks. Dumping of any kind (fluids) on the undeveloped lots is prohibited.

a. Tenants do not have this privilege, even if all other privileges are allowed under Tenant Notification and Assumption of Responsibility Agreement. Maximum number of tenants allowed per property is set forth in each individual rental agreement between landlord and tenant.

b. All vehicles parked within Kono Tayee Estates shall be in compliance with Section 10.205 of Division II of the Uniform Fire Code.

(1) Section 10.205 states that: No vehicle, motorized or non-motorized shall park on any street in such a manner as to be an obstruction to the operation of any emergency vehicle.

(2) There shall be no overnight, or extended non-attended daytime parking of any motorized or non-motorized vehicle on Alston Way, Kono Way, or Harry Way.

C. Section 10.204. (a) of the 1991 Uniform Fire Code States that: Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.

1. No trailer or boat may be parked on any street over night that is not connected to a vehicle capable of moving such trailer or boat in an emergency.

2. Vehicles parked so as to block access to emergency vehicles may be cited or towed at the owner's expense.

**VI. Boating and Skiing**

A. Practice safety at all times. Understand and Practice California Boating Laws and Regulations. Laws and Regulations are enforceable by the Sheriff's Patrol and members are advised to report violations to the proper authorities.

B. There is a 5 MILE PER HOUR SPEED MAXIMUM SPEED LIMIT in the following areas (from the Harbors and Navigation Code):

1. Within the canal.

2. Between the speed limit buoys and the shoreline.

3. Within 100' of swimmers or bathers.

4. Within 200' of:

a. Any beach frequented by bathers.

b. Any swimming float, diving platform or lifeline.

b. Docks or landing floats used for mooring boats and/or the embarkation or discharge (loading and unloading) of passengers.

C. "Beach Start" skiing from Kono Tayee Estates beach and/or skiing into the beach area is not allowed.

D. Ski in a counter clockwise direction whenever possible, especially when starting in the immediate area of Kono Tayee.

E. Overnight or long term (not to exceed seven [7] consecutive days) parking is allowed only by members and only on the WEST (NEAREST MT. KONOCTI) side floating dock.

F. The EAST (NEAREST THE SWIMMING DOCK) side of the floating pier is for loading and unloading of passengers and gear ONLY, and is NOT for long term or overnight mooring. The following applies to the EAST (NEAREST THE SWIMMING DOCK) side of the floating pier:

1. No camping or overnight use is permitted in such area.

**By-Laws  
Of  
Home Owners of KONO TAYEE ESTATES**

\*\*\*\*\*

2. Such area is for loading and unloading of passengers and gear only.
  3. Such area is not for long term or overnight mooring.
  4. There is a fifteen (15) minute time limit for parking on the launch side of the floating pier.
  5. A lien/assessment of one hundred dollars (\$100.00) may be added to the annual dues of any member for violation of the foregoing and if not paid after being assessed, a lien will be filed against the property of such member which shall include the amount of the lien/assessment, attorney fees incurred, and court costs expended.
- G. Jet Ski and Wave runner type watercraft are subject to the same marine laws and regulations as boat owners and operators.
- H. No roller blading, bicycle riding, skate boarding, etc. on all docks and piers at beach. Walking allowed only.
- I. No fueling of watercraft is allowed anywhere on the beach area or launch area. No gas containers or oil cans are to be stored anywhere at the beach area. If found, the cans will be removed and disposed of.
- J. Residents & guest must have a KTHOA boat permit for all watercraft launched and/or using The docks at the Kono Tayee beach area. The permit must be prominently visually displayed on the vessel.
1. Failure to have a permit will result in a warning and an assessment of One Hundred dollars (\$100) may be added to the annual dues of any member for repeated violations.

**VII. Swimming**

- A. Kono Tayee Estates has no lifeguard on duty. All swimming is done at the swimmers OWN RISK and with the FULL KNOWLEDGE as provided herein and in any Tenant Privilege Notification that the Kono Tayee Homeowner's Association shall not be liable for accident or death caused to any member, guest or tenant.
- B. There is a clearly defined area that is roped off between the Kono Tayee beach and the swimming dock that is the only area recommended for swimming.
- C. There is a steep drop-off just a short distance form the shoreline. EXTREME CAUTION should be used by children and non-swimmers.
- D. DIVING OR JUMPING FROM THE FISHING PIER IS EXTREMELY DANGEROUS AND PROHIBITED. UNDERWATER OBSTACLES THAT CANNOT BE SEEN MAY CAUSE SERIOUS INJURY OR DEATH.
- E. No children under the age of twelve (12) will be allowed to use the beach area unless accompanied by an adult.
- F. Quiet time for all Kono Tayee Estates begins at 11:00 PM. If this is abused, a curfew will be considered.

**VII. All Members**

- A. If property owner is not in compliance with any of the Articles of Incorporation, Covenants, Conditions and Restrictions, By-laws, Guidelines and Special Regulations, they will be notified in person or by letter. Failure to comply will result in the necessary action by board.
- B. Your Board of Directors handles the affairs of the Association to the best of its ability. It is not a police force who steps in who steps in and handles all problems. Members should try and resolve neighborly disputes as tactfully as possible. The county has agencies to handle various problems and if you feel is is needed contact them.

**By-Laws  
Of  
Home Owners of KONO TAYEE ESTATES**  
\*\*\*\*\*

**EXAMPLES**

**Dog Problems---Sheriff and Humane Society**

**Speeding and Noise-----Sheriff**

**If we all try to be good neighbors and respect the rights of others, the problems should be few.**

**The undersigned officers of Kono Tayee Homeowners Association  
hereby adopt all the above as set forth herein on the date shown below.**

WILLIS M. FOLEY, PRESIDENT

MAURICE A. WENDT, VICE PRESIDENT

NANCY J. PIAZZA, SECRETARY Guideline, Special Regulations

And By-laws Revised 1/21/98

ANTHONY MARCHESE, TREASURER

VERN HUNT, DIRECTOR

**ALL SIGNATURES ON FILE WITH KONO TAYEE ASSOCIATION**

**AMENDMENTS TO THE BYLAWS**

JANUARY 13, 2007

The Board of Directors has approved the following additions to the Bylaws for The Home Owners of Kono Tayee Estates Association regarding boat docking: Special Guidelines Section 6 "F".

**KONO TAYEE ESTATES BOARD OF DIRECTORS**

Naish Piazza, President

  
\_\_\_\_\_

Ernie Lee, Vice President

  
\_\_\_\_\_

Joy Bertlin, Secretary

  
\_\_\_\_\_

Gary Fugit, Treasurer

\_\_\_\_\_

John Cormack, Director

  
\_\_\_\_\_



**By-Laws**  
**Of**  
**Home Owners of KONO TAYEE ESTATES**  
\*\*\*\*\*

**Bulletin Board Guidelines**

1. All messages posted on the bulletin board must be dated and signed.
2. The content of all messages shall be informational, advertisements, or general information and in good taste. Nothing will be allowed that is a personal attack on an individual or group. No posting of any religious materials or any political materials unless the political materials meet the guidelines herein proscribed for an election campaign.
3. Any candidate or member advocating a point of view will be provided equal access to the association newsletter and the community bulletin board and common area meeting space during a campaign for purposes that are reasonably related to that election. The newsletter may be used or not used depending when and if it can be published prior to the elections and after nominees' names have been submitted. The committee bulletin board, adjacent and facing left of the mailboxes, may be used as a forum for campaigning for a point of view and/or for candidates nominated and running for the following association offices (President, Vice President, Secretary, Treasurer, and Director) for the coming year. Each posting will use an eight and one half inch by eleven inch piece of paper containing information regarding their candidacy or position which may be posted on the bulletin board 60 days prior to the annual meeting. The association shall not edit or redact any content from these communications. Each posting must be signed and dated which represents that the candidate or member, and not the association, is responsible for that content. The information will remain on display until after the election.
4. Other campaign literature may be mailed at the candidates' personal expense to association members. Association funds shall not be used for campaign purposes in connection with any association board election.
5. The contents listed on the bulletin board will be cleared every 1st and 15th of the month by the newbulletin board committee, which will consist of the President, Vice President, and Secretary. If a conflict occurs, it will be brought to the attention of the full board.

This Kono Tayee amendment to the Bylaws was passed unanimously September 8 2007 by the following Board of Directors present: Naish Piazza, Ernie Lee, Tony Marchese, and Pat Ridgel

By-Laws  
Of  
Home Owners of KONO TAYEE ESTATES  
\*\*\*\*\*

## ADMENDMENTS TO THE BYLAWS

### BOARD MEETING APRIL 21, 2018

The Board of Directors has approved the following additions and/or deletions to the Home Owners of Kono Tayee Estates By-Laws. Also, where these amendments will be inserted into the existing By-Laws.

1. Under By-Laws, Article VII By-Laws Powers and Duties of the Board, Section 2 Duties, (a) through (f) **ADD (g) Annual Policy Statement, Section 1** California law (Civil Code Sections 5975, 5300 & 4525) requires information be provided to all homeowners including operating budget and reserve study, assessment collection policy, insurance coverage, alternative dispute resolution rights, and notice of right to receive Board minutes.

Our Kono Tayee Estates Homeowners Association's Annual Policy Statement will be reviewed annually by the Board and distributed to members not less than 30 days nor more than 90 days before the general meeting in July.

2. Under By-Laws, Article XIII ADD Section 4. Internal Dispute Resolution Policy Summary (IDR), Alternative Dispute Resolution Policy Summary (ADR)

## INTERNAL DISPUTE RESOLUTION

**Meet & Confer.** Associations must provide a "fair, reasonable and expeditious" procedure for resolving disputes between the association and its members without charging a fee to the member participating in the process. (Civ. Code §5910.) The process is referred to as "Internal Dispute Resolution" (IDR) or "Meet and Confer."

**Notice.** Associations must notify their members of both ADR and IDR dispute resolution procedures.

**A. Default Procedure.** If an association does not establish its own procedures, then the following procedures automatically apply (Civ. Code §5915(b)):

- (1) The party may request the other party to meet and confer in an effort to resolve the dispute. The request shall be in writing.
- (2) A member of an association may refuse a request to meet and confer. The association may not refuse a request to meet and confer.

**By-Laws  
Of  
Home Owners of KONO TAYEE ESTATES**  
\*\*\*\*\*

- (3) The board shall designate a director to meet and confer.
- (4) The parties shall meet promptly at a mutually convenient time and place, explain their positions to each other, and confer in good faith in an effort to resolve the dispute. The parties may be [assisted by an attorney](#) or another person at their own cost when conferring. The association may not charge a cost.
- (5) A resolution of the dispute agreed to by the parties shall be memorialized in writing and signed by the parties, including the board designee on behalf of the association.  
**Written Resolution.** Any agreement resolving the dispute must be in writing and signed by both parties. The agreement cannot conflict with the law or governing documents and within the authority of the board. ([Civ. Code §5915\(c\)](#).)

## ALTERNATIVE DISPUTE RESOLUTION

Upon failure of the Parties to a dispute involving enforcement of an association's governing documents through IDR, the parties are encouraged to submit the dispute to ADR, PRIOR TO filing a lawsuit.

ADR law mandates that the Association must include certain wording in notices to members of ADR rights.

**A. Procedure:** Request for Resolution must have

- (1) Brief description of nature of dispute,
- (2) Request for ADR, and
- (3) Notice that party receiving Request for Resolution is required to respond within 30 days of receipt, or that Request is deemed rejected. (If accepted, ADR must be completed within 90 days, unless otherwise agreed by involved parties). The purpose of ADR is to allow for a cost effective resolution with a 3<sup>rd</sup> party mediator and not clog courts.

Failure of a member of the association to comply with the ADR requirements of Section 5930 of the Civil Code may result in the loss of your right to sue the association or another member of the association regarding enforcement of the governing documents or the applicable law.

**Alternative Dispute Resolution** ("ADR") refers to methods of resolving disputes outside of court. The most common forms of ADR are arbitration and mediation.

**By-Laws  
Of  
Home Owners of KONO TAYEE ESTATES**  
\*\*\*\*\*

**Arbitration.** An arbitrator conducts a hearing between the parties and then, acting as a judge, renders a legally binding decision.

**Award.** Decision of an arbitrator which is enforceable in court.

**Caucus.** Meetings in which a mediator talks with the parties individually.

**Claimants.** The plaintiffs. The party or parties bringing the action.

**Counterclaims.** Claims by the defendant back against the plaintiff.

**Discovery Master/Referee.** A neutral third party who assists in discovery disputes.

3. Under By-Laws, Article IX Committees, ARCHITECTURAL COMMITTEE—RESPONSIBILITIES AND DUTIES **CHANGE TO Section 8.** The Committee Chairperson shall recommend to the Board of Directors when weed cleaning, aquatic spraying, and dredging of the canal (Parcel B only) is needed. The Board must approve proposed expenditures and sign the contract prior to any work being done.

4. Under By-Laws, Article IX Committees, ARCHITECTURAL COMMITTEE—RESPONSIBILITIES AND DUTIES **ADD # 9.** If the application is denied it may be resubmitted with changes to the architectural committee or the owner may appeal the decision within 30 days to the Board of Directors.

**ADD #10.** The Board of Directors has the power to amend or reverse the architectural committee's decisions. The resulting Board decision will be discussed, voted upon at a Special Board Meeting, and published in the Board minutes.

5. Under By-laws, Article IX Committees, ARCHITECTURAL COMMITTEE—RESPONSIBILITIES AND DUTIES, **CHANGE 1<sup>ST</sup> PARAGRAPH TO** The Committee shall consist of three (3) members who are not on the current Board. The chairperson shall be appointed by the Board. The chairperson shall recommend the other two members of the committee for Board approval.

6. Under By-Laws, Article VII By-Laws Powers and Duties of the Board, Section 2 Duties, (a) through (f) **CHANGE (f) TO** The President can authorize two (2) expenditures up to \$300 each per fiscal year. The Vice President can authorize two (2) expenditures up to \$200 each per fiscal year. The Board of Directors must approve any amounts over these limits.

7. Under By-Laws, Article VII By-Laws Powers and Duties of the Board, Section 2 Duties, (a) through (f) **CHANGE (c)(1) TO** Fix the amount of the annual assessments against each building site at least thirty (30) days in advance of each annual assessment period. This assessment to include sufficient funds to build up a reserve fund to be used for deferred maintenance or capital expenditures. Yearly reserve fund shall be proposed by the budget committee consisting of the current Treasurer and a selection of committee members (between 3 to 5). The Annual Proposed Budget Report and Reserve Study Report are presented to the Board of Directors at the April Board meeting. The Board reviews, possibly amends, and approves the two studies. Expenditures from the reserve fund would require a unanimous approval of the Board of Directors.

**By-Laws  
Of  
Home Owners of KONO TAYEE ESTATES**  
\*\*\*\*\*

8. Under By-Laws Article XIII, **ADD Section 3.** Rules Enforcement

**General Process for Rules Violation:**

1. Whenever possible residents are encouraged to talk to one another about Associations' rules and following them. In specific cases, such as speeding, noise, animals, Special District water problems, trespassing, and boating violations, county agencies should be contacted.
  
2. The Board should be only notified for repeated violations of an Association rule. The violating party will be contacted by mail, email, or in person with the specific violation by a representative of the Board who will request compliance. A record will be kept of this contact.
  
3. If the same violation occurs with the same owner, tenant, or guest of the owner the Board will compose a letter to be sent to the homeowner indicating the violation, the repeating date(s), asking for their cooperation to resolve this issue.
  
4. If the violation continues or is repeated again the Board will request in writing that an Executive Board Meeting be held with the owner to resolve the infraction.
  
5. If there is no compliance to meet with the Board. The Board may initiate the Dispute Resolution process with the owner. The result of this request and result for Dispute Resolution will be placed on a Board meeting agenda for members' information.
  
6. The Board may assess the owner for costs and damages. CC&R's #8 b. "The Corporation shall have the power from time to time: b) Special assessments may be used for the following purposes: To reimburse the corporation for the cost to the corporation of the prevention or abatement of any nuisance, or any other condition on a building site in violation of these restrictions."

**KONO TAYEE ESTATES BOARD OF DIRECTORS**

John McCloskey, President \_\_\_\_\_  
Jim Hiss, Vice President \_\_\_\_\_  
Dave Wallenstein, Secretary \_\_\_\_\_  
Debbie Pryor, Treasurer \_\_\_\_\_  
Sarah Glenn, Director \_\_\_\_\_

**By-Laws  
Of  
Home Owners of KONO TAYEE ESTATES**  
\*\*\*\*\*

**AMENDMENTS TO THE BY LAWS**

**BOARD MEETING**

**NOVEMBER 17<sup>th</sup>, 2018**

The Board of Directors has approved the following additions and/or deletions to the Home Owners of Kono Tayee Estates By-Laws. Also, where these amendments will be inserted into the existing By-Laws.

1. Pg. 20 of 28 V. A. No camping except as defined in 2. b. is permitted on undeveloped property.
2. Pg. 20 of 28 V. B. 1. Owners of such undeveloped property may store no more than three of their own (vehicles and/or trailers) on their own property for longer than two (2) weeks.
3. Pg. 20 of 28 V. B. 2. Owners may store more than three vehicles and or trailers for a short period, not to exceed two weeks.
4. Pg. 20 of 28 V. B. 2. b. Recreational Vehicles (RV's) or travel trailers may be used for additional sleeping quarters provided they are parked on property owned by members for a period not to exceed two (2) weeks. Dumping of any kind (fluids) on the undeveloped lots is prohibited.
5. Pg. 20 of 28 V. B. 2. Deleted this sentence "Failure to notify Secretary may result in such non owned vehicles being towed away at owner's expense."

John McCloskey, President *John McCloskey*  
Jim Hiss, Vice President *James M. Hiss*  
Tom Atteberry, Secretary *Tom Atteberry*  
Debbie Pryor, Treasurer *Debbie M. Pryor*  
Sarah Glenn, Director *Sarah Glenn*

By-Laws  
Of  
Home Owners of KONO TAYEE ESTATES  
\*\*\*\*\*

(41)

ADMENDMENTS TO THE BYLAWS

SEPTEMBER 12, 2009

The Board of Directors has approved the following additions and or deletions to the Bylaws for the Home Owners of Kono Tayee Estates Association .

**Section I General, F.** to now read Copies of the Guidelines and special Regulations shall be available through the Association Secretary at a cost of \$25.00 each.

**Section VI. Boating and Skiing, F. #5** "Parking in such area ... pier, and" to be eliminated. #6 "A lien/assessment...expended", to be moved to #5.

**KONO TAYEE ESTATES BOARD OF DIRECTORS**

Jim Hiss, President *Jim Hiss*  
Bob Sullivan, Vice President *Bob Sullivan*  
Mike Braley, Secretary *Michael E. Braley*  
Debbie Pryor, Treasurer *Debbie Pryor*  
Mike Moriarity, Director *Michael P. Moriarity*

By-Laws  
Of  
Home Owners of KONO TAYEE ESTATES  
\*\*\*\*\*

AMENDMENTS TO THE BYLAWS

BOARD MEETING  
JANUARY 8, 2011

The Board of Directors has approved the following additions and or deletions to the Bylaws for the Home Owners of Kono Tayee Estates Association.

Under Section VI. Boating and Skiing page 18 of 21

J. Residents & guest must have a KTBQA boat permit for all watercraft launched and /or using the docks at the Kono Tayee beach area. The permit be prominently visually displayed on the vessel.

1. Failure to have a permit will result in a warning and an assessment of One Hundred dollars(\$100) may be added to the annual dues of any member for repeated violations.

KONO TAYEE ESTATES BOARD OF DIRECTORS

Jim Hiss, President Jim Hiss  
Bob Sullivan, Vice President Bob Sullivan  
Mike Braley, Secretary Michael E. Braley  
Debbie Fryor, Treasurer Debbie Fryor  
Jim Johnson, Director Jim Johnson

Please include your copy of  
AMENDMENTS TO THE BYLAWS  
Into your personal folder