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Harmony Court HOA
PO Box 9824
Kalispell, MT 59904



Paula Robinson, Flathead County MT by JL

200900015189

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Fees: \$69.00

5/29/2009 11:04 AM

BYLAWS

OF

HARMONY CT. HOMEOWNERS' ASSOCIATION, INC.

CR-09-60

ARTICLE I INTRODUCTION

Section 1 The provisions of these Bylaws govern the internal affairs of this corporation and its members as applicable to the operation and administration of HARMONY CT. Homeowners' Association, Inc., located on the real property in Flathead County, Montana, described as:

of Harmony Court Phase II

Lots one (1), (2), and 1A through 17B of the plat of Harmony Ct. at Lots 20, 21, 22C and 23D of Hoiland Day Acres, a Subdivision. NW 114 SW 1/4 Section 34, Township 29 North, Range 21 West, P.M., M., Flathead County Montana.

and any and all annexed additions thereto.

Section 2 These Bylaws were adopted by this corporation, a nonprofit corporation, organized under the laws of Montana, and in accordance with the Internal Revenue Code, Section 504(c)(7) as amended, pertaining to owners associations.

ARTICLE II PRINCIPAL OFFICE

The principal office of the corporation shall be maintained in Kalispell, Montana.

ARTICLE III DEFINITIONS

Words and phrases used herein shall have the meanings set forth in the October 25, 2005, Declaration of Covenants, Conditions, Easements and Restrictions for HARMONY CT., a subdivision in Flathead County, Montana (hereinafter "the Declaration"), whether or not such words or phrases are capitalized herein.

ARTICLE IV ADOPTION OF THE DECLARATION

These Bylaws adopt by reference and incorporate the Declaration in its entirety, and render the provisions thereof applicable to the corporation and its members. A copy of the Declaration shall be retained in the corporation's permanent records, but need not be appended hereto as an exhibit.

ARTICLE V
MEETINGS AND MEMBERS

Section 1 Membership shall be as set forth in the Declaration and in this corporation's Articles of Incorporation (hereinafter "Articles").

Section 2 This corporation shall have not less than one (1) meeting of members every year, upon 30 days written notice to each owner. The notice of the meeting shall include a written agenda for the meeting. The president and board of directors shall determine the precise agenda for the meeting, however, the agenda shall include at a minimum the following items:

Roll call of owners, call of meeting to order and determination of quorum.

- a. Review, discussion and approval of treasurer's report for prior year. (This report shall include at a minimum, all income and expenses itemized by category and a financial statement showing all assets and liabilities by category.)
- b. An itemized budget.
- c. Election of directors.

Section 3 Special meetings may be called at any time for the purpose of considering matters which require the approval of members. Such a special meeting shall be called by written notice mailed by the Board of Directors at least 10 days prior to the date of such meeting to all members. Such written notice may be initiated by the majority of the Board of Directors.

Section 4 Members may vote at all members' meetings in person or by an agent designated in a signed proxy as the member's agent for purposes of the meeting. Any signed proxy that fails to identify an agent may be voted by the Board. If such a signed proxy provides clear, specific instructions, the Board shall vote according to such instructions. If, however, the signed proxy not only fails to identify an agent but also fails to give clear, specific instructions, then the Board may vote the proxy as a majority of the Board members present in person shall in their discretion decide. Absent members who do not submit a signed proxy by their absence assign their proxy to the Board of Directors to vote.

Section 5 The presence at the annual meeting in person or by proxy of members representing two-thirds (2/3) of the total eligible votes shall constitute a quorum. Unless otherwise expressly provided herein, the Articles, or in the Declaration, any action may be taken at any meeting of the members upon the affirmative vote of the majority of members in attendance or their proxies.

Section 6 In the election of directors, voting shall be by secret ballot or a show of hands. Other voting may be either by secret ballot or a show of hands in the discretion of the Board of Directors. At the annual meeting or meeting called for the election of directors, new officers for the Board of Directors will be determined by those members in attendance and/or by written proxy.

Section 7 If any dispute or question arises between Members or between Members and the Harmony Court Homeowners' Association, Members may request a hearing in writing or by electronic means and appear before the Board of Directors. The hearing shall be held within ten days of the request. Any determination by the Board shall be binding upon the Member/s.



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ARTICLE VI
BOARD OF DIRECTORS

Section 1 The affairs of the corporation shall be conducted by the Board and such officers as the Board may elect or appoint in accordance with the Declaration, the Articles and the Bylaws as the same may be amended from time to time. The initial Board shall be composed of three members, who need not be owners. The Declarant shall appoint the initial Board members. The initial Board members and any successors appointed by the Declarant shall serve until the first election of Directors by members. When the Declarant has closed the sale of half or more of the lots in HARMONY CT., the Declarant shall arrange and conduct the first organizational meeting of members for the election of directors by the owners. As long as the Declarant owns any lot within HARMONY CT., the Declarant may appoint its representative to fill one of the authorized positions on the Board, in the event the Declarant's votes are insufficient to elect one of its candidates. Declarant's elected and appointed directors need not be owners within HARMONY CT.. The initial Board elected by members shall consist of three directors. The number of directors may be changed by an amendment to these Bylaws.

Section 2 At the organizational meeting of members, a Board of Directors shall be elected to terms as follows: Directors shall be elected for a term of one year. Any Director may be removed at any meeting of members by due and proper vote at that meeting, providing proper notice of such resolution or vote had been mailed or sent by electronic means to all members at least 10 days prior to said meeting. The Board may increase the number of directors to nine.

Section 3 A regular meeting of the Board of Directors may be held within five (5) days of the adjournment of the organizational meeting of members, and annually thereafter immediately after the adjournment of the annual meeting of members. This Bylaw shall be the only notice required for such annual meetings of the Board of Directors.

Section 4 Special meetings of the Board of Directors may be called by the President or in his or her absence, by the Vice-President. By unanimous consent of the Directors, a special meeting may be held, without notice, at any time or place. The Directors may vote to meet more frequently or at regular time intervals.

Section 5 Notice of all special meetings, except those specified in the second sentence of Section 4 of this Article, each Director shall be notified in writing or by electronic means at least five days prior to the time fixed for the meeting. Such notice shall specify the time and place of meeting, and shall state the purpose of the meeting. Before or at any meeting, any Director may by mail or electronic means waive notice of such meeting. Directors may attend meetings, waive notice and vote in person, by written proxy giving clear, specific instructions for exercise of the vote, by teleconference or by other electronic means.

Section 6 A quorum for the transaction of business at any regular or special meeting of the Directors shall consist of a majority of members of the Board. Any business may be transacted by the signature or consent of all Directors, in lieu of a meeting for that purpose.

Section 7 The organizational directors chosen by the Declarant shall elect officers of the Association to serve until the first meeting of the regular Directors elected by members. The Directors shall elect the officers of the corporation specified in these Bylaws at the Directors meeting following the organizational meeting of members and following each annual meeting of the members of the corporation. An officer may be removed at any time by a majority vote of the full Board of Directors of the corporation.



Section 8 Any vacancy or vacancies on the Board of Directors may be filled by the remaining Directors in any special or regular Directors meeting. Death, incapacity, or resignation of any Director shall cause his office to become vacant. Such appointment shall be for the remaining term of the vacancy filled.

Section 9 The Board of Directors shall have the responsibility for, and authority to do all things necessary for the accomplishment of the matters specified in the Declaration. Directors shall not be compensated.

Section 10 All checks, drafts, notes, acceptances, vouchers, conveyances, contracts and other instruments shall be approved and signed on behalf of the corporation by such person or persons as shall be provided by general or special resolution of the Board of Directors, or in the absence of any such resolution applicable to such instruments, by the President or Vice-President, Secretary and/or Treasurer.

Section 11 Any member may nominate himself or herself or another member to stand for election to the Board by notifying the corporation's Secretary in writing. The Board of Directors may also nominate candidates to stand for election. The notice of annual members' meeting called for by Article V, Section 2, shall include the names of all candidates who have been nominated by the time that the notice is printed. Additional nominations may be made from the floor at the annual meeting.

ARTICLE VII OFFICERS

Section 1 The officers of the corporation at minimum shall be a President, a Vice-President, and a Secretary and/or Treasurer, each of whom shall be elected for a term of one year and shall hold office until their successors are duly elected and qualified. Officers shall be members and shall attend and vote at Director's meetings. The Board may appoint committees and committee chairpersons.

Section 2 The President shall preside at all Directors' and members' meetings, shall have general supervision over the affairs of the corporation, and shall perform all such other duties as are incident to the office. In case of the absence or disability of the president his or her duties shall be performed by the Vice-President.

Section 3 The Secretary shall issue notices of all Directors' and members' meetings and shall attend and keep the minutes of the same. The Secretary shall perform all other duties as are incident to this office. The Board may delegate some or all of these duties to a non-member agent, in which case the Secretary shall oversee and be responsible for the actions of the agent.

Section 4 The Treasurer shall have charge of all Association books and records and papers; and shall have custody of all money and securities of the Association: and shall give bond in such amount as required by the Directors, conditioned upon the faithful performance of the duties of the office. The Treasurer shall keep regular books of account and shall submit them, together with all of his or her vouchers, receipts, records or other papers to the Directors for their examination and approval, at least quarterly or as often as they may require additionally: and shall perform all other duties as are incident to this office. The Board may delegate some or all of these duties to a non-member agent, in which case the Treasurer shall oversee and be responsible for the actions of the agent.



Section 5 The Board of Directors shall have the power to:

- (a) Adopt and publish rules and regulations governing the use of the Common Areas and Reserve Areas including any improvements and amenities located thereon, and the personal conduct of the Members and their guests thereon, and to establish penalties for the infraction thereof;
- (b) Suspend the voting rights, and the right of use of any recreational facilities located on any Common Area or Reserve Area during any period in which the Member is in default in the payment of any assessment levied by the Association; these rights may also be suspended for a period not to exceed ninety (90) days for an infraction of published rules and regulations;
- (c) Exercise for the Association all powers, duties and authority vested in or delegated to this Association and not reserved to the Members by other provisions of these Bylaws, the Declaration of the Association, or the Deed and Declaration of HARMONY COURT; and
- (d) Employ a manager, independent contractors, or other employees or contractors as they deem necessary, and to prescribe their duties.
- (e) 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;
- (f) Enter into contracts and agreements with the City of Kalispell, Montana and other persons, firms and corporations for the maintenance of driveways, utilities, landscaping and other facilities within HARMONY COURT
- (g) Foreclose the lien against a Lot if the owner thereof has not paid the assessment thereon within such time as the Board of Directors may determine, or bring an action at law against the Lot Owner personally obligated to pay the same, or both;
- (h) Issue, or cause an appropriate officer to issue, upon demand by any person, a certificate setting forth whether or not any assessment has been paid; a reasonable charge may be made by the Board for the issuance of these certificates. (If the certificate states that an assessment has been paid, the certificate shall be conclusive evidence of payment with respect to any person relying on the certificate.)
- (i) Procure and maintain adequate liability and hazard insurance on property owned by the Association;
- (j) Cause all officers or employees having fiscal responsibilities to be bonded, as it may deem appropriate;
- (k) Cause the Common Areas and Reserve Areas to be maintained.

ARTICLE VIII FINANCE AND ASSESSMENTS

Section 1 The funds of the Association shall be deposited in such bank or banks, savings and loan associations, or other financial institutions as the Directors shall designate and shall be withdrawn only upon check or order of an officer of the corporation duly authorized by the Board of Directors, or by a Manager/Agent if so authorized.

Section 2 The Directors shall establish and collect the assessments, fees and obligations specified in the Declaration pursuant to the terms and conditions stated therein.

Section 3 In the event of default by any owner in paying the assessments, fees and obligations specified above, the Board of Directors shall exercise any or all of the remedial procedures stated in the Declaration or any other available legal remedy.



ARTICLE IX AMENDMENTS

No amendment of these Bylaws shall be effective unless approved by a three-quarters affirmative vote of the members in attendance in person or by proxy at a meeting called at least in part to vote on such amendment. The notice of meeting given pursuant to Article V shall describe in general terms the proposed amendment. No amendments may contradict the Declaration or the Articles.

ARTICLE X MISCELLANEOUS

Section 1 All notices to the Board of Directors shall be sent postage prepaid to the Harmony Court Homeowners' Association, PO Box 9824, Kalispell, Montana 59904 <harmonycourthoa@yahoo.com> as may be designated from time to time, said notices to be effective upon receipt, and all notices by the Board of Directors to owners shall be sent by the Board or its agent postage prepaid to the most recent address furnished by each owner.

Section 2 All owners are responsible for informing the corporation of their current mailing address and all changes thereto. Any notice sent by or for the corporation to an owner's most recent address on file with the corporation shall be presumed to have been received, and no owner shall be permitted to raise any claim or defense based on a mailing to an address other than the most recent one on file with the corporation.

Section 3 The invalidity of any part of these Bylaws shall not affect or impair in any manner the validity, enforceability, or effect of the balance of these Bylaws. Similarly, any invalidity in the Declaration shall not affect the balance thereof.

Section 4 No restriction, condition, obligation, or provision contained in these Bylaws shall be deemed to be abrogated or waived by reason of any failure to enforce the same, regardless of the number of violations or breaches thereof which may occur. Similarly, any failure to enforce the provisions of the Declaration shall not be deemed to be a waiver.

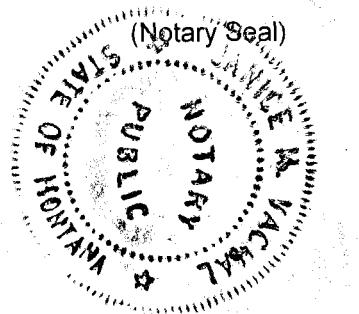
Section 5 Upon dissolution or final liquidation of the corporation, obligations shall be paid and assets distributed in conformity with the Montana Non-Profit Corporation Act and/or Section 501 of the Internal Revenue Code, as amended.

ARTICLE XI CONFLICTS

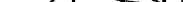
In case any of these Bylaws conflict with the provisions of federal or state statutes, the Declaration, or the Articles, the provisions of such statute, the Declaration or the Articles, as the case may be, shall control.



Signed and sworn (or affirmed) by me on 5/29/2009 by Scott Hemmelman, Timothy Manning, Corey Martens, Robyn Rhodes, Doris Molina, Beverley Zierow, Amy Wambach, Annika Gotszky-Harris, Roby Bass.



Signature of Notary: Jenice M. Vachal
Name printed: Jenice M. Vachal
Notary Public for the State of Montana
Residing at: Somers MT
My Commission expires: 8/29/2010

By: 
Scott Hemmelman

Scott Hemmelman

By: Timothy Manning

Timothy Manning

By: ~~Corey Martens~~
Corey Martens

Corey Martens

By: Robyn Rhodes
Robyn Rhodes

Robyn Rhodes

By: Doris Molina
Doris Molina

Doris Molina

By: Surley, Zierow
Poverley, Zierow

Beaverley Ziarew

By: Jimmy Brown

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By: 
Annika Gottszky-Harris

Annika Gottszky

By: Roby Bass

John J.
Baby Bass

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