

# **BYLAWS OF THE MOBILE HOME OWNER**

## **ASSOCIATION OF SANDHILL SHORES, INC.**

### **ARTICLE I - NAME OF CORPORATION**

**Section 1. NAME.** This Corporation shall be known as the Mobile Home Owners Association of Sandhill Shores, Inc., (hereafter referred to as MHOASS) a Not-For-Profit Corporation organized pursuant to the Florida Not-For-Profit Corporation Act, Florida Statute 617, and the Mobile Home Park Lot Tenancies Act, Florida Statute 723.

**Section 2. OFFICE.** The office of the Corporation shall be at Sandhill Shores Mobile Home Park in Fort Pierce, St. Lucie County, Florida, 34982-6306.

### **ARTICLE II - MEMBERSHIP**

**Section 1.** Membership in the Association is on an annual and individual basis. All residents are eligible for membership in the Association if said resident is listed on the company lease. (Excluding park owners or lease/renter to company or privately owned properties).

**Section 2.** Residents who have paid their annual dues become members in good standing of the Association. All members in good standing shall be allowed to participate in discussions, to make, or vote on any motion, or to hold any office.

**Section 3.** All homeowners of Sandhill Shores may attend regularly scheduled meetings. However, only members in good standing shall be allowed to participate in discussions, to make or vote on any motion, or to hold any office.

**Section 4.** Annual dues are due and payable by September 30th of each year. The amount of dues will be set and annually adjusted, if needed by **the Board of Directors according to ARTICLE VI, Section 3 of these Bylaws.**

**Section 5.** No memberships will be available for purchase within the three days preceding the January election.

### **ARTICLE III - GOVERNMENT**

**Section 1. OFFICERS AS DIRECTORS.** All duly appointed Officers shall be members of the duly elected Board of Directors.

**Section 2. BOARD OF DIRECTORS.** The general management of the affairs of the Association shall be vested in the Board of Directors, who shall be elected as provided in ARTICLE VII of the Bylaws. The number of Directors shall be five (5) with a minimum of three (3). This number may not be reduced, but may be increased by an amendment of these Bylaws.

**Section 3. PRESIDENT AS A COMMITTEE MEMBER.** The President shall be a member ex-officio, of all Committees except as indicated in Article X, Section 2.

**Section 4. COMPENSATION.** Neither the Officers, Directors, nor members serving on Committees shall receive any salary or compensation for services rendered to the Association.

### **ARTICLE IV - OFFICERS AND DIRECTORS**

**Section 1. BOARD.** The Officers, as appointed by the Board of Directors, shall consist of a President, Secretary, and Treasurer being the minimum. The immediate past President shall serve, at his or her option, in an advisory position to the Board (without voting privileges).

**Section 2. TERMS.** President, Secretary, and Treasurer shall serve a one (1) year term. No Officers shall serve in excess of three (3) consecutive terms in the same capacity.

**Section 3. VACANCY.** Should a vacancy occur on the Board, the President shall appoint, within 30 days, and with the approval of a majority of the Board, a member of the Association to fill the unfulfilled term of the vacated position.

**Section 4. RECALL.** Any member of the Board of Directors may be recalled and removed from office with or without cause by the vote of, or agreement in writing of, a majority of all members. A special meeting of the members to recall a member or members of the Board of Directors may be called by 10 percent of the members, giving notice of the meeting as required for a

meeting of members, and the notice shall state the purpose of the meeting.

**Electronic transmission may not be used as a method of giving notice of a meeting called in whole or in part for this purpose.** *(quoted direct from Florida Statute 723.078 (2) (i)).*

## **ARTICLE V - DUTIES OF OFFICERS AND DIRECTORS**

**Section 1. PRESIDENT.** The President shall preside at all meetings of the Association and of the Board of Directors. The President, with the board's approval, shall appoint such Committees as the President or the Association shall consider expedient or necessary. The President shall communicate to members and the Board of Directors such matters and suggestions as necessary to promote the objectives of the Association. The President shall be charged with performing such duties as are necessarily incident to the office of the President. In determining questions of procedure at meetings, the President shall be governed by parliamentary procedures.

**Section 2. VICE PRESIDENT. If this board position is filled.** The Vice President, in the absence or inability of the President, shall preside at all meetings and assume control and management of the Association. The Vice President shall perform any additional duties prescribed by the President or the Board. The Vice President, in the absence or inability of the Secretary or Treasurer to perform, shall assume their duties as prescribed in Article V Section 3 and Section 4.

**Section 3. SECRETARY.** The Secretary shall keep the minutes of all meetings of the Association and of the Board of Directors and shall give all notices for meetings of the Association or the Board of Directors. The Secretary shall assist the Treasurer in collecting any application fees and dues from members and perform such other duties as may be required of the Secretary by the Bylaws, the President or the Board of Directors. The Secretary shall be responsible for maintaining all records, including membership and residency information. In the absence of the President and Vice President, the Secretary shall assume the duties of the President.

**Section 4. TREASURER.** The Treasurer shall have charge of all receipts and money of the Association, deposit them in the name of the Association in a bank approved by the Board of Directors, and disburse funds as ordered or authorized by the Board of Directors. The Treasurer shall keep regular accounts of the receipts and disbursements, submit the records when requested, and give an itemized statement at all meetings of the

Association. In the absence of the President, Vice President and Secretary, the Treasurer shall assume the duties of the President.

**Section 5. EXECUTION OF INSTRUMENTS.** The President, and the Vice President or Secretary, sign all leases, contracts, and other instruments.

**Section 6. THE BOARD.** The five (5) Board of Directors, ( minimum of three (3)), shall have general supervision of the affairs of the Association between its business meetings, make recommendations to the Association, and shall perform such other duties as specified in ARTICLE VI of these Bylaws. The Board shall be subject to the orders of the Association, and none of its acts shall conflict with action taken by the Association.

## **ARTICLE VI - RESPONSIBILITIES AND POWERS OF THE BOARD OF DIRECTORS**

**Section 1A. MANAGEMENT OF THE ASSOCIATION.** The Board of Directors shall have general charge and management of the affairs, funds, and property of the Association. The Board shall be authorized to make any expenditure that be necessary or advisable for the government, direction and the betterment of the Association. Any expenditure that would be One Thousand (\$1,000.00) dollars or over per occurrence, or an accumulative amount, and or a federal, state or local mandate will require a vote of the membership with a minimum of 10% in attendance required to approve the expenditure.

**Section 1B.** The Board of Directors shall have full power and it shall be the Board's duty to carry out the purpose of the Association according to the Articles of Incorporation and Bylaws; to determine whether the conduct of any member is detrimental to the welfare of the Association, and to fix the penalty for such misconduct of any violation of the Bylaws or rules. It shall formulate all rules for conducting the business of this Association, and for the management and control of its property.

**Section 2. APPOINTMENT OF COMMITTEES.** The Board of Directors shall instruct the President to appoint such committees as it deems necessary.

**Section 3. DUES AND FEES.** The Board of Directors shall have the power to establish such dues, fees, and assessments to be collected from the members

as shall be necessary to carry on the purposes and objectives of the Association.

**Section 4. PLACE OF DIRECTORS' MEETINGS.** The meetings of the Directors shall be in Ft. Pierce, St. Lucie County, FL at any common facility at Sandhill Shores Mobile Home Park, or the residence of a member or such other place as may be deemed appropriate.

## **ARTICLE OF VII – ELECTION OF DIRECTORS**

**Section 1. ELECTION.** The Directors of the Association shall be elected in January. Only members in good standing are eligible to stand for election.

**Section 2. Nominations.** The Nominating & Election Committee shall submit a slate of candidates by the December meeting. At this time nominations from the floor will be accepted.

**Section 3. ELECTION DAY.** The third (3) Thursday of January during the general meeting shall be election day.

**Section 4. VOTING.** Only members in good standing will be allowed to vote, **if a mobile home or subdivision lot is owned jointly, the owners of the mobile home or subdivision lot must be counted as one for the purpose of determining the total number of votes allowed. Only one vote per mobile home or subdivision lot shall be counted. There is no quorum requirement; however, at least 20 percent of the eligible voters must cast a ballot in order to have a valid election.** The election committee will validate each member from a current membership list. To be eligible to vote all dues must be paid four (4) days prior to the election.

**Section 5. BALLOTS.** Printed ballots will be used. **All candidates shall appear on the ballot in alphabetical order by surname and no reference to incumbency shall be indicated. Write-in candidates, more than one vote per candidate per ballot or proxy votes are not allowed.** No ballot shall be voided if the voter marks fewer candidates than on the ballot.

**Section 6. ABSENTEE BALLOTS.** Absentee ballots will be available from the Chairperson of the Election Committee or Committee member appointed by the Chairperson. Only ballots turned in Twenty-Four (24) hours prior to

election day will be counted. It is the resident's responsibility to obtain absentee ballots and turn them in on time.

**Section 7. ELECTION RESULTS.** The Election Committee shall announce the results and post elected **Directors'** names on election day. **The five (5) candidates receiving the most votes will be declared as elected.** In case of a tie for **the final** seat, there will be a runoff for that seat only, at a time to be specified the next regular meeting.

**Section 8. INDUCTION.** Newly elected Directors shall be inducted at the first general membership meeting after the election and shall assume their duties immediately.

## **ARTICLE VIII - MEETINGS**

**Section 1. GENERAL MEMBERSHIP MEETING.** Members shall meet at least once a month, the third Thursday of the month at 7:00 PM, for the seven months of October, November, December, January, February, March and April. Notice of each meeting will be given **via robo call, e-mail or text** 14 days prior to the meeting. Notice will also be posted in a conspicuous place on the park property **14 days prior to the meeting.**

**Section 2. BOARD OF DIRECTORS MEETINGS.** The Board of Directors shall meet at least once each calendar month at a date and time to be determined by the Board. Notice of such meetings shall be posted on the property in a conspicuous place at least 48 hours in advance, except in an emergency. Notice **via robo call, e-mail or text** shall also be provided at least 7 days prior except in an emergency.

**Section 3. ANNUAL MEETING.** The annual meeting **with election** shall be held in January. Notice of the annual meeting and the election date will be delivered **via robo call, e-mail or text** to each member 14 days prior to the meeting **and shall be posted conspicuously 14 days in advance.**

**Section 4. SPECIAL EMERGENCY MEETING.** A special meeting maybe called by the president if deemed necessary or, in the president's absence, by the vice president or secretary. A special meeting may also be called by a majority vote of the Board of Directors, or at the request of thirty (30) members in

good standing, when such request is presented in writing to the Board of Directors. Notice **via robo call, e-mail or text** will be given 48 hours prior to the meeting, stating the reason and purpose for the meeting. No other business shall be transacted at that special meeting.

**Section 5. QUORUM AT MEMBERS' MEETING.** At all meetings of the members of the Association, either regular or special, **twenty-five** percent (25%) of members in good standing shall constitute a quorum.

**Section 6. LACK OF A QUORUM.** If a quorum is not present, the meeting may be adjourned to a day and hour designated by the presiding officer. The meeting may be held without a quorum, but no expenditure or policy change may be acted upon.

**Section 7. ORDER OF BUSINESS.** At all meetings of the Association, the order of business shall be as follows:

- (a) Welcome by presiding officer
- (b) Pledge of Allegiance and moment of silence/prayer
- (c) Minutes of the previous meeting read and approved
- (d) Individual Presentation (One Five (5) Minute Subject per person)
- (e) Treasurers' report read and submitted for audit
- (f) Officers' report
- (g) Committee reports
- (h) Old business
- (i) New business
- (j) Closing remarks
- (k) Adjournment

**Section 8. PROXIES.** Any member of the Association may execute and deliver to any other member, or his attorney, a proxy designating someone to attend and vote on behalf of such member at any regular or special meeting. Any such proxy given shall be effective only for the specific meeting for which originally given and any lawfully adjourned meetings thereof. In no event shall any proxy be valid for a period longer than ninety (90) days after the date of the first meeting for which it was given, provided, however, that any



proxy shall be revocable at any time at the pleasure of the member executing it, which revocation shall be in writing and delivered to the Secretary of the Association prior to the opening of the meeting for which such proxy has been given.

## **ARTICLE IX - NOTICES**

**Section 1. DELIVERY OF NOTICES.** All notices to members shall be delivered **by robo call, hand or via e-mail or text** to their addresses as given on the books of the Association, and such delivery shall constitute presumptive evidence of service thereof.

**Section 2. POSTING OF NOTICES.** Notices of meetings of the Board of Directors, which shall be open to all members, shall be posted in a conspicuous place in the park property at least forty-eight (48) hours in advance except in an emergency. Notice of any meeting in which assessments against members shall be considered shall specifically contain a statement that assessments will be considered and the nature of such assessments.

**Section 3. WAIVER.** Any Officer, Director, or member of the Association may execute a Waiver of Notice for any regular or special meeting of the Association.

## **ARTICLE X - COMMITTEES**

**Section 1. STANDING COMMITTEES.** There shall be five (5) standing committees.

- A.** Audit, Budget & Finance
- B.** Bylaws
- C.** Civic Affairs
- D.** Negotiation & Purchase
- E.** Nominating & Election
- F.** Recreation and Social Committee
- G.** Technical

**Section 2. APPOINTMENTS.** Each Committee shall have a Director of the Board as the chairperson **with the exception of (E.) Nominating & Election which shall not involve any current officer or director or candidate or their spouses. The Board will seek 5 to 7 interested association members at large to serve on this Nominating & Election committee. These at-large members will elect a chairperson.** All other chairpersons shall be appointed at the first Board meeting following the annual election. The chairperson from each Committee, except the Negotiation & Purchase, shall designate either two (2) or four (4) committee members from the membership at large. The chairperson of the Negotiation & Purchase Committee shall designate up to seven (7) committee members from the Board of Directors or the membership at large. The chairperson of the committee will choose five (5) of the seven (7) committee members to take part in the negotiation meeting with Management.

**Section 3. DUTIES.**

- A. AUDIT, BUDGET & FINANCE.** This Committee shall prepare an annual budget for the ensuing fiscal year and it shall be presented to the Board of Directors for its approval and submission to the membership at the December meeting. The Audit, Budget & Finance Committee shall also review and make recommendations to the Board of Directors, the membership, and Negotiation & Purchase Committee of all financial analysis, information, statistics and similar matters, including provisions for arranging the purchase of the mobile home park. This Committee shall also perform an annual audit of the treasurer's reports and the bank accounts.
- B. BYLAWS.** This Committee shall pass upon the form and legality of all proposed amendments to the Bylaws which shall first be presented to the Board of Directors for discussion and consideration before submission to the general membership. It shall further recommend to the Board of Directors any changes in the Bylaws as would assist the Association in its operation and in furtherance and achievement of its goals and purposes.
- C. CIVIC AFFAIRS.** This Committee is responsible for sending representatives to all FMO meetings and any other specified civic meetings that could pertain to the betterment of the park. It will then bring reports to the general

membership at its regular monthly meetings. If there shall be an urgent matter brought up in any of these meetings, this Committee shall bring it to the attention of the Board of Directors immediately so it can be acted upon.

**D. NEGOTIATION & PURCHASE.** This Committee shall gather all necessary information for the annual rent negotiations. It will negotiate with management on rent increases, and any other pertinent issues relating to park improvements and or management. In the event the park is put up for sale, this Committee shall negotiate with the owner of Sandhill Shores Mobile Home Park for the purchase of the park and all of its appurtenant facilities, including common areas, roads, recreation facilities, clubhouse, pool and related structures and equipment. Prior to any active negotiations with the owner, it shall be its duty to canvas the membership for suggestions, recommendations, and opinions, pertaining to elements of the purchase, including, financing, cost, and form of ownership. It shall also seek advice and counsel from the Audit, Budget & Finance Committee if deemed advisable. The Committee, upon Board approval, may seek advice and counsel from any and all persons, firms, entities it deems advisable under the circumstances, including but not limited to attorneys, bankers, Realtors, financial advisors and others.

**E. NOMINATING & ELECTION.** The duties of this Committee shall be to propose a slate of Director nominees for consideration at the December general meeting. Such list shall be submitted to the Board of Directors no later than the November meeting. It shall also be the duty of this Committee to set up the election, namely but not limited to, premises, absentee ballots, ballots, poll workers, tellers and security.

**F. RECREATION AND SOCIAL COMMITTEE.** To promote and foster civic, cultural, social and recreational activities and welfare within the mobile home park and the community at large. This committee shall not engage in business for profit, but shall be supported by gifts, bequests, benefits and contributions.

**G. TECHNICAL COMMITTEE.** The duties of this Committee is to use electronic communication and documentation which includes a website or

mobile app to communicate with the membership and store documents. The Committee would be responsible to update information on the website.

**Section 4. RIGHTS OF COMMITTEE.** Any Committee duly empowered by the Board of Directors and any individual whose recommendation to the President of the Board of Directors is rejected, may bring its recommendations before the Board for approval. If approved, the recommendations are to be included on the agenda of the next regular meeting of the general membership meeting of the HOA for approval by a majority of the members present. If, however, any recommendation by such Committee is rejected by the Board of Directors, any member of the Committee may circulate a petition to the homeowners, and twenty-five (25) homes (tenants that have paid their annual dues according to Article II Section 2) agreeing, the petition may then be presented to the President and the recommendation will then be both included on the agenda of the next regular meeting of the HOA and after a motion is made and seconded, will be discussed by no more than two people supporting the motion (for a limit of 5 minutes in total) and two people opposing it (for a limit of five minutes in total) before it is voted upon.

## **ARTICLE XI - FINANCIAL AND BUDGET**

**Section 1. CHECKS AND ACCOUNTS.** For all checks, drafts, orders of withdrawal, and other negotiable and non-negotiable instruments or requests for any disbursement, advance, or withdrawal from any account of the Association, there shall be two (2) signatures required out of an authorized three (3) signatures.

**Section 2. BUSINESS YEAR.** The Association shall have and use the calendar year for its business cycle.

**Section 3. DISPOSITION OF CORPORATE FUNDS.** Any funds declared to be over the amount needed for monthly expenses, maintenance, taxes, and operations, are to be placed in an insured high interest bearing account.

## **ARTICLE XII - PURCHASE AND GOVERNANCE OF THE PARK BY THE MHOASS**

**Section 1. EXECUTION OF AGREEMENTS.** The President and Secretary of the Association shall, upon approval of the Board of Directors, execute and enter into an option agreement with the owner of the        mobile home park to purchase the same upon terms and conditions as shall expressly set forth therein and in conformity with the Statutes of that of Florida, subject to the approval of the same by the membership as hereinafter set forth.

**Section 2. VOTE ON PURCHASE.** A special meeting of the members shall be called by the Secretary upon request of the President, indicating the purpose of the meeting. At said meeting the members shall consider any proposal for purchase of the mobile home park from the park owner by giving fourteen (14) days notice of such meeting. This notice shall be deemed in effect upon delivery to each member's mobile home at the park or by deposit into the U.S. mail, first class, postage paid, to such other address as the member may have given to the Secretary covering such period of time. This notice shall be for all continuances and adjournments of such special meeting. A vote by a majority of the members present, in person or by proxy, shall constitute the act of the membership.

**Section 3. MANNER OF OWNERSHIP.** Upon passage of a resolution by the membership for the purchase of the park from the park owner, the members shall also, upon advice of the Board of Directors, create a Committee which shall determine the method and manner of ownership and operation of the park once title has been transferred; including conversion to a condominium, cooperative, or other form of ownership. The membership, if it desires, at such special meeting, may pass a resolution stating the form of ownership. In addition, the Committee so appointed shall begin the necessary study and analysis to arrange for the preparation and execution of any and all necessary documents which shall include, but not be limited to Articles of Incorporation, Bylaws, Purchase and Sale Agreements, Prospectuses, Disclosures, and Provisions for Assessments which shall, upon change of ownership, call for assessments to be pro rata among owners of lots in the mobile home park, whether or not they have been members of the Association

prior to that time and provide that all owners in whatever form such ownership may take, shall become members of the Association.

**Section 4. MANNER OF MEMBERSHIP.** The membership of the Association shall consist of those persons who have heretofore signed the Consent & Agreement for Membership, their successors and assigns, together with all persons who are owners of mobile homes in Sandhill Shores Mobile Home Park who request membership and pay all the initiation fees and dues and assessments. Once an owner of a mobile home becomes a member, all successors and assigns of that mobile home shall be members hereof.

**Section 5. JOINT MEMBERSHIPS.** A membership may be issued in joint names. Such a membership shall pass to the survivor(s) upon the death of any joint member.

**Section 6. DEATH OF A MEMBER.** Upon the death of any member leaving a husband or wife surviving, the certificate of membership shall automatically pass to such husband or wife.

**Section 7. LOSS OF MEMBERSHIP.** Any member whose dues remain unpaid for two (2) years and are unpaid at the end of the second calendar year for which he owes dues shall automatically cease to be a member.

**Section 8. LOSS OF PRIVILEGES.** Any member whose dues are unpaid on July 1 of any year shall not be entitled to vote at the regular or special meetings, nor to exercise any other rights or privileges of membership.

**Section 9. VOTE.** Each member shall have one vote only at a meeting of the members, except that there shall be only one vote for a joint membership. The Members shall be responsible for determining that only one joint member of each household actually votes.

**Section 10. RULES AND REGULATIONS.** The Board of Directors may make rules for the conduct of the members and the use of the association property, and define and limit the obligations and privileges of the members and their guests, not inconsistent, however, with anything set forth in the Bylaws. The Board of Directors may establish and enforce any and all additional rules and regulations deemed advisable and necessary.

**Section 11. UPON WHOM BINDING.** Each and every member of the Association, his family, and guests, and the subsequent owners or occupants of any property at any time owned by him and situated on a lot shall be bound by and abide by these Rules and Regulations, and Bylaws.

## **ARTICLE XII — AMENDMENTS**

The Bylaws may be amended only by a majority vote of the members present at a regular or special meeting of the Association, providing notice of the purport of the proposed amendment has been stated in the call for the meeting.

