

ARTICLES OF INCORPORATION  
OF  
OVERLAND HEIGHTS COMMUNITY ASSOCIATION, INC.

Executed by the undersigned for the purposes of forming a Wisconsin non-stock non-profit corporation under Chapter 181 of the Wisconsin Statutes:

ARTICLE I.

The name of the corporation is OVERLAND HEIGHTS COMMUNITY ASSOCIATION, INC.

ARTICLE II.

The period of existence shall be perpetual.

ARTICLE III.

The purposes of the corporation shall be:

(a) To acquire, establish, own, maintain, improve, police, or preserve such properties in which the members of the corporation shall have common rights of usage and enjoyment, including, without limitation because of specific enumeration, private (not public) parks, plazas, roads, paths, open spaces, planting areas, highways, and such common facilities as the members of the corporation deem desirable and/or necessary.

(b) To do whatever is necessary, proper, or convenient to enforce, carry out, and fulfill the general intent of the Declaration of Conditions, Covenants, Restrictions and Easements for Overland Heights Development ("Declaration") recorded in the office of the Register of Deeds for Fond du Lac County, Wisconsin, and to make such rules and regulations and do and perform such acts as may be necessary or incidental to the health, comfort, safety or general welfare of the persons residing in Overland Heights Development.

(c) To take any and all actions which may be necessary, proper or convenient for the carrying out of the aforesaid purposes of said corporation and/or any other lawful purposes for which a non-stock non-profit corporation may be organized under the provisions of Chapter 181 of the Wisconsin Statutes.

Y903 

ARTICLE IV.

The mailing address of the principal office shall be P.O. Box 1007, Fond du Lac, Wisconsin 54935.

ARTICLE V.

The name and address of the initial registered agent is Irving Koren, P.O. Box 1007, Fond du Lac, Wisconsin 54935.  
80 South Macy Street

ARTICLE VI.

The number of Directors may be fixed by the By-Laws but shall not be less than three (3). The manner in which Directors shall be elected or appointed shall be provided and governed by the By-Laws.

ARTICLE VII.

The number of Directors constituting the initial Board of Directors shall be three (3).

ARTICLE VIII.

The names and addresses of the initial Directors are:

Irving Koren  
P.O. Box 1007  
Fond du Lac Wisconsin 54935

G. Joseph Baumhardt  
103 Fond du Lac Avenue  
Eden, Wisconsin 53019

H. Tod Culver  
P. O. Box 967  
Fond du Lac, Wisconsin 54935

ARTICLE IX.

The Developer, Overland Heights Development and every person or entity who is a record owner of a fee, or undivided fee, interest and every person or entity who has an interest as a contract purchaser in any Lot located in Overland Heights and subject to the Declaration shall be members of the corporation. The foregoing is not intended to include persons or entities who hold an interest merely as security for the performance of an obligation. The corporation shall have two classes of voting membership:

1.  
2.

*Vol. 31. page 692.*

(a) Class A. Class A members shall be all owners with the exception of the Developer, Overland Heights Development, and shall be entitled to one vote for each lot owned. When more than one person holds an interest in any lot, all such persons shall be members, and 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 such lot.

(b) Class B. The Class B member shall be the Developer, its successors and assigns, and it shall be entitled to three votes for each lot in which it holds an interest; provided, however, that notwithstanding the foregoing provision for voting, the Developer shall have at least fifty-four (54) votes until all of the lots in Overland Heights are sold by the Developer.

#### ARTICLE X.

Additions to the existing property of Overland Heights Development in accordance with Article 1, Section 2 of the Declaration shall extend the jurisdiction, functions, duties, and membership of this Corporation to such additional property.

#### ARTICLE XI.

The corporation may be dissolved with the assent of two-thirds of the membership eligible to vote. Upon dissolution of the corporation, all of its assets, after payment of its liabilities, shall be distributed to one or more non-profit corporations, societies or organizations having among its purposes those substantially similar to those of the corporation, as the members of the corporation or its successors or assigns, after dissolution, shall elect.

No such disposition of corporation properties shall be effective to divest or diminish any right or title of any member vested in him under the Declaration and deeds applicable to the corporation properties unless made in accordance with the provisions of such Declaration and deeds.

#### ARTICLE XII.

The name and address of the incorporator is Irving Koren, P.O. Box 1007, Fond du Lac, Wisconsin 54935.  
80 South Macy Street

ARTICLE XIII.

The Board of Directors shall adopt the initial By-Laws. The By-Laws may be amended thereafter by a vote of two-thirds of all votes eligible to be cast by the members of the corporation.

ARTICLE XIV.

The Articles of Incorporation may be amended by a vote of two-thirds of all votes eligible to be cast by the members, provided that no amendment shall be effective to impair or dilute any rights of members that are governed by the Declaration applicable to the corporation properties which are part of the property interests created thereby.

IN WITNESS WHEREOF, the undersigned has hereto set his hand this 29th day of June, 1979.

Irving Koren  
Irving Koren

Personally came before me this 29 day of June, 1979, the above-named Irving Koren to me known to be the person who executed the foregoing Articles of Incorporation and acknowledged the same.

STATE OF WISCONSIN  
FILED

JUL 19 1979

VEL PHILLIPS  
SECRETARY OF STATE

Robert P. Walgerbach  
Notary Public, State of Wisconsin  
My Commission is permanent. EXPIRES 8/1/82

This instrument was drafted by Attorney Keith W. McGlamery.



BY-LAWS  
OF  
OVERLAND HEIGHTS COMMUNITY ASSOCIATION, INC.

ARTICLE I.

SECTION 1. Recitals. The Overland Heights Community Association, Inc., has been organized as a nonprofit corporation under the laws of the State of Wisconsin with the purposes and powers specified in Article III. These By-Laws constitute the rules adopted for the management of the Association. In case of any conflict between the Articles of Incorporation and these By-Laws, the Articles shall control. In case of any conflict between the Declaration and these By-Laws, the Declaration shall control.

SECTION 2. Definitions. The following words and terms, when used in this document or any supplemental document (unless the context shall prohibit) shall have the following meanings:

(a) "Developer" shall mean and refer to Overland Heights Development, a partnership, its successors and assigns.

(b) "Association" shall mean and refer to Overland Heights Community Association, Inc., a Wisconsin nonstock corporation, its successors and assigns.

(c) "Properties" shall mean and refer to all existing properties and additions thereto, as are subject to the Declaration or any Supplemental Declaration under the provisions of Article I of said Declaration.

(d) "Common Properties" shall mean any real property and improvements thereon and any personal property or equipment with respect to which the Developer grants, assigns or conveys to the Association, title or interest in or rights of use, or with respect to which the Developer permits use by the Association and its members, and any replacement of or for any of the foregoing.

(e) "Lot" shall mean any plot of land described by a number upon any recorded subdivision map of the Properties, but shall not include any plot designated therein as a "tract."

(f) "Owner" shall mean the record owner (whether one or more persons or entities) of a fee, or undivided fee, interest, or a person or entity who has an interest as a land contract vendee in any Lot or Living Unit situated upon the Properties, but shall not include any such person or entity who holds such interest merely as a security for the performance of an obligation.

1990 COPY

(g) "Member" shall mean all those owners who are members of the Association as hereinafter provided.

(h) "Declaration" shall mean the Declaration of Conditions, Covenants, Restrictions and Easements for Overland Heights Development recorded in the office of the Fond du Lac County Register of Deeds on September 24, 1979, in Vol. 802 on pages 206-223, and any additions or supplements thereto.

#### ARTICLE II.

The mailing address of the principal office of the Association shall be P.O. Box 1007, Fond du Lac, Wisconsin 54935.

#### ARTICLE III.

The purposes of the corporation shall be:

(a) To acquire, establish, own, maintain, improve, police, or preserve such properties in which the Members shall have common rights of usage and enjoyment, including, without limitation because of specific enumeration, private (not public) parks, plazas, roads, paths, Common Properties, open spaces, planting areas, highways, and such common facilities as the members of the corporation deem desirable and/or necessary.

(b) To do whatever is necessary, proper, or convenient to enforce, carry out, and fulfill the general intent of the Declaration and to make such rules and regulations and do and perform such acts as may be necessary or incidental to the health, comfort, safety or general welfare of the persons residing in Overland Heights Development.

(c) To take any and all actions which may be necessary, proper or convenient for the carrying out of the aforesaid purposes of said Association and/or any other lawful purposes for which a non-stock, non-profit corporation may be organized under the provisions of Chapter 181 of the Wisconsin Statutes.

#### ARTICLE IV.

SECTION 1. Membership. The Developer and every Owner shall be Members of the Association. The Association shall have two classes of voting membership:

(a) Class A. Class A Members shall be all Owners with the exception of the Developer, and shall be entitled to one vote for each Lot owned. When more than one person holds an interest in any Lot, all such persons shall be Members, and 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.

(b) Class B. The Class B Member shall be the Developer, and it shall be entitled to three votes for each Lot in which it holds an interest; provided, however, that notwithstanding the foregoing provision for voting, the Developer shall have at least fifty-four (54) votes until all of the Lots in Overland Heights are sold by the Developer.

Members who are delinquent in the payment to the Association of the annual assessments and special assessments charged to or levied against their Lot or Lots shall not be entitled to vote until all such annual assessments and special assessments, together with such reasonable penalties which the Board of Directors may impose, have been paid.

SECTION 2. Rights of Members. Each Member of the Association and the family members of said Member shall be entitled to use any Common Properties or any other land owned by the Association designated as open space, or common facilities located thereon, for the purposes intended, subject to the payment of such annual and special assessments as may be levied by the Association and subject to compliance with such regulations as the Board of Directors may establish from time to time. Members shall be eligible to serve on various committees established pursuant to the By-Laws in carrying out the purposes of the Association.

#### ARTICLE V.

SECTION 1. Annual Meeting of Members. The annual meeting shall be held in the fifth month of each year at such date, time and place as is designated by the Board of Directors for the purpose of electing Directors as provided herein, adopting an annual budget, and for the transaction of such other business as may come before the meeting.

SECTION 2. Special Meeting of Members. Special meetings of the Members for any purpose may be called by the President or the Board of Directors, and shall be called by the President at the written request of one-half of the Members entitled to vote at such meeting.

SECTION 3. Notice of Meeting. Written notice stating the place, day and hour of the meeting and the purposes for which such meeting is called, shall be delivered not less than one week before the date of the meeting, either personally or by mail, to each Member of record entitled to vote at such meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail addressed to the Members as their addresses appear in the records of the Association, with postage thereon paid.

SECTION 4. Quorum. A majority of the Membership entitled to vote, represented in person or by proxy, shall constitute a quorum at a meeting of the Members. If a quorum is present, the affirmative vote of the majority of the Members represented at the meeting and entitled to vote on the subject matter shall be the act of the Association unless a greater proportion is required by law or the Articles of Incorporation. In the event less than a quorum of the Membership is present at a meeting, a majority of the Membership so represented at the meeting may adjourn the meeting from time to time without further notice. At such adjourned meeting at which a quorum shall be present, any business may be transacted which might have been transacted at the meeting as originally noticed.

SECTION 5. Conduct of Meeting. The President, and in his absence the Vice President, and in their absence any person chosen by the Members present, shall act as chairman of the meeting. The Secretary of the Association shall act as secretary of all meetings of the Members, but in the absence of the Secretary, the presiding officer may appoint any other person to act as secretary of the meeting.

SECTION 6. Proxies. At all meetings of the Members and in all elections, a Member entitled to vote may vote in person or by proxy appointed in writing by the Member or his duly-authorized attorney in fact. Such proxy shall be filed with the Secretary of the Association before or at the time of the meeting or prior to the mailing of ballots. Unless otherwise provided in the proxy, a proxy may be revoked at any time before it is voted, either by written notice filed with the Secretary or the acting Secretary of the meeting or by oral notice given by the Member to the presiding officer directing the meeting.

SECTION 7. Waiver of Notice by Members. Whenever any notice whatever is required to be given to any Member of the Association, a waiver thereof in writing signed at any time, whether before or after the time of meeting by the Member entitled to such notice, shall be deemed equivalent to the giving of such notice.

SECTION 8. Unanimous Consent Without Meeting. Any action required or permitted to be taken at a meeting of the Members may be taken without a meeting if the consent in writing setting forth actions so taken shall be signed by all of the Members entitled to vote.



## ARTICLE VI.

SECTION 1. Management of the Association. The business and affairs of the Association shall be managed by its Board of Directors.

SECTION 2. Initial Directors. The initial Directors shall be as designated in the Articles of Incorporation. The initial Directors shall hold office until all of the Lots in Overland Heights have been sold and conveyed by the Developer and thereafter until their successors have been elected by the Members. Any vacancy which occurs in the initial Board of Directors for any reason prior to the end of such term of office shall be filled by a person designated by the Developer.

SECTION 3. Number, Tenure, and Qualification of Board of Directors. After the terms of the initial Board of Directors have expired, the number of Directors of the Association shall be three (3). Each Director shall hold office until the next annual meeting of the Members or until a successor has been elected and qualified. Directors after the initial Board of Directors must be Members of the Association.

SECTION 4. Election of Board of Directors. Election to the Board shall be by written ballot as hereafter provided. At such election, the Members or their proxies may cast one vote in respect of each vacancy. The names receiving the largest number of votes shall be elected. Nominations for election to the Board shall be made by a Nominating Committee which shall be one of the standing committees of the Association. The Nominating Committee shall be appointed by the Board prior to each annual meeting of the Members to serve from the close of such annual meeting until the close of the next annual meeting, and such appointment shall be announced at each such annual meeting. The Nominating Committee shall make as many nominations for election to the Board as it shall in its discretion determine, but not less than twice the number of vacancies that are to be filled. Nominations shall be placed on a written ballot and shall be made in advance of the time fixed for the mailing of such ballots to Members. Such ballots shall be prepared and delivered by the Secretary to the Members at least seven (7) days in advance of the date set forth therein for a return (which shall be a date not later than the day before the annual meeting or special meeting called for elections). The Secretary shall mail to each person entitled to vote, prepared ballot forms which shall state the number of votes which the voter is entitled to cast as a Member or by proxy, and provide for the signature of the Member or his proxy. The completed ballot shall be returned to the

Secretary at the address stated in the letter of transmittal. On the day set for the meeting at which elections are to be held, the Secretary shall turn over the unopened ballots for counting by the Election Committee which shall be appointed by the Board. The Election Committee shall determine that the number of votes cast does not exceed the number allowed to the Member or his proxy, that a proxy has been filed with the Secretary as provided in Article V, Section 6, and that such proxy is valid.

SECTION 5. Regular Meetings of the Board of Directors. A regular meeting of the Board of Directors shall be held without other notice than this By-Law immediately after and at the same place as the annual meeting of the Members and each adjourned session thereof. The Board of Directors may provide by resolution the time and place for the holding of additional regular meetings without notice other than such resolution.

SECTION 6. Special Meetings of the Board of Directors. Special meetings of the Board of Directors may be called by or at the request of the President, Secretary or any two Directors. The authorized person or persons calling any special meeting of the Board of Directors may fix any place as the place for holding said special meeting called by them.

SECTION 7. Notice. Notice of any special meeting of the Board of Directors shall be given at least forty-eight (48) hours previous to said meeting by written notice delivered personally or mailed to each Director at his address as shown on the books of the Association, or by telegram. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail so addressed with postage thereon prepaid. If notice be given by telegram, such notice shall be deemed to be delivered when the telegram is delivered to the telegraph company. Whenever any notice whatever is required to be given to any Director of the Association, under the provisions of these By-Laws or under the provisions of the Articles of Incorporation or under provisions of any statute, a waiver thereof in writing signed at any time, whether before or after the time of the meeting, by the Director entitled to such notice, shall be deemed equivalent to the giving of such notice. The attendance of a Director at a meeting shall constitute a waiver of notice of such meeting, except where a Director attends at a meeting and objects thereto to the transaction of any business because the meeting is not lawfully called and convened. Neither the business to be transacted nor the purpose of any regular or special meeting of the Board of Directors need be specified in the notice or waiver of notice of such meeting.

SECTION 8. Quorum. The majority of the number of Directors fixed by the Articles of Incorporation or Section 3 of this Article VI shall constitute a quorum for the transaction of business at any meeting of the Board of Directors; but though less than such quorum is present at a meeting, a majority of the Directors present may adjourn the meeting from time to time without notice.

SECTION 9. Removal. Any Director, other than Directors on the initial Board of Directors, may be removed from office by the affirmative vote of a majority of the Members of the Association entitled to vote for the election of such Directors taken at a special meeting of the Members called for that purpose.

SECTION 10. Vacancies. Except as provided in Section 2 of this Article VI, the Board of Directors may fill any vacancy in their Board occurring after any regular annual election or any vacancy created by an increase in the authorized number of Directors until the next succeeding election by the affirmative vote of a majority of the Directors then in office, although less than a quorum.

SECTION 11. Manner of Acting. The act of the majority of the Directors present at a meeting in which a quorum is present shall be the act of the Board of Directors.

SECTION 12. Conduct of Meeting. The President, and in his absence, the Vice President, and in their absence, any Director chosen by the Directors present, shall call a meeting of the Board of Directors to order and shall act as chairman of the meeting. The Secretary of the Association shall act as the secretary of all meetings of the Board of Directors; but in the absence of the Secretary, the Directors present may appoint any other person to act as secretary of the meeting.

SECTION 13. Presumption of Assent. A Director of the Association who is present at a meeting of the Board of Directors or a committee thereof at which action on any corporate matter is taken, shall be presumed to have assented to the action taken unless his dissent shall be entered in the minutes of the meeting, or unless he shall file his written dissent to such action with the person acting as the secretary of the meeting before the adjournment thereof, or shall forward such dissent by registered mail to the Secretary of the Association immediately after the adjournment of the meeting. Such right to dissent shall not apply to a Director who voted in favor of such action.

SECTION 14. Unanimous Consent Without Meeting. Any action required or permitted by the Articles of Incorporation or By-Laws to be taken by the Board of Directors at a meeting or by resolution may be taken without a meeting if a consent in writing setting forth the action so taken shall be signed by all of the Directors then in office.

SECTION 15. Committees. The Board of Directors may by resolution adopted by a majority thereof designate one or more committees, each committee to consist of at least one Director and as many members of the Association as deemed necessary. The standing committees of the Association shall be the Nominating, Election and Architectural Review Committees. The membership, authority and functions of the Architectural Review Committee shall be governed by the Declaration.

#### ARTICLE VII.

SECTION 1. Number. The principal officers of the Association shall be a President, Vice President, Secretary and Treasurer, each of whom shall be elected by the Board of Directors. Such other officers and assistant officers as may be deemed necessary may be elected or appointed by the Board of Directors. Any two or more offices may be held by the same person, except the offices of the President and Secretary, and the offices of President and Vice President.

SECTION 2. Election and Term of Office. The officers of the Association to be elected by the Board of Directors shall be elected annually by the Board of Directors at the first meeting of the Board of Directors held after each annual meeting of the Members. If the election of officers shall not be held at such meeting, such election shall be held as soon thereafter as conveniently may be. All officers must be Members of the Association. Each officer shall hold office until his successor shall be duly elected and shall have qualified or until his death or until he shall resign or shall have been removed in the manner hereinafter provided.

SECTION 3. Removal. Any officer or agent elected or appointed by the Board of Directors may be removed by the Board of Directors whenever in its judgment the best interests of the Association will be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the person removed. Election or appointment shall not of itself create contract rights.

SECTION 4. Vacancies. Any vacancy in any office because of death, resignation, removal or disqualification otherwise, shall be filled by the Board of Directors for the unexpired period of the term.

SECTION 5. President. The President shall be the principal executive officer of the Association and, subject to the control of the Board of Directors, shall in general supervise and control all of the business and affairs of the Association. The President shall, when present, preside at all meetings of the Membership and of the Board of Directors. He or she may sign, with the Secretary or any other proper officer of the Association thereunto authorized by the Board of Directors, any deeds, mortgages, bonds, contracts, or other instruments which the Board of Directors has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Board of Directors or by these By-Laws to some other officer or agent of the Association or shall be required by law to be otherwise signed or executed, and in general perform all duties incident to the office of President and such other duties as may be prescribed by the Board of Directors from time to time.

SECTION 6. Vice President. In the absence of the President or in the event of his or her death, inability or refusal to act, the Vice President (or in the event there be more than one Vice President, the Vice Presidents in the order designated at the time of their election), shall perform the duties of the President and, when so acting, shall have all the powers of and be subject to all the restrictions upon the President. Any Vice President may sign, with the Secretary or Assistant Secretary, such instruments as the President would have the authority to sign were he or she present, and shall perform other duties as from time to time may be assigned to him or her by the President or by the Board of Directors.

SECTION 7. Secretary. The Secretary shall (a) keep the minutes of meetings of the Members and Board of Directors in one or more books provided for that purpose; (b) see that all notices are duly given in accordance with the provisions of these By-Laws or as required by law; (c) be custodian of the corporate records and of the seal of the Association and see that the seal of the Association is affixed to all documents the execution of which on behalf of the Association under its seal is duly authorized or required; (d) keep a register of the post office addresses of each Member, which shall be furnished to such Secretary by such Member; (e) sign with the President or Vice President any instruments required to be executed on behalf of the Association; and (f) in general perform all the duties incident to the office of Secretary and such other duties as from time to time may be assigned to him or her by the President or by the Board of Directors.

## ARTICLE VIII.

SECTION 1. Contracts. The Board of Directors may authorize any officer or officers, agent or agents, to enter into any contract or execute and deliver any instrument in the name of or on behalf of the Association, and such authorization may be general or confined to specific instances.

SECTION 2. Loans. No loan shall be contracted on behalf of the Association and no evidences of indebtedness shall be issued in its name unless authorized by or under the authority of a resolution of the Board of Directors. Such authorization may be general or confined to specific instances.

SECTION 3. Drafts, etc. All checks, drafts, or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the Association shall be signed by such officer, officers, agent, or agents of the Association and in such manner as shall from time to time be determined by or under the authority of resolution of the Board of Directors.

SECTION 4. Deposits. All funds of the Association not otherwise employed shall be deposited from time to time to the credit of the Association at such banks, trust companies, or other depositories as may be selected by or under the authority of the Board of Directors.

SECTION 5. Other Powers. The Board of Directors shall adopt and publish regulations governing the use, protection and preservation of Common Properties and exercise all powers, duties and authority vested in or delegated to the Association.

## ARTICLE IX.

SECTION 1. Budget. The Board of Directors shall, in advance of the annual meeting of the members, prepare a budget of the expenditures which the Association proposes to make for the ensuing year. Such budget shall include the expenses of maintaining the necessary organization of the Association, including, but not limited to, salaries to officers, if any, fees paid for auditing the books of the Association, fees for necessary professional services, including legal services, and the cost of maintenance of the Common Properties in Overland Heights and any other properties controlled by the Association. Said costs shall include, but not be limited to, payment of taxes, insurance, repair, replacement, and additions to the improvements made upon said Association-controlled properties and the cost of labor, equipment, materials, management and supervision thereof.

SECTION 2. Annual Assessment. Based upon said budget, the Board of Directors shall levy an annual general assessment uniformly against each Lot. However, the Board of Directors shall not levy a general assessment against Lots owned by the Developer at any time after the Developer sells, conveys or otherwise transfers more than twenty-five percent (25%) of all of the Lots. If any Owner owns two or more Lots, each Lot shall be separately assessed.

SECTION 3. Special Assessments. The Board of Directors shall have the authority to levy a special assessment for the purpose of defraying in whole or in part costs of any construction, reconstruction or replacement of any capital improvements upon the Common Properties, or for any other reason, uniformly against each Lot owned by persons or entities other than the Developer, its successors, or assigns.

The Board of Directors shall declare the annual and special assessments levied due and payable at any time after thirty (30) days from the day of such levy, and the Secretary or other officer shall notify the Owner of each Lot so assessed of the action taken by the Board, the amount of the assessment for each Lot owned by him, and the date such assessment becomes due and payable. Such notice shall be mailed to him at his last known post office address by the Secretary by United States mail with postage prepaid.

SECTION 4. Unpaid Assessments. In the event the assessment levied against the Lot remains unpaid for a period of thirty (30) days following due date, that assessment shall become delinquent, shall bear interest at the then highest rate permitted by law from the due date thereof to the date of payment of both principal and interest and shall become a lien on the property which shall bind such property in the hands of the then Owner, his heirs, successors or assigns. The personal obligation of the then Owner to pay such assessment shall remain his personal obligation and shall not pass to his successors in title unless expressly assumed by them. It shall be the duty of the Board of Directors to bring suits to enforce such liens before the expiration thereof. The Board of Directors may, in its discretion, file certificates of nonpayment of assessments in the office of the Register of Deeds of Fond du Lac County whenever such assessments are delinquent. For each certificate so filed, the Board of Directors shall be entitled to collect from the Owner or Owners of the real property described therein an additional fee of \$20 and reasonable attorney fees, which fees are hereby declared to be in addition to the lien upon the real estate so described in such certificate. Such fees shall be collectible in the same manner as the original assessment

provided for herein, in addition to the interest and principal due thereon. The liens herein provided shall be subject and subordinate to the lien of any valid mortgage or deed of trust now existing or which may hereafter be placed on said real property prior to the effective date of such liens. Such liens shall continue for a period of five years from delinquency and no longer, unless within such time suit shall have been filed for the collection of the assessment, in which case the lien shall continue until the termination of the suit and until the sale of property under the execution of judgment in such suit. The Association shall furnish to any Owner a certificate in writing signed by an officer of the Association setting forth whether said assessments have been paid. Such certificates shall be conclusive evidence of the payment of any and all assessments therein stated to have been paid.

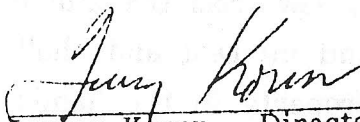
ARTICLE X.

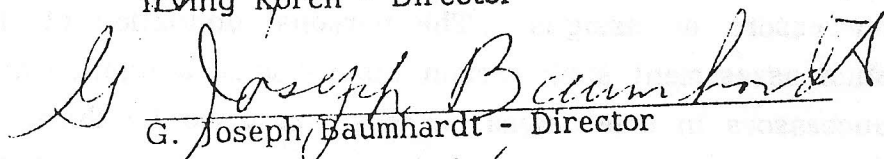
The fiscal year of the Association shall be the annual period beginning January 1 and ending December 31 or such other fiscal year as the Board of Directors may from time to time designate.

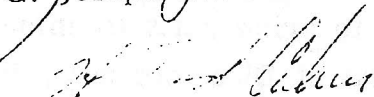
ARTICLE XI.

These By-Laws may be amended at a regular or special meeting of the Membership by a vote of two-thirds of all votes eligible to be cast by the Members of the Corporation.

IN WITNESS WHEREOF, we, being all of the Directors of Overland Heights Community Association, Inc., have hereunto set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 1979.

  
\_\_\_\_\_  
Irving Koren - Director

  
\_\_\_\_\_  
G. Joseph Baumhardt - Director

  
\_\_\_\_\_  
H. Todd Culver - Director