

CONSTITUTION

©2019 Buckskin Heights Road Association

OF

BUCKSKIN HEIGHTS ROAD ASSOCIATION, INC.

*This copy only*

December 12, 1974

*Original*  
*No Revisions*

ARTICLE I

Name

The name of the corporation shall be BUCKSKIN HEIGHTS ROAD ASSOCIATION, INC.

ARTICLE II

Objects

The purpose for which the non-profit association is formed is to promote the health, civic, and general welfare of its members and in pursuance thereto to construct, own and operate roads, and such objects as are appropriate in the conduct of its activities, in the County of Larimer and State of Colorado, for the use of its members, their families, and such others as are approved by the Board.

ARTICLE III

Validation and Amendments

Section 1. Validation. This Constitution shall become effective upon the ratification of a two-thirds (2/3) majority vote by the total membership in good standing.

Section 2. Amendments. Amendments to the Constitution will require ratification by a two-thirds (2/3) majority vote of the members in good standing.

BY-LAWS OF THE BUCKSKIN HEIGHTS  
ROAD ASSOCIATION, INC.

ARTICLE I

Government

Section 1. Management. The Association shall be managed by a Board of 4 (four) Directors.

Section 2. Terms of present Directors. All Directors shall serve to and including the annual meeting of 1975. Thereafter of the initial Board of Directors, two (2) shall serve for one (1) year, and two (2) shall serve for two (2) years. At each annual meeting after the 1975 annual meeting, the members shall elect from themselves for a term of two (2) years, two (2) of the Directors whose terms of office have expired. Said Directors to hold office until their successors are elected and qualified.

ARTICLE II

Board of Directors

Section 1. Duties. Consistent with these By-Laws, the Board of Directors shall:

a. Transact all Association business and make and amend rules for the regulation of the use of the Association property. It may appoint and remove such non-elected officers, clerks, agents, servants or employees as it may deem necessary and may fix their duties and compensations.

b. Fix, impose and collect penalties for violations of these By-Laws and rules of the Association.

c. Elect from the Board of Directors, which Board in turn will elect a President, Vice-President, Secretary and Treasurer.

d. If necessary, create additional offices deemed necessary, and appoint one or more persons, who need not be members of the Association, to such offices.

e. Constitute and appoint committees and define the powers and duties of the same.

f. Fill any vacancy in the membership of the Board of Directors from among the members to serve until the next annual meeting of the active members.

g. Assess annual membership dues, per tract or lot, which dues shall not be in excess of \$ 20.00 per year without the 2/3s majority vote of the members present and voting at an annual or special meeting, which dues, together with other funds of the association, may be disbursed in such a manner as the Board deems proper and in accordance with these By-Laws.

h. Directors may not be elected to more than two (2) consecutive terms (not to exceed four (4) years). Directors may be re-elected after a one (1) year absence from the Board.

Section 2. Depository. The Board shall designate the banks or bank in which the funds of the Association shall be deposited and determine the manner in which checks, drafts and other instruments for the payment of funds of the Association shall be executed. However, the Board shall always require that at least two (2) of the officers shall sign all such checks, drafts and other instruments for the payment of money drawn in the name of the Association. Annually the three (3) officers approved for signing shall be specified by the Board, by name, one of which shall be the Treasurer.

Section 3. Annual Audit. The Board shall cause the books of the Association to be audited annually by a committee selected by the Directors.

Section 4. Meetings. The Board of Directors shall meet at least semi-annually, and may meet at such other times and intervals as it may deem necessary.

Section 5. Quorum. A majority of the Board shall constitute a quorum.

Section 6. Removal or Resignation. After the annual meeting in 1975, any member of the Board may be removed from office by a 3/4s majority vote of the membership present in person either at an annual meeting or a special meeting called in accordance with these By-Laws.

In the event that any member of the Board of Directors shall cease to have a possessory interest in the lands of Buckskin Heights, or resign, said Director shall be automatically removed from the Board. The Board of Directors may also accept any Directors resignation and appoint a member of the Association in his place, to serve until the next regular meeting or a special meeting of the membership, at which time a Director shall be elected to serve for the balance of the resigning members term.

### ARTICLE III

#### Officers

Section 1. Officers. The Officers of this Association shall be President, Vice-President, Secretary, and Treasurer. The President, Vice-President, Secretary, and Treasurer shall be elected annually by the Board of Directors from among its members and shall hold office until the end of the first meeting of the Board following the annual meeting of the Association.

Section 2. Duties of the President. The President shall preside at the meetings of the Association and of the Board. He shall be the administrative officer of the Association. He shall appoint, subject to confirmation by the Board of Directors, all standing and special committees, designating the chairman thereof. He shall be an ex-officio member of all committees.

Section 3. Duties of the Vice-President. The Vice-President, in the absence of or disability of the President, shall act in his stead. He shall, under the direction of the President, attend to the business and financial operations of the organization. He shall be an ex-officio member of all committees.

Section 4. Duties of the Secretary. The Secretary shall send out the notices of the meetings of the Association and of the Board; keep the minutes, maintain the corporate records and attend to the correspondence pertaining to the office as may be required by the Board.

Section 5. Duties of the Treasurer. The Treasurer shall by January 31st of each year issue notices of dues and be responsible for the collection thereof; maintain the books of account of the Association, deposit funds of the Association received by him in the name of the Association and disburse said funds at the direction of the Board of Directors and shall report on the financial condition of the Association at the regular meeting of the Board of Directors and at the annual and special meetings of the Association and shall perform such other duties as may be requested by the Board of Directors.

#### ARTICLE IV

##### Membership

###### Section 1. Membership and membership defined.

a. Membership shall be defined as the owners of a lot or parcel of land as described below:

All lots of the Buckskin Heights first sub-division as detailed on the approved plat and accepted by the Larimer County Planning Commission on October 14, 1970.

All lots of the Buckskin Heights second sub-division as detailed on the approved plat and accepted by the Larimer County Planning Commission on February 10, 1971.

All tracts adjacent to the access road to the Buckskin Heights first sub-division. Description of access road recorded in Book 1444 at page 325 of the Larimer County Clerk and Recorder Office.

In the event that a lot or parcel shall be owned by more than one person, as undivided owners, said undivided group shall be considered to be one (1) membership. Each membership shall be considered to be a single entity, entitled to a single vote and obligated for a single fee, assessment or obligation. Subsequent division of recorded lots will constitute an additional membership. In all cases, a single lot or parcel will constitute one membership.

Section 2. Requirements of membership. In order to become and maintain a membership in the Association, a member representing said membership shall own land or interest in land as above described, and shall pay all annual dues and assessments.

Section 3. Use of the facilities of the Association. All valid memberships of the Association shall be accorded the equal use of the roads of the Association.

## ARTICLE V

### Section 1. Dues.

a. The Board, at its first meeting after the annual meeting of the members, or any meeting thereafter, shall establish dues for the ensuing year. Only persons who have fully paid all membership fees, assessments and dues shall be entitled to use any of the Association's facilities.

b. Dues shall be sufficient to provide for the necessary operating expenses of the Association, and the maintenance and improvement of its property, and such dues shall be payable by April 1st of each ensuing year, and are delinquent by May 1st.

c. The annual dues shall not exceed \$ 20.00 per membership without the approval of a two-thirds (2/3) majority of the members present at a meeting called in accordance with the provisions of these By-Laws.

d. No dues or part thereof shall be refunded in the event that any of the operations or facilities are suspended for any period.

Section 2. Delinquencies. In the event that any of the members become delinquent in the payment of annual dues or assessments, the Board may:

a. Sue for said delinquencies in a court of competent jurisdiction and impose a lien upon the members property, and/or

b. Suspend all privileges, including road use privilege.

## ARTICLE VI

### Meetings

#### Section 1. Annual Meetings.

a. The annual meeting of the Association shall be held between June 1st and August 31st of each year at such place and time as the Board of Directors may determine. A minimum notice of 30 days will be required.

b. The annual meeting shall be for the purpose of electing directors, presenting committee reports and for the transaction of such other business as may be indicated in the notice or which may be properly brought before it.

Section 2. Special Meetings. Special meetings of the Association may be called by the Board of Directors or upon the written request of five (5) memberships given to the Secretary, stating the purpose therefore. At least thirty (30) days written notice shall be given to the memberships.

Section 3. Notice. Whenever notice to the memberships shall be required by the By-Laws, the Article of Incorporation or otherwise, said notice shall be determined properly given and adequate when it is addressed to the memberships at such address as shall appear in the records of the Association, and is deposited in the United State Mail, postage prepaid. Notice to any member of a membership shall constitute notice to the entire membership. Each membership shall be responsible to provide the Association with its correct address and any changes of address.

Section 4. Voting at meetings. Only memberships in good standing shall be entitled to vote at meetings of the Association. Voting may be by voice, but five (5) memberships shall have the right to demand the roll call vote. Each membership shall be entitled to only one (1) vote.

Section 5. Quorum: Ten (10) active members, present in person shall constitute a quorum at all Association meetings.

Section 6. Board meetings.

a. The Board shall hold its first meeting following the annual meeting of the members each year within thirty (30) days after the annual meeting.

b. The Board may, by resolution, establish from time to time a schedule of its meetings and rules for the conduct thereof.

Section 7. Rules of Order: All meetings will be conducted according to Roberts Rules of Order.

## ARTICLE VII

### Changes to By-Laws

Section 1. Changes and ammdements to the By-Laws shall require a two-thirds (2/3) majority vote of the memberships in good standing present at an annual meeting or special meeting called in accordance with the By-Laws.

CONSTITUTION

*File copy*  
©2019 Buckskin Heights Road Association

OF

BUCKSKIN HEIGHTS ROAD ASSOCIATION, INC.

December 12, 1974

*Revised 1977*

ARTICLE I

Name

The name of the corporation shall be BUCKSKIN HEIGHTS ROAD ASSOCIATION, INC.

ARTICLE II

Objects

The purpose for which the non-profit association is formed is to promote the health, civic, and general welfare of its members and in pursuance thereto to construct, own and operate roads, and such objects as are appropriate in the conduct of its activities, in the County of Larimer and State of Colorado, for the use of its members, their families, and such others as are approved by the Board.

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Section 1. Validation. This Constitution shall become effective upon the ratification of a two-thirds (2/3) majority vote by the total membership in good standing.

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ROAD ASSOCIATION, INC.

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ARTICLE II

Board of Directors

Section 1. Duties. Consistent with these By-Laws, the Board of Directors shall:

a. Transact all Association business and make and amend rules for the regulation of the use of the Association property. It may appoint and remove such non-elected officers, clerks, agents, servants or employees as it may deem necessary and may fix their duties and compensations.

b. Fix, impose and collect penalties for violations of these By-Laws and rules of the Association.

c. Elect from the Board of Directors, which Board in turn will elect a President, Vice-President, Secretary and Treasurer.

d. If necessary, create additional offices deemed necessary, and appoint one or more persons, who need not be members of the Association, to such offices.

e. Constitute and appoint committees and define the powers and duties of the same.

f. Fill any vacancy in the membership of the Board of Directors from among the members to serve until the next annual meeting of the active members.

g. Assess annual membership dues, per tract or lot, which dues shall not be in excess of \$ 20.00 per year without the 2/3s majority vote of the members present and voting at an annual or special meeting, which dues, together with other funds of the association, may be disbursed in such a manner as the Board deems proper and in accordance with these By-Laws.



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Section 4. Meetings. The Board of Directors shall meet at least semi-annually, and may meet at such other times and intervals as it may deem necessary.

Section 5. Quorum. A majority of the Board shall constitute a quorum.

Section 6. Removal or Resignation. After the annual meeting in 1975, any member of the Board may be removed from office by a 3/4s majority vote of the membership present in person either at an annual meeting or a special meeting called in accordance with these By-Laws.

In the event that any member of the Board of Directors shall cease to have a possessory interest in the lands of Bucks Skin Heights, or resign, said Director shall be automatically removed from the Board. The Board of Directors may also accept any Directors resignation and appoint a member of the Association in his place, to serve until the next regular meeting or a special meeting of the membership, at which time a Director shall be elected to serve for the balance of the resigning members term.

### ARTICLE III

#### Officers

Section 1. Officers. The Officers of this Association shall be President, Vice-President, Secretary, and Treasurer. The President, Vice-President, Secretary, and Treasurer shall be elected annually by the Board of Directors from among its members and shall hold office until the end of the first meeting of the Board following the annual meeting of the Association.

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Section 2. Requirements of membership. In order to become and maintain a membership in the Association, a member representing said membership shall own land or interest in land as above described, and shall pay all annual dues and assessments.

Section 3. Use of the facilities of the Association. All valid memberships of the Association shall be accorded equal use of the roads of the Association.

## ARTICLE V

### Section 1. Dues

a. The Board, at its first meeting after the annual meeting of the members, or any meeting thereafter, shall establish dues for the ensuing year. Only persons who have paid all membership fees, assessments and dues in full shall be entitled to use any of the Association's facilities.

b. Dues shall be sufficient to provide for the necessary operating expenses of the Association, and the maintenance and improvement of its property, and such dues shall be payable by April 1st of each ensuing year, and are delinquent by May 1st.

c. The basic annual dues shall not exceed \$20.00 per membership without the approval of a two-thirds majority of the members present at a meeting called in accordance with the provisions of these By-Laws. Upon approval by the necessary two-thirds majority present at such meeting, additional dues not to exceed \$55.00 may be added to the basic rate. Any such additional dues approved, shall have a life of one year, and expires at the next annual meeting.

d. No dues or part thereof shall be refunded in the event that any of the operations of facilities are suspended for any period.

Section 2. Delinquencies. In the event that any of the members become delinquent in the payment of annual dues or assessments, the Board may

a. Sue for said delinquencies in a court of competent jurisdiction and impose a lien upon the member's property, and/or

b. Suspend all privileges, including road use privilege.

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### Meetings

#### Section 1. Annual Meetings.

a. The annual meeting of the Association shall be held between June 1st and August 31st of each year at such place and time as the Board of Directors may determine. A minimum notice of 30 days will be required.

b. The annual meeting shall be for the purpose of electing directors, presenting committee reports and for the transaction of such other business as may be indicated in the notice or which may be properly brought before it.

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Section 5. Quorum: Ten (10) active members, present in person shall constitute a quorum at all Association meetings.

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a. The Board shall hold its first meeting following the annual meeting of the members each year within thirty (30) days after the annual meeting.

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Section 7. Rules of Order: All meetings will be conducted according to Roberts Rules of Order.

## ARTICLE VII

### Changes to By-Laws

Section 1. Changes and ammendments to the By-Laws shall require a two-thirds (2/3) majority vote of the memberships in good standing present at an annual meeting or special meeting called in accordance with the By-Laws.

Change of Original Subdivision No.2 :

Lots #27 (4.644 Acres) & #28 (2.294 Acres) of Subdivision #2 were combined into one property by Larimer County after owner constructed a perminent residence on the lot line dividing the two lots. A majority vote of members present at the 1981 BHRA Annual Meeting agreed with Larimer County to consider the two lots as one property. Henceforth listed as Lot #27/28, Sub #2.

CONSTITUTION

©2019 Buckskin Heights Road Association

OF

BUCKSKIN HEIGHTS ROAD ASSOCIATION, INC.

December 12, 1974  
Revised: August 10, 1991

ARTICLE I

Name

The name of the corporation shall be BUCKSKIN HEIGHTS ROAD ASSOCIATION, INC.

ARTICLE II

Objects

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*Paul A. Long*, PRESIDENT 10-8-96  
1990-1992

NOTARY PUBLIC  
MY COMMISSION  
EXPIRES 6-24-98  
10-8-96

Buckskin Heights Road Asso.  
P.O. Box 352  
Masonville, CO 80541

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BY-LAWS OF THE BUCKSKIN HEIGHTS ROAD ASSOCIATION

ARTICLE I Government

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ARTICLE II Board of Directors

Section 1. Duties. Consistent with these By-Laws, the Board of Directors shall:

- a. Transact all Association business and make and amend rules for the regulation of the use of the Association property. It may appoint and remove such non-elected officers, clerks, agents, servants or employees as it may deem necessary and may fix their duties and compensations.
b. Fix, impose and collect penalties for violations of these By-Laws and rules of the Association.
c. Elect from the Board of Directors, which Board in turn will elect a President, Vice-President, Secretary and Treasurer.
d. If necessary, create additional offices deemed necessary, and appoint one or more persons, who need not be members of the Association, to such offices.
e. Constitute and appoint committees and define the powers and duties of the same.
f. Fill any vacancy in the membership of the Board of Directors from among the members to serve until the next annual meeting of the active members.
g. Assess annual membership per tract or lot, in accordance with Article V Section 1.c. which dues together with other funds of the association, may be disbursed in such manner as the Board deems proper and in accordance with these By-Laws.
h. Directors may not be elected to more than two (2) consecutive terms (not to exceed four (4) years). Directors may be reelected after a one (1) year absence from the Board.

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RCPTN # 96073390

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Buckskin Heights Road Assn. P.O. Box 352 Masonville, CO 80541

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2 Section 5. Quorum. A majority of the Board shall constitute a quorum.

Section 6. Removal or Resignation. After the annual meeting in 1975, any member of the Board may be removed from office by a 3/4ths majority vote of the membership present in person either at an annual meeting or a special meeting called in accordance with these By-Laws.

In the event that any member of the Board of Directors shall cease to have a possessory interest in the lands of Buckskin Heights, or resign, said Director shall be automatically removed from the Board. The Board of Directors may also accept any Directors resignation and appoint a member of the Association in his (or her) place, to serve until the next regular meeting or a special meeting of the membership, at which time a Director shall be elected to serve for the balance of the resigning members term.

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Section 1. Officers. The Officers of this Association shall be President, Vice-President, Secretary, and Treasurer. The President, Vice-President, Secretary, and Treasurer shall be elected annually by the Board of Directors from among its members and shall hold office until the end of the first meeting of the Board following the annual meeting of the Association.

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Section 3. Duties of the Vice-President. The Vice-President shall monitor the condition of the roads, ditches, culverts, gates, etc. of the Association and arrange for equipment and/or operators and work parties, if needed, to perform maintenance and/or improvements for the facilities of the Association. He (or she) is not responsible for snow removal, private driveways or culverts in the ditches of the Association for the purpose of access to private driveways or properties. Before contracting for equipment and/or operators and/or work parties, he (or she) shall assure funds are adequate by conferring with the President or Treasurer or both. The Vice-President, in the absence of or disability of the President, shall act in his (or her) stead.

Section 4. Duties of the Secretary. The secretary shall send out the notices of the meetings of the Association and of the Board; keep the minutes, maintain the corporate records and attend to the correspondence pertaining to the office as may be required by the Board. In the absence or disability of both the President and Vice-President, the Secretary shall perform the minimal necessary functions of those offices for the continuing operation of the Association. He (or she) shall be an ex-officio member of all committees.

Section 5. Duties of the Treasurer. The Treasurer shall by January 31st of each year issue notices of dues and be responsible for the collection thereof; maintain the books of account of the Association, deposit funds of the Association received by him (or her) in the name of the Association and disburse said funds at the direction of the Board of Directors and shall report on the financial condition of the Association at the regular meeting of the Board of Directors and at the annual and special meetings of the Association and shall perform such other duties as may be requested by the Board of Directors.

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ARTICLE IV  
Membership

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Section 3. Use of the facilities of the Association. All valid memberships of the Association shall be accorded equal use of the roads of the Association. The gate on the access road to Buckskin Heights established by the Grant of Easement indenture between Arnold E. and Joyce A. Friend and John O. Anderson, dated April 17, 1969, shall be closed and locked each time passed through. Property owners are responsible for their family members, guests, visitors, renters, contractors and others passing through the gate for the property owner's benefit.

ARTICLE V

Section 1. Dues.

a. The Board, at its first meeting after the annual meeting of the members, or any meeting thereafter, shall establish dues for the ensuing year. Only persons who have paid all membership fees, assessments and dues in full shall be entitled to use any of the Association's facilities.

b. Dues shall be sufficient to provide for the necessary operating expenses of the Association, and the maintenance and improvement of its property, and such dues shall be payable by April 1st of each ensuing year, and are delinquent by May 1st.

c. The Board, by their authority, shall set the basic annual dues, per tract or lot, up to \$75.00. Any additional dues imposed shall be by a two-thirds (2/3) majority of those members in good standing responding to a mailing poll to all members by the President or Secretary. The life of such additional dues shall be clearly established and adhered to.

d. No dues or part thereof shall be refunded in the event that any of the operation of facilities are suspended for any period.

Section 2. Delinquencies. In the event that any of the members become delinquent in the payment of annual dues or assessments, the Board may:

a. Sue for said delinquencies in a court of competent jurisdiction and impose a lien upon the member's property, and/or

b. Suspend all privileges, including road use privilege.

pat 16

mpm



## ARTICLE VI

Section 1. Annual Meetings.

a. The annual meeting of the Association shall be held between June 1st and August 31st of each year at such place and time as the Board of Directors may determine. A minimum notice of 30 days will be required.

b. The annual meeting shall be for the purpose of electing directors, presenting committee reports and for the transaction of such other business as may be indicated in the notice or which may be properly brought before it.

Section 2. Special Meetings. Special meetings of the Association may be called by the Board of Directors or upon the written request of five (5) memberships given to the Secretary, stating the purpose thereof. At least thirty (30) days written notice shall be given to the memberships.

Section 3. Notice. Whenever notice to the memberships shall be required by the By-Laws, the Article of Incorporation or otherwise, said notice shall be determined properly given and adequate when it is addressed to the memberships at such address as shall appear in the records of the Association, and is deposited in the United States Mail, postage prepaid. Notice to any member of a membership shall constitute notice to the entire membership. Each membership shall be responsible to provide the Association with its correct address and any changes of address.

Section 4. Voting at meetings (or in a mailing poll sent to all members). Only memberships in good standing shall be entitled to vote at meetings of the Association (or in a mailing poll sent to all members). Voting may be by voice, but five (5) memberships shall have the right to demand the roll call vote. Each membership shall be entitled to one (1) vote. (A membership in good standing is defined as one where no annual dues or assessments are delinquent. Annual dues become delinquent May 1st of the year in which due. Assessments become delinquent ninety (90) days after notification unless granted otherwise by the Board).

Section 5. Quorum. Ten (10) active members, present in person shall constitute a quorum at all Association meetings.

Section 6. Board Meetings.

a. The Board shall hold its first meeting following the annual meeting of the members each year within thirty (30) days after the annual meeting.

b. The Board may, by resolution, establish from time to time a schedule of its meetings and rules for the conduct thereof.

Section 7. Rules of Order. All meetings will be conducted according to Roberts Rules of Order.

## ARTICLE VII

Section 1. Changes and (or) amendments to the By-Laws shall require a two-thirds (2/3) majority vote of the memberships in good standing present at an annual meeting or special meeting called in accordance with the By-Laws (or by a mailing poll to all members by the President or Secretary).

## Change of Original Subdivision No. 2:

Lots #27 (4.644 Acres) and #28 (2.294 Acres) of Subdivision #2 were combined into one property by Larimer County after owner constructed a permanent residence on the lot line dividing the two lots. A majority vote of members present at the 1981 BHRCA Annual Meeting agreed with Larimer County to consider the two lots as one property. Henceforth listed as Lot #27/28, Sub. #2.

*Paul A. Long, PRESIDENT 10-8-96*  
1990-1992  
*MW*

RULES OF THE BUCKSKIN HEIGHTS ROAD ASSOCIATION AS OF JANUARY 1992:

Annual Meeting 8-14-76 - Culverts for driveways to private property have to be a minimum of fifteen (15) inches in diameter. Conforms to Larimer County standards.

Off-road vehicles are restricted to platted roads of the Buckskin Heights Road Association.

Annual Meeting 8-12-78 - The Board of Directors shall have authority to commit the Association to contracts only to the extent of resources in, or reasonably expected to be in the treasury by the next annual meeting. Additional expenses will require the approval of a majority of the members.

The Association gate be moved to the upper cattle guard. (The gate used to be located about a half mile from the Buckhorn Canyon road.)

Annual Meeting 8-11-79 - Have a sign at the Association gate reading, "Private Road-No Trespassing".

Annual Meeting 8-14-82 - Annual dues due date changed from May 1st to April 1st.

Annual Meeting 8-9-86 - The Board of Directors cannot authorize snow removal.

Annual Meeting 8-8-87 - Work on Association roads must be specifically authorized in advance by Board of Directors. If Board authorizes use of equipment, the Board pays for operating expenses but no maintenance of equipment.

Annual Meeting 8-11-90 - A key lock be installed on the gate along with the combination lock.

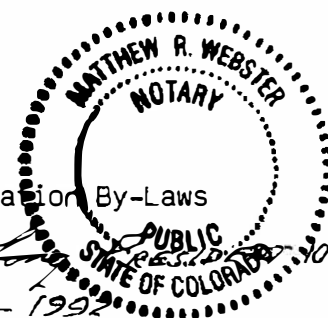
A \$500 limit be placed upon emergency expenditures of Association funds. (For example, extraordinary snow removal). And further, these funds have to be matched dollar for dollar by the members requesting the emergency service.

Phone calls be made to local members after the newsletter goes out informing members of the annual meeting to encourage greater attendance at the annual meeting.

Annual Meeting 8-10-91 - Visiting hunters (those not owning property in Buckskin Heights) be limited to two (2) at a time and the property owner from Buckskin Heights that invited the visiting hunter/s must accompany the visitors while hunting. Property owners should permission before hunting on private property other than their own. (This is also the state law).

Attachment (1)  
to  
Buckskin Heights Road Association By-Laws

*Paul D. Long*  
18  
1990 - 1992



*Matthew R. Webster*  
NOTARY PUBLIC  
MY COMMISSION  
EXPIRES 6-24-98

10-8-810-8-96

6-

90/6

RULES OF THE BUCKSKIN HEIGHTS ROAD ASSOCIATION:

By a Mail Vote of the Members 4-1-92 - Gate Penalties and Procedures:

PENALTIES:

- Not locking the gate lock or locks.....\$20.00
- 2nd not locking in a twelve month period.....\$40.00
- Leaving gate open.....\$25.00
- 2nd leaving gate open in a twelve month period.....\$50.00
- Deliberately damaging the gate, lock or chain.....\$25.00
- 2nd deliberate damaging of above in a twelve month period.....\$50.00

If a family member, guest, visitor, service person, construction worker, etc. does any of the above acts, the property owner responsible for the person being in Buckskin Heights will be assessed the penalty. Property owners are responsible for notifying non-members that may be in Buckskin Heights for their benefit or any other reason. Rain, snow, wind, fog, cold, etc. are not legal reasons for not closing the gate or lock.

PROCEDURES: Upon receipt of information concerning a gate violation, the Buckskin Heights Road Association Board of Directors will issue a letter to the property owner/s concerned with the details as known. The property owner/s will be given the opportunity, either in person or in writing, to refute the allegation, explaining mitigating circumstances or any other facts which the Board should consider. If the property owner/s elect to respond to this initial letter, the Board will consider all information available and reach a decision which will be sent by a second letter to the property owner/s. If determined responsible, either directly or indirectly, for the violation, the second letter will also inform the property owner/s to whom and by when to pay the penalty. If the Board cannot clearly determine that the property owner/s is/are responsible for the violation, the property owner/s will be notified by a second letter of the dismissal of the allegation.

If the property owner/s elect not to respond, for whatever reason/s to an initial letter of gate violation, the Board will presume responsibility and by second letter inform the property owner/s to whom and by when to pay the penalty.

Buckskin Heights Road ASSO.  
P.O. Box 352  
Masonville, CO 80541

Attachment (2)  
to  
Buckskin Heights Road Association By-Laws

Paul A. Long, PRESIDENT  
1990-1992



10-8-96

***RULES OF THE BUCKSKIN HEIGHTS ROAD ASSOCIATION:***

***Annual Meeting 8-14-76*** - Culverts for driveways to private property have to be a minimum of fifteen (15) inches in diameter. Conforms to Larimer County standards

Off-road vehicles are restricted to platted roads of Buckskin Heights Road Association.

***Annual Meeting 8-12-78*** - The Board of Directors shall have authority to commit the Association to contracts only to the extent of resources in, or reasonably expected to be in the treasury by the next annual meeting. Additional expenses will require the approval of a majority of the members.

The Association gate be moved to the upper cattle guard. (The gate used to be located about a half a mile from the Buckhorn Canyon road.)

***Annual Meeting 8-11-79*** - Have a sign at the Association gate reading, "Private Road-No Trespassing".

***Annual Meeting 8-14-82*** - Annual Dues due date changed from May 1st to April 1st.

***Annual Meeting 8-8-87*** - Work on Association roads must be specifically authorized in advance by Board of Directors. If Board authorizes use of equipment, the Board pays for operating expenses but no maintenance of equipment.

***Annual Meeting 8-11-90*** - A lock be installed on the gate along with the combination lock.

Emergency expenditure of Association funds (For example, extraordinary snow removal) have to be matched dollar for dollar by members requesting the emergency service.

Phone calls be made to local members after the newsletter goes out informing members of the annual meeting to encourage greater attendance at the annual meeting.

***Annual Meeting 8-10-91*** - Visiting hunters (those not owning property in Buckskin Heights) be limited to two (2) at a time and the property owner from Buckskin Heights that invited them the visiting hunter/s must accompany the visitors while hunting. Property owners should permission before hunting on private property other than their own, (This is also state law).

***By a Mail Vote of the Members 4-1-92*** - Gate Penalties and Procedures:

***PENALTIES:***

Not locking the gate lock or locks \$20.00

Not locking in twelve month period \$40.00

Leaving gate open \$25.00

2nd leaving gate open in a twelve month period \$50.00

Deliberately damaging the gate, lock or chain \$25.00

**2nd deliberate damage of above in a twelve month period \$50.00**

If a family member, guest, visitor, service person, construction worker, etc. does any of the above acts, the property owner responsible for the person being in Buckskin Heights will be assessed the penalty. Property owners are responsible for notifying non-members that may be in Buckskin Heights for their benefit or any other reason. Rain, snow, wind, fog, cold, etc. are not legal reasons for not closing the gate or lock.

*PROCEDURES:* Upon receipt of information concerning a gate violation, The Buckskin Heights Road Association Board of Directors will issue a letter to the property owner/s concerned with the details as known. The property owner/s will be given an opportunity, either in person or in writing, to refute the allegation, explaining mitigating circumstances or any other facts which the Board should consider. If the property owner/s elect to respond to this initial letter, the Board will consider all information available and reach a decision which will be sent by a second letter to the property owner/s. If determined responsible, either directly or indirectly, for the violation, the second letter will inform the property owner/s to whom and by when to pay the penalty. If the Board cannot clearly determine that the property owner/s is/are responsible for the violation, the property owner/s will be notified by a second letter of the dismissal of the allegation.

If the property owner/s elect not to respond, for whatever reason/s to an initial letter of gate violation, the Board will presume responsibility and by a second letter inform the property owner/s to who and by when to pay the penalty.

RCPTN # 98085306 10/01/98 14:45:00 # PAGES - 1 FEE - \$6.00  
4 RODENBERGER RECORDER, LARIMER COUNTY CO STATE DOC FEE - \$.00

**Addendum to the Buckskin Heights Road Association by-laws August 11, 1997**

**Special Meeting November 17, 1996 by a two thirds majority vote the following changes to the by-laws were adopted:**

**Capital Expenditure authorization (other than normal maintenance and operating expenses) shall require a mail ballot sent to all property owners with two thirds (2/3) of those responding for approval.**

**Annual Meeting August 10, 1997 by a two thirds majority vote the following changes to the by-laws were adopted:**

**Fences:**

**No fence shall be located so as to interfere with the right-of-way easement (thirty (30) feet in each direction perpendicular from the center line of all existing roads).**

**Existing fences, as of August 10, 1997, shall be exempt from this provision given that they are at least twenty feet from the center line of existing roads.**

**Existing fenced land that currently, as of August 10, 1997, contains livestock shall also be exempt from right-of-way interference of fences as described above.**

**Fences in violation of this provision shall be moved or removed at the owners expense.**

**Board of Directors:**

**The Association shall be managed by a Board of 6 (six) Directors. The Board shall consist of a President, Vice President, Secretary, Treasurer, and two Members at Large.**

**Dues:**

**The following language shall replace Article V Section 1 in it's entirety:**

**The Board, by their authority, shall set the basic annual dues, per tract or lot at \$135.00. Additional annual dues shall be imposed at the discretion of the Board, not to exceed the cumulative increase of the Consumer Price Index (CPI) since the last increase, rounded to the nearest whole dollar, up to a maximum of \$175.00 in total annual dues. Dues for the following year shall be defined in the annual meeting announcement letter. Members, in good standing present at the annual meeting, shall have an opportunity to rescind the increase by a secret ballot. Those member, in good standing, not present at the annual meeting shall have an opportunity to vote by mail to rescind the increase. Mail votes will require signatures for validation and must be received before the annual meeting. In all cases all mail votes will remain confidential with only the total count reported by the Secretary. A simple majority of votes cast shall determine if the increase shall be rescinded.**

RCPTN # 2001058212 07/17/2001 12:21:00 # PAGES - 1 FEE - \$5.00  
M RODENBERGER RECORDER, LARIMER COUNTY CO STATE DOC FEE - \$.00

Addendum to the Buckskin Heights Road association by-laws August 26 , 2000.

By a vote of 20 in the affirmative.

Addition to Article V, Section 2. Delinquencies as follows: c. Assess a late penalty charge of \$20 per month for each month or partial month that dues are delinquent.

By a vote of 19 in the affirmative.

Addition to Article IV, section 3. Use of the facilities of the Association as follows: Association property, including gates, are to be used at the property owners complete responsibility and liability for damage caused by themselves and others coming to or from the property owners lot. Others will include, but not limited to, relatives, guests, workmen, delivery persons, renters, or any of the above persons for the benefit of a renter. Persons other than residents should access the sub-division through the manual gate. Access to the sub-division is by invitation only.

Attachment (4)  
to  
Buckskin Heights Road Association By-Laws

✓ Return to:  
Buckskin Heights Road Assn.  
P.O. Box 852  
Masonville Co 80541-0352  
Attn: Secretary

ADDENDUM  
Buckskin Heights Road Association By-Laws

Approved at the Buckskin Heights annual Road Association meeting of August 26th by a two-thirds majority vote of members present, the following change to the By-Laws was adopted.

The road will not be widened from its present (August 26, 2001) boundaries without express consent of the adjacent landowner(s).

Approved by a mailed ballot to all members by a two-thirds majority of votes received, the following change to the by-laws was adopted.

Effective in the billing year 2002 the road association dues are increased to two hundred fifty dollars.

Attachment (5)  
to  
Buckskin Heights Road Association By-Laws

✓ PO Box 352  
Masonville Co 80541



**Change to the Buckskin Heights Road Association By-Laws**

**August 26, 2001**

DUES:

Article V, Section 1. c. The first sentence of this paragraph is changed to read:  
The Board, by their authority, shall set the basic annual dues, per tract or lot, at \$200.00.

*Recorded previously*  
*Receipt # 20 0111 4862*  
*filed 8/2/2002*

**Amendment to the Buckskin Heights Road Association By-Laws**

**August 26, 2001**

The road will not be widened from its present (August 26, 2001) boundaries without express consent of the adjacent landowner(s).

RCPTN # 2002082298 08/02/2002 13:51:00 # PAGES - 1 FEE - \$5.00  
M RODENBERGER RECORDER, LARIMER COUNTY CO STATE DOC FEE - \$ .00

Attachment (5)  
To  
Buckskin Heights Road Association By-Laws

✓ Penny Pettee  
P.O. Box 354  
Masmoville, CO 80541

Changes to the Buckskin Heights Road Association By-Laws  
August 18, 2002

DUES:

Article V, Section 1. c. The first sentence of this paragraph is changed to read: The Board, by their authority, shall set the basic annual dues, per tract or lot at \$220.

ROAD WIDTH:

The amendment on road width of August 26, 2001 is changed to read:

The road will not be widened from its present (August 26, 2001) boundaries without express consent of the adjacent landowner.

Amendment to the Buckskin Heights Road Association By-Laws  
August 18, 2002

The fiscal year for BHRA shall be Jan 1 – Dec 31.

✓  
Sunny Petter  
P.O. Box 354  
Masmville, CO 80541

CONSTITUTION  
OF THE  
BUCKSKIN HEIGHTS ROAD ASSOCIATION, INC

Adopted by the Membership on December 12, 1974  
Revised to Incorporate Amendments as of May 1, 2008

ARTICLE I

Name

The name of the corporation shall be BUCKSKIN HEIGHTS ROAD ASSOCIATION, INC.

ARTICLE II

Objects

The purpose for which the non-profit association is formed is to promote the health, civic and general welfare of its members and in pursuance thereto to construct and operate roads, and such objects as are appropriate in the conduct of its activities, in the County of Larimer and State of Colorado, for the use of its members, their families and others as are approved by the Board.

ARTICLE III

Validation and amendments

Section 1. Validation. This constitution shall become effective upon ratification of a two-thirds (2/3) majority vote by the total membership in good standing.

Section 2. Amendments. Amendments to the Constitution will require ratification by two-thirds (2/3) majority vote of the members in good standing.

## BY-LAWS OF THE BUCKSKIN HEIGHTS ROAD ASSOCIATION

### Article I Government

**Section 1. Management.** The Association shall be managed by a Board of 6 (six) Directors. The Board shall consist of a President, Vice President, Secretary, Treasurer, and two members at large.

**Section 2. Terms of Directors.** At each annual meeting after the 1997 meeting, the memberships shall elect three (3) Directors from themselves, each for a term of two (2) years.

### Article II Board of Directors

**Section 1. Duties.** Consistent with these by-laws, the Board of Directors shall:

- a. Transact all Association business and make and amend rules for the regulation of the use of Association property. It may appoint and remove such non-elected officers, clerks, agents, servants or employees as it may deem necessary and fix their duties and compensations.
- b. Fix, impose and collect penalties for violation of these by-laws and rules of the Association.
- c. Elect from the Board of Directors a President, Vice President, Secretary, and Treasurer.
- d. If necessary, create additional offices deemed necessary, and appoint one or more persons, who need not be members of the Association, to such offices.
- e. Constitute and appoint committees and define the powers and duties of the same.
- f. Fill any vacancy in the membership of the Board of Directors from among the members to serve until the next annual meeting of the active members.
- g. Assess annual memberships per tract or lot, in accordance with Article V section 1.c Which dues together with other funds of the Association, may be disbursed in such manner as the Board deems proper and in accordance with these by-laws.
- h. Directors may not be elected to more than two (2) consecutive terms (not to exceed four (4) years). Members may be reelected as Directors after one (1) year absence from the Board.

**Section 2. Depository.** The Board shall designate the bank or banks in which funds of the Association shall be deposited and determine the manner in which checks, drafts, and other instruments for the payment of funds of the Association shall be executed. However the Board shall always require that at least two (2) officers shall sign all such checks, drafts, and other instruments for the payment of money drawn in the name of the Association. Annually, the Board of Directors will specify three officers approved for signing, by name, one of which shall be the Treasurer.

**Section 3. Annual Audit.** The Board shall cause the books of the Association to be audited annually by a committee selected by the Directors.

**Section 4. Meetings.** The Board of Directors shall meet at least semi-annually, and may meet at other such times and intervals as it may deem necessary.

**Section 5. Quorum.** A majority of the Board shall constitute a quorum.

**Section 6. Removal or Resignation.** Any member of the Board of Directors may be removed from

office by a 3/4 majority vote of the membership present in person either at an annual meeting or a special meeting called in accordance with these by-laws. In the event that any member of the Board of Directors is removed by a vote of the membership, resigns, or cease to have a possessory interest in the lands of Buckskin Heights or lots adjacent to Otter Road, said Director shall be removed from the Board. The Board of Directors may appoint a member of the Association in his (or her) place, to serve until the next regular meeting or special meeting of the membership, at which time a Director shall be elected to serve for the balance of the removed member's term.

### Article III Officers

*Section 1. Officers.* The officers of the Association shall be President, Vice President, Secretary, and Treasurer. The President, Vice President, Secretary and Treasurer shall be elected annually by the Board of Directors from among its members and shall hold office until the end of the first meeting of the Board following the annual meeting.

*Section 2. Duties of the President.* The President shall preside at the meetings of the Association and of the Board. He (or she) shall be the administrative officer of the Association. He (or she) shall appoint, subject to confirmation by the Board of Directors, all standing and special committees, designating the chairman thereof. He (or she) shall be an ex-officio member of all committees. He (or she) shall keep informed of the Vice President's functions and perform these functions in the absence or disability of the Vice-President.

*Section 3. Duties of the Vice-President .* The Vice-President shall monitor the condition of the roads, ditches, culverts, gates, etc. of the Association and arrange for equipment and/or operators and work parties, if needed, to perform maintenance and/or improvements for the facilities of the Association. He (or she) is not responsible for snow removal, private driveways or properties. Before contracting for equipment and/or operators and/or work parties, he (or she) shall assure funds are adequate by conferring with the President or Treasurer or both. The Vice-President, in the absence of or disability of the President, shall act in his (or her) stead.

*Section 4. Duties of the Secretary.* The Secretary shall send out the notices of the meetings of the Association and of the Board; keep the minutes, maintain the corporate records and attend to the correspondence pertaining to the office as may be required by the Board. In the absence or disability of both the President and Vice-President, the Secretary shall perform the minimal necessary functions of those offices for the continuing operation of the Association. He (or she) shall be an ex-officio member of all committees.

*Section 5. Duties of the Treasurer.* The Treasurer shall by January 31st of each year issue notices of dues and be responsible for the collection thereof; maintain the books of account of the Association, deposit funds of the Association received by him (or her) in the name of the Association and disburse said funds at the direction of the Board of Directors and shall report on the financial condition of the Association at the regular meeting of the Board of Directors and at the annual meeting and special meetings of the Association and shall perform other duties as may be requested by the Board of Directors. The fiscal year for BHRA shall be January 1 through December 31.

Capital Expenditure authorization (other than normal maintenance and operating expenses) shall require a mail ballot sent to all property owners with two thirds (2/3) of those *responding* for approval.

Expenditure of emergency funds shall be made, as deemed necessary, at the discretion of the Board.

#### Article IV Membership

*Section 1. Members and membership defined.* Members shall be defined as the owners of land as described below:

All lots of the Buckskin Heights first sub-division as detailed on the approved plat and accepted by the Larimer County Planning Commission on October 14, 1970.

All lots of the Buckskin Heights second sub-division as detailed on the approved plat and accepted by the Larimer County Planning Commission on February 10, 1971.

All tracts adjacent to the access road to the Buckskin Heights first sub-division. The description of the access road is recorded in Book 1444 at page 325 of the Larimer County Clerk and Records Office.

In the event that a lot shall be owned by more than one person, as undivided owners, said undivided group shall be considered to be one (1) membership. Each membership shall be considered to be a single entity, entitled to a single vote and obligated to a single fee, assessment or obligation. Subsequent division of recorded lots or tracts will constitute an additional membership. Similarly, consolidation of lots or tracts will combine multiple memberships into a single membership.

*Section 2. Requirements of Membership.* In order to become and maintain a membership of the Association, a member representing said membership shall own land or interest in land as above described, and shall pay all annual dues and assessments.

*Section 3. Use of the facilities of the Association.* All valid memberships of the Association shall be accorded equal use of the roads of the Association. The gate on the access road to Buckskin Heights established by the Grant Of Easement indenture between Arnold E. and Joyce A. Friend and John O. Anderson, dated April 17 1969, shall be closed and locked each time passed through. Property owners are responsible for their family members, guests, visitors, renters, contractors and others passing through the gate for their benefit.

Association property, including gates are to be used at the property owners complete responsibility and liability for damage caused by themselves and others coming to or from the property owners lot. Others will include, but not limited to, relatives, guests, workmen, delivery persons, renters or any of the above persons for the benefit of a renter. Persons other than residents should access the sub-division through the manual gate. Access to the sub-division is by invitation only.

No fence shall be located so as to interfere with the right-of-way easement. (Thirty (30) feet in each direction perpendicular from the centerline of all existing roads). Existing fences as of August 10, 1997 shall be exempt from this provision given that they are at least twenty feet from centerline of existing roads. Existing fenced land that currently, as of August 10, 1997, contains livestock shall also be exempt from right-of-way interference of fences as described above. Fences in violation of this provision shall be moved or removed at the owner's expense.

The road will not be widened from its present (August 26, 2001) boundaries without the express consent of the adjacent landowner.

## Article V Dues

### *Section 1. Dues.*

The Board, by their authority, shall set the basic annual dues, per tract or lot at \$240.00. Additional annual dues shall be imposed at the discretion of the Board not to exceed the cumulative increase in the Consumer Price Index (CPI) since the last increase, rounded to the nearest whole dollar, up to a maximum of \$175.00 in total annual dues. Dues for the following year shall be defined in the annual meeting announcement letter. Members in good standing shall have an opportunity to rescind the increase by secret ballot. Those members not present at the annual meeting shall have an opportunity to vote by mail to rescind the increase. Mail votes will require signatures for validation and must be received before the annual meeting. In all cases all mail votes will remain confidential with only a total count reported by the Secretary. A simple majority of votes cast shall determine if the increase shall be rescinded.

*Section 2. Delinquencies.* In the event that members become delinquent in the payment of annual dues or assessments, the Board may:

- a. Sue for said delinquencies in a court of competent jurisdiction and impose a lien upon member's property, and/or
- b. Suspend all privileges, including road use privilege.

The Board will assess a late penalty charge of \$20 per month for each month or partial month that dues are delinquent.

Collection action for delinquent dues shall commence not later than 45 days after such dues become delinquent. Collection of delinquent dues shall be substantially completed within 180 days of delinquent date unless circumstances exist beyond the control of the Board of Directors. The responsibility to administer this action shall reside with the Treasurer or with a member of the association appointed by the President.

## ARTICLE VI Meetings

### *Section 1. Annual Meetings.*

- a. The annual meeting of the Association shall be held between June 1st and August 31st of each year at such time and place as the Board of Directors may determine. A minimum notice of 30 days will be required. At the annual meeting, the date will be set for the following year's annual meeting.
- b. The annual meeting shall be for the purpose of electing directors, presenting committee reports and for the transaction of such other business as may be indicated in the notice or which may be properly brought before it.

*Section 2. Special Meetings.* Special meetings of the Association may be called by the Board of Directors or upon written request of five (5) memberships given to the Secretary, stating the purpose thereof. At least thirty (30) days written notice shall be given to the memberships.

*Section 3. Notice.* Whenever notice to the membership shall be required by the by-laws, the Article of Incorporation or otherwise, said notice shall be determined properly given and adequate when it is

addressed to the memberships at such mail and/or email address as shall appear in the records of the Association, and is deposited in the United States Mail, postage prepaid and/or sent via email. Notice to any member of a membership shall constitute notice to the entire membership. Each membership shall be responsible to provide the Association with its correct address and any change of address.

*Section 4. Voting at meetings (or in a mailing poll sent to all members).*

Only memberships in good standing shall be entitled to vote at meetings of the Association (or in a mailing poll sent to all members). Voting may be by voice, but five (5) memberships shall have the right to demand a roll call vote. Each membership shall be entitled to one (1) vote. A membership in good standing is defined as one where no annual dues or assessments are delinquent. Annual dues become delinquent May 1st of the year which due. Assessments become delinquent ninety (90) days after notification unless granted otherwise by the Board.

*Section 5. Quorum.* Ten (10) active members, present in person shall constitute a quorum at all Association meetings.

*Section 6. Board Meetings.*

- a. The Board shall hold its first meeting following the annual meeting of the members each year within thirty (30) days after the annual meeting.
- b. The Board may, by resolution, establish from time to time a schedule of its meetings and rules for the conduct thereof.

*Section 7. Rules of Order.* All meetings will be conducted according to Roberts Rules of Order.

## ARTICLE VII

*Section 1. Changes and (or) amendments to the By-Laws* shall require a two thirds (2/3) majority vote of the membership in good standing at an annual meeting or special meeting called in accordance with the By-Laws (or by a mailing poll to all members by the President or Secretary).

Change of original Subdivision No. 2:

Lots #27 (4.644 Acres) and #28 (2.294 Acres) of Subdivision #2 were combined into one property by Larimer County after owner constructed a permanent residence on the lot line dividing the two lots. A majority vote of the members present at the 1981 BHRA Annual meeting agreed with Larimer County to consider the two lots as one property. Henceforth listed as Lot #27/28, Sub. #2.

B 93



**CONSTITUTION  
OF  
BUCKSKIN HEIGHTS ROAD ASSOCIATION, INC**

December 12, 1974  
Revised August 10, 1991  
Revised September 14, 2009

**ARTICLE I**

**Name**

The name of the corporation shall be BUCKSKIN HEIGHTS ROAD ASSOCIATION, INC.

**ARTICLE II**

**Objects**

The purpose for which the non-profit association is formed is to promote the health, civic and general welfare of its members and in pursuance thereto to construct and operate roads, and such objects as are appropriate in the conduct of its activities, in the County of Larimer and State of Colorado, for the use of its members, their families and others as are approved by the Board.

**ARTICLE III**

**Validation and amendments**

Section 1. Validation. This Constitution shall become effective upon ratification of a two-thirds (2/3) majority vote of the total membership in good standing.

Section 2. Amendments. Amendments to the Constitution will require ratification by two-thirds (2/3) majority vote of the total membership in good standing.

✓ Buckskin Heights Road Association  
PO Box 352  
Masonville, CO 80541  
Attn: Secretary

A MB

## BY-LAWS OF THE BUCKSKIN HEIGHTS ROAD ASSOCIATION

### Article I Government

*Section 1. Management.* The Association shall be managed by a Board of 6 (six) Directors. The Board shall consist of a President, Vice President, Secretary, Treasurer, and two members at large. {Change approved 8/10/97}

*Section 2. Terms of Directors.* The members shall elect from themselves for a term of two (2) years, the Directors whose terms of office have expired. Said Directors shall hold office until their successors are elected and qualified.

### Article II Board of Directors

*Section 1. Duties.* Consistent with these by-laws, the Board of Directors shall:

- a. Transact all Association business and make and amend rules for the regulation of the use of Association property. It may appoint and remove such non-elected officers, clerks, agents, servants or employees as it may deem necessary and fix their duties and compensations.
- b. Fix, impose and collect penalties for violation of these by-laws and rules of the Association.
- c. Elect from the Board of Directors, which Board in turn will elect a President, Vice President, Secretary, and Treasurer. The remaining two board members will be considered members at large.
- d. If necessary, create additional offices deemed necessary, and appoint one or more persons, who need not be members of the Association, to such offices.
- e. Constitute and appoint committees and define the powers and duties of the same.
- f. Fill any vacancy in the membership of the Board of Directors from among the members to serve until the next annual meeting of the active members.
- g. Assess annual memberships per tract or lot, in accordance with Article V which dues together with other funds of the Association, may be disbursed in such manner as the Board deems proper and in accordance with these by-laws.
- h. Directors may not be elected to more than two (2) consecutive terms (not to exceed four (4) years. Directors may be reelected after one (1) year absence from the Board.

*Section 2. Depository.* The Board shall designate the bank or banks in which funds of the Association shall be deposited and determine the manner in which checks, drafts, and other instruments for the payment of funds of the Association shall be executed.

*Section 3. Annual Audit.* The Board shall cause the books of the Association to be audited annually by a committee selected by the Directors. The fiscal year for BHRA shall be Jan 1 - Dec 31. {Change approved 8/18/02}

*Section 4. Meetings.* The board of Directors shall meet at least semi-annually, and may meet at other such times and intervals as it may deem necessary.

*Section 5. Quorum.* A majority of the Board shall constitute a quorum.

*Section 6. Removal or Resignation.* After the annual meeting in 1975, any member of the Board of Directors may be removed from office by a three-fourths (3/4) majority vote of the membership present in person either at an annual meeting or a special meeting called in accordance with these by-laws. In the event that any member of the Board of Directors shall cease to have a possessory interest in the lands of Buckskin Heights, or resign, said Director shall be automatically removed from the Board. The Board of Directors may also accept any Directors resignation and appoint a member of the Association in his (or her) place, to serve until the next regular meeting or special meeting of the membership, at which time a Director shall be elected to serve for the balance of the resigning members term.

*Section 7. Expenditure of funds.* The Board of Directors shall have authority to commit the Association to contracts only to the extent of resources in, or reasonably expected to be in, the treasury by the next annual meeting. Additional expenses will require the approval of a majority of the memberships. {Change approved 8/12/78}

Capital Expenditure authorization (other than normal maintenance and operating expenses) shall require a mail ballot sent to all property owners. The expenditure shall be approved if two thirds (2/3) of those *responding* vote for approval. {Change approved 11/17/96}

Expenditure of emergency funds shall be made, as deemed necessary, at the discretion of the Board. {Change approved 8/17/03}

Work on Association roads must be specifically authorized in advance by the Board of Directors. If the Board authorizes use of equipment, the Board pays for operating expenses but no maintenance of equipment. {Change approved 8/8/87} Steve Bucknum is the only community member authorized to operate the grader, per a change approved by mail-in ballot (11/07).

### **Article III**

#### **Officers**

*Section 1. Officers.* The officers of the Association shall be President, Vice President, Secretary, and Treasurer. The officers shall be elected annually by the Board of Directors from among its members and shall hold office until the end of the first meeting of the Board following the annual meeting.

*Section 2. Duties of the President.* The President shall preside at the meetings of the Association and of the Board. He (or she) shall be the administrative officer of the Association. He (or she) shall appoint, subject to confirmation by the Board of Directors, all standing and special committees, designating the chairman thereof. He (or she) shall be an ex-officio member of all committees. He (or she) shall keep informed of the Vice President's functions and perform these functions in the absence or disability of the Vice President.

*Section 3. Duties of the Vice President.* The Vice President shall monitor the condition of the roads, ditches, culverts, gates, etc. of the Association and arrange for equipment and/or operators and work parties, if needed, to perform maintenance and/or improvements for the facilities of the Association. He (or she) is not responsible for snow removal, private driveways or properties. Before contracting for equipment and/or operators and/or work parties, he (or she) shall assure funds are adequate by conferring with the President or Treasurer or both. The Vice President, in the absence of or disability of the President, shall act in his (or her) stead.

*Section 4. Duties of the Secretary.* The Secretary shall send out the notices of the meetings of the Association and of the Board; keep the minutes, maintain the corporate records and attend to the correspondence pertaining to the office as may be required by the Board. In the absence or disability of both the President and Vice-President, the Secretary shall perform the minimal necessary functions of those offices for the continuing operation of the Association. He (or she) shall be an ex-officio member of all committees.

*Section 5. Duties of the Treasurer.* The Treasurer shall by January 31st of each year issue notices of dues and be responsible for the collection thereof; maintain the books of account of the Association, deposit funds of the Association received by him (or her) in the name of the Association and disburse said funds at the direction of the Board of Directors and shall report on the financial condition of the Association at the regular meeting of the Board of Directors and at the annual meeting and special meetings of the Association and shall perform other duties as may be requested by the Board of Directors.

*Section 6. Duties of the Members at Large.* No description of duties has been defined.

## **Article IV**

### **Membership**

*Section 1. Membership and membership defined.* Membership shall be defined as the owners of lots as described below:

- All lots of the Buckskin Heights first sub-division as detailed on the approved plat and accepted by the Larimer County Planning Commission on October 14, 1970.
- All lots of the Buckskin Heights second sub-division as detailed on the approved plat and accepted by the Larimer County Planning Commission on February 10, 1971.
- All tracts adjacent to the access road to the Buckskin Heights first sub-division.

Description of access road is recorded in Book 1444 at page 325 of the Larimer County Clerk and Recorders Office.

In the event that a lot shall be owned by more than one person, as undivided owners, said undivided group shall be considered to be one (1) membership. Each membership shall be considered to be a single entity, entitled to a single vote and obligated to a single fee, assessment or obligation. Subsequent division of recorded lots will constitute an additional membership. In all cases, a single lot will constitute one membership.

*Section 2. Requirements of Membership.* In order to become and maintain a membership of the Association, a member representing said membership shall own land or interest in land as above described, and shall pay all annual dues and assessments.

*Section 3. Use of the facilities of the Association.* All valid memberships of the Association shall be accorded equal use of the roads of the Association. The gates on the access road to Buckskin Heights established by the Grant of Easement indenture between Arnold E. and Joyce A. Friend and John O. Anderson, dated April 17 1969, shall be closed and locked each time passed through.

Association property, including gates, are to be used at the property owner's complete responsibility and liability for damage caused by themselves and others coming to or from the property owner's lot. Property owners are responsible for family members, guests, visitors, contractors, workmen, delivery persons, renters, or others passing through the gate for their benefit. Access to the sub-division is by invitation only. {Change approved 8/26/00}

## **Article V Dues**

*Section 1. Dues.* Annual dues are payable by April 1st of each year. {Change approved 8/11/79}

Increases or decreases to dues shall be by two-thirds (2/3) majority of those memberships in good standing voting at an annual meeting or special meeting called for the purpose of changing dues.

Annual dues were set to \$300, by vote at the 2008 annual meeting. {Change approved 8/17/08}

*Section 2. Delinquencies.* Annual dues become delinquent May 1st of the year which due. Special assessments become delinquent ninety (90) days after notification unless granted otherwise by the Board.

In the event that members become delinquent in the payment of annual dues or assessments, the Board may:

- a. Sue for said delinquencies in a court of competent jurisdiction and impose a lien upon member's property, and/or
- b. Suspend all privileges, including road use privilege.

Delinquent dues shall be subject to a late penalty charge of \$20 per month for each month or partial month that dues are delinquent. {Change approved 8/26/00}

Collection action for delinquent dues shall commence not later than 45 days after such dues become delinquent. Collection of delinquent dues shall be substantially completed within 180 days of delinquent date unless circumstances exist beyond the control of the Board of Directors. The responsibility to administer this action shall reside with the Treasurer or with a member of the association appointed by the President. {Change approved 8/29/04}

## **Article VI**

### **Meetings**

#### *Section 1. Annual Meetings.*

- a. The annual meeting of the Association shall be held between June 1st and August 31st of each year at such time and place as the Board of Directors may determine. A minimum notice of 30 days will be required.
- b. The annual meeting shall be for the purpose of electing directors, presenting committee reports and for the transaction of such other business as may be indicated in the notice or which may be properly brought before it.

*Section 2. Special Meetings.* Special meetings of the Association may be called by the Board of Directors or upon written request of five (5) memberships given to the Secretary, stating the purpose thereof. At least thirty (30) days written notice shall be given to the memberships.

*Section 3. Notice.* Whenever notice to the membership shall be required by the by-laws, the Article of Incorporation or otherwise, said notice shall be determined properly given and adequate when it is addressed to the memberships at such address as shall appear in the records of the Association, and is deposited in the United States Mail, postage prepaid. Notice to any member of a membership shall constitute notice to the entire membership. Each membership shall be responsible to provide the Association with its correct address and any change of address.

#### *Section 4. Voting at meetings (or in a mailing poll sent to all members).*

Only memberships in good standing shall be entitled to vote at meetings of the Association (or in a mailing poll sent to all members). Voting may be by voice, but five (5) memberships shall have the right to demand a roll call vote. Each membership shall be entitled to one (1) vote. A membership in good standing is defined as one where no annual dues or assessments are delinquent.

*Section 5. Quorum.* Ten (10) active members, present in person shall constitute a quorum at all Association meetings.

*Section 6. Board Meetings.*

- a. The Board shall hold its first meeting following the annual meeting of the members each year within thirty (30) days after the annual meeting.
- b. The Board may, by resolution, establish from time to time a schedule of its meetings and rules for the conduct thereof.

*Section 7. Rules of Order.* All meetings will be conducted according to Roberts Rules of Order.

## **Article VII Changes to Bylaws**

*Section 1. Changes and (or) amendments to the By-Laws* shall require a two thirds (2/3) majority vote of the membership in good standing at an annual meeting or special meeting called in accordance with the By-Laws (or by a mailing poll to all members by the President or Secretary).

## **Article VIII Miscellaneous Changes/Amendments**

Article VIII documents miscellaneous changes or amendments to the original by-laws that have been approved, but do not fit the categories of the other Articles above.

1. *Change of original Subdivision No. 2:*

Lots #27 (4.644 Acres) and #28 (2.294 Acres) of Subdivision #2 were combined into one property by Larimer County after owner constructed a permanent residence on the lot line dividing the two lots. A majority vote of the members present at the 1981 BHRA Annual meeting agreed with Larimer County to consider the two lots as one property. Hence forth listed as Lot #27/28, Sub. #2.

2. *Culvert:* Culverts for driveways to private property have to be a minimum of fifteen (15) inches in diameter, conforming to Larimer County standards. {*Annual Meeting 8-14-76*}

3. *Gate location:* The Association gate shall be moved to the upper cattle guard. (The gate used to be located about a half a mile from the Buckhorn Canyon road.) {*Annual Meeting 8-12-78*}

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4. *Private Road Sign:* The road shall have a sign at the Association gate reading, "Private Road-No Trespassing". {Annual Meeting 8-11-79}
5. *Locks:* A key lock shall be installed on the gate along with the combination lock. {Annual Meeting 8-11-90}
6. *Fences:* Annual Meeting August 10, 1997 by a two thirds (2/3) majority vote the following changes to the by-laws were adopted:
  - No fence shall be located so as to interfere with the right-of-way easement. (Thirty (30) feet in each direction perpendicular from the center line of all existing roads).
  - Existing fences as of August 10, 1997 shall be exempt from this provision given that they are at least twenty feet from centerline of existing roads.
  - Existing fenced land that currently, as of August 10, 1997, contains livestock shall also be exempt from right-of-way interference of fences as described above.
  - Fences in violation of this provision shall be moved or removed at the owner's expense.
7. *Road Widening:* The road will not be widened from its present (August 26, 2001) boundaries without the express consent of the adjacent landowner. {August 26, 2001}

By-laws of the Buckskin Heights Road Association

Linda Bilong, Secretary, for BHRA

AMB

July 12, 2011

Page 7 of 7



**CONSTITUTION  
OF  
BUCKSKIN HEIGHTS ROAD ASSOCIATION, INC**

December 12, 1974  
Revised August 10, 1991  
Revised September 14, 2009  
Revised August 18, 2013

**ARTICLE I  
Name**

The name of the corporation shall be BUCKSKIN HEIGHTS ROAD ASSOCIATION, INC.

**ARTICLE II  
Objects**

The purpose for which the non-profit association is formed is to promote the health, civic and general welfare of its members and in pursuance thereto to construct and operate roads, and such objects as are appropriate in the conduct of its activities, in the County of Larimer and State of Colorado, for the use of its members, their families and others as are approved by the Board.

**ARTICLE III  
Validation and Amendments**

*Section 1. Validation.* This Constitution shall become effective upon ratification of a two-thirds (2/3) majority vote of the total membership in good standing.

*Section 2. Amendments.* Amendments to the Constitution will require ratification by two-thirds (2/3) majority vote of the total membership in good standing.

RETURN TO: Buckskin Heights Road Association ✓  
PO Box 352  
Masonville CO 80541

## BYLAWS OF THE BUCKSKIN HEIGHTS ROAD ASSOCIATION

### Article I Government

*Section 1. Management.* The Association shall be managed by a Board of six (6) Directors. The Board shall consist of a President, Vice President, Secretary, Treasurer, and two members at large. {Change approved 8/10/97}

*Section 2. Terms of Directors.*

- a. The members shall elect from themselves for a term of two (2) years, the Directors whose terms of office have expired. Said Directors shall hold office until their successors are elected and qualified.
- b. Directors may not be elected to more than two (2) consecutive terms, not to exceed four (4) years. Directors may be reelected after one (1) year absence from the Board. {Annual Meeting 8/18/13}

*Section 3. Election of Directors.* When there are more nominations for Director than Board positions open, Directors shall be elected by successive ballot votes of members until (a) all open positions are filled; and (b) each elected Director has received a majority of the votes cast. {Annual Meeting 8/18/13}

*Section 4. Removal or Resignation of Directors.* After the annual meeting in 1975, any member of the Board of Directors may be removed from the Board by a three-fourths (3/4) majority vote of the membership present in person either at an annual meeting or a special meeting called in accordance with these *Bylaws*. In the event that any member of the Board of Directors shall cease to have a possessory interest in the lands of Buckskin Heights, or resign, said Director shall be automatically removed from the Board. The Board of Directors may also accept any Director's resignation and appoint a member of the Association eligible under Article I, Section 2 in his (or her) place, to serve until the next regular meeting or special meeting of the membership, at which time a Director shall be elected to serve for the balance of the resigning members term. {Change approved 8/18/13}

### Article II Board of Directors

*Section 1. Duties.* Consistent with these *Bylaws*, the Board of Directors shall:

- a. Transact all Association business and make and amend rules for the regulation of the use of Association property. It may appoint and remove such non-elected officers, clerks, agents, servants or employees as it may deem necessary, and fix their duties and compensations.
- b. Fix, impose and collect penalties for violation of these *Bylaws* and rules of the Association.
- c. Elect from the Board of Directors, which Board in turn will elect a President, Vice President, Secretary, and Treasurer. The remaining two board members will be considered members at large.
- d. If necessary, create additional offices deemed necessary, and appoint one or more persons, who need not be members of the Association, to such offices.
- e. Constitute and appoint committees and define the powers and duties of the same.
- f. Fill any vacancy in the membership of the Board of Directors from among the members in accordance with Article I, Section 4. {Change approved 8/18/13}
- g. Assess annual memberships per tract or lot, in accordance with Article V which dues together with other funds of the Association, may be disbursed in such manner as the Board deems proper and in accordance with these *Bylaws*.
- h. Insure that all mandatory local, state and federal documents are filed, including, but not limited to, taxes, and other such requirements related to the legal status of the Association. {Annual Meeting 8/18/13}
- i. Insure that the liabilities and assets of the Association are properly protected with appropriate insurance policies. {Annual Meeting 8/18/13}

**Section 2. Depository.** The Board shall designate the bank or banks in which funds of the Association shall be deposited and determine the manner in which checks, drafts, and other instruments for the payment of funds of the Association shall be executed.

**Section 3. Annual Audit.** The Board shall cause the books of the Association to be audited annually by a committee selected by the Directors. The fiscal year for BHRA shall be January 1 – December 31. {Change approved 8/18/02}

**Section 4. Meetings.** The board of Directors shall meet at least semi-annually, and may meet at other such times and intervals as it may deem necessary.

**Section 5. Quorum.** A majority of the Board shall constitute a quorum.

**Section 6. Expenditure of Funds.**

- a. The Board of Directors shall have authority to commit the Association to contracts only to the extent of resources in, or reasonably expected to be in, the treasury by the next annual meeting. Additional expenses will require the approval of a majority of the memberships. {Change approved 8/12/78}
- b. Capital expenditure authorization (other than normal maintenance and operating expenses) shall require a mail ballot sent to all property owners. The expenditure shall be approved if two thirds (2/3) of those *responding* vote for approval. {Change approved 11/17/96}
- c. Expenditure of emergency funds shall be made, as deemed necessary, at the discretion of the Board. {Change approved 8/17/03}
- d. Work on Association roads must be specifically authorized in advance by the Board of Directors. If the Board authorizes use of equipment, the Board pays for operating expenses but no maintenance of equipment. {Change approved 8/8/87}

### **Article III Officers**

**Section 1. Officers.** The officers of the Association shall be President, Vice President, Secretary, and Treasurer. The officers shall be elected annually by

the Board of Directors by a majority vote from among its members; and shall hold office until the end of the first meeting of the Board following the annual meeting. An officer may be removed from office by a two-thirds (2/3) vote of the Board of Directors. {Change approved 8/18/13}

**Section 2. Duties of the President.** The President shall preside at the meetings of the Association and of the Board. He (or she) shall be the administrative officer of the Association. He (or she) shall appoint, subject to confirmation by the Board of Directors, all standing and special committees, designating the chairman thereof. He (or she) shall be an ex-officio member of all committees. He (or she) shall keep informed of the Vice President's functions and perform these functions in the absence or disability of the Vice President.

**Section 3. Duties of the Vice President.** The Vice President shall monitor the condition of the roads, ditches, culverts, gates, etc. of the Association and arrange for equipment and/or operators and work parties, if needed, to perform maintenance and/or improvements for the facilities of the Association. He (or she) is not responsible for snow removal, private driveways or properties. Before contracting for equipment and/or operators and/or work parties, he (or she) shall assure funds are adequate by conferring with the President or Treasurer or both. The Vice President, in the absence of or disability of the President, shall act in his (or her) stead.

**Section 4. Duties of the Secretary.** The Secretary shall send out the notices of the meetings of the Association and of the Board; keep the minutes, maintain the corporate records and attend to the correspondence pertaining to the office as may be required by the Board. In the absence or disability of both the President and Vice-President, the Secretary shall perform the minimal necessary functions of those offices for the continuing operation of the Association. He (or she) shall be an ex-officio member of all committees.

**Section 5. Duties of the Treasurer.** The Treasurer shall by January 31st of each year issue notices of dues and be responsible for the collection thereof; maintain the books of account of the Association, deposit funds of the Association received by him (or her) in the name of the Association and disburse said funds at the direction of the Board of Directors and shall report on the financial condition of the Association at the regular meeting of the Board of Directors and at the annual meeting and special meetings of the Association and shall perform other duties as may be requested by the Board of Directors.

**Section 6. Duties of the Members at Large.** No description of duties has been defined.

## **Article IV Membership**

### **Section 1. Membership Defined.**

- a. Membership shall be defined as the owners of lots as described below:
  - i. All lots of the Buckskin Heights first sub-division as detailed on the approved plat and accepted by the Larimer County Planning Commission on October 14, 1970.
  - ii. All lots of the Buckskin Heights second sub-division as detailed on the approved plat and accepted by the Larimer County Planning Commission on February 10, 1971.
  - iii. All tracts adjacent to the access road to the Buckskin Heights first sub-division. Description of access road is recorded in Book 1444 at page 325 of the Larimer County Clerk and Recorders Office.
- b. In the event that a lot shall be owned by more than one person, as undivided owners, said undivided group shall be considered to be one (1) membership. Each membership shall be considered to be a single entity, entitled to a single vote and obligated to a single fee, assessment or obligation. Subsequent division of recorded lots will constitute an additional membership. In all cases, a single lot will constitute one membership.

**Section 2. Requirements of Membership.** In order to become and maintain a membership of the Association, a member representing said membership shall own land or interest in land as above described; and shall pay all annual dues and assessments.

### **Section 3. Use of the Facilities of the Association.**

- a. All valid memberships of the Association shall be accorded equal use of the roads of the Association.
- b. The gates on the access road to Buckskin Heights, established by the *Grant of Easement* indenture between Arnold E. and Joyce A. Friend and John O. Anderson, dated April 17, 1969, shall be closed and locked each time passed through.
- c. Association property, including gates, are to be used at the property owner's complete responsibility and liability for damage caused by themselves and others coming to or from the property owner's lot. Property owners are responsible for family members, guests, visitors, contractors, workmen, delivery persons, renters, or others passing through the gate for their benefit. Access to the sub-division is by invitation only. {Change approved 8/26/00}

## **Article V Dues**

### **Section 1. Dues.**

- a. Annual dues are payable by April 1<sup>st</sup> of each year. {Change approved 8/11/79}
- b. Increases or decreases to dues shall be by two-thirds (2/3) majority of those memberships in good standing voting at an annual meeting or special meeting called for the purpose of changing dues.

**Section 2. Delinquencies.** Annual dues become delinquent May 1<sup>st</sup> of the year which due. Special assessments become delinquent ninety (90) days after notification unless granted otherwise by the Board.

- a. In the event that members become delinquent in the payment of annual dues or assessments, the Board may:
  - i. Sue for said delinquencies in a court of competent jurisdiction and/or impose a lien upon the member's property.

- ii. Suspend all privileges of membership, including road use privilege, by sending a registered letter to the last known mailing address of the member. The road use suspension letter shall state that the order will be automatically enacted within 15 business days of the date of the letter unless the property owner requests a hearing in writing within that time frame. Violation of a Board-authorized suspension of road usage may result in civil or criminal action. {Change approved 8/18/13}
- iii. Turn delinquent accounts over one year to a collection agency. {Annual Meeting 8/18/13}
- b. Penalties for Delinquent Dues {Change approved 8/18/13}
  - i. Delinquent dues for a given year shall be subject to a late penalty of \$15/month plus \$5/month interest on the unpaid principle, to be assessed on May 1 through December 1 for each month or partial month that dues are delinquent during the first calendar year of unpaid dues.
  - ii. In subsequent years of unpaid dues, delinquent dues for a given year shall be subject to \$5/month interest on the unpaid principle, to be assessed on January 1 through December 1 for each month or partial month that dues are delinquent.
  - iii. Past late penalties on unpaid dues or assessments owed by property owner(s) from May 1, 2001 to date, if any, shall be retroactively re-calculated to comply with this policy.
- c. Collection action for delinquent dues shall commence not later than 45 days after such dues or assessments become delinquent. Collection of delinquent dues shall be substantially completed within 180 days of delinquent date unless circumstances exist beyond the control of the Board of Directors. The responsibility to administer this action shall reside with the Treasurer or with a member of the association appointed by the President. {Change approved 8/29/04}

## Article VI Meetings

### *Section 1. Annual Meetings.*

- a. The annual meeting of the Association shall be held between June 1<sup>st</sup> and August 31<sup>st</sup> of each year at such time and place as the Board of Directors may determine. A minimum notice of 30 days will be required.
- b. The annual meeting shall be for the purpose of electing directors, presenting committee reports and for the transaction of such other business as may be indicated in the notice or which may be properly brought before it.

*Section 2. Special Meetings.* Special meetings of the Association may be called by the Board of Directors or upon written request of five (5) memberships given to the Secretary, stating the purpose thereof. At least thirty (30) days written notice shall be given to the memberships.

*Section 3. Notice.* Whenever notice to the membership shall be required by the *Bylaws*, the Article of Incorporation or otherwise, said notice shall be determined properly given and adequate when it is addressed to the memberships at such address as shall appear in the records of the Association, and is deposited in the United States Mail, postage prepaid. Notice to any member of a membership shall constitute notice to the entire membership. Each membership shall be responsible to provide the Association with its correct address and any change of address.

*Section 4. Voting at Meetings (or in a Mailing Poll Sent to All Members).* Only memberships in good standing shall be entitled to vote at meetings of the Association (or in a mailing poll sent to all members). Voting may be by voice, but five (5) memberships shall have the right to demand a roll call vote. Each membership shall be entitled to one (1) vote. A membership in good standing is defined as one where no annual dues or assessments are delinquent.

*Section 5. Quorum.* Ten (10) active members, present in person shall constitute a quorum at all Association meetings.

6 / **Section 6. Board Meetings.**

- a. The Board shall hold its first meeting following the annual meeting of the members each year within thirty (30) days after the annual meeting.
- b. The Board may, by resolution, establish from time to time a schedule of its meetings and rules for the conduct thereof.

**Section 7. Rules of Order.** All meetings will be conducted according to *Robert's Rules of Order*.

## **Article VII Changes to Bylaws**

**Section 1. Changes and/or Amendments to the Bylaws** shall require a two thirds (2/3) majority vote of the membership in good standing at an annual meeting or special meeting called in accordance with the *Bylaws* (or by a mailing poll to all members by the President or Secretary).

## **Article VIII Miscellaneous**

**Section 1. Culverts.** Culverts for driveways to private property shall be a minimum of fifteen (15) inches in diameter, conforming to Larimer County standards. {Annual Meeting 8/14/76}

**Section 2. Private Road Sign.** The road shall have a sign reading, "Private Road – No Trespassing." {Annual Meeting 8/11/79}

**Section 3. Width of the Road.** The width of the road is legally described by the *Grant of Easement* (April 17, 1969) as "sixty (60) feet wide, extending thirty (30) feet from either side of the center line of said existing road," as defined by the *Dedication of Access Road* (October 13, 1970) and the *Plat Plan of the Buckskin Heights First and Second Filings* (October 21, 1970 and January 1, 1971). As a practical matter, the width of the road shall be determined by terrain, drainage, and community safety considerations. {Change approved 8/18/13}

**Section 4. Fences.** (Change approved 8/10/97)

- a. No fence shall be located so as to interfere with the right-of-way easement [thirty (30) feet in each direction perpendicular from the center line of all existing roads].
- b. Existing fences as of August 10, 1997 shall be exempt from this provision given that they are at least twenty feet from centerline of existing roads.
- c. Fences in violation of this provision shall be moved or removed at the owner's expense.

**Section 5. Website** {Annual Meeting 8/18/13}

- a. The Association website shall be known as [www.buckskinheights.org](http://www.buckskinheights.org). It shall be maintained by a webmaster appointed by the Board of Directors.
- b. The content of the website shall be determined by the Board of Directors. The content of the website shall promote the health, civic and general welfare of the members of the Association; and shall not include political or religious information, or commercial advertisement.

**Section 6. Rules of the Road.** {Annual Meeting 8/18/13}

- a. The rules of the road shall apply to all persons residing at, or visiting, a member's property:
  - i. Vehicles ascending grades of six percent or more shall have the right-of-way.
  - ii. The speed limit on all roads is 20 MPH. The speed limit shall apply to all motorized vehicles, including ATVs, motorcycles, and snowmobiles.
- b. Violations of the Rules of the Road.
  - i. Reckless or careless driving that endangers persons or property shall be reported to the Larimer County Sheriff's Office.
  - ii. Documented violations of the rules of the road may result in the suspension of road usage privileges on the platted roads within the sub-division. Violation of a Board-authorized suspension of road usage may result in civil or criminal action.

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# CONSTITUTION OF BUCKSKIN HEIGHTS ROAD ASSOCIATION, INC

December 12, 1974  
Revised August 10, 1991  
Revised September 14, 2009  
Revised August 18, 2013  
Revised August 30, 2015

## ARTICLE I Name

The name of the corporation shall be BUCKSKIN HEIGHTS ROAD ASSOCIATION, INC.

## ARTICLE II Objects

The purpose for which the non-profit association is formed is to promote the health, civic and general welfare of its members and in pursuance thereto to construct and operate roads, and such objects as are appropriate in the conduct of its activities, in the County of Larimer and State of Colorado, for the use of its members, their families and others as are approved by the Board.

## ARTICLE III Validation and amendments

*Section 1. Validation.* This Constitution shall become effective upon ratification of a two-thirds (2/3) majority vote of the total membership in good standing.

*Section 2. Amendments.* Amendments to the Constitution will require ratification by two-thirds (2/3) majority vote of the total membership in good standing.

BUCKSKIN HEIGHTS ROAD ASSN ✓

PO BOX 352  
MASONVILLE, CO 80541

*Constitution & Bylaws of the Buckskin Heights Road Association – Revised August 30, 2015*

Page 1 of 6

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## BYLAWS OF THE BUCKSKIN HEIGHTS ROAD ASSOCIATION

### Article I Government

*Section 1. Management.* The Association shall be managed by a Board of six (6) Directors. The Board shall consist of a President, Vice President, Secretary, Treasurer, and two members at large. {Change approved 8/10/97}

*Section 2. Terms of Directors.*

- a. The members shall elect from themselves for a term of two (2) years, the Directors whose terms of office have expired. Said Directors shall hold office until their successors are elected and qualified.
- b. Directors may not be elected to more than two (2) consecutive terms, not to exceed four (4) years. Directors may be reelected after one (1) year absence from the Board. {Annual Meeting 8/18/13}

*Section 3. Election of Directors.* When there are more nominations for Director than Board positions open, Directors shall be elected by successive ballot votes of members until (a) all open positions are filled; and (b) each elected Director has received a majority of the votes cast. {Annual Meeting 8/18/13}

*Section 4. Removal or Resignation of Directors.* After the annual meeting in 1975, any member of the Board of Directors may be removed from the Board by a three-fourths (3/4) majority vote of the membership present in person either at an annual meeting or a special meeting called in accordance with these *Bylaws*. In the event that any member of the Board of Directors shall cease to have a possessory interest in the lands of Buckskin Heights, or resign, said Director shall be automatically removed from the Board. The Board of Directors may also accept any Director's resignation and appoint a member of the Association eligible under Article I, Section 2 in his (or her) place, to serve until the next regular meeting or special meeting of the membership, at which time a Director shall be elected to serve for the balance of the resigning members term. {Change approved 8/18/13}

### Article II Board of Directors

*Section 1. Duties.* Consistent with these *Bylaws*, the Board of Directors shall:

- a. Transact all Association business and make and amend rules for the regulation of the use of Association property. It may appoint and remove such non-elected officers, clerks, agents, servants or employees as it may deem necessary, and fix their duties and compensations.
- b. Fix, impose and collect penalties for violation of these *Bylaws* and rules of the Association.
- c. Elect from the Board of Directors, which Board in turn will elect a President, Vice President, Secretary, and Treasurer. The remaining two board members will be considered members at large.
- d. If necessary, create additional offices deemed necessary, and appoint one or more persons, who need not be members of the Association, to such offices.
- e. Constitute and appoint committees and define the powers and duties of the same.
- f. Fill any vacancy in the membership of the Board of Directors from among the members in accordance with Article I, Section 4. {Change approved 8/18/13}
- g. Assess annual memberships per tract or lot, in accordance with Article V which dues together with other funds of the Association, may be disbursed in such manner as the Board deems proper and in accordance with these *Bylaws*.
- h. Insure that all mandatory local, state and federal documents are filed, including, but not limited to, taxes, and other such requirements related to the legal status of the Association. {Annual Meeting 8/18/13}
- i. Insure that the liabilities and assets of the Association are properly protected with appropriate insurance policies. {Annual Meeting 8/18/13}
- j. Review, approve, and publish the minutes of the annual meeting on the Association website in a timely manner. {Annual Meeting 8/30/15}



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*Section 2. Depository.* The Board shall designate the bank or banks in which funds of the Association shall be deposited and determine the manner in which checks, drafts, and other instruments for the payment of funds of the Association shall be executed.

*Section 3. Annual Audit.* The Board shall cause the books of the Association to be audited annually by a committee selected by the Directors. The fiscal year for BHRA shall be January 1 – December 31. {Change approved 8/18/02}

*Section 4. Meetings.* The board of Directors shall meet at least semi-annually, and may meet at other such times and intervals as it may deem necessary.

*Section 5. Quorum.* A majority of the Board shall constitute a quorum.

*Section 6. Expenditure of Funds.*

- a. The Board of Directors shall have authority to commit the Association to contracts only to the extent of resources in, or reasonably expected to be in, the treasury by the next annual meeting. Additional expenses will require the approval of a majority of the memberships. {Change approved 8/12/78}
- b. Capital expenditure authorization (other than normal maintenance and operating expenses) shall require a mail ballot sent to all property owners. The expenditure shall be approved if two thirds (2/3) of those *responding* vote for approval. {Change approved 11/17/96}
- c. Expenditure of emergency funds shall be made, as deemed necessary, at the discretion of the Board. {Change approved 8/17/03}
- d. Work on Association roads must be specifically authorized in advance by the Board of Directors. If the Board authorizes use of equipment, the Board pays for operating expenses but no maintenance of equipment. {Change approved 8/8/87}

**Article III  
Officers**

*Section 1. Officers.* The officers of the Association shall be President, Vice President, Secretary, and Treasurer. The officers shall be elected annually by

the Board of Directors by a majority vote from among its members; and shall hold office until the end of the first meeting of the Board following the annual meeting. An officer may be removed from office by a two-thirds (2/3) vote of the Board of Directors. {Change approved 8/18/13}

*Section 2. Duties of the President.* The President shall preside at the meetings of the Association and of the Board. He (or she) shall be the administrative officer of the Association. He (or she) shall appoint, subject to confirmation by the Board of Directors, all standing and special committees, designating the chairman thereof. He (or she) shall be an ex-officio member of all committees. He (or she) shall keep informed of the Vice President's functions and perform these functions in the absence or disability of the Vice President.

*Section 3. Duties of the Vice President.* The Vice President shall monitor the condition of the roads, ditches, culverts, gates, etc. of the Association and arrange for equipment and/or operators and work parties, if needed, to perform maintenance and/or improvements for the facilities of the Association. He (or she) is not responsible for snow removal, private driveways or properties. Before contracting for equipment and/or operators and/or work parties, he (or she) shall assure funds are adequate by conferring with the President or Treasurer or both. The Vice President, in the absence of or disability of the President, shall act in his (or her) stead.

*Section 4. Duties of the Secretary.* The Secretary shall send out the notices of the meetings of the Association and of the Board; keep the minutes, maintain the corporate records and attend to the correspondence pertaining to the office as may be required by the Board. In the absence or disability of both the President and Vice-President, the Secretary shall perform the minimal necessary functions of those offices for the continuing operation of the Association. He (or she) shall be an ex-officio member of all committees.

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*Section 5. Duties of the Treasurer.* The Treasurer shall by January 31st of each year issue notices of dues and be responsible for the collection thereof; maintain the books of account of the Association, deposit funds of the Association received by him (or her) in the name of the Association and disburse said funds at the direction of the Board of Directors and shall report on the financial condition of the Association at the regular meeting of the Board of Directors and at the annual meeting and special meetings of the Association and shall perform other duties as may be requested by the Board of Directors.

*Section 6. Duties of the Members at Large.* No description of duties has been defined.

## **Article IV Membership**

### *Section 1. Membership Defined.*

- a. Membership shall be defined as the owners of lots as described below:
  - i. All lots of the Buckskin Heights first sub-division as detailed on the approved plat and accepted by the Larimer County Planning Commission on October 14, 1970.
  - ii. All lots of the Buckskin Heights second sub-division as detailed on the approved plat and accepted by the Larimer County Planning Commission on February 10, 1971.
  - iii. All tracts adjacent to the access road to the Buckskin Heights first sub-division. Description of access road is recorded in Book 1444 at page 325 of the Larimer County Clerk and Records Office.
- b. In the event that a lot shall be owned by more than one person, as undivided owners, said undivided group shall be considered to be one (1) membership. Each membership shall be considered to be a single entity, entitled to a single vote and obligated to a single fee, assessment or obligation. Subsequent division of recorded lots will constitute an additional membership. In all cases, a single lot will constitute one membership.

*Section 2. Requirements of Membership.* In order to become and maintain a membership of the Association, a member representing said membership shall own land or interest in land as above described; and shall pay all annual dues and assessments.

### *Section 3. Use of the Facilities of the Association.*

- a. All valid memberships of the Association shall be accorded equal use of the roads of the Association.
- b. The gates on the access road to Buckskin Heights, established by the *Grant of Easement* indenture between Arnold E. and Joyce A. Friend and John O. Anderson, dated April 17, 1969, shall be closed and locked each time passed through.
- c. Association property, including gates, are to be used at the property owner's complete responsibility and liability for damage caused by themselves and others coming to or from the property owner's lot. Property owners are responsible for family members, guests, visitors, contractors, workmen, delivery persons, renters, or others passing through the gate for their benefit. Access to the sub-division is by invitation only. {Change approved 8/26/00}

## **Article V Dues**

### *Section 1. Dues.*

- a. Annual dues are payable by April 1<sup>st</sup> of each year. {Change approved 8/11/79}
- b. Increases or decreases to dues shall be by two-thirds (2/3) majority of those memberships in good standing voting at an annual meeting or special meeting called for the purpose of changing dues.

*Section 2. Delinquencies.* Annual dues become delinquent May 1<sup>st</sup> of the year which due. Special assessments become delinquent ninety (90) days after notification unless granted otherwise by the Board.

- a. In the event that members become delinquent in the payment of annual dues or assessments, the Board may:
  - i. Sue for said delinquencies in a court of competent jurisdiction and/or impose a lien upon the member's property.

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- ii. Suspend all privileges of membership, including road use privilege, by sending a registered letter to the last known mailing address of the member. The road use suspension letter shall state that the order will be automatically enacted within 15 business days of the date of the letter unless the property owner requests a hearing in writing within that time frame. Violation of a Board-authorized suspension of road usage may result in civil or criminal action. {Change approved 8/18/13}
- iii. Turn delinquent accounts over one year to a collection agency. {Annual Meeting 8/18/13}
- b. Penalties for Delinquent Dues {Change approved 8/18/13}
  - i. Delinquent dues for a given year shall be subject to a late penalty of \$15/month plus \$5/month interest on the unpaid principle, to be assessed on May 1 through December 1 for each month or partial month that dues are delinquent during the first calendar year of unpaid dues.
  - ii. In subsequent years of unpaid dues, delinquent dues for a given year shall be subject to \$5/month interest on the unpaid principle, to be assessed on January 1 through December 1 for each month or partial month that dues are delinquent.
  - iii. Past late penalties on unpaid dues or assessments owed by property owner(s) from May 1, 2001 to date, if any, shall be retroactively re-calculated to comply with this policy.
- c. Collection action for delinquent dues shall commence not later than 45 days after such dues or assessments become delinquent. Collection of delinquent dues shall be substantially completed within 180 days of delinquent date unless circumstances exist beyond the control of the Board of Directors. The responsibility to administer this action shall reside with the Treasurer or with a member of the association appointed by the President. {Change approved 8/29/04}

## Article VI Meetings

### *Section 1. Annual Meetings.*

- a. The annual meeting of the Association shall be held between June 1<sup>st</sup> and August 31<sup>st</sup> of each year at such time and place as the Board of Directors may determine. A minimum notice of 30 days will be required.
- b. The annual meeting shall be for the purpose of electing directors, presenting committee reports and for the transaction of such other business as may be indicated in the notice or which may be properly brought before it.

*Section 2. Special Meetings.* Special meetings of the Association may be called by the Board of Directors or upon written request of five (5) memberships given to the Secretary, stating the purpose thereof. At least thirty (30) days written notice shall be given to the memberships.

*Section 3. Notice.* Whenever notice to the membership shall be required by the *Bylaws*, the Article of Incorporation or otherwise, said notice shall be determined properly given and adequate when it is addressed to the memberships at such address as shall appear in the records of the Association, and is deposited in the United States Mail, postage prepaid. Notice to any member of a membership shall constitute notice to the entire membership. Each membership shall be responsible to provide the Association with its correct address and any change of address.

*Section 4. Voting at Meetings (or in a Mailing Poll Sent to All Members).* Only memberships in good standing shall be entitled to vote at meetings of the Association (or in a mailing poll sent to all members). Voting may be by voice, but five (5) memberships shall have the right to demand a roll call vote. Each membership shall be entitled to one (1) vote. A membership in good standing is defined as one where no annual dues or assessments are delinquent.

*Section 5. Quorum.* Ten (10) active members, present in person shall constitute a quorum at all Association meetings.

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*Section 6. Board Meetings.*

- a. The Board shall hold its first meeting following the annual meeting of the members each year within thirty (30) days after the annual meeting.
- b. The Board may, by resolution, establish from time to time a schedule of its meetings and rules for the conduct thereof.

*Section 7. Rules of Order.* All meetings will be conducted according to *Robert's Rules of Order*.

**Article VII  
Changes to Bylaws**

*Section 1. Changes and/or Amendments to the Bylaws* shall require a two thirds (2/3) majority vote of the membership in good standing at an annual meeting or special meeting called in accordance with the *Bylaws* (or by a mailing poll to all members by the President or Secretary).

**Article VIII  
Miscellaneous**

*Section 1. Culverts.* Culverts for driveways to private property shall be a minimum of fifteen (15) inches in diameter, conforming to Larimer County standards. {Annual Meeting 8/14/76}

*Section 2. Private Road Sign.* The road shall have a sign reading, "Private Road – No Trespassing." {Annual Meeting 8/11/79}

*Section 3. Width of the Road.* The width of the road is legally described by the *Grant of Easement* (April 17, 1969) as "sixty (60) feet wide, extending thirty (30) feet from either side of the center line of said existing road," as defined by the *Dedication of Access Road* (October 13, 1970) and the *Plat Plan of the Buckskin Heights First and Second Filings* (October 21, 1970 and January 1, 1971). As a practical matter, the width of the road shall be determined by terrain, drainage, and community safety considerations. {Change approved 8/18/13}

*Section 4. Fences.* (Change approved 8/10/97)

- a. No fence shall be located so as to interfere with the right-of-way easement [thirty (30) feet in each direction perpendicular from the center line of all existing roads].
- b. Existing fences as of August 10, 1997 shall be exempt from this provision given that they are at least twenty feet from centerline of existing roads.
- c. Fences in violation of this provision shall be moved or removed at the owner's expense.

*Section 5. Website* {Annual Meeting 8/18/13}

- a. The Association website shall be known as www.buckskinheights.org. It shall be maintained by a webmaster appointed by the Board of Directors.
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# CONSTITUTION OF BUCKSKIN HEIGHTS ROAD ASSOCIATION, INC

December 12, 1974  
Revised August 10, 1991  
Revised September 14, 2009  
Revised August 18, 2013  
Revised August 30, 2015  
Revised June 25, 2017

## ARTICLE I Name

The name of the corporation shall be BUCKSKIN HEIGHTS ROAD ASSOCIATION, INC.

## ARTICLE II Objects

The purpose for which the non-profit association is formed is to promote the health, civic and general welfare of its members and in pursuance thereto to construct and operate roads, and such objects as are appropriate in the conduct of its activities, in the County of Larimer and State of Colorado, for the use of its members, their families and others as are approved by the Board.

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✓ BUCKSKIN HEIGHTS ROAD ASSN INC

PO BOX 352

MASONVILLE, CO 80541

## BYLAWS OF THE BUCKSKIN HEIGHTS ROAD ASSOCIATION

### Article I Government

*Section 1. Management.* The Association shall be managed by a Board of six (6) Directors. The Board shall consist of a President, Vice President, Secretary, Treasurer, and two members at large. {Change approved 8/10/97}

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*Section 4. Removal or Resignation of Directors.* After the annual meeting in 1975, any member of the Board of Directors may be removed from the Board by a three-fourths (3/4) majority vote of the membership present in person either at an annual meeting or a special meeting called in accordance with these *Bylaws*. In the event that any member of the Board of Directors shall cease to have a possessory interest in the lands of Buckskin Heights, or resign, said Director shall be automatically removed from the Board. The Board of Directors may also accept any Director's resignation and appoint a member of the Association eligible under Article I, Section 2 in his (or her) place, to serve until the next regular meeting or special meeting of the membership, at which time a Director shall be elected to serve for the balance of the resigning members term. {Change approved 8/18/13}

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*Section 1. Duties.* Consistent with these *Bylaws*, the Board of Directors shall:

- a. Transact all Association business and make and amend rules for the regulation of the use of Association property. It may appoint and remove such non-elected officers, clerks, agents, servants or employees as it may deem necessary, and fix their duties and compensations.
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- c. Elect from the Board of Directors, which Board in turn will elect a President, Vice President, Secretary, and Treasurer. The remaining two board members will be considered members at large.
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- e. Constitute and appoint committees and define the powers and duties of the same.
- f. Fill any vacancy in the membership of the Board of Directors from among the members in accordance with Article I, Section 4. {Change approved 8/18/13}
- g. Assess annual memberships per tract or lot, in accordance with Article V which dues together with other funds of the Association, may be disbursed in such manner as the Board deems proper and in accordance with these *Bylaws*.
- h. Insure that all mandatory local, state and federal documents are filed, including, but not limited to, taxes, and other such requirements related to the legal status of the Association. {Annual Meeting 8/18/13}
- i. Insure that the liabilities and assets of the Association are properly protected with appropriate insurance policies. {Annual Meeting 8/18/13}
- j. Review, approve, and publish the minutes of the annual meeting on the Association website in a timely manner. {Annual Meeting 8/30/15}

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- d. Work on Association roads must be specifically authorized in advance by the Board of Directors. If the Board authorizes use of equipment, the Board pays for operating expenses but no maintenance of equipment. {Change approved 8/8/87}

## Article III Officers

*Section 1. Officers.* The officers of the Association shall be President, Vice President, Secretary, and Treasurer. The officers shall be elected annually by

the Board of Directors by a majority vote from among its members; and shall hold office until the end of the first meeting of the Board following the annual meeting. An officer may be removed from office by a two-thirds (2/3) vote of the Board of Directors. {Change approved 8/18/13}

*Section 2. Duties of the President.* The President shall preside at the meetings of the Association and of the Board. He (or she) shall be the administrative officer of the Association. He (or she) shall appoint, subject to confirmation by the Board of Directors, all standing and special committees, designating the chairman thereof. He (or she) shall be an ex-officio member of all committees. He (or she) shall keep informed of the Vice President's functions and perform these functions in the absence or disability of the Vice President.

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*Section 5. Duties of the Treasurer.* The Treasurer shall by January 31st of each year issue notices of dues and be responsible for the collection thereof; maintain the books of account of the Association,

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deposit funds of the Association received by him (or her) in the name of the Association and disburse said funds at the direction of the Board of Directors and shall report on the financial condition of the Association at the regular meeting of the Board of Directors and at the annual meeting and special meetings of the Association and shall perform other duties as may be requested by the Board of Directors.

*Section 6. Duties of the Members at Large.* No description of duties has been defined.

## Article IV Membership

### *Section 1. Membership Defined.*

- a. Membership shall be defined as the owners of lots as described below:
  - i. All lots of the Buckskin Heights first sub-division as detailed on the approved plat and accepted by the Larimer County Planning Commission on October 14, 1970.
  - ii. All lots of the Buckskin Heights second sub-division as detailed on the approved plat and accepted by the Larimer County Planning Commission on February 10, 1971.
  - iii. All tracts adjacent to the access road to the Buckskin Heights first sub-division. Description of access road is recorded in Book 1444 at page 325 of the Larimer County Clerk and Recorders Office.
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*Section 2. Requirements of Membership.* In order to become and maintain a membership of the Association, a member representing said membership shall own land or interest in land as above described; and shall pay all annual dues and assessments.

### *Section 3. Use of the Facilities of the Association.*

- a. All valid memberships of the Association shall be accorded equal use of the roads of the Association.
- b. The gates on the access road to Buckskin Heights, established by the *Grant of Easement* indenture between Arnold E. and Joyce A. Friend and John O. Anderson, dated April 17, 1969, shall be closed and locked each time passed through.
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## Article V Dues

### *Section 1. Dues.*

- a. Annual dues are payable by April 1<sup>st</sup> of each year. {Change approved 8/11/79}
- b. Increases or decreases to dues shall be by two-thirds (2/3) majority of those memberships in good standing voting at an annual meeting or special meeting called for the purpose of changing dues.

*Section 2. Delinquencies.* Annual dues become delinquent May 1<sup>st</sup> of the year which due. Special assessments become delinquent ninety (90) days after notification unless granted otherwise by the Board.

- a. In the event that members become delinquent in the payment of annual dues or assessments, the Board may:
  - i. Sue for said delinquencies in a court of competent jurisdiction and/or impose a lien upon the member's property.
  - ii. Suspend all privileges of membership, including road use privilege, by sending a registered letter to the last known mailing address of the member. The road use suspension letter shall state that the order will be automatically enacted within 15 business days of the date of the letter unless the



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- property owner requests a hearing in writing within that time frame. Violation of a Board-authorized suspension of road usage may result in civil or criminal action. {Change approved 8/18/13}
- iii. Turn delinquent accounts over one year to a collection agency. {Annual Meeting 8/18/13}
- b. Penalties for Delinquent Dues {Change approved 8/18/13}
- i. Delinquent dues for a given year shall be subject to a late penalty of \$15/month plus \$5/month interest on the unpaid principle, to be assessed on May 1 through December 1 for each month or partial month that dues are delinquent during the first calendar year of unpaid dues.
- ii. In subsequent years of unpaid dues, delinquent dues for a given year shall be subject to \$5/month interest on the unpaid principle, to be assessed on January 1 through December 1 for each month or partial month that dues are delinquent.
- iii. Past late penalties on unpaid dues or assessments owed by property owner(s) from May 1, 2001 to date, if any, shall be retroactively re-calculated to comply with this policy.
- c. Collection action for delinquent dues shall commence not later than 45 days after such dues or assessments become delinquent. Collection of delinquent dues shall be substantially completed within 180 days of delinquent date unless circumstances exist beyond the control of the Board of Directors. The responsibility to administer this action shall reside with the Treasurer or with a member of the association appointed by the President. {Change approved 8/29/04}

- b. The annual meeting shall be for the purpose of electing directors, presenting committee reports and for the transaction of such other business as may be indicated in the notice or which may be properly brought before it.

*Section 2. Special Meetings.* Special meetings of the Association may be called by the Board of Directors or upon written request of five (5) memberships given to the Secretary, stating the purpose thereof. At least thirty (30) days written notice shall be given to the memberships.

*Section 3. Notice.* Whenever notice to the membership shall be required by the *Bylaws*, the Article of Incorporation or otherwise, said notice shall be determined properly given and adequate when it is addressed to the memberships at such address as shall appear in the records of the Association, and is deposited in the United States Mail, postage prepaid. Notice to any member of a membership shall constitute notice to the entire membership. Each membership shall be responsible to provide the Association with its correct address and any change of address.

*Section 4. Voting at Meetings (or in a Mailing Poll Sent to All Members).* Only memberships in good standing shall be entitled to vote at meetings of the Association (or in a mailing poll sent to all members). Voting may be by voice, but five (5) memberships shall have the right to demand a roll call vote. Each membership shall be entitled to one (1) vote. A membership in good standing is defined as one where no annual dues or assessments are delinquent.

*Section 5. Quorum.* Ten (10) active members, present in person shall constitute a quorum at all Association meetings.

*Section 6. Board Meetings.*

- a. The Board shall hold its first meeting following the annual meeting of the members each year within thirty (30) days after the annual meeting.
- b. The Board may, by resolution, establish from time to time a schedule of its meetings and rules for the conduct thereof.

## Article VI Meetings

*Section 1. Annual Meetings.*

- a. The annual meeting of the Association shall be held between June 1<sup>st</sup> and August 31<sup>st</sup> of each year at such time and place as the Board of Directors may determine. A minimum notice of 30 days will be required.

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*Section 7. Rules of Order.* All meetings will be conducted according to *Robert's Rules of Order*.

## Article VII Changes to Bylaws

*Section 1. Changes and/or Amendments to the Bylaws* shall require a two-thirds (2/3) majority vote of the membership in good standing at an annual meeting or special meeting called in accordance with the *Bylaws* (or by a mailing poll to all members by the President or Secretary).

## Article VIII Miscellaneous

*Section 1. Culverts.* Culverts for driveways to private property shall be a minimum of fifteen (15) inches in diameter, conforming to Larimer County standards. {Annual Meeting 8/14/76}

*Section 2. Private Road Sign.* The road shall have a sign reading, "Private Road – No Trespassing." {Annual Meeting 8/11/79}

*Section 3. Width of the Road.* The width of the road is legally described by the *Grant of Easement* (April 17, 1969) as "sixty (60) feet wide, extending thirty (30) feet from either side of the center line of said existing road," as defined by the *Dedication of Access Road* (October 13, 1970) and the *Plat Plan of the Buckskin Heights First and Second Filings* (October 21, 1970 and January 1, 1971). As a practical matter, the width of the road shall be determined by terrain, drainage, and community safety considerations. {Change approved 8/18/13}

*Section 4. Fences.* (Change approved 8/10/97)

- a. No fence shall be located so as to interfere with the right-of-way easement [thirty (30) feet in each direction perpendicular from the center line of all existing roads].
- b. Existing fences as of August 10, 1997 shall be exempt from this provision given that they are at least twenty feet from centerline of existing roads.
- c. Fences in violation of this provision shall be moved or removed at the owner's expense.

*Section 5. Website* {Annual Meeting 8/18/13}

- a. The Association website shall be known as [www.buckskinheights.org](http://www.buckskinheights.org). It shall be maintained by a webmaster appointed by the Board of Directors.
- b. The content of the website shall be determined by the Board of Directors. The content of the website shall promote the health, civic and general welfare of the members of the Association; and shall not include political or religious information, or commercial advertisement.

*Section 6. Rules of the Road.* {Annual Meeting 8/18/13}

- a. The rules of the road shall apply to all persons residing at, or visiting, a member's property:
  - i. Vehicles ascending grades of six percent or more shall have the right-of-way.
  - ii. The speed limit on all roads is 20 MPH. The speed limit shall apply to all motorized vehicles, including ATVs, motorcycles, and snowmobiles.
- b. Violations of the Rules of the Road.
  - i. Reckless or careless driving that endangers persons or property shall be reported to the Larimer County Sheriff's Office.
  - ii. Documented violations of the rules of the road may result in the suspension of road usage privileges on the platted roads within the sub-division. Violation of a Board-authorized suspension of road usage may result in civil or criminal action.

*Section 7. Community Water Tank.* The Association shall be authorized to construct, operate and maintain a community water tank for fire suppression to promote the general welfare of the members of the Association. {Mailing Poll 6/25/17}

- a. Funding for the construction, operation, and maintenance of the project shall come entirely from private sources, not from Association funds.
- b. Liability insurance for the water tank will be included in the Association's policy at no additional cost to the Association.
- c. The Association is authorized to enter into an agreement or a suitable plot of land with a cost not to exceed one (1) dollar per annum. No additional costs are authorized.

# **CONSTITUTION OF BUCKSKIN HEIGHTS ROAD ASSOCIATION, INC**

December 12, 1974  
Revised August 10, 1991  
Revised September 14, 2009  
Revised August 18, 2013  
Revised August 30, 2015  
Revised June 25, 2017  
Revised April 30, 2018

## **ARTICLE I Name**

The name of the corporation shall be BUCKSKIN HEIGHTS ROAD ASSOCIATION, INC.

## **ARTICLE II Objects**

The purpose for which the non-profit association is formed is to promote the health, civic and general welfare of its members and in pursuance thereto to construct and operate roads, and such objects as are appropriate in the conduct of its activities, in the County of Larimer and State of Colorado, for the use of its members, their families and others as are approved by the Board.

## **ARTICLE III Validation and amendments**

*Section 1. Validation.* This Constitution shall become effective upon ratification of a two-thirds (2/3) majority vote of the total membership in good standing.

*Section 2. Amendments.* Amendments to the Constitution will require ratification by two-thirds (2/3) majority vote of the total membership in good standing.

# BYLAWS OF THE BUCKSKIN HEIGHTS ROAD ASSOCIATION

## Article. I Government

*Section 1. Management.* The Association shall be managed by a Board of six (6) Directors. The Board shall consist of a President, Vice President, Secretary, Treasurer, and two members at large. {Change approved 8/10/97}

*Section 2. Terms of Directors.*

- a. The members shall elect from themselves for a term of two (2) years, the Directors whose terms of office have expired. Said Directors shall hold office until their successors are elected and qualified.
- b. Directors may not be elected to more than two (2) consecutive terms, not to exceed four (4) years. Directors may be reelected after one (1) year absence from the Board. {Annual Meeting 8/18/13}

*Section 3. Election of Directors.* When there are more nominations for Director than Board positions open, Directors shall be elected by successive ballot votes of members until (a) all open positions are filled; and (b) each elected Director has received a majority of the votes cast. {Annual Meeting 8/18/13}

*Section 4. Removal or Resignation of Directors.* After the annual meeting in 1975, any member of the Board of Directors may be removed from the Board by a three-fourths (3/4) majority vote of the membership present in person either at an annual meeting or a special meeting called in accordance with these *Bylaws*. In the event that any member of the Board of Directors shall cease to have a possessory interest in the lands of Buckskin Heights, or resign, said Director shall be automatically removed from the Board. The Board of Directors may also accept any Director's resignation and appoint a member of the Association eligible under Article I, Section 2 in his (or her) place, to serve until the next regular meeting or special meeting of the membership, at which time a Director shall be elected to serve for the balance of the resigning members term. {Change approved 8/18/13}

## Article II. Board of Directors

*Section 1. Duties.* Consistent with these *Bylaws*, the Board of Directors shall:

- a. Transact all Association business and make and amend rules for the regulation of the use of Association property. It may appoint and remove such non-elected officers, clerks, agents, servants or employees as it may deem necessary, and fix their duties and compensations.
- b. Fix, impose and collect penalties for violation of these *Bylaws* and rules of the Association.
- c. Elect from the Board of Directors, which Board in turn will elect a President, Vice President, Secretary, and Treasurer. The remaining two board members will be considered members at large.
- d. If necessary, create additional offices deemed necessary, and appoint one or more persons, who need not be members of the Association, to such offices.
- e. Constitute and appoint committees and define the powers and duties of the same.
- f. Fill any vacancy in the membership of the Board of Directors from among the members in accordance with Article I, Section 4. {Change approved 8/18/13}
- g. Assess annual memberships per tract or lot, in accordance with Article V which dues together with other funds of the Association, may be disbursed in such manner as the Board deems proper and in accordance with these *Bylaws*.
- h. Insure that all mandatory local, state and federal documents are filed, including, but not limited to, taxes, and other such requirements related to the legal status of the Association. {Annual Meeting 8/18/13}
- i. Insure that the liabilities and assets of the Association are properly protected with appropriate insurance policies. {Annual Meeting 8/18/13}
- j. Review, approve, and publish the minutes of the annual meeting on the Association website in a timely manner. {Annual Meeting 8/30/15}

*Section 2. Depository.* The Board shall designate the bank or banks in which funds of the Association shall be deposited and determine the manner in which checks, drafts, and other instruments for the payment of funds of the Association shall be executed.

*Section 3. Annual Audit.* The Board shall cause the books of the Association to be audited annually by a committee selected by the Directors. The fiscal year for BHRA shall be January 1 – December 31. {Change approved 8/18/02}

*Section 4. Meetings.* The board of Directors shall meet at least semi-annually, and may meet at other such times and intervals as it may deem necessary.

*Section 5. Quorum.* A majority of the Board shall constitute a quorum.

*Section 6. Expenditure of Funds.*

- a. The Board of Directors shall have authority to commit the Association to contracts only to the extent of resources in, or reasonably expected to be in, the treasury by the next annual meeting. Additional expenses will require the approval of a majority of the memberships. {Change approved 8/12/78}
- b. Capital expenditure authorization (other than normal maintenance and operating expenses) shall require a mail ballot sent to all property owners. The expenditure shall be approved if two thirds (2/3) of those *responding* vote for approval. {Change approved 11/17/96}
- c. Expenditure of emergency funds shall be made, as deemed necessary, at the discretion of the Board. {Change approved 8/17/03}
- d. Work on Association roads must be specifically authorized in advance by the Board of Directors. If the Board authorizes use of equipment, the Board pays for operating expenses but no maintenance of equipment. {Change approved 8/8/87}

**Article III. Officers**

*Section 1. Officers.* The officers of the Association shall be President, Vice President, Secretary, and Treasurer. The officers shall be elected annually by

the Board of Directors by a majority vote from among its members; and shall hold office until the end of the first meeting of the Board following the annual meeting. An officer may be removed from office by a two-thirds (2/3) vote of the Board of Directors. {Change approved 8/18/13}

*Section 2. Duties of the President.* The President shall preside at the meetings of the Association and of the Board. He (or she) shall be the administrative officer of the Association. He (or she) shall appoint, subject to confirmation by the Board of Directors, all standing and special committees, designating the chairman thereof. He (or she) shall be an ex-officio member of all committees. He (or she) shall keep informed of the Vice President's functions and perform these functions in the absence or disability of the Vice President.

*Section 3. Duties of the Vice President.* The Vice President shall monitor the condition of the roads, ditches, culverts, gates, etc. of the Association and arrange for equipment and/or operators and work parties, if needed, to perform maintenance and/or improvements for the facilities of the Association. He (or she) is not responsible for snow removal, private driveways or properties. Before contracting for equipment and/or operators and/or work parties, he (or she) shall assure funds are adequate by conferring with the President or Treasurer or both. The Vice President, in the absence of or disability of the President, shall act in his (or her) stead.

*Section 4. Duties of the Secretary.* The Secretary shall send out the notices of the meetings of the Association and of the Board; keep the minutes, maintain the corporate records and attend to the correspondence pertaining to the office as may be required by the Board. In the absence or disability of both the President and Vice-President, the Secretary shall perform the minimal necessary functions of those offices for the continuing operation of the Association. He (or she) shall be an ex-officio member of all committees.

*Section 5. Duties of the Treasurer.* The Treasurer shall by January 31st of each year issue notices of dues and be responsible for the collection thereof; maintain the books of account of the Association, deposit funds of the Association received by him (or

her) in the name of the Association and disburse said funds at the direction of the Board of Directors and shall report on the financial condition of the Association at the regular meeting of the Board of Directors and at the annual meeting and special meetings of the Association and shall perform other duties as may be requested by the Board of Directors.

*Section 6. Duties of the Members at Large.* No description of duties has been defined.

## **Article IV. Membership**

### *Section 1. Membership Defined.*

- a. Membership shall be defined as the owners of lots as described below:
  - i. All lots of the Buckskin Heights first sub-division as detailed on the approved plat and accepted by the Larimer County Planning Commission on October 14, 1970.
  - ii. All lots of the Buckskin Heights second sub-division as detailed on the approved plat and accepted by the Larimer County Planning Commission on February 10, 1971.
  - iii. All tracts adjacent to the access road to the Buckskin Heights first sub-division. Description of access road is recorded in Book 1444 at page 325 of the Larimer County Clerk and Records Office.
- b. In the event that a lot shall be owned by more than one person, as undivided owners, said undivided group shall be considered to be one (1) membership. Each membership shall be considered to be a single entity, entitled to a single vote and obligated to a single fee, assessment or obligation. Subsequent division of recorded lots will constitute an additional membership. In all cases, a single lot will constitute one membership.

*Section 2. Requirements of Membership.* In order to become and maintain a membership of the Association, a member representing said membership shall own land or interest in land as above described; and shall pay all annual dues and assessments.

### *Section 3. Use of the Facilities of the Association.*

- a. All valid memberships of the Association shall be accorded equal use of the roads of the Association.

- b. The gates on the access road to Buckskin Heights, established by the *Grant of Easement* indenture between Arnold E. and Joyce A. Friend and John O. Anderson, dated April 17, 1969, shall be closed and locked each time passed through.
- c. Association property, including gates, are to be used at the property owner's complete responsibility and liability for damage caused by themselves and others coming to or from the property owner's lot. Property owners are responsible for family members, guests, visitors, contractors, workmen, delivery persons, renters, or others passing through the gate for their benefit. Access to the sub-division is by invitation only. {Change approved 8/26/00}

## **Article V. Dues**

### *Section 1. Dues.*

- a. Annual dues are payable by April 1<sup>st</sup> of each year. {Change approved 8/11/79}
- b. When a simple majority of the memberships in good standing present at an annual meeting, or special meeting called to consider a change in dues, recommends a vote to change the annual dues, the Board shall: {Change approved 4/30/18}
  - i. Conduct a mailing poll within thirty (30) days by providing to each membership in good standing: (1) a description and justification for the change in dues; and (2) a self-addressed, postage-paid, uniquely-identified ballot.
  - ii. Ballots must be returned to the Association's United States Postal Service mailing address within thirty (30) days of the initial mailing date to be counted.
  - iii. If a simple majority (more than half) of all the valid mail ballots received by the deadline are cast in the affirmative, the change in dues shall be approved.

*Section 2. Delinquencies.* Annual dues become delinquent May 1<sup>st</sup> of the year which due. Special assessments become delinquent ninety (90) days after notification unless granted otherwise by the Board.

- a. In the event that members become delinquent in the payment of annual dues or assessments, the Board may:

- i. Sue for said delinquencies in a court of competent jurisdiction and/or impose a lien upon the member's property.
  - ii. Suspend all privileges of membership, including road use privilege, by sending a registered letter to the last known mailing address of the member. The road use suspension letter shall state that the order will be automatically enacted within 15 business days of the date of the letter unless the property owner requests a hearing in writing within that time frame. Violation of a Board-authorized suspension of road usage may result in civil or criminal action. {Change approved 8/18/13}
  - iii. Turn delinquent accounts over one year to a collection agency. {Annual Meeting 8/18/13}
- b. Penalties for Delinquent Dues {Change approved 8/18/13}
- i. Delinquent dues for a given year shall be subject to a late penalty of \$15/month plus \$5/month interest on the unpaid principle, to be assessed on May 1 through December 1 for each month or partial month that dues are delinquent during the first calendar year of unpaid dues.
  - ii. In subsequent years of unpaid dues, delinquent dues for a given year shall be subject to \$5/month interest on the unpaid principle, to be assessed on January 1 through December 1 for each month or partial month that dues are delinquent.
  - iii. Past late penalties on unpaid dues or assessments owed by property owner(s) from May 1, 2001 to date, if any, shall be retroactively re-calculated to comply with this policy.
- c. Collection action for delinquent dues shall commence not later than 45 days after such dues or assessments become delinquent. Collection of delinquent dues shall be substantially completed within 180 days of delinquent date unless circumstances exist beyond the control of the Board of Directors. The responsibility to administer this action shall reside with the Treasurer or with a member of the association appointed by the President. {Change approved 8/29/04}

## Article VI. Meetings

### *Section 1. Annual Meetings.*

- a. The annual meeting of the Association shall be held between June 1<sup>st</sup> and August 31<sup>st</sup> of each year at such time and place as the Board of Directors may determine. A minimum notice of 30 days will be required.
- b. The annual meeting shall be for the purpose of electing directors, presenting committee reports and for the transaction of such other business as may be indicated in the notice or which may be properly brought before it.

*Section 2. Special Meetings.* Special meetings of the Association may be called by the Board of Directors or upon written request of five (5) memberships given to the Secretary, stating the purpose thereof. At least thirty (30) days written notice shall be given to the memberships.

*Section 3. Notice.* Whenever notice to the membership shall be required by the *Bylaws*, the Article of Incorporation or otherwise, said notice shall be determined properly given and adequate when it is addressed to the memberships at such address as shall appear in the records of the Association, and is deposited in the United States Mail, postage prepaid. Notice to any member of a membership shall constitute notice to the entire membership. Each membership shall be responsible to provide the Association with its correct address and any change of address.

*Section 4. Voting at Meetings (or in a Mailing Poll Sent to All Members).* Only memberships in good standing shall be entitled to vote at meetings of the Association (or in a mailing poll sent to all members). Voting may be by voice, but five (5) memberships shall have the right to demand a roll call vote. Each membership shall be entitled to one (1) vote. A membership in good standing is defined as one where no annual dues or assessments are delinquent.

*Section 5. Quorum.* Ten (10) active members, present in person shall constitute a quorum at all Association meetings.

*Section 6. Board Meetings.*

- a. The Board shall hold its first meeting following the annual meeting of the members each year within thirty (30) days after the annual meeting.
- b. The Board may, by resolution, establish from time to time a schedule of its meetings and rules for the conduct thereof.

*Section 7. Rules of Order.* All meetings will be conducted according to *Robert's Rules of Order*.

## **Article VII. Changes to Bylaws**

*Section 1. Changes and/or Amendments to the Bylaws* shall require a two-thirds (2/3) majority vote of the membership in good standing at an annual meeting or special meeting called in accordance with the *Bylaws* (or by a mailing poll to all members by the President or Secretary).

## **Article VIII. Miscellaneous**

*Section 1. Culverts.* Culverts for driveways to private property shall be a minimum of fifteen (15) inches in diameter, conforming to Larimer County standards. {Annual Meeting 8/14/76}

*Section 2. Private Road Sign.* The road shall have a sign reading, "Private Road – No Trespassing." {Annual Meeting 8/11/79}

*Section 3. Width of the Road.* The width of the road is legally described by the *Grant of Easement* (April 17, 1969) as "sixty (60) feet wide, extending thirty (30) feet from either side of the center line of said existing road," as defined by the *Dedication of Access Road* (October 13, 1970) and the *Plat Plan of the Buckskin Heights First and Second Filings* (October 21, 1970 and January 1, 1971). As a practical matter, the width of the road shall be determined by terrain, drainage, and community safety considerations. {Change approved 8/18/13}

*Section 4. Fences.* (Change approved 8/10/97)

- a. No fence shall be located so as to interfere with the right-of-way easement [thirty (30) feet in each direction perpendicular from the center line of all existing roads].
- b. Existing fences as of August 10, 1997 shall be exempt from this provision given that they are at

least twenty feet from centerline of existing roads.

- c. Fences in violation of this provision shall be moved or removed at the owner's expense.

*Section 5. Website* {Annual Meeting 8/18/13}

- a. The Association website shall be known as [www.buckskinheights.org](http://www.buckskinheights.org). It shall be maintained by a webmaster appointed by the Board of Directors.
- b. The content of the website shall be determined by the Board of Directors. The content of the website shall promote the health, civic and general welfare of the members of the Association; and shall not include political or religious information, or commercial advertisement.

*Section 6. Rules of the Road.* {Annual Meeting 8/18/13}

- a. The rules of the road shall apply to all persons residing at, or visiting, a member's property:
  - i. Vehicles ascending grades of six percent or more shall have the right-of-way.
  - ii. The speed limit on all roads is 20 MPH. The speed limit shall apply to all motorized vehicles, including ATVs, motorcycles, and snowmobiles.
- b. Violations of the Rules of the Road.
  - i. Reckless or careless driving that endangers persons or property shall be reported to the Larimer County Sheriff's Office.
  - ii. Documented violations of the rules of the road may result in the suspension of road usage privileges on the platted roads within the sub-division. Violation of a Board-authorized suspension of road usage may result in civil or criminal action.

*Section 7. Community Water Tank.* The Association shall be authorized to construct, operate and maintain a community water tank for fire suppression to promote the general welfare of the members of the Association. {Mail Poll 6/25/17}

- a. Funding for the construction, operation, and maintenance of the project shall come entirely from private sources, not from Association funds.
- b. Liability insurance for the water tank will be included in the Association's policy at no additional cost to the Association.
- c. The Association is authorized to enter into an agreement for a suitable plot of land with a cost not to exceed one (1) dollar per annum. No additional costs are authorized.



# **CONSTITUTION OF BUCKSKIN HEIGHTS ROAD ASSOCIATION, INC**

December 12, 1974  
Revised August 10, 1991  
Revised September 14, 2009  
Revised August 18, 2013  
Revised August 30, 2015  
Revised June 25, 2017  
Revised April 30, 2018  
August 23, 2019

## **ARTICLE I Name**

The name of the corporation shall be BUCKSKIN HEIGHTS ROAD ASSOCIATION, INC.

## **ARTICLE II Objects**

The purpose for which the non-profit Association is formed is to promote the health, civic and general welfare of its members and in pursuance thereto to construct and operate roads, and such objects as are appropriate in the conduct of its activities, in the County of Larimer and State of Colorado, for the use of its members, their families and others as are approved by the Board.

## **ARTICLE III Validation and amendments**

*Section 1. Validation.* This Constitution shall become effective upon ratification of a two-thirds (2/3) majority vote of the total membership in good standing.

*Section 2. Amendments.* Amendments to the Constitution will require ratification by two-thirds (2/3) majority vote of the total membership in good standing.

# BYLAWS OF THE BUCKSKIN HEIGHTS ROAD ASSOCIATION

## Article I Government

*Section 1. Management.* The Association shall be managed by a Board of six (6) Directors. The Board shall consist of a President, Vice President, Secretary, Treasurer, and two members at large. {Change approved 8/10/97}

*Section 2. Terms of Directors.*

- a. The members shall elect from themselves for a term of two (2) years, the Directors whose terms of office have expired. Said Directors shall hold office until their successors are elected and qualified.
- b. Directors may not be elected to more than two (2) consecutive terms, not to exceed four (4) years. Directors may be reelected after one (1) year absence from the Board. {Annual Meeting 8/18/13}

*Section 3. Election of Directors.* When there are more nominations for Director than Board positions open, Directors shall be elected by successive ballot votes of members until (a) all open positions are filled; and (b) each elected Director has received a majority of the votes cast. {Annual Meeting 8/18/13}

*Section 4. Removal or Resignation of Directors.* After the annual meeting in 1975, any member of the Board of Directors may be removed from the Board by a three-fourths (3/4) majority vote of the membership present in person either at an annual meeting or a special meeting called in accordance with these *Bylaws*. In the event that any member of the Board of Directors shall cease to have a possessory interest in the lands of Buckskin Heights, or resign, said Director shall be automatically removed from the Board. The Board of Directors may also accept any Director's resignation and appoint a member of the Association eligible under Article I, Section 2 in his (or her) place, to serve until the next regular meeting or special meeting of the membership, at which time a Director shall be elected to serve for the balance of the resigning members term. {Change approved 8/18/13}

## Article II. Board of Directors

*Section 1. Duties.* Consistent with these *Bylaws*, the Board of Directors shall:

- a. Transact all Association business and make and amend rules for the regulation of the use of Association property. It may appoint and remove such non-elected officers, clerks, agents, servants or employees as it may deem necessary, and fix their duties and compensations.
- b. Fix, impose and collect penalties for violation of these *Bylaws* and rules of the Association.
- c. Elect from the Board of Directors, which Board in turn will elect a President, Vice President, Secretary, and Treasurer. The remaining two board members will be considered members at large.
- d. If necessary, create additional offices deemed necessary, and appoint one or more persons, who need not be members of the Association, to such offices.
- e. Constitute and appoint committees and define the powers and duties of the same.
- f. Fill any vacancy in the membership of the Board of Directors from among the members in accordance with Article I, Section 4. {Change approved 8/18/13}
- g. Assess annual memberships per tract or lot, in accordance with Article V which dues together with other funds of the Association, may be disbursed in such manner as the Board deems proper and in accordance with these *Bylaws*.
- h. Insure that all mandatory local, state and federal documents are filed, including, but not limited to, taxes, and other such requirements related to the legal status of the Association. {Annual Meeting 8/18/13}
- i. Insure that the liabilities and assets of the Association are properly protected with appropriate insurance policies. {Annual Meeting 8/18/13}
- j. Review, approve, and publish the minutes of the annual meeting on the Association website in a timely manner. {Annual Meeting 8/30/15}

*Section 2. Depository.* The Board shall designate the bank or banks in which funds of the Association shall be deposited and determine the manner in which checks, drafts, and other instruments for the payment of funds of the Association shall be executed.

*Section 3. Annual Audit.* The Board shall cause the books of the Association to be audited annually by a committee selected by the Directors. The fiscal year for BHRA shall be January 1 – December 31. {Change approved 8/18/02}

*Section 4. Meetings.* The Board of Directors shall meet at least semi-annually, and may meet at other such times and intervals as it may deem necessary.

*Section 5. Quorum.* A majority of the Board shall constitute a quorum.

*Section 6. Expenditure of Funds.*

- a. The Board of Directors shall have authority to commit the Association to contracts only to the extent of resources in, or reasonably expected to be in, the treasury by the next annual meeting. Additional expenses will require the approval of a majority of the memberships. {Change approved 8/12/78}
- b. Capital expenditure authorization (other than normal maintenance and operating expenses) shall require a mail ballot sent to all property owners. The expenditure shall be approved if two thirds (2/3) of those responding vote for approval. {Change approved 11/17/96}
- c. Expenditure of emergency funds shall be made, as deemed necessary, at the discretion of the Board. {Change approved 8/17/03}
- d. Work on Association roads must be specifically authorized in advance by the Board of Directors. If the Board authorizes use of equipment, the Board pays for operating expenses but no maintenance of equipment. {Change approved 8/8/87}
- e. Invoices for road materials, grading, ditch and other work on the road shall be approved in writing by the Vice President before payment by the Treasurer. Such written approval in conjunction with the original invoice shall together provide complete information on who did the work; the date and specific location of the

work; a description of the work completed, including equipment, time spent and cost breakdown of the work and materials; and (if applicable) the kind, amount and specific location(s) of road materials applied. The written approval from the Vice President shall be attached to the original invoice by the Treasurer and be included in the annual audit. {Change approved 8/23/19}

### **Article III. Officers**

*Section 1. Officers.* The officers of the Association shall be President, Vice President, Secretary, and Treasurer. The officers shall be elected annually by the Board of Directors by a majority vote from among its members; and shall hold office until the end of the first meeting of the Board following the annual meeting. An officer may be removed from office by a two-thirds (2/3) vote of the Board of Directors. {Change approved 8/18/13}

*Section 2. Duties of the President.* The President shall preside at the meetings of the Association and of the Board. He (or she) shall be the administrative officer of the Association. He (or she) shall appoint, subject to confirmation by the Board of Directors, all standing and special committees, designating the chairman thereof. He (or she) shall be an ex-officio member of all committees. He (or she) shall keep informed of the Vice President's functions and perform these functions in the absence or disability of the Vice President.

*Section 3. Duties of the Vice President.* The Vice President shall monitor the condition of the roads, ditches, culverts, gates, etc. of the Association; arrange for equipment and/or operators and work parties, if needed, to perform maintenance and/or improvements for the facilities of the Association; and keep written records of the specific work done during his (or her) tenure of office. He (or she) is not responsible for snow removal, private driveways or properties. Before contracting for equipment and/or operators and/or work parties, he (or she) shall assure funds are adequate by conferring with the President or Treasurer or both. The Vice President, in the absence of or disability of the President, shall act in his (or her) stead. {Change approved 8/23/19}

*Section 4. Duties of the Secretary.* The Secretary shall send out the notices of the meetings of the Association and of the Board; keep the minutes, maintain the corporate records and attend to the correspondence pertaining to the office as may be required by the Board. In the absence or disability of both the President and Vice-President, the Secretary shall perform the minimal necessary functions of those offices for the continuing operation of the Association. He (or she) shall be an *ex-officio* member of all committees.

*Section 5. Duties of the Treasurer.* The Treasurer shall by January 31st of each year issue notices of dues and be responsible for the collection thereof; maintain the books of account of the Association, deposit funds of the Association received by him (or her) in the name of the Association and disburse said funds at the direction of the Board of Directors and shall report on the financial condition of the Association at the regular meeting of the Board of Directors and at the annual meeting and special meetings of the Association and shall perform other duties as may be requested by the Board of Directors.

*Section 6. Duties of the Members at Large.* No description of duties has been defined.

## **Article IV. Membership**

### *Section 1. Membership Defined.*

- a. Membership shall be defined as the owners of lots as described below:
  - i. All lots of the Buckskin Heights first sub-division as detailed on the approved plat and accepted by the Larimer County Planning Commission on October 14, 1970.
  - ii. All lots of the Buckskin Heights second sub-division as detailed on the approved plat and accepted by the Larimer County Planning Commission on February 10, 1971.
  - iii. All tracts adjacent to the access road to the Buckskin Heights first sub-division. Description of access road is recorded in Book 1444 at page 325 of the Larimer County Clerk and Recorders Office.

- b. In the event that a lot shall be owned by more than one person, as undivided owners, said undivided group shall be considered to be one (1) membership. Each membership shall be considered to be a single entity, entitled to a single vote and obligated to a single fee, assessment or obligation. Subsequent division of recorded lots will constitute an additional membership. In all cases, a single lot will constitute one membership.

*Section 2. Requirements of Membership.* In order to become and maintain a membership of the Association, a member representing said membership shall own land or interest in land as above described; and shall pay all annual dues and assessments.

### *Section 3. Use of the Facilities of the Association.*

- a. All valid memberships of the Association shall be accorded equal use of the roads of the Association.
- b. The gates on the access road to Buckskin Heights, established by the *Grant of Easement* indenture between Arnold E. and Joyce A. Friend and John O. Anderson, dated April 17, 1969, shall be closed and locked each time passed through.
- c. Association property, including gates, are to be used at the property owner's complete responsibility and liability for damage caused by themselves and others coming to or from the property owner's lot. Property owners are responsible for family members, guests, visitors, contractors, workmen, delivery persons, renters, or others passing through the gate for their benefit. Access to the sub-division is by invitation only. {Change approved 8/26/00}

## **Article V. Dues**

### *Section 1. Dues.*

- a. Annual dues are payable by April 1<sup>st</sup> of each year. {Change approved 8/11/79}
- b. When a simple majority of the memberships in good standing present at an annual meeting, or special meeting called to consider a change in dues, recommends a vote to change the annual dues, the Board shall: {Change approved 4/30/18}

- i. Conduct a mailing poll within thirty (30) days by providing to each membership in good standing: (1) a description and justification for the change in dues; and (2) a self-addressed, postage-paid, uniquely-identified ballot.
  - ii. Ballots must be returned to the Association's United States Postal Service mailing address within thirty (30) days of the initial mailing date to be counted.
  - iii. If a simple majority (more than half) of all the valid mail ballots received by the deadline are cast in the affirmative, the change in dues shall be approved.
- ii. In subsequent years of unpaid dues, delinquent dues for a given year shall be subject to \$5/month interest on the unpaid principle, to be assessed on January 1 through December 1 for each month or partial month that dues are delinquent.
  - iii. Past late penalties on unpaid dues or assessments owed by property owner(s) from May 1, 2001 to date, if any, shall be retroactively re-calculated to comply with this policy.
- c. Collection action for delinquent dues shall commence not later than 45 days after such dues or assessments become delinquent. Collection of delinquent dues shall be substantially completed within 180 days of delinquent date unless circumstances exist beyond the control of the Board of Directors. The responsibility to administer this action shall reside with the Treasurer or with a member of the Association appointed by the President. {Change approved 8/29/04}

*Section 2. Delinquencies.* Annual dues become delinquent May 1<sup>st</sup> of the year which due. Special assessments become delinquent ninety (90) days after notification unless granted otherwise by the Board.

- a. In the event that members become delinquent in the payment of annual dues or assessments, the Board may:
  - i. Sue for said delinquencies in a court of competent jurisdiction and/or impose a lien upon the member's property.
  - ii. Suspend all privileges of membership, including road use privilege, by sending a registered letter to the last known mailing address of the member. The road use suspension letter shall state that the order will be automatically enacted within 15 business days of the date of the letter unless the property owner requests a hearing in writing within that time frame. Violation of a Board-authorized suspension of road usage may result in civil or criminal action. {Change approved 8/18/13}
  - iii. Turn delinquent accounts over one year to a collection agency. {Annual Meeting 8/18/13}
- b. Penalties for Delinquent Dues {Change approved 8/18/13}
  - i. Delinquent dues for a given year shall be subject to a late penalty of \$15/month plus \$5/month interest on the unpaid principle, to be assessed on May 1 through December 1 for each month or partial month that dues are delinquent during the first calendar year of unpaid dues.

## **Article VI. Meetings**

*Section 1. Annual Meetings.*

- a. The annual meeting of the Association shall be held between June 1<sup>st</sup> and August 31<sup>st</sup> of each year at such time and place as the Board of Directors may determine. A minimum notice of 30 days will be required.
- b. The annual meeting shall be for the purpose of electing directors, presenting committee reports and for the transaction of such other business as may be indicated in the notice or which may be properly brought before it.

*Section 2. Special Meetings.* Special meetings of the Association may be called by the Board of Directors or upon written request of five (5) memberships given to the Secretary, stating the purpose thereof. At least thirty (30) days written notice shall be given to the memberships.

*Section 3. Notice.* Whenever notice to the membership shall be required by the *Bylaws*, the Article of Incorporation or otherwise, said notice shall be determined properly given and adequate when it is addressed to the memberships at such address as shall appear in the records of the Association, and is deposited in the United States Mail, postage prepaid. Notice to any member of a membership shall constitute notice to the entire membership. Each membership shall be responsible to provide the Association with its correct address and any change of address.

*Section 4. Voting at Meetings (or in a Mailing Poll Sent to All Members).* Only memberships in good standing shall be entitled to vote at meetings of the Association (or in a mailing poll sent to all members). Voting may be by voice, but five (5) memberships shall have the right to demand a roll call vote. Each membership shall be entitled to one (1) vote. A membership in good standing is defined as one where no annual dues or assessments are delinquent.

*Section 5. Quorum.* Ten (10) active members, present in person shall constitute a quorum at all Association meetings.

*Section 6. Board Meetings.*

- a. The Board shall hold its first meeting following the annual meeting of the members each year within thirty (30) days after the annual meeting.
- b. The Board may, by resolution, establish from time to time a schedule of its meetings and rules for the conduct thereof.

*Section 7. Rules of Order.* All meetings will be conducted according to *Robert's Rules of Order*.

## **Article VII. Changes to Bylaws**

*Section 1. Changes and/or Amendments to the Bylaws* shall require a two-thirds (2/3) majority vote of the membership in good standing at an annual meeting or special meeting called in accordance with the *Bylaws* (or by a mailing poll to all members by the President or Secretary).

## **Article VIII. Miscellaneous**

*Section 1. Culverts.* Culverts for driveways to private property shall be a minimum of fifteen (15) inches in diameter, conforming to Larimer County standards. {Annual Meeting 8/14/76}

*Section 2. Private Road Sign.* The road shall have a sign reading, "Private Road – No Trespassing." {Annual Meeting 8/11/79}

*Section 3. Width of the Road.* The width of the road is legally described by the *Grant of Easement* (April 17, 1969) as "sixty (60) feet wide, extending thirty (30) feet from either side of the center line of said existing road," as defined by the *Dedication of Access Road* (October 13, 1970) and the *Plat Plan of the Buckskin Heights First and Second Filings* (October 21, 1970 and January 1, 1971). As a practical matter, the width of the road shall be determined by terrain, drainage, and community safety considerations. {Change approved 8/18/13}

*Section 4. Fences.* (Change approved 8/10/97)

- a. No fence shall be located so as to interfere with the right-of-way easement [thirty (30) feet in each direction perpendicular from the center line of all existing roads].
- b. Existing fences as of August 10, 1997 shall be exempt from this provision given that they are at least twenty feet from centerline of existing roads.
- c. Fences in violation of this provision shall be moved or removed at the owner's expense.

*Section 5. Website* {Annual Meeting 8/18/13}

- a. The Association website shall be known as [www.buckskinheights.org](http://www.buckskinheights.org). It shall be maintained by a webmaster appointed by the Board of Directors.
- b. The content of the website shall be determined by the Board of Directors. The content of the website shall promote the health, civic and general welfare of the members of the Association; and shall not include political or religious information, or commercial advertisement.

*Section 6. Rules of the Road.* {Annual Meeting 8/18/13}

- a. The rules of the road shall apply to all persons residing at, or visiting, a member's property:
  - i. Vehicles ascending grades of six percent or more shall have the right-of-way.
  - ii. The speed limit on all roads is 20 MPH. The speed limit shall apply to all motorized vehicles, including ATVs, motorcycles, and snowmobiles.
- b. Violations of the Rules of the Road.
  - i. Reckless or careless driving that endangers persons or property shall be reported to the Larimer County Sheriff's Office.
  - ii. Documented violations of the rules of the road may result in the suspension of road usage privileges on the platted roads within the sub-division. Violation of a Board-authorized suspension of road usage may result in civil or criminal action.

*Section 7. Community Water Tank.* The Association shall be authorized to construct, operate and maintain a community water tank for fire suppression to promote the general welfare of the members of the Association. {Mail Poll 6/25/17}

- a. Funding for the construction, operation, and maintenance of the project shall come entirely from private sources, not from Association funds.
- b. Liability insurance for the water tank will be included in the Association's policy at no additional cost to the Association.
- c. The Association is authorized to enter into an agreement for a suitable plot of land with a cost not to exceed one (1) dollar per annum. No additional costs are authorized.

# CONSTITUTION OF THE BUCKSKIN HEIGHTS ROAD ASSOCIATION, INC

December 12, 1974  
Revised August 10, 1991  
Revised September 14, 2009  
Revised August 18, 2013  
Revised August 30, 2015  
Revised June 25, 2017  
Revised April 30, 2018  
Revised August 23, 2019  
Revised August 21–September 18, 2020

## ARTICLE I Name

The name of the corporation shall be the BUCKSKIN HEIGHTS ROAD ASSOCIATION, INC.

## ARTICLE II Objects

The purpose for which the non-profit Association is formed is to promote the health, civic and general welfare of its members and in pursuance thereto to construct and operate roads, and such objects as are appropriate in the conduct of its activities, in the County of Larimer and State of Colorado, for the use of its members, their families and others as are approved by the Board.

## ARTICLE III Validation and amendments

*Section 1. Validation.* This Constitution shall become effective upon ratification of a two-thirds (2/3) majority vote of the total membership in good standing.

*Section 2. Amendments.* Amendments to the Constitution will require ratification by two-thirds (2/3) majority vote of the total membership in good standing.



# BYLAWS OF THE BUCKSKIN HEIGHTS ROAD ASSOCIATION

## Article. I Government

*Section 1. Management.* The Association shall be managed by a Board of six (6) directors. The Board shall consist of a President, Vice President, Secretary, Treasurer, and two directors at large. {Change approved 8/10/97}

*Section 2. Terms of Directors.*

- a. The members shall elect from themselves for a term of two (2) years, the directors whose terms of office have expired. Said directors shall hold office until their successors are elected and qualified.
- b. Directors may not be elected to more than two (2) consecutive terms, not to exceed four (4) years. Directors may be reelected after one (1) year absence from the Board. {Annual Meeting 8/18/13}

*Section 3. Election of Directors.* When there are more nominations for director than board positions open, directors shall be elected by successive ballot votes of members until (a) all open positions are filled; and (b) each elected director has received a majority of the votes cast. {Annual Meeting 8/18/13}

*Section 4. Removal or Resignation of Directors.*

- a. After the annual meeting in 1975, any member of the Board of Directors may be removed from the Board by a three-fourths (3/4) majority vote of the membership present in person either at an annual meeting or a special meeting called in accordance with these *Bylaws*.
- b. In the event that any member of the Board of Directors shall cease to have a possessory interest in the lands of Buckskin Heights, or resign, said director shall be automatically removed from the Board.

- c. The Board of Directors may also accept any director's resignation and appoint a member of the Association eligible under Article I, Section 2 in her/his place, to serve until the next regular meeting or special meeting of the membership, at which time a director shall be elected to serve for the balance of the resigning members term. {Change approved 8/18/13}

## Article II. Board of Directors

*Section 1. Duties.* Consistent with these *Bylaws*, the Board of Directors shall:

- a. Transact all Association business and make and amend rules for the regulation of the use of Association property. It may appoint and remove such non-elected officers, clerks, agents, servants or employees as it may deem necessary, and fix their duties and compensations.
- b. Fix, impose and collect penalties for violation of these *Bylaws* and rules of the Association.
- c. Elect from the Board of Directors, which Board in turn will elect a President, Vice President, Secretary, and Treasurer. The remaining two board members will be considered directors at large.
- d. If necessary, create additional offices deemed necessary, and appoint one or more persons, who need not be members of the Association, to such offices.
- e. Constitute and appoint committees and define the powers and duties of the same, and appoint the membership and leadership of the same. At least one board member shall be designated by the Board as an *ex officio* member of each committee formed, who shall serve as liaison to the Board. {Change approved 8/21/20}
- f. Fill any vacancy in the membership of the Board of Directors from among the members in accordance with Article I, Section 4. {Change approved 8/18/13}

- g. Assess annual memberships per tract or lot, in accordance with Article V, which dues together with other funds of the Association, may be disbursed in such manner as the Board deems proper and in accordance with these *Bylaws*.
- h. Ensure that all mandatory local, state and federal documents are filed, including, but not limited to, taxes, and other such requirements related to the legal status of the Association. {Annual Meeting 8/18/13}
- i. Ensure that the liabilities and assets of the Association are properly protected with appropriate insurance policies; and that the Association maintains appropriate directors' and officers' liability insurance coverage. {Annual Meeting 8/18/13; 8/21/20}
- j. Association Records. {Change approved 8/21/20}
  - i. Review, approve, and publish the minutes of the annual and special meetings on the Association website in a timely manner. {Annual Meeting 8/30/15}
  - ii. Ensure both the openness of Association records and privacy of membership records as required by Colorado law.
  - iii. Any membership may inspect public records of the Association upon specific written request. The Secretary shall make such specified records available within seven (7) days of receiving the request.

*Section 2. Depository.* The Board shall designate the bank or banks in which funds of the Association shall be deposited and determine the manner in which checks, drafts, and other instruments for the payment of funds of the Association shall be executed.

*Section 3. Annual Audit.* The Board shall cause the books of the Association to be audited annually by a committee selected by the directors. The fiscal year for the Buckskin Heights Road Association (BHRA) shall be January 1 – December 31. {Change approved 8/18/02}

*Section 4. Meetings.*

- a. The Board of Directors shall meet at least quarterly, and may meet at other such times and intervals as it may deem necessary.
- b. The directors may take any time-sensitive action in the absence of a meeting, which they could take at a meeting, by obtaining the approval of a majority of the directors. Any such action or

approval shall have the same effect as though taken at a meeting of the directors; and shall be ratified and recorded in the minutes of the next board meeting. {Annual Meeting 8/21/20}

*Section 5. Quorum.* A majority of the Board shall constitute a quorum.

*Section 6. Expenditure of Funds.*

- a. The Board of Directors shall have authority to commit the Association to contracts only to the extent of resources in, or reasonably expected to be in, the treasury by the next annual meeting. Additional expenses will require the approval of a majority of the memberships. {Change approved 8/12/78}
- b. Special Assessments. Capital expenditure authorization (other than normal maintenance and operating expenses) shall require a mail ballot sent to all property owners in accordance with these *Bylaws*, preceded by at least one meeting, in-person or electronically, to debate the proposal. The expenditure shall be approved if two thirds (2/3) of those responding vote for approval. {Change approved 11/17/96; 8/21/20}
- c. Expenditure of emergency funds shall be made, as deemed necessary, at the discretion of the Board. {Change approved 8/17/03}
- d. Work on Association roads must be specifically authorized in advance by the Board of Directors. If the Board authorizes use of equipment, the Board pays for operating expenses but no maintenance of equipment. {Change approved 8/8/87}
- e. Invoices for road materials, grading, ditch and other work on the road shall be approved in writing by the Vice President before payment by the Treasurer. Such written approval in conjunction with the original invoice shall together provide complete information on who did the work; the date and specific location of the work; a description of the work completed, including equipment, time spent and cost breakdown of the work and materials; and (if applicable) the kind, amount and specific location(s) of road materials applied. The written approval from the Vice President shall be attached to the original invoice by the Treasurer and be included in the annual audit. {Change approved 8/23/19}

*Section 7. Indemnification of Directors and Officers.*

Each person who acts as a director or officer of the Association, or any agent of the Association given such privileges by the Board of Directors, shall be indemnified by the association against expenses actually and necessarily incurred by her/him in the connection with the defense of any action, suit or proceedings in which he/she is made a party by reason of her/his being or having been a director or officer of the Association, except in relation to matters as to which he/she shall be adjudged in such action, suit or proceeding to be liable for gross negligence or willful misconduct, and except any sum paid for the Association in settlement of an action, suit or proceeding based upon the gross negligence or willful misconduct in the performance of her/his duties. The right of indemnification provided herein shall insure to each director and officer, whether or not he/she is such director or officer at the time such cost or expenses are imposed or incurred, and in the event of her/his death shall extend to her/his legal representatives. {Annual Meeting 8/21/20}

### **Article III. Officers**

*Section 1. Officers.* The officers of the Association shall be President, Vice President, Secretary, and Treasurer. The officers shall be elected annually by the Board of Directors by a majority vote from among its members; and shall hold office until the end of the first meeting of the Board following the annual meeting. An officer may be removed from office by a two-thirds (2/3) vote of the Board of Directors. {Change approved 8/18/13}

*Section 2. Duties of the President.* The President shall preside at the meetings of the Association and of the Board. He/she shall be the administrative officer of the Association. He/she shall assume the functions of the Vice President in the absence or disability of the Vice President. {Change approved 8/21/20}

*Section 3. Duties of the Vice President.* The Vice President shall monitor the condition of the roads, ditches, culverts, gates, etc. of the Association; arrange for equipment and/or operators and work parties, if needed, to perform maintenance and/or improvements for the facilities of the Association; and keep written records of the specific work done during her/his tenure of office. He/she is not responsible for snow removal, private driveways or properties. Before contracting for equipment and/or operators and/or work parties, he/she shall assure funds are adequate by conferring with the President or Treasurer or both. The Vice President, in the absence of or disability of the President, shall act in her/his stead. {Change approved 8/23/19}

*Section 4. Duties of the Secretary.* The Secretary shall send out the notices of the meetings of the Association and of the Board; keep the minutes, maintain the corporate records and attend to the correspondence pertaining to the office as may be required by the Board. In the absence or disability of both the President and Vice-President, the Secretary shall perform the minimal necessary functions of those offices for the continuing operation of the Association.

*Section 5. Duties of the Treasurer.* The Treasurer shall by January 31st of each year issue notices of dues and be responsible for the collection thereof; maintain the books of account of the Association; deposit funds of the Association received by her/him in the name of the Association and disburse said funds at the direction of the Board of Directors; and shall report on the financial condition of the Association at the regular meeting of the Board of Directors and at the annual meeting and special meetings of the Association; and shall perform other duties as may be requested by the Board of Directors.

*Section 6. Duties of the Directors at Large.* The directors at large support Board functions as assigned.

## Article IV. Membership

### *Section 1. Membership Defined.*

- a. Membership shall be defined as the owners of lots as described below:
  - i. All lots of the Buckskin Heights first sub-division as detailed on the approved plat and accepted by the Larimer County Planning Commission on October 14, 1970.
  - ii. All lots of the Buckskin Heights second sub-division as detailed on the approved plat and accepted by the Larimer County Planning Commission on February 10, 1971.
  - iii. All tracts adjacent to the access road to the Buckskin Heights first sub-division. Description of access road is recorded in Book 1444 at page 325 of the Larimer County Clerk and Recorders Office.
- b. In the event that a lot shall be owned by more than one person, as undivided owners, said undivided group shall be considered to be one (1) membership. Each membership shall be considered to be a single entity, entitled to a single vote and obligated to a single fee, assessment or obligation. Subsequent division of recorded lots will constitute an additional membership. In all cases, a single lot will constitute one membership.

*Section 2. Requirements of Membership.* In order to become and maintain a membership in good standing of the Association, a member representing said membership shall own land or interest in land as above described; and shall pay all annual dues and assessments.

### *Section 3. Use of the Facilities of the Association.*

- a. All memberships in good standing of the Association shall be accorded equal use of the roads and facilities of the Association.
- b. The gates on the access road to Buckskin Heights, established by the *Grant of Easement* indenture between Arnold E. and Joyce A. Friend and John O. Anderson, dated April 17, 1969, shall be closed and locked each time passed through.

- c. Association property, including gates, are to be used at the property owner's complete responsibility and liability for damage caused by themselves and others coming to or from the property owner's lot. Property owners are responsible for family members, guests, visitors, contractors, workmen, delivery persons, renters, or others passing through the gate for their benefit. Access to the sub-division is by invitation only. {Change approved 8/26/00}

## Article V. Dues

### *Section 1. Dues.*

- a. Annual dues are payable by April 1<sup>st</sup> of each year. {Change approved 8/11/79}
- b. When a simple majority of the memberships in good standing present at an annual meeting, or special meeting called to consider a change in dues, recommends a vote to change the annual dues, the Board shall: {Change approved 4/30/18}
  - i. Conduct a mail vote in accordance with these *Bylaws* within thirty (30) days by providing to each membership in good standing: (1) a description of the change in dues; (2) a brief summary of reasons for and against the change in dues; and (3) a self-addressed, postage-paid, uniquely-identified ballot.
  - ii. Ballots must be returned to the Association's United States Postal Service (USPS) mailing address within thirty (30) days of the initial mailing date to be counted.
  - iii. If a simple majority (more than half) of all the valid mail ballots received by the deadline are cast in the affirmative, the change in dues shall be approved.

*Section 2. Delinquencies.* Annual dues become delinquent May 1<sup>st</sup> of the year which due. Special assessments become delinquent ninety (90) days after notification unless granted otherwise by the Board.

- a. In the event that members become delinquent in the payment of annual dues or assessments, the Board may:
  - i. Sue for said delinquencies in a court of competent jurisdiction and/or impose a lien upon the member's property.
  - ii. Suspend all privileges of membership, including road use privilege, by sending a registered letter to the last known mailing address of the member. The road use suspension letter shall state that the order will be automatically enacted within 15 business days of the date of the letter unless the property owner requests a hearing in writing within that time frame. Violation of a Board-authorized suspension of road usage may result in civil or criminal action. {Change approved 8/18/13}
  - iii. Turn delinquent accounts over one year to a collection agency. {Annual Meeting 8/18/13}
- b. Penalties for Delinquent Dues {Change approved 8/18/13}
  - i. Delinquent dues for a given year shall be subject to a late penalty of \$15/month plus \$5/month interest on the unpaid principle, to be assessed on May 1 through December 1 for each month or partial month that dues are delinquent during the first calendar year of unpaid dues.
  - ii. In subsequent years of unpaid dues, delinquent dues for a given year shall be subject to \$5/month interest on the unpaid principle, to be assessed on January 1 through December 1 for each month or partial month that dues are delinquent.
  - iii. Past late penalties on unpaid dues or assessments owed by property owner(s) from May 1, 2001 to date, if any, shall be retroactively re-calculated to comply with this policy.

- c. Collection action for delinquent dues shall commence not later than 45 days after such dues or assessments become delinquent. Collection of delinquent dues shall be substantially completed within 180 days of delinquent date unless circumstances exist beyond the control of the Board of Directors. The responsibility to administer this action shall reside with the Treasurer or with a member of the Association appointed by the President. {Change approved 8/29/04}

## **Article VI. Meetings**

### *Section 1. Annual Meetings.*

- a. The annual meeting of the Association shall be held between June 1<sup>st</sup> and August 31<sup>st</sup> of each year at such time and place as the Board of Directors may determine. A minimum notice of 30 days will be required.
- b. The annual meeting shall be for the purpose of electing directors, presenting committee reports and for the transaction of such other business as may be indicated in the notice or which may be properly brought before it.

### *Section 2. Special Meetings.*

- a. Special meetings of the Association to deal with important issues that require action before the next annual meeting may be called by the Board of Directors, or upon written petition, signed by fifteen percent (15%) of the memberships stating the purpose thereof, given to the Secretary.
- b. At least thirty (30) days written notice shall be given to the memberships.
- c. The Board shall determine the time and place of special meetings, with a preference for in-person meetings within the platted subdivision, to maximize attendance.

*Section 3. Electronic Meetings.* All meetings of the Association – annual, special, board and committee – may be held electronically. {Annual Meeting 8/21/20}

*Section 4. Notice.*

- a. Whenever notice to the membership shall be required by the *Bylaws*, the Article of Incorporation or otherwise, said notice shall be determined properly given and adequate when it is either (1) addressed to the memberships at such address as shall appear in the records of the Association, and is deposited in the USPS mail, postage prepaid; or (2) addressed to the memberships at such USPS or email address as specified by the membership and contained in the records of the Association, and is either deposited with the USPS mail, postage prepaid, or electronically transmitted.
- b. Notice to any member of a membership shall constitute notice to the entire membership.
- c. Each membership shall be responsible to provide the Association with its correct address and any change of address.

*Section 5. Voting at Meetings or by Mail.*

- a. Each membership in good standing shall be entitled to one (1) vote. A membership in good standing is defined as one where no annual dues or assessments are delinquent.
- b. Voting at meetings may be by voice, but five (5) memberships shall have the right to demand a roll call vote.
- c. Proxy voting. {Annual Meeting 8/28/20}
  - i. At annual and special meetings of the Association, a member entitled to vote may vote in person or by proxy.
  - ii. The proxy must be executed in writing and include:
    - The date of the meeting;
    - The name and address of the person designated to execute the proxy;
    - The specific or general scope of the proxy; and
    - The name, BHRA property address and dated signature of the member granting the proxy.
  - iii. An email containing all the bulleted information above from the member granting the proxy, sent from an email address on file with the Association, is acceptable.

- iv. All proxies must be presented to the Secretary of the Association before the meeting is called to order. It is the sole responsibility of the member granting the proxy to ensure that her/his proxy is received in a timely manner.
  - v. The Secretary shall determine the validity of all proxies.
  - vi. No membership may vote more than two (2) proxies at any meeting.
- d. Mail Votes: Mail votes not specifically authorized in these Bylaws should generally be reserved for important issues that require action before the next annual meeting. All mail votes shall be preceded by at least one meeting, in-person or electronically, to discuss the proposal before conducting the mail vote as follows: {Change approved 9/18/20}
- i. Send by USPS to each membership in good standing (1) an exact description of the proposal; (2) a brief summary of reasons for and against the proposal; and (3) a self-addressed, postage-paid, uniquely-identified ballot;
  - ii. All ballots must be returned to the Association's USPS mailing address before the published deadline to be counted. The Secretary shall keep paper ballots on file in the records of the Association.

*Section 6. Quorum.* Twenty percent (20%) of the entire membership, present in person, shall constitute a quorum at all Association meetings. {Change approved 8/28/20}

*Section 7. Board Meetings.*

- a. The Board shall hold its first meeting following the annual meeting of the members each year within thirty (30) days after the annual meeting.
- b. The Board may, by resolution, establish from time to time a schedule of its meetings and rules for the conduct thereof.

*Section 8. Rules of Order.* All meetings will be conducted according to *Robert's Rules of Order Newly Revised*.

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*Section 1. Changes and/or Amendments to the Bylaws* shall require a two-thirds (2/3) majority vote of the membership in good standing at an annual meeting or special meeting called in accordance with these *Bylaws*; or by mail ballot sent to all members by the President or Secretary, preceded by at least one meeting, in-person or electronically, to debate the changes and/or amendments. {Change approved 8/21/20}

## Article VIII. Miscellaneous

*Section 1. Culverts.* Culverts for driveways to private property shall be a minimum of fifteen (15) inches in diameter, conforming to Larimer County standards. {Annual Meeting 8/14/76}

*Section 2. Private Road Sign.* The road shall have a sign reading, "Private Road – No Trespassing." {Annual Meeting 8/11/79}

*Section 3. Road Definition.*

- a. The width of the defined roadway is legally described by the *Grant of Easement* (April 17, 1969) as "sixty (60) feet wide, extending thirty (30) feet from either side of the center line of said existing road," as defined by the *Dedication of Access Road* (October 13, 1970) and the *Plat Plan of the Buckskin Heights First and Second Filings* (October 21, 1970 and January 1, 1971).
- b. As a practical matter, the width of the road shall be determined by terrain, drainage, and community safety considerations. {Annual Meeting 8/18/13}
- c. No encroachment into the defined roadway that poses a safety hazard, or impedes emergency access or road maintenance, shall be permitted. Existing structures as of August 21, 2020 shall be exempt from this provision. Larimer County ordinances shall be followed. {Annual Meeting 9/18/20}

*Section 4. Internet Communications* {Annual Meeting 8/18/13; change approved 9/18/20}

- a. The Association website shall be known as [www.buckskinheights.org](http://www.buckskinheights.org). It shall be maintained by a webmaster appointed by the Board of Directors. The content of the website shall be determined by the Board of Directors. The content of the website shall promote the health, civic and general welfare of the members of the Association; and shall not include personal opinion, political or religious information, or commercial advertisement.
- b. The Association shall also maintain an internet communication system for both emergency and general interest use; it shall exclude religious, political and commercial content. The Board of Directors shall appoint two co-administrators to promote civility and fairness, and to provide technical support and continuity

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- a. The rules of the road shall apply to all persons residing at, or visiting, a member's property:
  - i. Vehicles ascending grades of six percent or more shall have the right-of-way.
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*Section 6. Community Water Tank.* The Association shall be authorized to maintain a community water tank for fire suppression to promote the general welfare of the members of the Association. Funding for the maintenance of the water tank shall come entirely from private sources, not from Association funds. {Mail Vote 6/25/17; change approved 8/21/20}

# CONSTITUTION OF THE BUCKSKIN HEIGHTS ROAD ASSOCIATION, INC

Adopted December 12, 1974  
Revised August 10, 1991  
Revised September 14, 2009  
Revised August 18, 2013  
Revised August 30, 2015

Revised June 25, 2017  
Revised April 30, 2018  
Revised August 23, 2019  
Revised August 21–September 18, 2020  
Revised August 27–September 10, 2023

## ARTICLE I Name

The name of the corporation shall be the BUCKSKIN HEIGHTS ROAD ASSOCIATION, INC.

## ARTICLE II Objects

The purpose for which the non-profit Association is formed is to promote the health, civic and general welfare of its members and in pursuance thereto to construct and operate roads, and such objects as are appropriate in the conduct of its activities, in the County of Larimer and State of Colorado, for the use of its members, their families and others as are approved by the Board.

## ARTICLE III Validation and amendments

*Section 1. Validation.* This Constitution shall become effective upon ratification of a two-thirds (2/3) majority vote of the total membership in good standing.

*Section 2. Amendments.* Amendments to the Constitution will require ratification by two-thirds (2/3) majority vote of the total membership in good standing.



# BYLAWS OF THE BUCKSKIN HEIGHTS ROAD ASSOCIATION

## Article. I Government

*Section 1. Management.* The Association shall be managed by a Board of six (6) directors. The Board shall consist of a President, Vice President, Secretary, Treasurer, and two directors at large. {Change approved 8/10/97}

### *Section 2. Terms of Directors.*

- a. The members shall elect from themselves for a term of two (2) years, the directors whose terms of office have expired. Said directors shall hold office until their successors are elected and qualified.
- b. Directors may not be elected to more than two (2) consecutive terms, not to exceed four (4) years. Directors may be reelected after one (1) year absence from the Board. {Annual Meeting 8/18/13}

*Section 3. Election of Directors.* When there are more nominations for director than board positions open, directors shall be elected by successive ballot votes of members until (a) all open positions are filled; and (b) each elected director has received a majority of the votes cast. {Annual Meeting 8/18/13}

### *Section 4. Removal or Resignation of Directors.*

- a. After the annual meeting in 1975, any member of the Board of Directors may be removed from the Board by a three-fourths (3/4) majority vote of the membership present either at an annual meeting or a special meeting called in accordance with these *Bylaws*. {Change approved 9/10/23}
- b. In the event that any member of the Board of Directors shall cease to have a possessory interest in the lands of Buckskin Heights, or resign, said director shall be automatically removed from the Board.

- c. The Board of Directors may also accept any director's resignation and appoint a member of the Association eligible under Article I, Section 2 in her/his place, to serve until the next regular meeting or special meeting of the membership, at which time a director shall be elected to serve for the balance of the resigning members term. {Change approved 8/18/13}

## Article II. Board of Directors

*Section 1. Duties.* Consistent with these *Bylaws*, the Board of Directors shall:

- a. Transact all Association business and make and amend rules for the regulation of the use of Association property. It may appoint and remove such non-elected officers, clerks, agents, servants or employees as it may deem necessary, and fix their duties and compensations.
- b. Fix, impose and collect penalties for violation of these *Bylaws* and rules of the Association.
- c. Elect from the Board of Directors, which Board in turn will elect a President, Vice President, Secretary, and Treasurer. The remaining two board members will be considered directors at large.
- d. If necessary, create additional offices deemed necessary, and appoint one or more persons, who need not be members of the Association, to such offices.
- e. Constitute and appoint committees and define the powers and duties of the same, and appoint the membership and leadership of the same. At least one board member shall be designated by the Board as an *ex officio* member of each committee formed, who shall serve as liaison to the Board. {Change approved 8/21/20}
- f. Fill any vacancy in the membership of the Board of Directors from among the members in accordance with Article I, Section 4. {Change approved 8/18/13}

- g. Assess annual memberships per tract or lot, in accordance with Article V, which dues together with other funds of the Association, may be disbursed in such manner as the Board deems proper and in accordance with these *Bylaws*.
- h. Ensure that all mandatory local, state and federal documents are filed, including, but not limited to, taxes, and other such requirements related to the legal status of the Association. {Annual Meeting 8/18/13}
- i. Ensure that the liabilities and assets of the Association are properly protected with appropriate insurance policies; and that the Association maintains appropriate directors' and officers' liability insurance coverage. {Annual Meeting 8/18/13; 8/21/20}
- j. Association Records. {Change approved 8/21/20}
  - i. Review, approve, and publish the minutes of the annual and special meetings on the Association website in a timely manner. {Annual Meeting 8/30/15}
  - ii. Ensure both the openness of Association records and privacy of membership records as required by Colorado law.
  - iii. Any membership may inspect public records of the Association upon specific written request. The Secretary shall make such specified records available within seven (7) days of receiving the request.

*Section 2. Depository.* The Board shall designate the bank or banks in which funds of the Association shall be deposited and determine the manner in which checks, drafts, and other instruments for the payment of funds of the Association shall be executed.

*Section 3. Annual Audit.* The Board shall cause the books of the Association to be audited annually by a committee selected by the directors. The fiscal year for the Buckskin Heights Road Association (BHRA) shall be January 1 – December 31. {Change approved 8/18/02}

*Section 4. Meetings.*

- a. The Board of Directors shall meet at least quarterly, and may meet at other such times and intervals as it may deem necessary.
- b. The directors may take any time-sensitive action in the absence of a meeting, which they could take at a meeting, by obtaining the approval of a majority of the directors. Any such action or

approval shall have the same effect as though taken at a meeting of the directors; and shall be ratified and recorded in the minutes of the next board meeting. {Annual Meeting 8/21/20}

*Section 5. Quorum.* A majority of the Board shall constitute a quorum.

*Section 6. Expenditure of Funds.*

- a. The Board of Directors shall have authority to commit the Association to contracts only to the extent of resources in, or reasonably expected to be in, the treasury by the next annual meeting. Additional expenses will require the approval of a majority of the memberships. {Change approved 8/12/78}
- b. Special Assessments. Capital expenditure authorization (other than normal maintenance and operating expenses) shall require a mail ballot sent to all property owners in accordance with these *Bylaws*, preceded by at least one meeting, in-person or electronically, to debate the proposal. The expenditure shall be approved if two thirds (2/3) of those responding vote for approval. {Change approved 11/17/96; 8/21/20}
- c. Expenditure of emergency funds shall be made, as deemed necessary, at the discretion of the Board. {Change approved 8/17/03}
- d. Work on Association roads must be specifically authorized in advance by the Board of Directors. If the Board authorizes use of equipment, the Board pays for operating expenses but no maintenance of equipment. {Change approved 8/8/87}
- e. Invoices for road materials, grading, ditch and other work on the road shall be approved in writing by the Vice President before payment by the Treasurer. Such written approval in conjunction with the original invoice shall together provide complete information on who did the work; the date and specific location of the work; a description of the work completed, including equipment, time spent and cost breakdown of the work and materials; and (if applicable) the kind, amount and specific location(s) of road materials applied. The written approval from the Vice President shall be attached to the original invoice by the Treasurer and be included in the annual audit. {Change approved 8/23/19}

**Section 7. Indemnification of Directors and Officers.**

Each person who acts as a director or officer of the Association, or any agent of the Association given such privileges by the Board of Directors, shall be indemnified by the association against expenses actually and necessarily incurred by her/him in the connection with the defense of any action, suit or proceedings in which he/she is made a party by reason of her/his being or having been a director or officer of the Association, except in relation to matters as to which he/she shall be adjudged in such action, suit or proceeding to be liable for gross negligence or willful misconduct, and except any sum paid for the Association in settlement of an action, suit or proceeding based upon the gross negligence or willful misconduct in the performance of her/his duties. The right of indemnification provided herein shall insure to each director and officer, whether or not he/she is such director or officer at the time such cost or expenses are imposed or incurred, and in the event of her/his death shall extend to her/his legal representatives. {Annual Meeting 8/21/20}

**Article III. Officers**

**Section 1. Officers.** The officers of the Association shall be President, Vice President, Secretary, and Treasurer. The officers shall be elected annually by the Board of Directors by a majority vote from among its members; and shall hold office until the end of the first meeting of the Board following the annual meeting. An officer may be removed from office by a two-thirds (2/3) vote of the Board of Directors. {Change approved 8/18/13}

**Section 2. Duties of the President.** The President shall preside at the meetings of the Association and of the Board. He/she shall be the administrative officer of the Association. He/she shall assume the functions of the Vice President in the absence or disability of the Vice President. {Change approved 8/21/20}

**Section 3. Duties of the Vice President.** The Vice President shall monitor the condition of the roads, ditches, culverts, gates, etc. of the Association; arrange for equipment and/or operators and work parties, if needed, to perform maintenance and/or improvements for the facilities of the Association; and keep written records of the specific work done during her/his tenure of office. He/she is not responsible for snow removal, private driveways or properties. Before contracting for equipment and/or operators and/or work parties, he/she shall assure funds are adequate by conferring with the President or Treasurer or both. The Vice President, in the absence of or disability of the President, shall act in her/his stead. {Change approved 8/23/19}

**Section 4. Duties of the Secretary.** The Secretary shall send out the notices of the meetings of the Association and of the Board; keep the minutes, maintain the corporate records and attend to the correspondence pertaining to the office as may be required by the Board. In the absence or disability of both the President and Vice-President, the Secretary shall perform the minimal necessary functions of those offices for the continuing operation of the Association.

**Section 5. Duties of the Treasurer.** The Treasurer shall by January 31st of each year issue notices of dues and be responsible for the collection thereof; maintain the books of account of the Association; deposit funds of the Association received by her/him in the name of the Association and disburse said funds at the direction of the Board of Directors; and shall report on the financial condition of the Association at the regular meeting of the Board of Directors and at the annual meeting and special meetings of the Association; and shall perform other duties as may be requested by the Board of Directors.

**Section 6. Duties of the Directors at Large.** The directors at large support Board functions as assigned.

## Article IV. Membership

### Section 1. Membership Defined.

- a. Membership shall be defined as the owners of lots as described below:
  - i. All lots of the Buckskin Heights first sub-division as detailed on the approved plat and accepted by the Larimer County Planning Commission on October 14, 1970.
  - ii. All lots of the Buckskin Heights second sub-division as detailed on the approved plat and accepted by the Larimer County Planning Commission on February 10, 1971.
  - iii. All tracts adjacent to the access road to the Buckskin Heights first sub-division. Description of access road is recorded in Book 1444 at page 325 of the Larimer County Clerk and Recorders Office.
- b. In the event that a lot shall be owned by more than one person, as undivided owners, said undivided group shall be considered to be one (1) membership. Each membership shall be considered to be a single entity, entitled to a single vote and obligated to a single fee, assessment or obligation. Subsequent division of recorded lots will constitute an additional membership. In all cases, a single lot will constitute one membership.

*Section 2. Requirements of Membership.* In order to become and maintain a membership in good standing of the Association, a member representing said membership shall own land or interest in land as above described; and shall pay all annual dues and assessments.

### Section 3. Use of the Facilities of the Association.

- a. All memberships in good standing of the Association shall be accorded equal use of the roads and facilities of the Association.
- b. The gates on the access road to Buckskin Heights, established by the *Grant of Easement* indenture between Arnold E. and Joyce A. Friend and John O. Anderson, dated April 17, 1969, shall be closed and locked each time passed through.

- c. Association property, including gates, are to be used at the property owner's complete responsibility and liability for damage caused by themselves and others coming to or from the property owner's lot. Property owners are responsible for family members, guests, visitors, contractors, workmen, delivery persons, renters, or others passing through the gate for their benefit. Access to the sub-division is by invitation only. {Change approved 8/26/00}

## Article V. Dues

### Section 1. Dues.

- a. Annual dues are payable by April 1<sup>st</sup> of each year. {Change approved 8/11/79}
- b. When a simple majority of the memberships in good standing present at an annual meeting, or special meeting called to consider a change in dues, discusses and recommends a vote to change the annual dues, the Board shall: {Change approved 4/30/18 & 9/10/23}
  - i. Conduct a mail vote in accordance with these *Bylaws* within thirty (30) days.
  - ii. If a simple majority (more than half) of all the valid mail ballots received by the deadline are cast in the affirmative, the change in dues shall be approved.

*Section 2. Delinquencies.* Annual dues become delinquent May 1<sup>st</sup> of the year which due. Special assessments become delinquent ninety (90) days after notification unless granted otherwise by the Board.

- a. In the event that members become delinquent in the payment of annual dues or assessments, the Board may:
  - i. Sue for said delinquencies in a court of competent jurisdiction and/or impose a lien upon the member's property.

- ii. Suspend all privileges of membership, including road use privilege, by sending a registered letter to the last known mailing address of the member. The road use suspension letter shall state that the order will be automatically enacted within 15 business days of the date of the letter unless the property owner requests a hearing in writing within that time frame. Violation of a Board-authorized suspension of road usage may result in civil or criminal action. {Change approved 8/18/13}
- iii. Turn delinquent accounts over one year to a collection agency. {Annual Meeting 8/18/13}
- b. Penalties for Delinquent Dues {Change approved 8/18/13}
  - i. Delinquent dues for a given year shall be subject to a late penalty of \$15/month plus \$5/month interest on the unpaid principle, to be assessed on May 1 through December 1 for each month or partial month that dues are delinquent during the first calendar year of unpaid dues.
  - ii. In subsequent years of unpaid dues, delinquent dues for a given year shall be subject to \$5/month interest on the unpaid principle, to be assessed on January 1 through December 1 for each month or partial month that dues are delinquent.
  - iii. Past late penalties on unpaid dues or assessments owed by property owner(s) from May 1, 2001 to date, if any, shall be retroactively re-calculated to comply with this policy.
- c. Collection action for delinquent dues shall commence not later than 45 days after such dues or assessments become delinquent. Collection of delinquent dues shall be substantially completed within 180 days of delinquent date unless circumstances exist beyond the control of the Board of Directors. The responsibility to administer this action shall reside with the Treasurer or with a member of the Association appointed by the President. {Change approved 8/29/04}

## Article VI. Meetings

### Section 1. Annual Meetings.

- a. The annual meeting of the Association shall be held between June 1<sup>st</sup> and August 31<sup>st</sup> of each year at such time and place as the Board of Directors may determine. A minimum notice of 30 days will be required.
- b. The annual meeting shall be for the purpose of electing directors, presenting committee reports and for the transaction of such other business as may be indicated in the notice or which may be properly brought before it.

### Section 2. Special Meetings.

- a. Special meetings of the Association to deal with important issues that require action before the next annual meeting may be called by the Board of Directors, or upon written petition, signed by fifteen percent (15%) of the memberships stating the purpose thereof, given to the Secretary.
- b. At least thirty (30) days written notice shall be given to the memberships.
- c. The Board shall determine the time and place of special meetings, with a preference for in-person meetings within the platted subdivision, to maximize attendance.

*Section 3. Electronic Meetings.* All meetings of the Association – annual, special, board and committee – may be held electronically. {Annual Meeting 8/21/20}

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- a. Whenever notice to the membership shall be required by the *Bylaws*, the Article of Incorporation or otherwise, said notice shall be determined properly given and adequate when it is either (1) addressed to the memberships at such address as shall appear in the records of the Association, and is deposited in the USPS mail, postage prepaid; or (2) addressed to the memberships at such USPS or email address as specified by the membership and contained in the records of the Association, and is either deposited with the USPS mail, postage prepaid, or electronically transmitted.

- b. Notice to any member of a membership shall constitute notice to the entire membership.
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*Section 5. Voting at Meetings or by Mail.*

- a. Each membership in good standing shall be entitled to one (1) vote. A membership in good standing is defined as one where no annual dues or assessments are delinquent.
- b. At annual and special meetings of the Association, a membership entitled to vote may vote in person, electronically or by proxy. {Change approved 8/28/20 & 9/10/23}
- c. Voting at meetings may be by voice, but five (5) memberships shall have the right to demand a roll call vote.
- d. Proxy voting. {Annual Meeting 8/28/20}
  - i. The proxy must be executed in writing and include:
    - The date of the meeting;
    - The name and address of the person designated to execute the proxy;
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- e. Mail Votes: Mail votes not specifically authorized in these Bylaws should generally be reserved for important issues that require action before the next annual meeting. All mail votes shall be preceded by at least one meeting, in-person or electronically, to discuss the proposal before conducting the mail vote as follows: {Change approved 9/18/20 & 9/10/23}
  - i. Send to each membership in good standing, either by USPS alone, or by USPS or email as specified by each membership in accordance with these *Bylaws*, at least thirty (30) days before the published return deadline: (1) an exact description of the proposal; (2) a brief summary of reasons for and against the proposal; and (3) either a self-addressed, postage-paid, postmarked signature-ready paper ballot or a secure electronic ballot.
  - ii. Each membership in good standing choosing to vote shall return on or before the published deadline either (1) a signed paper ballot to the Association's USPS mailing address or (2) a secure electronic ballot to the Association's email address from the membership's email address contained in the records of the Association.
  - iii. The Secretary shall keep paper ballots and paper copies of electronic ballots on file in the records of the Association.

*Section 6. Quorum.* Twenty percent (20%) of the entire membership, present in person or electronically, shall constitute a quorum at all Association membership meetings. {Change approved 8/28/20 & 8/27/23}

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- a. The Board shall hold its first meeting following the annual meeting of the members each year within thirty (30) days after the annual meeting.
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- b. As a practical matter, the width of the road shall be determined by terrain, drainage, and community safety considerations. {Annual Meeting 8/18/13}
- c. No encroachment into the defined roadway that poses a safety hazard, or impedes emergency access or road maintenance, shall be permitted. Existing structures as of August 21, 2020 shall be exempt from this provision. Larimer County ordinances shall be followed. {Annual Meeting 9/18/20}

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- a. The Association website shall be known as [www.buckskinheights.org](http://www.buckskinheights.org). It shall be maintained by a webmaster appointed by the Board of Directors. The content of the website shall be determined by the Board of Directors. The content of the website shall promote the health, civic and general welfare of the members of the Association; and shall not include personal opinion, political or religious information, or commercial advertisement.
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*Section 5. Rules of the Road.* {Annual Meeting 8/18/13; change approved 8/21/20}

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  - i. Vehicles ascending grades of six percent or more shall have the right-of-way.
  - ii. The speed limit on all roads is 20 MPH. The speed limit shall apply to all motorized vehicles, including ATVs, motorcycles, and snowmobiles.
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The name of the corporation shall be the BUCKSKIN HEIGHTS ROAD ASSOCIATION, INC.

## ARTICLE II Objects

The purpose for which the non-profit Association is formed is to promote the health, civic and general welfare of its members and in pursuance thereto to construct and operate roads, and such objects as are appropriate in the conduct of its activities, in the County of Larimer and State of Colorado, for the use of its members, their families and others as are approved by the Board.

## ARTICLE III Validation and amendments

*Section 1. Validation.* This Constitution shall become effective upon ratification of a two-thirds (2/3) majority vote of the total membership in good standing.

*Section 2. Amendments.* Amendments to the Constitution will require ratification by two-thirds (2/3) majority vote of the total membership in good standing.



# BYLAWS OF THE BUCKSKIN HEIGHTS ROAD ASSOCIATION

## Article. I Government

*Section 1. Management.* The Association shall be managed by a Board of six (6) directors. The Board shall consist of a President, Vice President, Secretary, Treasurer, and two directors at large. {Change approved 8/10/97}

### *Section 2. Terms of Directors.*

- a. The members shall elect from themselves for a term of two (2) years, the directors whose terms of office have expired. Said directors shall hold office until their successors are elected and qualified.
- b. Directors may not be elected to more than two (2) consecutive terms, not to exceed four (4) years. Directors may be reelected after one (1) year absence from the Board. {Annual Meeting 8/18/13}

*Section 3. Election of Directors.* When there are more nominations for director than board positions open, directors shall be elected by successive ballot votes of members until (a) all open positions are filled; and (b) each elected director has received a majority of the votes cast. {Annual Meeting 8/18/13}

### *Section 4. Removal or Resignation of Directors.*

- a. Any member of the Board of Directors may be removed from the Board by a three-fourths (3/4) majority vote of the memberships in good standing voting at an annual meeting or a special meeting called in accordance with these *Bylaws*. {Change approved 9/10/23 & 8/25/24}
- b. In the event that any member of the Board of Directors shall cease to have a possessory interest in the lands of Buckskin Heights, or resign, said director shall be automatically removed from the Board.

- c. The Board of Directors may also accept any director's resignation and appoint a member of the Association eligible under Article I, Section 2 in her/his place, to serve until the next regular meeting or special meeting of the membership, at which time a director shall be elected to serve for the balance of the resigning members term. {Change approved 8/18/13}

## Article II. Board of Directors

*Section 1. Duties.* Consistent with these *Bylaws*, the Board of Directors shall:

- a. Transact all Association business and make and amend rules for the regulation of the use of Association property. It may appoint and remove such non-elected officers, clerks, agents, servants or employees as it may deem necessary, and fix their duties and compensations.
- b. Fix, impose and collect penalties for violation of these *Bylaws* and rules of the Association.
- c. Elect from the Board of Directors, which Board in turn will elect a President, Vice President, Secretary, and Treasurer. The remaining two board members will be considered directors at large.
- d. If necessary, create additional offices deemed necessary, and appoint one or more persons, who need not be members of the Association, to such offices.
- e. Constitute and appoint committees and define the powers and duties of the same, and appoint the membership and leadership of the same. At least one board member shall be designated by the Board as an *ex officio* member of each committee formed, who shall serve as liaison to the Board. {Change approved 8/21/20}
- f. Fill any vacancy in the membership of the Board of Directors from among the members in accordance with Article I, Section 4. {Change approved 8/18/13}

- g. Assess annual memberships per tract or lot, in accordance with Article V, which dues together with other funds of the Association, may be disbursed in such manner as the Board deems proper and in accordance with these *Bylaws*.
- h. Ensure that all mandatory local, state and federal documents are filed, including, but not limited to, taxes, and other such requirements related to the legal status of the Association. {Annual Meeting 8/18/13}
- i. Ensure that the liabilities and assets of the Association are properly protected with appropriate insurance policies; and that the Association maintains appropriate directors' and officers' liability insurance coverage. {Annual Meeting 8/18/13; 8/21/20}
- j. Association Records. {Change approved 8/21/20}
  - i. Review, approve, and publish the minutes of the annual and special meetings on the Association website in a timely manner. {Annual Meeting 8/30/15}
  - ii. Ensure both the openness of Association records and privacy of membership records as required by Colorado law.
  - iii. Any membership may inspect public records of the Association upon specific written request. The Secretary shall make such specified records available within seven (7) days of receiving the request.

*Section 2. Depository.* The Board shall designate the bank or banks in which funds of the Association shall be deposited and determine the manner in which checks, drafts, and other instruments for the payment of funds of the Association shall be executed.

*Section 3. Annual Audit.* The Board shall cause the books of the Association to be audited annually by a committee selected by the directors. The fiscal year for the Buckskin Heights Road Association (BHRA) shall be January 1 – December 31. {Change approved 8/18/02}

*Section 4. Meetings.*

- a. The Board of Directors shall meet at least quarterly, and may meet at other such times and intervals as it may deem necessary.
- b. The directors may take any time-sensitive action in the absence of a meeting, which they could take at a meeting, by obtaining the approval of a majority of the directors. Any such action or

approval shall have the same effect as though taken at a meeting of the directors; and shall be ratified and recorded in the minutes of the next board meeting. {Annual Meeting 8/21/20}

*Section 5. Quorum.* A majority of the Board shall constitute a quorum.

*Section 6. Expenditure of Funds.*

- a. The Board of Directors shall have authority to commit the Association to contracts only to the extent of resources in, or reasonably expected to be in, the treasury by the next annual meeting. Additional expenses will require the approval of a majority of the memberships. {Change approved 8/12/78}
- b. Special Assessments. Capital expenditure authorization (other than normal maintenance and operating expenses) shall require a mail ballot sent to all property owners in accordance with these *Bylaws*, preceded by at least one meeting, in-person or electronically, to debate the proposal. The expenditure shall be approved if two thirds (2/3) of those responding vote for approval. {Change approved 11/17/96; 8/21/20}
- c. Expenditure of emergency funds shall be made, as deemed necessary, at the discretion of the Board. {Change approved 8/17/03}
- d. Work on Association roads must be specifically authorized in advance by the Board of Directors. If the Board authorizes use of equipment, the Board pays for operating expenses but no maintenance of equipment. {Change approved 8/8/87}
- e. Invoices for road materials, grading, ditch and other work on the road shall be approved in writing by the Vice President before payment by the Treasurer. Such written approval in conjunction with the original invoice shall together provide complete information on who did the work; the date and specific location of the work; a description of the work completed, including equipment, time spent and cost breakdown of the work and materials; and (if applicable) the kind, amount and specific location(s) of road materials applied. The written approval from the Vice President shall be attached to the original invoice by the Treasurer and be included in the annual audit. {Change approved 8/23/19}

*Section 7. Indemnification of Directors and Officers.*

Each person who acts as a director or officer of the Association, or any agent of the Association given such privileges by the Board of Directors, shall be indemnified by the association against expenses actually and necessarily incurred by her/him in the connection with the defense of any action, suit or proceedings in which he/she is made a party by reason of her/his being or having been a director or officer of the Association, except in relation to matters as to which he/she shall be adjudged in such action, suit or proceeding to be liable for gross negligence or willful misconduct, and except any sum paid for the Association in settlement of an action, suit or proceeding based upon the gross negligence or willful misconduct in the performance of her/his duties. The right of indemnification provided herein shall insure to each director and officer, whether or not he/she is such director or officer at the time such cost or expenses are imposed or incurred, and in the event of her/his death shall extend to her/his legal representatives. {Annual Meeting 8/21/20}

### **Article III. Officers**

*Section 1. Officers.* The officers of the Association shall be President, Vice President, Secretary, and Treasurer. The officers shall be elected annually by the Board of Directors by a majority vote from among its members; and shall hold office until the end of the first meeting of the Board following the annual meeting. An officer may be removed from office by a two-thirds (2/3) vote of the Board of Directors. {Change approved 8/18/13}

*Section 2. Duties of the President.* The President shall preside at the meetings of the Association and of the Board. He/she shall be the administrative officer of the Association. He/she shall assume the functions of the Vice President in the absence or disability of the Vice President. {Change approved 8/21/20}

*Section 3. Duties of the Vice President.* The Vice President shall monitor the condition of the roads, ditches, culverts, gates, etc. of the Association; arrange for equipment and/or operators and work parties, if needed, to perform maintenance and/or improvements for the facilities of the Association; and keep written records of the specific work done during her/his tenure of office. He/she is not responsible for snow removal, private driveways or properties. Before contracting for equipment and/or operators and/or work parties, he/she shall assure funds are adequate by conferring with the President or Treasurer or both. The Vice President, in the absence of or disability of the President, shall act in her/his stead. {Change approved 8/23/19}

*Section 4. Duties of the Secretary.* The Secretary shall send out the notices of the meetings of the Association and of the Board; keep the minutes, maintain the corporate records and attend to the correspondence pertaining to the office as may be required by the Board. In the absence or disability of both the President and Vice-President, the Secretary shall perform the minimal necessary functions of those offices for the continuing operation of the Association.

*Section 5. Duties of the Treasurer.* The Treasurer shall by January 31st of each year issue notices of dues and be responsible for the collection thereof; maintain the books of account of the Association; deposit funds of the Association received by her/him in the name of the Association and disburse said funds at the direction of the Board of Directors; and shall report on the financial condition of the Association at the regular meeting of the Board of Directors and at the annual meeting and special meetings of the Association; and shall perform other duties as may be requested by the Board of Directors.

*Section 6. Duties of the Directors at Large.* The directors at large support Board functions as assigned.

## Article IV. Membership

### Section 1. Membership Defined.

- a. Membership shall be defined as the owners of lots as described below:
  - i. All lots of the Buckskin Heights first sub-division as detailed on the approved plat and accepted by the Larimer County Planning Commission on October 14, 1970.
  - ii. All lots of the Buckskin Heights second sub-division as detailed on the approved plat and accepted by the Larimer County Planning Commission on February 10, 1971.
  - iii. All tracts adjacent to the access road to the Buckskin Heights first sub-division. Description of access road is recorded in Book 1444 at page 325 of the Larimer County Clerk and Recorders Office.
- b. In the event that a lot shall be owned by more than one person, as undivided owners, said undivided group shall be considered to be one (1) membership. Each membership shall be considered to be a single entity, entitled to a single vote and obligated to a single fee, assessment or obligation. Subsequent division of recorded lots will constitute an additional membership. In all cases, a single lot will constitute one membership.

*Section 2. Requirements of Membership.* In order to become and maintain a membership in good standing of the Association, a member representing said membership shall own land or interest in land as above described; and shall pay all annual dues and assessments.

### Section 3. Use of the Facilities of the Association.

- a. All memberships in good standing of the Association shall be accorded equal use of the roads and facilities of the Association.
- b. The gates on the access road to Buckskin Heights, established by the *Grant of Easement* indenture between Arnold E. and Joyce A. Friend and John O. Anderson, dated April 17, 1969, shall be closed and locked each time passed through.

- c. Association property, including gates, are to be used at the property owner's complete responsibility and liability for damage caused by themselves and others coming to or from the property owner's lot. Property owners are responsible for family members, guests, visitors, contractors, workmen, delivery persons, renters, or others passing through the gate for their benefit. Access to the sub-division is by invitation only. {Change approved 8/26/00}

## Article V. Dues

### Section 1. Dues.

- a. Annual dues are payable by April 1<sup>st</sup> of each year. {Change approved 8/11/79}
- b. When a simple majority of the memberships in good standing at an annual meeting, or special meeting called to consider a change in dues, discusses and recommends a vote to change the annual dues, the Board shall: {Change approved 4/30/18, 9/10/23 & 8/25/24}
  - i. Conduct a mail vote in accordance with these *Bylaws* within thirty (30) days.
  - ii. If a simple majority (more than half) of all the valid mail ballots received by the deadline are cast in the affirmative, the change in dues shall be approved.

*Section 2. Delinquencies.* Annual dues become delinquent May 1<sup>st</sup> of the year which due. Special assessments become delinquent ninety (90) days after notification unless granted otherwise by the Board.

- a. In the event that members become delinquent in the payment of annual dues or assessments, the Board may:
  - i. Sue for said delinquencies in a court of competent jurisdiction and/or impose a lien upon the member's property.

- ii. Suspend all privileges of membership, including road use privilege, by sending a registered letter to the last known mailing address of the member. The road use suspension letter shall state that the order will be automatically enacted within 15 business days of the date of the letter unless the property owner requests a hearing in writing within that time frame. Violation of a Board-authorized suspension of road usage may result in civil or criminal action. {Change approved 8/18/13}
- iii. Turn delinquent accounts over one year to a collection agency. {Annual Meeting 8/18/13}
- b. Penalties for Delinquent Dues {Change approved 8/18/13}
  - i. Delinquent dues for a given year shall be subject to a late penalty of \$15/month plus \$5/month interest on the unpaid principle, to be assessed on May 1 through December 1 for each month or partial month that dues are delinquent during the first calendar year of unpaid dues.
  - ii. In subsequent years of unpaid dues, delinquent dues for a given year shall be subject to \$5/month interest on the unpaid principle, to be assessed on January 1 through December 1 for each month or partial month that dues are delinquent.
  - iii. Past late penalties on unpaid dues or assessments owed by property owner(s) from May 1, 2001 to date, if any, shall be retroactively re-calculated to comply with this policy.
- c. Collection action for delinquent dues shall commence not later than 45 days after such dues or assessments become delinquent. Collection of delinquent dues shall be substantially completed within 180 days of delinquent date unless circumstances exist beyond the control of the Board of Directors. The responsibility to administer this action shall reside with the Treasurer or with a member of the Association appointed by the President. {Change approved 8/29/04}

## Article VI. Meetings

### Section 1. Annual Meetings.

- a. The annual meeting of the Association shall be held between June 1<sup>st</sup> and August 31<sup>st</sup> of each year at such time and place as the Board of Directors may determine. A minimum notice of 30 days will be required.
- b. The annual meeting shall be for the purpose of electing directors, presenting committee reports and for the transaction of such other business as may be indicated in the notice or which may be properly brought before it.

### Section 2. Special Meetings.

- a. Special meetings of the Association to deal with important issues that require action before the next annual meeting may be called by the Board of Directors, or upon written petition, signed by fifteen percent (15%) of the memberships stating the purpose thereof, given to the Secretary.
- b. At least thirty (30) days written notice shall be given to the memberships.
- c. The Board shall determine the time and place of special meetings, with a preference for in-person meetings within the platted subdivision, to maximize attendance.

*Section 3. Electronic Meetings.* All meetings of the Association – annual, special, board and committee – may be held electronically. {Annual Meeting 8/21/20}

### Section 4. Notice.

- a. Whenever notice to the membership shall be required by the *Bylaws*, the Article of Incorporation or otherwise, said notice shall be determined properly given and adequate when it is either (1) addressed to the memberships at such address as shall appear in the records of the Association, and is deposited in the USPS mail, postage prepaid; or (2) addressed to the memberships at such USPS or email address as specified by the membership and contained in the records of the Association, and is either deposited with the USPS mail, postage prepaid, or electronically transmitted.

- b. Notice to any member of a membership shall constitute notice to the entire membership.
- c. Each membership shall be responsible to provide the Association with its correct address and any change of address.

*Section 5. Voting at Meetings or by Mail.*

- a. Each membership in good standing shall be entitled to one (1) vote. A membership in good standing is defined as one where no annual dues or assessments are delinquent.
- b. At annual and special meetings of the Association, a membership entitled to vote may vote in person, electronically or by proxy. {Change approved 8/28/20 & 9/10/23}
- c. Voting at meetings may be by voice, but five (5) memberships shall have the right to demand a roll call vote.
- d. Proxy voting. {Annual Meeting 8/28/20}
  - i. The proxy must be executed in writing and include:
    - The date of the meeting;
    - The name and address of the person designated to execute the proxy;
    - The specific or general scope of the proxy; and
    - The name, BHRA property address and dated signature of the member granting the proxy.
  - ii. An email containing all the bulleted information above from the member granting the proxy, sent from an email address on file with the Association, is acceptable.
  - iii. All proxies must be presented to the Secretary of the Association before the meeting is called to order. It is the sole responsibility of the member granting the proxy to ensure that her/his proxy is received in a timely manner.
  - iv. The Secretary shall determine the validity of all proxies.
  - v. No membership may vote more than two (2) proxies at any meeting.

- e. Mail Votes: Mail votes not specifically authorized in these Bylaws should generally be reserved for important issues that require action before the next annual meeting. All mail votes shall be preceded by at least one meeting, in-person or electronically, to discuss the proposal before conducting the mail vote as follows: {Change approved 9/18/20 & 9/10/23}
  - i. Send to each membership in good standing, either by USPS alone, or by USPS or email as specified by each membership in accordance with these *Bylaws*, at least thirty (30) days before the published return deadline: (1) an exact description of the proposal; (2) a brief summary of reasons for and against the proposal; and (3) either a self-addressed, postage-paid, postmarked signature-ready paper ballot or a secure electronic ballot.
  - ii. Each membership in good standing choosing to vote shall return on or before the published deadline either (1) a signed paper ballot to the Association's USPS mailing address or (2) a secure electronic ballot to the Association's email address from the membership's email address contained in the records of the Association.
  - iii. The Secretary shall keep paper ballots and paper copies of electronic ballots on file in the records of the Association.

*Section 6. Quorum.* Twenty percent (20%) of the entire membership, present in person or electronically, shall constitute a quorum at all Association membership meetings. {Change approved 8/28/20 & 8/27/23}

*Section 7. Board Meetings.*

- a. The Board shall hold its first meeting following the annual meeting of the members each year within thirty (30) days after the annual meeting.
- b. The Board may, by resolution, establish from time to time a schedule of its meetings and rules for the conduct thereof.

*Section 8. Rules of Order.* All meetings will be conducted according to *Robert's Rules of Order Newly Revised*.

## Article VII. Changes to Bylaws

*Section 1. Changes and/or Amendments to the Bylaws* shall require a two-thirds (2/3) majority vote of the membership in good standing at an annual meeting or special meeting called in accordance with these *Bylaws*; or by mail ballot sent to all members by the President or Secretary, preceded by at least one meeting, in-person or electronically, to debate the changes and/or amendments. {Change approved 8/21/20}

## Article VIII. Miscellaneous

*Section 1. Culverts.* Culverts for driveways to private property shall be a minimum of fifteen (15) inches in diameter, conforming to Larimer County standards. {Annual Meeting 8/14/76}

*Section 2. Private Road Sign.* The road shall have a sign reading, "Private Road – No Trespassing." {Annual Meeting 8/11/79}

*Section 3. Road Definition.*

- a. The width of the defined roadway is legally described by the *Grant of Easement* (April 17, 1969) as "sixty (60) feet wide, extending thirty (30) feet from either side of the center line of said existing road," as defined by the *Dedication of Access Road* (October 13, 1970) and the *Plat Plan of the Buckskin Heights First and Second Filings* (October 21, 1970 and January 1, 1971).
- b. As a practical matter, the width of the road shall be determined by terrain, drainage, and community safety considerations. {Annual Meeting 8/18/13}
- c. No encroachment into the defined roadway that poses a safety hazard, or impedes emergency access or road maintenance, shall be permitted. Existing structures as of August 21, 2020 shall be exempt from this provision. Larimer County ordinances shall be followed. {Annual Meeting 9/18/20}

*Section 4. Internet Communications* {Annual Meeting 8/18/13; change approved 9/18/20}

- a. The Association website shall be known as [www.buckskinheights.org](http://www.buckskinheights.org). It shall be maintained by a webmaster appointed by the Board of Directors. The content of the website shall be determined by the Board of Directors. The content of the website shall promote the health, civic and general welfare of the members of the Association; and shall not include personal opinion, political or religious information, or commercial advertisement.
- b. The Association shall also maintain an internet communication system for both emergency and general interest use; it shall exclude religious, political and commercial content. The Board of Directors shall appoint two co-administrators to promote civility and fairness, and to provide technical support and continuity.

*Section 5. Rules of the Road.* {Annual Meeting 8/18/13; change approved 8/21/20}

- a. The rules of the road shall apply to all persons residing at, or visiting, a member's property:
  - i. Vehicles ascending grades of six percent or more shall have the right-of-way.
  - ii. The speed limit on all roads is 20 MPH. The speed limit shall apply to all motorized vehicles, including ATVs, motorcycles, and snowmobiles.
- b. Reckless or careless driving that endangers persons or property shall be reported to the Larimer County Sheriff's Office

*Section 6. Community Water Tank.* The Association shall be authorized to maintain a community water tank for fire suppression to promote the general welfare of the members of the Association. Funding for the maintenance of the water tank shall come entirely from private sources, not from Association funds. {Mail Vote 6/25/17; change approved 8/21/20}