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08/23/2012 9:44AM MEPMANOS MART  
Daphne Hawk  
Franklin County Recorder

## AFFIDAVIT

State of Ohio,  
County of Franklin, ss.:

David G. Parker, having been duly sworn, states and affirms as follows:

1. I am the president of Lakeside Forest Association (hereinafter referred to as the "Association") and as such have knowledge of the matters set forth herein.

2. The Association's address is 52 Westerville Square, P. O. Box 195, Westerville, Ohio 43081.

3. This Affidavit is filed and intended to comply with the filing requirement of Ohio Rev. Code § 5312.02.

4. The original Code of Regulations of the Association cannot be located.

5. A true and accurate copy of the Code of Regulations of Lakeside Forest Association is attached to this Affidavit as Exhibit A.

6. The easements, covenants, conditions, restrictions, reservations and agreements set forth in the Warranty Deed of record in Deed Book Volume 581, page A01, Recorder's Office, Franklin County, Ohio, and the Code of Regulations have been enacted pursuant to Ohio Rev. Code § 5312.02.

7. Affiant, as President of the Association, has authority to sign the Affidavit pursuant to the easements, covenants, conditions, restrictions, reservations and agreements for the Association.

Further Affiant sayeth naught.

Lakeside Forest Association

By

David G. Parker, President

### **NOTES REGARDING THIS DOCUMENT:**

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<https://countyfusion5.kofiletech.us/countyweb/main.jsp?countyname=Franklin>

Sworn to before me and subscribed in my presence this 20th day of August, 2012, by David G. Parker, President of Lakeside Forest Association.



Teresa J. Huffman  
Notary Public  
TERESA J. HUFFMAN  
NOTARY PUBLIC  
STATE OF OHIO  
Comm. Expires  
08-12-17

This instrument prepared by: Andrew P. Wecker, Esq., Manos, Martin & Pergram Co., LPA, 50 North Sandusky Street, Delaware, Ohio 43015-1926. (740) 363-1313

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CODE OF REGULATIONS  
OF  
LAKESIDE FOREST ASSOCIATION



ARTICLE I  
NAME AND PURPOSE

Section 1. The name of this association shall be Lakeside Forest Association (the "Association").

Section 2. The purposes for which the Association was formed are to own, administer and maintain the common property (including without limitation the platted private streets and driveways) of Lakeside Forest, a residential development situated on an 11.889 acre tract of land located northwest of the intersection of East Schrock Road and Woodview Road in the City of Westerville, Franklin County, Ohio, which tract is more particularly described on the plat of record in Plat Book 57, at pages 90, 91 and 92 in the Recorder's Office of Franklin County, Ohio, and to provide certain maintenance and other services to the owners and occupants of lots in said Lakeside Forest, all in accordance with and subject to (a) various easements, conditions, restrictions, reservations and liens for assessments affecting said development and the lots and common property therein (the "Restrictions"), as more particularly described in deeds, declarations, plats and other instruments heretofore or hereafter filed of record to describe and convey any such lots and/or to create, modify or rescind any such easements, conditions, restrictions, reservations and liens, (b) the Articles of Incorporation of the Association (the "Articles"), (c) this Code of Regulations (the "Code"), and (d) any administrative rules and regulations adopted pursuant to the foregoing, as any of the same may be lawfully amended from time to time; and to provide for the acquisition, construction, management, maintenance and care of "association property", as that term is defined in present Sec. 528 of the Internal Revenue Code of 1954 or may be hereafter defined in any amendment or replacement of said section. In carrying out the foregoing purposes, the Association may purchase, lease, exchange, acquire, own, hold, mortgage, pledge, hypothecate, borrow money upon, sell and otherwise deal in and with real and personal property of every kind, character and description whatsoever and all estates and interests therein, and otherwise may engage in any lawful act or activity for which corporations may be formed under Chapter 1702 of the Revised Code of Ohio. The foregoing purposes shall be accomplished on a non-profit basis, and no part of the net earnings of the Association shall enure to

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47 the benefit of any private person, firm, corporation, asso-  
48 ciation or organization.

49 ARTICLE II  
50 MEMBERS AND VOTING

51 Section 1. Each owner of an undivided fee simple  
52 interest in all or any portion of the 11.889 acre tract  
53 identified in Section 2 of Article I hereof, other than this  
54 Association, shall be a member of the Association (herein-  
55 after a "member"). The membership of each owner shall ter-  
56minate when he ceases to own his undivided fee simple  
57 interest[s], and upon the sale, transfer, or other dispo-  
58 sition of each undivided fee simple interest, the membership  
59 in the Association which is appurtenant to that interest  
60 shall automatically be transferred to the new owner[s] of  
61 the interest. No member may otherwise terminate his member-  
62 ship in the Association or sever that membership interest.

63 Section 2. On any question for which the vote of  
64 members is permitted or required, the owner of each lot in  
65 Lakeside Forest which is set aside and intended for use  
66 solely for residential purposes and purposes necessarily  
67 incidental thereto (hereinafter the "dwelling lots") shall  
68 be entitled to exercise one vote for each such lot that he  
69 owns. Until further subdivided, each platted and undivided  
70 reserve which constitutes part of the 11.889 acre tract  
71 identified in Section 2 of Article I hereof, as said reserves  
72 are shown on the plat of Lakeside Forest, shall, for purposes  
73 of allocating memberships and voting power in the Association,  
74 be deemed to be and consist of the following number of  
75 dwelling lots:

76	<u>Reserve</u>	<u>No. of Lots</u>
77	Reserve B	3
78	Reserve C	2
79	Reserve D	2
80	Reserve E	2
81	Reserve F	3
82	Reserve G	4
83	Reserve H	3
84	Reserve I	1
85	Reserve J	3
86	Reserve K	4
87	Reserve M	4
88	Reserve N	1
89	Reserve O	4
90	Reserve P	1
91	Reserve Q	4
92	Reserve R	2

93	Reserve s	1
94	Reserve T	4
95	Reserve U	2
96	Reserve V	4
97	Reserve W	4

98 If at the time of any vote of members a portion of any such  
99 reserve has been subdivided with the result that fewer than  
100 the potential number of dwelling lots specified above for  
101 that reserve have been created from land in the reserve, the  
102 owner of the remainder of the reserve shall be deemed to be  
103 the owner of said number of dwelling lots specified above  
104 less the number of lots previously created by subdivision of  
105 a portion of the reserve. With respect to Lots No. 31, 32  
106 and 33 which are delineated on the recorded plat of Lakeside  
107 Forest identified hereinabove, the owner of the residence  
108 occupying all or a substantial part of each of those lots  
109 shall be deemed to be the owner of one dwelling lot by  
110 virtue of that ownership, regardless of whether the resi-  
111 dence actually occupies more or less than the area of the  
112 lot as platted.

113 Section 3. Fiduciaries and minors who are owners  
114 of record of a dwelling lot or lots may vote their respec-  
115 tive interests as members. If two or more persons own  
116 undivided interests in a dwelling lot as fiduciaries, tenants  
117 in common or otherwise, each shall be entitled to exercise  
118 such proportion of the voting power attributable to the lot  
119 as is equivalent to his proportionate interest in the lot.

120 Section 4. A corporation which is a member of the  
121 Association may exercise its right to vote by its president,  
122 its secretary or its treasurer, and any such officer shall  
123 conclusively be deemed to have authority to vote and to  
124 execute any proxies and written waivers and consents rela-  
125 tive thereto, unless, before a vote is taken or a consent or  
126 waiver is acted upon, it shall be made to appear by a  
127 certified copy of the regulations or bylaws or of a resolu-  
128 tion adopted by the board of directors or board of trustees  
129 of said corporation that such authority does not exist or is  
130 vested in some other officer or person. A partnership which  
131 is a member of the Association may exercise its right to  
132 vote only by a partner or agent thereof specifically desig-  
133 nated in a written document executed by all partners of the  
134 partnership and delivered to the secretary of the Associa-  
135 tion before a vote is taken or a consent or waiver is acted  
136 upon.

137 Section 5. At meetings of the members or other-  
138 wise, any member entitled to vote or take action may be  
139 represented and may vote or take action by a proxy or  
140 proxies appointed by an instrument in writing. Each such  
141 instrument shall be filed with the secretary of the meeting  
142 before the person holding the proxy shall be allowed to vote

143 thereunder at the meeting or with the Secretary of the  
144 Association before the person holding the proxy may take  
145 action thereunder without a meeting. No proxy shall be  
146 valid after the expiration of six (6) months from its date  
147 of execution unless the member executing it shall have  
148 specified therein the length of time that it is to continue  
149 in effect.

150 ARTICLE III

151 MEETINGS OF MEMBERS

152 Section 1. An annual meeting of the members for  
153 the election of trustees, for the consideration of reports  
154 to be made at the meeting and for the transaction of such  
155 other business as may properly come before the meeting  
156 shall, beginning with the year 1982, be held on the last  
157 Monday in March of each year, or on such other date within  
158 one month thereafter as may be designated by the Board of  
159 Trustees of the Association (the "Board of Trustees" or the  
160 "Board") from time to time.

161 Section 2. Special meetings of the members may be  
162 called by the President, by a majority of the Board of  
163 Trustees acting with or without a meeting, or by members  
164 entitled to exercise not less than twenty-five percent (25%)  
165 of the total voting power of the members. Upon delivery of a  
166 request in writing to the President or Secretary of the  
167 Association by persons entitled to call such a meeting, it  
168 shall be the duty of the President or Secretary to give notice  
169 to the members in accordance with this Code, but if such a  
170 request is refused, then the persons making the request may  
171 call a meeting by giving the notice.

172 Section 3. All meetings of members shall be held  
173 in Franklin county, Ohio, at such places as may be specified  
174 by the Board of Trustees or the persons calling the meetings.

175  
176 Section 4. A written or printed notice of every  
177 meeting of members, whether annual or special, stating the  
178 time, place and purpose or purposes for which the meeting is  
179 called, shall be given by the President or Secretary of the  
180 Association by personal delivery or by mail not more than  
181 thirty (30) nor less than five (5) days before the meeting  
182 to each member entitled to notice thereof. If mailed, such  
183 notice shall be addressed to the member at his address as it  
184 appears on the records of the Association. If a meeting is  
185 adjourned to another time or place, no further notice of  
186 the adjourned meeting need be given if the time and place to  
187 which it is adjourned are fixed and announced at the meet-  
188 ing. In the event of a transfer of ownership of a dwelling

189 lot after notice has been given and prior to the holding of  
190 the meeting, it shall not be necessary to serve notice on  
191 the transferee. The Board of Trustees may set a record date  
192 for the determination of the members who are entitled to  
193 receive notice of or to vote at any meeting of members,  
194 which record date shall not be earlier than forty-five (45)  
195 days preceding the meeting. If no record date is fixed  
196 therefor, the record date for determining the members who  
197 are entitled to receive notice of or who are entitled to  
198 vote at a meeting of members shall be the date next pre-  
199 ceding the day on which notice is given or the meeting is  
200 held, as the case may be.

201           Section 5. Notice of the time, place and purpose  
202 or purposes of any meeting of members may be waived in  
203 writing either before or after the holding of the meeting by  
204 any member, which writing shall be filed with or entered  
205 upon the records of the meeting. The attendance of a member  
206 at any meeting in person or by proxy without protesting the  
207 lack of proper notice prior to or at the commencement of the  
208 meeting shall be deemed to be a waiver by that member of  
209 notice of the meeting.

210           Section 6. A quorum for any meeting of members  
211 shall be that number of members who are entitled to exercise  
212 not less than a majority of the voting power of all members  
213 and who are present in person or represented by proxy, but  
214 no action required by law, the Articles, this Code or other-  
215 wise to be authorized or taken by those members exercising  
216 not less than a designated percentage of the total voting  
217 power may be authorized or taken by a lesser percentage.  
218 Those members entitled to exercise not less than a majority  
219 of the voting power of the members present in person and  
220 represented by proxy at a meeting may adjourn the meeting  
221 from time to time, and at the adjourned meeting any business  
222 may be transacted as if the meeting had been held as origi-  
223 nally called.

225           Section 7. The order of business of any meeting  
226 of members shall be determined by the presiding officer,  
227 unless otherwise determined by a vote of those members  
228 entitled to exercise not less than a majority of the voting  
229 power of the members present in person and represented by  
230 proxy at the meeting.

231           Section 8. At all elections of members of the  
232 Board of Trustees the candidates receiving the greatest per-  
233 centage of the votes cast shall be elected. All other ques-  
234 tions shall be determined by the vote of those members  
235 entitled to exercise not less than a majority of the voting  
236 power of the members present in person and represented by  
237 proxy at a meeting, unless for any particular purpose the  
238 vote of a greater percentage of the voting power of all members  
239 is required by law, the Articles, this Code or otherwise.  
240

241           Section 9. Any action which may be authorized or  
242 taken at a meeting of members may be authorized or taken  
243 without a meeting in a writing or writings signed by members  
244 exercising a majority of the voting power of all members or  
245 such greater proportion thereof as the Articles, this Code,  
246 the Restrictions or any provision of law may otherwise  
247 require. Said writing or writings shall be filed with or  
248 entered upon the records of the Association. Any vote which  
249 may be taken at a meeting of members may also be conducted  
250 by mail. In that event ballots shall be mailed to all per-  
251 sons and entities who are members of the Association at the  
252 time of the mailing and approval shall be required from a  
253 majority of the voting power of all members or from such  
254 greater (or lesser, in the case of electing members of the  
255 Board of Trustees) proportion thereof as the Articles, this  
256 Code, the Restrictions or any provision of law may otherwise  
257 require. Adequate records of the manner and results of each  
258 vote conducted by mail shall also be filed with or entered  
259 upon the records of the Association.

260

#### ARTICLE IV

261

#### BOARD OF TRUSTEES

262           Section 1. Subject to such limitations as have  
263 been or may hereafter be imposed by the Restrictions, the  
264 Articles or this Code, as any of the same may be lawfully  
265 amended from time to time, all power and authority of the  
266 Association shall be vested in and exercised by a Board of  
267 Trustees consisting of six (6) persons. Said persons shall  
268 manage and conduct the business and affairs of the Associa-  
269 tion and exercise the powers and duties established by the  
270 Restrictions, the Articles and this Code until their suc-  
271 cessors are elected and qualified. Members of the Board of  
272 Trustees need not be members of the Association. The initial  
273 members of the Board (hereinafter the "first Board") shall  
274 be composed of the initial trustees named in the Articles.  
275 Thereafter Trustees shall be elected at the regular annual  
276 meeting of members of the Association or at special meetings  
277 called for that purpose, beginning with the annual meeting  
278 held in 1982. Two members of the first Board shall serve  
279 until their successors are elected at the annual meeting of  
280 members held in the year 1982, two other members of the  
281 first Board shall serve until their successors are elected  
282 at the annual meeting of members held in the year 1983, and  
283 the remaining two members of the first Board shall serve  
284 until their successors are elected at the annual meeting of  
285 members held in the year 1984. The Board of Trustees shall  
286 designate by a resolution enacted at its first meeting which  
287 members of the first Board shall serve the terms expiring at  
288 the annual meetings of members held in the years 1982, 1983



289 and 1984. Beginning with the annual meeting in 1982, each  
290 Trustee who is elected shall serve for a term of three (3)  
291 years and until his successor is elected and qualified. Any  
292 Trustee, except the members of the first Board, may be  
293 removed at a special meeting of the members of the Associa-  
294 tion called for that purpose by the affirmative vote of  
295 those members entitled to exercise not less than seventy-  
296 five percent (75%) of the voting power of all members. Any  
297 member of the first Board may be removed at a special meet-  
298 ing of members of the Association called for that purpose by  
299 the affirmative vote of all members.

300           Section 2. Candidates for election as Trustees  
301 shall be selected by a Nominating Committee formed in  
302 accordance with Section 5 of Article V hereof. Candidates  
303 may also be nominated from the floor of any meeting held  
304 for the purpose of electing a Trustee or Trustees. The  
305 Nominating Committee may nominate as many candidates as it  
306 wishes, provided that it shall nominate not less than the  
307 number of Trustees to be elected.

308           Section 3. If any member of the first Board vacates  
309 his membership on the Board as a result of death, resignation  
310 or any other act or reason, Northeast Company, an Ohio cor-  
311 poration and the developer of Lakeside Forest, shall appoint  
312 a new Trustee to fill that vacancy. In the case of any other  
313 vacancy in the Board of Trustees, the remaining members  
314 thereof may elect a new Trustee to fill the vacancy. If the  
315 remaining Trustees cannot agree upon a person to fill the  
316 vacancy within ten (10) days after it is created, said re-  
317 maining Trustees shall call a special meeting of members of  
318 the Association to fill the vacancy, such meeting to be held  
319 within thirty (30) days after the vacancy is created. Any  
320 Trustee appointed or elected to fill a vacancy shall hold  
321 office for the unexpired term of the Trustee he succeeds and  
322 until his successor is elected and qualified.

323           Section 4. The Board of Trustees shall hold such  
324 meetings from time to time as it deems necessary and such  
325 meetings as may be called by the President from time to  
326 time. However the Board shall meet not less than once in  
327 each calendar quarter. Meetings shall be held at such place  
328 in Franklin County, Ohio as the President or a majority of  
329 the Trustees may determine, or by a joint telephone connection  
330 if so requested by the President or a majority of the Trustees.

331           Section 5. The President or Secretary shall cause  
332 telegraphic or written notice of the time and place of all  
333 meetings of the Board of Trustees, regular and special, to  
334 be duly served upon or sent to each Trustee not less than  
335 three (3) nor more than twenty (20) days before the meeting,  
336 except that a regular meeting of the Board may be held  
337 without notice immediately after the annual meeting of the  
338 members of the Association at the same place as the annual

339 meeting was held for the purpose of electing or appointing  
340 officers for the ensuing year and for the transaction of  
341 such other business as may properly come before said meet-  
342 ing. No notice of adjourned meetings need be given. Notice  
343 of the time and place of any meeting of the Board may be  
344 waived by any Trustee in writing either before or after the  
345 holding of the meeting, which writing shall be filed with or  
346 entered upon the records of the meeting. The attendance of  
347 any Trustee at any Board meeting without protesting the lack  
348 of proper notice prior to or at the commencement of the meeting  
349 shall be deemed to be a waiver by him of notice of the meeting.

350           Section 6. At all meetings of the Board of Trustees  
351 a majority of the members thereof shall constitute a quorum,  
352 but less than a quorum may adjourn a meeting from time to  
353 time, and at adjourned meetings any business may be trans-  
354 acted as if the meeting had been held as originally called.  
355 The act of a majority of the Trustees present at any meeting  
356 at which there is a quorum shall be the act of the Board,  
357 except as otherwise required by law, the Restrictions, the  
358 Articles or this Code.

359           Section 7. Members of the Board of Trustees shall  
360 not receive any compensation for their services as such, but  
361 any Trustee may serve the Association in any other capacity  
362 and may receive compensation therefor, subject to the require-  
363 ments and limitations of Article Seventh of the Articles.

364           Section 8. Any action which may be authorized or  
365 taken at a meeting of the Board of Trustees may be authorized  
366 or taken without a meeting in a writing or writings signed  
367 by all of the Trustees, which writing or writings shall be  
368 filed with or entered upon the records of the Association.

369           Section 9. The Board of Trustees may employ or  
370 engage the services of a manager or managing agent and such  
371 other persons, firms or corporations as it deems necessary  
372 or advisable in order to perform the duties imposed upon it,  
373 and may pay such manager, managing agent, persons, firms or  
374 corporations such compensation as it determines. The Board  
375 may delegate to any such manager, managing agent, person,  
376 firm or corporation such administrative or ministerial duties  
377 as it determines. However, any agreement for the professional  
378 management of this Association and/or the common property of  
379 Lakeside Forest and any other agreement with Northeast Company  
380 or its successor shall not provide for a contract term in  
381 excess of three (3) years and shall be terminable at the dis-  
382 cretion of either party by the giving of not more than ninety  
383 (90) days' written notice, with or without cause and without  
384 the payment of a termination fee. Further, any such agreement  
385 shall be subject to termination pursuant to the vote of a  
386 majority of the total voting power of the members of the Asso-  
387 ciation at a meeting called for that purpose at any time.

## OFFICERS AND COMMITTEES

390           Section 1. The officers of the Association shall  
391 be a President, a Vice President, a Secretary, a Treasurer  
392 and such other officers as may be elected. All officers  
393 shall be elected by the Board of Trustees and the President  
394 must be a member of the Board. Officers need not be members  
395 of the Association and may be paid such compensation as the  
396 Board may determine. Officers shall hold office at the  
397 pleasure of the Board and any two or more offices may be  
398 held by the same person.

399           Section 2. It shall be the duty of the President  
400 to preside at all meetings of members of the Association and  
401 the Board of Trustees, to exercise general supervision over  
402 the affairs of the Association and in general to perform all  
403 duties incident to the office or which may be required by  
404 the members or the Board. It shall be the duty of the Vice  
405 President to perform the duties of the President in the  
406 event of his absence or disability and such other duties as  
407 may be assigned to him by the Board.

408           Section 3. It shall be the duty of the Secretary  
409 to keep or cause to be kept under his supervision an accurate  
410 record of the acts and proceedings of the members and the  
411 Board of Trustees, including records of the names and  
412 addresses of the members. The Secretary shall further  
413 perform all duties incident to the office and such other  
414 duties as may be required by the members or the Board. Upon  
415 the expiration or termination of his term of office, the  
416 Secretary shall deliver all books, records, documents and  
417 other property of the Association in his possession or  
418 control to his successor or to the President.

419           Section 4. The Treasurer shall receive and safely  
420 keep all money, securities and other intangible property  
421 belonging to the Association, or evidence thereof, and shall  
422 disburse the same under the direction of the Board of Trustees;  
423 shall keep or cause to be kept under his supervision correct  
424 and complete books and records of account specifying the  
425 receipts and expenditures of the Association, together with  
426 records showing the allocation, distribution and collection  
427 of the assessments, fees, revenues and expenses among and  
428 from the members, shall hold the same open for inspection  
429 and examination by the Board and the members, and shall  
430 present abstracts of the same at annual meetings of the  
431 members or at any other meeting when requested; shall give  
432 bond in such sum with such surety or sureties as the Board  
433 may require for the faithful performance of his duties;  
434 shall perform any other duties which may be required of him  
435 by the members or the Board; and, upon the expiration or



479 Such determination, if made, shall be made by the members of  
480 the Board of Trustees at a meeting at which a quorum con-  
481 sisting of all Trustees qualified to vote on the determina-  
482 tion is present. Any Trustee who is not a party to or  
483 threatened with the subject action, suit or proceeding shall  
484 be qualified to vote on the determination. If a quorum of  
485 Trustees qualified to vote on the determination cannot be  
486 obtained, the determination, if made, shall be made by a  
487 majority of three (3) Attorneys at Law who have not thereto-  
488 fore represented the Association in any manner and who shall  
489 be selected by a majority of the Trustees who are not parties  
490 to or threatened with the subject action, suit or proceeding.  
491 If there is no Trustee qualified to make that selection, the  
492 selection shall be made by the Presiding Judge of the Court  
493 of Common Pleas of Franklin County, Ohio. This indemnifica-  
494 tion shall not be deemed exclusive of any other right to  
495 which any person otherwise may be entitled.

496 Section 2. The Board of Trustees may secure and  
497 maintain any policy or policies of insurance that it may  
498 consider appropriate to insure any person who is serving or  
499 has served as a Trustee, officer, agent or employee of the  
500 Association against liability and expense arising out of any  
501 claim of breach of duty, error, misstatement, misleading  
502 statement, omission or other act done, made or attempted by  
503 him by reason of his being such a Trustee, officer, agent or  
504 employee. The cost of that insurance shall be a common  
505 expense of administration of the Association.

506

## ARTICLE VII

507

### ADMINISTRATIVE RULES AND REGULATIONS

508 Section 1. Subject to the provisions of the  
509 Restrictions, the Articles and this Code, as any of the same  
510 may be lawfully amended from time to time, the Board of  
511 Trustees may from time to time adopt, amend or repeal such  
512 administrative rules and regulations as it deems necessary  
513 or advisable governing the operation and use of the common  
514 property of Lakeside Forest or any part thereof and all  
515 other matters which the Restrictions, the Articles and this  
516 Code require or permit the Board to regulate. In addition  
517 to any remedies provided by law or the Restrictions, the  
518 Board has the right and authority to impose a reasonable  
519 fine upon any member and/or to suspend voting rights in the  
520 Association and/or to suspend use of all or part of the  
521 common property of Lakeside Forest by the owner and/or  
522 occupant of any dwelling lot as a penalty or sanction for  
523 the violation of any of said rules and regulations. A copy  
524 of each rule, regulation, fine and other sanction or written  
525 notification of its repeal, as the case may be, shall be

526 mailed or delivered to each member not less than three (3)  
527 days prior to the effective date of its adoption, amendment  
528 or repeal.

529           Section 2. The board shall not impose a fine or  
530 suspend voting rights or use of the common property for  
531 violations of its rules or regulations unless and until the  
532 following procedure is followed:

533           (a) Demand. Written demand to cease and  
534 desist from an alleged violation shall be served  
535 upon the alleged violator specifying the alleged  
536 violation, the action required to abate the vio-  
537 lation and a time period, not less than ten (10)  
538 days, during which the violation may be abated  
539 without further sanction, if the violation is a  
540 continuing one. If the violation is not a con-  
541 tinuing violation, the written demand shall instead  
542 state that any further violation of the same rule  
543 or regulation may result in the imposition of a  
544 fine or other sanction after notice and hearing.

545           (b) Notice. Within twelve (12) months after  
546 said demand, if the violation continues past the  
547 period allowed in the demand for abatement with-  
548 out penalty, or if the same rule or regulation  
549 is subsequently violated, the Board may, in its  
550 discretion, hold a hearing on the matter in closed  
551 session. The alleged violator shall be given  
552 written notice of the hearing which shall describe  
553 the nature of the alleged violation, the time and  
554 place of the hearing, which time shall be not less  
555 than ten (10) days after the giving of the notice,  
556 an invitation to attend the hearing and produce  
557 any statement, evidence and witnesses on his or  
558 her behalf, and a description of the fine or  
559 other sanction which may be imposed. A duplicate  
560 copy of said written notice shall also be mailed  
561 or delivered to the mortgagee holding a first  
562 mortgage lien on the dwelling lot owned and/or  
563 occupied by the alleged violator if the mort-  
564 gagee has requested that it be given such written  
565 notices by the Association.

566           (c) Hearing. At the hearing held by the  
567 Board in closed session pursuant to said notice,  
568 the alleged violator shall be afforded a reason-  
569 able opportunity to be heard. The rules of  
570 evidence shall not apply at the hearing. Proof  
571 of notice and the invitation to be heard shall  
572 be placed in the minutes of the meeting. Such  
573 proof shall be deemed adequate if a copy of the  
574 notice together with a statement of the date  
575 and manner of its delivery is entered by the

576 person who delivered the notice. The notice  
577 requirement shall also be deemed satisfied if  
578 the alleged violator appears at the meeting.  
579 The minutes of the meeting shall contain a  
580 written statement of the results of the hear-  
581 ing and the fine or other sanction, if any,  
582 which was imposed, or at the discretion of the  
583 Board the matter may be taken under advisement.  
584 In that event a decision shall be made and such  
585 a written statement shall be filed with or  
586 entered upon the records of the Association and  
587 also delivered to the alleged violator not later  
588 than fifteen (15) days after the date of the  
589 hearing.

590 ARTICLE VIII

591 NOTICES AND DEMANDS

592 Any notice or demand which is required to be given  
593 or delivered to or served upon a member of the Association  
594 shall be in writing and shall be deemed to have been given,  
595 delivered or served when delivered personally to him or  
596 mailed to him at his address as it appears on the records of  
597 the Association.

598 ARTICLE IX

599 AMENDMENTS

600 This Code of Regulations may be amended or a new  
601 Code may be adopted at a meeting of members held for that  
602 purpose or in a vote conducted by mail by the affirmative  
603 vote of those members entitled to exercise not less than  
604 seventy-five percent (75%) of the total voting power of the  
605 members.