

**BYLAWS**  
**OF**  
**THE BULL RUN UNIT I**  
**HOMEOWNERS ASSOCIATION, INC.**

**ARTICLE I – NAME, LOCATION, AND DIRECTORS**

Section 1. Name. The name of the corporation is THE BULL RUN UNIT I HOMEOWNERS ASSOCIATION, INC., hereinafter referred to as "the Association".

Section 2. Location. The principal office of this Association shall be located at 327 Office Plaza Drive Suite 211, Tallahassee, FL 32301, which may be changed from time to time by action of the Board of Directors.

Section 3. Directors. The current Directors and officers may be found at Sunbiz.org under the above mentioned association name.

**ARTICLE II - DEFINITIONS**

1. "Articles" shall mean the Articles of Incorporation of THE BULL RUN UNIT I HOMEOWNERS ASSOCIATION, INC., a Florida corporation not-for-profit.

2. "Association" shall mean and refer to THE BULL RUN UNIT I HOMEOWNERS ASSOCIATION, INC., a Florida not for profit corporation, its successors and assigns.

3. "Board" shall mean the Board of Directors of the Association.

4. "Bylaws" shall mean the Bylaws of the Association.

5. "Declarant" shall mean and refer to Bull Run Residential, LLC, a Florida limited liability company, its successors and assigns if such successors or assigns should acquire more than one undeveloped Lot from Declarant for the purpose of development, and provided such rights, in whole or in part, are assigned in writing to such successors and assigns.

6. "Declaration" shall mean and refer to the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BULL RUN, UNIT I, PHASES 2, 3 AND 4 recorded in the Public Records of Leon County, Florida, the terms of which are incorporated herein by reference.

7. "Lot" shall mean and refer to any plot of land shown upon any recorded subdivision plat of the Properties with the exception of the Common Area.

8. "Member" shall mean and refer to those persons entitled to membership in the Association provided in the Declaration.

9. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any Lot which is a part of the Properties, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

10. "Property" or "Properties" shall mean and refer to that certain real property described in the Declaration.

11. "Voting Member" shall mean the owner authorized to cast the vote for a Lot as set forth in the Declaration.

12. "Community Association Manager" or "CAM" shall mean a natural person licensed pursuant to Florida Statute 468, Part VIII to perform CAM services.

All other terms used herein and defined in the Declaration shall have the definition set forth in the Declaration.

### **ARTICLE III - MEETINGS OF MEMBERS**

Section 1. Annual Meetings. The Annual Meeting of the Members shall be held within the month of November on such day and at such time and at such location as may be directed by the Board from time to time.

Section 2. Special Meetings. Special meetings of the Members may be called at any time by the President, or by the Board, or upon written request of one-fourth (1/4) of the Voting Members.

Section 3. Notice of Meeting. Written notice of each meeting of the members shall be mailed, delivered or electronically transmitted to each Member no less than 14 days before such meeting to each Member entitled to vote thereat. Such notice shall specify the place, day and hour of the meeting, and, in the case of a special meeting, the purpose of the meeting.

Section 4. Quorum. The presence at the meeting of Members entitled to cast, or of proxies entitled to cast, 30% of the votes of membership shall constitute a quorum for any action except as otherwise provided in the Articles of Incorporation, the Declaration, or these Bylaws. If, however, such quorum shall not be present or represented at any meeting, the Members entitled to vote at such meeting shall have power to adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum as aforesaid shall be present or be represented by proxy.

Section 5. Proxies. At all meetings of Members, each Voting Member may vote in person or by proxy. All proxies shall be in writing and filed with either one of the Board or the CAM, if contracted, prior to a meeting. Every proxy shall be revocable and shall automatically cease as to any Lot upon conveyance by the Member owning such Lot.

Section 6. Place. All members Meetings shall be held within the State of Florida as may be directed by the Board.

Section 7. Action by the Board. Any action taken by the Board must be at a meeting of the Members unless covered by Attorney/Client privileges for any legal action against the association.

## **ARTICLE IV - BOARD OF DIRECTORS**

**Section 1. Number.** The affairs of this Association shall be managed by a Board, which shall consist of no less than three Directors but preferably 5, 7 or 9. Directors must be Members of the Association. The Members, by majority vote at which a quorum is present at an annual or special meeting, may increase the number of Directors to any odd number up to nine (9); however, there shall never be less than three (3) Directors.

**Section 2. Term of Office.** On April 1, 2016 (the Association Transition Date) when control of the Association was transferred to the Members, the initial three (3) Directors were serve until December 31, 2016. Subsequent directors shall volunteer, be elected, retained by a majority vote of the Board, or by acclamation of the Members present at the Annual Meeting (see Art. III, Sect. 1.) for a term of one (1) calendar year beginning January 1<sup>st</sup> of the year following.

A Director shall continue in office until their successor shall be elected and qualified, unless the Director sooner dies, resigns, is removed, or otherwise becomes disqualified to serve.

**Section 3. Removal/Replacement.** Any Director may be removed from the Board, with or without cause, by a majority vote of the membership. In the event of death, resignation or removal of a Director, a successor shall be selected by the remaining Members of the Board and shall serve for the unexpired term of their predecessor.

**Section 4. Compensation.** No Director shall receive compensation for any service they may render to the Association. However, any Director may be reimbursed for their actual expenses incurred in the performance of their duties.

**Section 5. Certification.** Each Director shall certify in writing as to have read the current:

- a) Articles of Incorporation for the Association
- b) Covenants, Conditions, and Restrictions for the Association
- c) Bylaws of the Association

Each Director shall certify that they will work to uphold such documents and policies to the best of their ability and that they will faithfully discharge their fiduciary responsibility to the association's members. It is also strongly recommended that each Director read the Florida Statute Chapter 720 (the HOA Act) as it delineates the legal obligations of HOA administration.

## **ARTICLE V - NOMINATION AND ELECTION OF DIRECTORS**

**Section 1. Nomination.** Nomination for election to the Board may be made by a Nominating Committee. Nominations may also be made from the floor at the Annual Meeting. The Nominating Committee shall consist of a Chairman, who shall be a Member of the Board, and two (2) or more Members of the Association. The Nominating Committee shall be appointed by the Board prior to each Annual Meeting of the Members, to serve from the close of such Annual Meeting and such appointment shall be announced at each Annual Meeting. The Nominating Committee shall make as many nominations for election to the Board as it shall in its discretion determine, but not less than the number of vacancies that are to be filled. Such nominations shall be made from among Members.

Section 2. Election. Election to the Board shall be by secret written ballot unless unanimously waived by the voting members present at the meeting. At such election the Members or their proxies may cast, in respect to each vacancy, as many votes as they are entitled to exercise under the provisions of the Declaration. The persons receiving the largest number of votes shall be elected. Cumulative voting is not permitted (only one vote per candidate).

## **ARTICLE VI - MEETINGS OF DIRECTORS**

Section 1. Regular Meetings. Regular meetings of the Board may be held as the Board may from time to time establish at such place and hour as may be fixed from time to time by resolution of the Board. Should said meeting fall upon a legal holiday, then that meeting shall be held at the same time on the next day which is not a legal holiday.

Section 2. Special Meeting. Special meetings of the Board shall be held when called by the President of the Association, or by any two (2) Directors, after not less than three (3) days notice to each Director.

Section 3. Quorum. A majority of the number of Directors shall constitute a quorum for the transaction of business. Every act or decision done or made by a majority of the Directors present at a duly held meeting at which a quorum is present shall be regarded as the act of the Board.

## **ARTICLE VII - POWERS AND DUTIES OF THE BOARD OF DIRECTORS**

Section 1. Powers. The Board shall have power to:

(a) declare the office of a member of the Board to be vacant in the event such Member shall be absent from three (3) consecutive regular meetings of the Board; and

(b) exercise for the Association all powers, duties and authority vested in or delegated to this Association and not reserved to the membership by other provisions of these Bylaws, the Articles of Incorporation, or the Declaration.

Section 2. Duties. It shall be the duty of the Board to:

(a) cause to be kept a complete record of all its acts and corporate affairs and to present a statement thereof to the Members at the Annual Meeting of the members, or at any special meeting when such statement is requested in writing by one-fourth (1/4) of the Members who are entitled to vote:

(b) supervise all officers, agents and employees of this Association, and to see that their duties are properly performed;

(c) as more fully provided in the Declaration, to:

(1) fix the amount of the annual assessment against each Lot at least thirty (30) days in advance of each annual assessment period.

(2) send written notice of each assessment to every owner subject thereto at least thirty (30) days in advance of each annual assessment period; and

(3) follow the late assessment payment process as described in Art. XI.

(d) issue, or cause an appropriate officer to issue, or cause the CAM to issue, upon demand by any person, a certificate setting forth whether or not any assessment has been paid. A reasonable charge may be made by the Board for the issuance of these certificates. If a certificate states an assessment has been paid, such certificate shall be conclusive evidence of such payment;

(e) procure and maintain adequate liability and hazard insurance on property owned by the Association;

(f) cause all officers or employees having fiscal responsibilities to be insured or bonded, as it may deem appropriate per the HOA Act 720.3033 (5);

(g) adopt Rules and Regulations governing the use of the Common Area; and

(h) promulgate Community Standards governing standards of conduct, maintenance or other activity within the Community.

## **ARTICLE VIII - OFFICERS AND THEIR DUTIES**

Section 1. Enumeration of Officers. The officers of this Association shall be a President and Vice-President, who shall at all times be members of the Board, a Secretary and a Treasurer, and such other officers as the Board may from time to time by resolution create. Officers shall be Members of the Association. The Secretary and Treasurer may, in the discretion of the Board, be combined to one office called Secretary/Treasurer.

Section 2. Election of Officers. The election of officers shall take place at an Annual Meeting of the Members.

Section 3. Term. The officers of this Association shall be elected annually by the Board and each shall hold office for one (1) year unless he shall sooner resign, or shall be removed, or otherwise disqualified to serve.

Section 4. Special Appointments. The Board may elect such other officers as the affairs of the Association may require, each of whom shall hold office for such period, have such authority, and perform such duties as the Board may, from time to time determine.

Section 5. Resignation and Removal. Any officer may be removed from office with or without cause by the Board. Any officer may resign at any time giving written notice to the Board, the President or the Secretary. Such resignation shall take effect on the date of receipt of such notice or at any later time specified therein, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

Section 6. Vacancies. A vacancy in any office may be filled by appointment by the Board. The officer appointed to such vacancy shall serve for the remainder of the term of the officer they are replacing.

Section 7. Multiple Offices. The offices of Secretary and Treasurer may be held by the same person. No person shall simultaneously hold more than one (1) of any of the other offices except in the case of special offices created pursuant to Section 4 of this Article.

Section 8. Duties. The duties of the officers are as follows:

(a) President: The President shall preside at all meetings of the Board; shall see that orders and resolutions of the Board are carried out; shall sign all leases, mortgages, deeds and other written instruments and shall co-sign all checks and promissory notes and may affix the corporate seal as may be required on any document. The President shall publish to the Members a "State of the Unit" document after the end of the fiscal year and within two weeks (14 days) after the Annual Profit & Loss statement is received. The State of the Unit document shall contain at a minimum: Accomplishments during the previous year, plans for the current year, and the budget for the current year. The President shall present at the Annual Meeting, in lieu of the absence of a Treasurer, the financial aspects delineated in Part (d) of this Section.

(b) Vice President: The Vice-President shall act in the place and stead of the President in the event of his absence, inability or refusal to act, and shall exercise and discharge such other duties as may be required of him by the Board.

(c) Secretary: The Secretary shall record the votes and keep the minutes of all meetings and proceedings of the Board and of the Members; keep the corporate seal of the Association and affix it, if the President does not, on all papers requiring said seal; serve notice of meetings of the Board and of the Members; keep appropriate current records showing the members of the Association together with their addresses, and shall perform such other duties as required by the Board.

(d) Treasurer: The Treasurer shall receive and deposit in appropriate bank accounts all monies of the Association and shall disburse such funds as directed by resolution of the Board; shall sign all checks and promissory notes of the Association; keep proper books of accounts, cause an annual audit of the Association books to be made by a public accountant at the completion of each fiscal year; and shall prepare an annual budget and a statement of income and expenditures to be presented to the membership at its regular Annual Meeting..

Section 9. Community Association Manager: A CAM contracted by the Association may assume the duties of the Secretary and Treasurer in assistance to the Board.

## **ARTICLE IX – COMMITTEES**

The Board may appoint a Nominating Committee as provided in these Bylaws. In addition, the Board shall appoint other committees as deemed appropriate in carrying out purposes of the Association.

## **ARTICLE X - BOOKS AND RECORDS**

The books, records and papers of the Association shall at all times, during reasonable business hours, be subject to inspection by any Member. The Declaration, the Articles of Incorporation and the Bylaws of the Association shall be available for inspection by any Member at the principal office of the Association, where copies may be purchased at reasonable cost.

## **ARTICLE XI – ASSESSMENTS AND LATE PAYMENTS**

As more fully provided in the Declaration, each member is obligated to pay to the Association annual and special assessments. Payment of assessments shall follow this schedule:

- January 1 (due) – Jan 31: no penalty if paid during this time period
- February 1: \$25 late fee + 1.50% interest on assessment
- March 1 – until payment: + 1.50% interest on assessment each month (18% per annum)
- July 1 – Legal action to obtain payment of balance owed

the Association may bring an action at law against the owner personally obligated to pay the same or foreclose the lien against the property, and interest, costs, and reasonable attorney's fees of any such action shall be added to the amount of such assessment. No owner may waive or otherwise escape liability for the assessments provided for herein by non-usage or abandonment of their lot.

## **ARTICLE XII - CORPORATE SEAL**

The Association shall have a seal in circular form having within its circumference the name of the Association, the year and state of incorporation and the words "Corporation not for profit".

## **ARTICLE XIII - AMENDMENT**

Section 1. These Bylaws may be amended from time to time at any meeting of the Board, by a majority vote of the Directors.

Section 2. No amendment shall make any change in the rights of the Declarant without the written approval of the Declarant. No amendment shall be made that is in conflict with the Declaration.

## **ARTICLE XIV - CONFLICTS**

In the case of any conflict between the Articles of Incorporation and these Bylaws, the Articles shall control; and in the case of any conflict between the Declaration and these Bylaws, the Declaration shall control.

## **ARTICLE XV – RESERVE FUND**

The maximum amount for the reserve fund shall be \$10,000.00 or 50% of the Budgeted Operating Expenses for the year whichever is larger. The minimum amount for the reserve fund shall be \$7,000.00. Maintenance assessments may be adjusted annually to provide a reserve fund within the prescribed limits.

## **ARTICLE XVI – ARCHITECTURAL CONTROL COMMITTEE PROCESS**

The Board may administer the duties of the ACC per Art. X, Sect. 8(f) of the Covenants, Conditions, & Restrictions of the Association within the allotted 30 day time period of a submission of an ACC request.

A regularly scheduled meeting of the Board to make ACC final decisions will be held on the first

Monday evening of each month (unless a holiday, then the first Tuesday evening) at the residence of the President of the Association at 7:00 pm (no member notice required since the meeting is a regularly scheduled event).

A Quorum of the Board will preside over the meeting and make final decisions concerning approval or disapproval of any ACC requests pending for that month's meeting.

If no requests are received in the previous month, meeting will be cancelled until the following month and members notified via email of the cancellation. As a courtesy, members will be notified in advance of an ACC meeting that will take place.

**CERTIFICATION**

I, Phillip J. Ross, do hereby certify that:

I am the duly elected and acting President of THE BULL RUN UNIT I HOMEOWNERS ASSOCIATION, INC., a Florida corporation not for profit, and,

The foregoing Bylaws supersede the original 2004 Bylaws of said Association as amended up to November 13, 2018. The new Bylaws were duly adopted at a meeting of the Board thereof held on the 14th day of November, 2019.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of said Association this 16th day of November, 2019.



By: \_\_\_\_\_

Print Name: Phillip J. Ross

Its: President

(CORPORATE SEAL)



## HISTORY OF BYLAWS

This version of the Bylaws of THE BULL RUN UNIT I HOMEOWNERS ASSOCIATION, INC., was adopted on November 14, 2019. All Amendments made subsequent to said date are listed below:

### AMENDMENTS

<u>CHANGE NUMBER</u>	<u>DATE OF ADOPTION</u>	<u>BY WHOM ADOPTED</u>	<u>SECTIONS AMENDED</u>
1	28 Oct 2020	Board of Directors	Article XI