

MALLWOOD BYLAWS, AS AMENDED AND RESTATED AUGUST 12, 2023

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ARTICLE I: NAME, LOCATION and LAWS

1. NAME

The name of this corporation shall be "Mallwood Estates Improvement Association".

2. LOCATION

The location of the principal office of the corporation shall be the Town of Milton, Rock County, Wisconsin. Mailing address for the corporation shall be PO Box 169, Edgerton, WI, 53534, unless the Board of Directors designates some other mailing address.

3. LAWS

The Corporation is organized for any lawful purpose permitted under Chapter 181, WI Stats., and shall abide by all rules and regulations set forth therein and is also authorized to levy maintenance assessments pursuant to Chapter 779, WI Stats.

4. BYLAWS:

Mallwood bylaws and any future amendments thereto, after legal review and acceptance of the board, are to be registered with Rock County so that any one purchasing a property in Mallwood receives a copy with other property information.

ARTICLE II: MEETING PLACE AND VOTING PRIVILEGES

1. PLACE OF MEETING

All meetings of the members shall be held at the principal office of this corporation, or such other places the Board of Directors shall designate. If a place other than the principal office of said corporation is designated by the Board of Directors, such change shall be clearly set forth in the notice for any meeting to be held. All meetings will be held in a smoke-free environment.

2. ANNUAL MEETING

The Annual Meeting of the members of this corporation shall be held in the month of May. It shall be the duty of the Secretary of the Association to give ten (10) days notice of such meeting to each member. Notice shall be addressed to each member at the address as the name appears upon the records of this corporation. At the Annual Meeting, Board of Directors shall be elected, and any business may be transacted which does not, by the laws of the State of Wisconsin, require a special notice.

3. SPECIAL MEETINGS

A special meeting of the members may be held whenever called by the Secretary upon the direction of the President or upon the written request of a majority of the Directors then in office, or upon the written request of not less than twenty percent (20%) of the members in good standing of said corporation, made to any officer of the corporation. It shall be the duty of the Secretary to give ten (10) days notice of such meeting to each member. Said notice shall state the purpose for which the meeting is being called, and the time and place where said meeting will be held; and in case notice of said meeting shall be mailed, it shall be addressed to each member in good standing at the address as the name appears upon the record of the corporation.

4. IRREGULAR MEETINGS

When all of the members of the corporation are present at any meeting, however notified, and shall sign a written consent to the holding of such meeting on the records thereof, the membership may transact business at such meeting which could lawfully be transacted at any meeting of the members in good standing of this corporation regularly called and notified.

5. VOTING AND PROXIES

At all meetings of the members of this corporation such members in good standing shall be entitled to one vote. Good standing constituted by being in a paid up status of the maintenance assessments levied by Mallwood Estates Improvement Association. In cases of a tenancy in common or joint tenancy of any lot, such owner shall be entitled to only one vote, which may be cast by either or jointly by both of such owners. A member in good standing may vote by proxy at all meetings of the membership of this corporation. Proxies must be filed with the Secretary of the corporation before the same become of any effect. No proxy shall be valid after 11 months from the date of its execution, unless otherwise provided in the proxy. Where directors or officers are to be elected by members in good standing, the bylaws may provide that such elections may be conducted by mail.

6. QUORUM

A quorum can be made with one tenth (1/10) of the votes or ten percent (10%) of the membership in good standing of this corporation present in person or by proxy, which shall constitute a quorum at any meeting of such members and shall be capable of transacting any business thereof, except when otherwise especially provided by law, or by the Articles of Organization of the corporation; but if at any meeting of the members there be less than a quorum present, a majority of those present may adjourn the meeting at such time.

7. ORGANIZATION

The President, and in his/her absence, the Vice-President; or in their absence, any member chosen by the members present, shall call meetings of the members to order and shall act as chairman of such meetings, and the secretary of the corporation shall act as Secretary of all meetings of the members, but in the absence of the Secretary the presiding officer may appoint any member to act as Secretary of the meeting.

8. ORDER OF BUSINESS

The order of business at all meetings of the members in good standing of this corporation shall be as follows:

- a) roll call (sign in of members present)
- b) reading of the minutes of the preceding meeting and action thereof
- c) reports of officers
- d) reports of committees
- e) unfinished business
- f) miscellaneous business
- g) new business
- h) at the annual meeting, election of directors and announcement of the results of the election

ARTICLE III: MEMBERSHIP

1. QUALIFICATIONS OF REGULAR MEMBERS

Any person who is the owner of real estate in said Mallwood Estates, whether by deed, descent or by contract of purchase, whether his/her purchase contract is paid up or whether installments may be due thereon, is by reason of such ownership a regular member, and shall be entitled to vote if said member is current in his/her Mallwood Association maintenance assessment payment.

2. GOOD STANDING

Members whose dues are not paid by March 1st of the year following the year of assessment levy, or who have other unpaid obligations to Mallwood Estates will be considered members not in good standing. Members not in good standing are subject to suspension of voting rights, suspension of pavilion use privileges, revocation and reassignment of pier privileges, and potential maintenance lien filings.

3. NOTICE OF CHANGE OF OWNERSHIP/MAILING ADDRESSES

Notice of change of ownership of any lot or real estate in said subdivision must be given to the Secretary of the corporation by the previous owner, Title Company, or new owner thereof. Members are responsible to keep their contact information current and to notify the Secretary of any changes in mailing address. Said notice shall be sent to PO Box 169, Edgerton, WI 53534 and/or email to MallwoodEstates@gmail.com

4. MEMBERSHIP TERMINATED BY SALE OF REAL ESTATE OR LOT

Any member conveying, alienating or disposing of his/her lot or real estate in said subdivision, either by operation of law or by conveyance in the office of the Register of Deeds in Rock County, Wisconsin, shall automatically cease to be a member of this association. The personal representative of a deceased member or trustee in bankrupt member or any receiver appointed by any Court of Competent Jurisdiction for any member, shall, during the term of their office or authority, exercise the privileges and be liable for the obligations and duties of the member.

5. MANNER OF GIVING NOTICE:

Whenever notice is to be given under these bylaws, such notice shall be given by U.S. Mail or electronic mail. Each member shall provide to the secretary their preferred method of receiving notice. The secretary shall maintain a record of each member's notification preference. Notice will be deemed effective if it is provided to the mailing address with postage paid or electronic mailing address provided by the member, regardless of actual receipt by the member.

6. PAVILION RENTAL:

Members in good standing have one free rental of up to a week on the pavilion per calendar year. A \$100 deposit is required. Any additional rentals will be charged a \$100 fee that will be deposited and assigned to the pavilion remodel fund. Member must pay for any and all damages from misuse. The rules for use of the pavilion will be at the discretion of the Board and may change from time to time. The current rules will be posted in the pavilion

7. MAINTAINING PROPERTY / BEHAVIOR

a) Property Maintenance:

Each member shall maintain their property in a manner that has no adverse affect on a neighboring member, and shall comply with all township ordinances concerning said property.

b) Obstruction of Roads:

No member shall permit any road right of way to be obstructed by trees, limbs, or other property of the member, unless a proper permit has been issued by the Mallwood Association's Board of Directors. Any such obstruction shall be removed at the owner's expense and the itemized bill for said removal will be sent to the member for payment. If said amount is not paid, a lien will be filed against said property.

c) Conduct in Common Areas:

No member shall make or permit any unreasonable noise or annoy other members/guests, or permit anything to be done which will interfere with the rights, comfort and convenience of other member's use of the common areas.

d) Prohibition against disorderly conduct:

No member shall engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance.

If a complaint is filed with the Board alleging that any member has violated a provision of these bylaws, the Board shall notify the member of said complaint, and the member shall be given thirty (30) days to respond to said complaint. If a response is not timely made, or if the respondent denies the allegations of the complaint, the Board shall set the matter on for a hearing with the complainant and the member being required to attend. Following the hearing, the Board shall determine whether a violation of the bylaws has occurred. If a violation has occurred, the association may assess a fine against the member pursuant to Wis. Stat. § 703.24. The Board may, at its option, refer the matter to the Town of Milton as a formal complaint.

ARTICLE IV: BOARD OF DIRECTORS

1. ELECTION

The Board of Directors shall be elected annually at the annual meeting of the corporation. To be elected as a Director the person must be a member in good standing Said director shall be elected for a period of two (2) years. The Board of Directors shall consist of seven (7) members of the corporation whose terms shall be staggered so that three (3) directors will be elected in the first year, and four (4) directors will be elected in the second year.

At the first meeting of the Board of Directors after the annual meeting, the members of the Board shall elect one of their members to be the following officers: President, Vice-President, Secretary, and Treasurer, and such other officers as the corporation articles or the By-laws require.

Only Directors of this corporation shall be eligible to be President, Vice-President, Secretary, and Treasurer of said corporation; and a resignation or removal of the President, Vice-President, Secretary, or Treasurer from the Board of Directors shall operate as a resignation of his/her office.

Salaries for said officers shall be established by the members at the annual meeting or by any special meeting called by the Board of Directors for the purpose of establishing officers' salaries.

Said salaries are to be included as part of the annual budget. Said officers shall hold their office for the term of one (1) year or until their successors are elected. Whenever the Board of Directors may so order, any two (2) offices, the duties of which do not conflict, may be held by the same person.

2. POWERS

The Board of Directors shall have the right, power and authority to exercise all such powers as may be lawfully exercised or done by this corporation as provided for in, and subject to, the laws of its Certificate of Incorporation and these by-laws, and especially to exercise and take advantage of, on behalf of said corporation, the power, rights and privileges conferred by and provided for under the provisions of Chapter 181 of the Wisconsin State Statutes, and Section 779.70 Wis.Stats., as set forth in the Articles of Incorporation of this corporation.

Without restricting the powers of the Board of Directors by implication or otherwise, said Board shall have, in addition to all other powers which they may lawfully exercise, the following powers to-wit:

- a) The Board of Directors shall have the power to elect or appoint assistants to the general officers of the corporation, and such other officers, agents and servants as the Board may from time to time deem necessary. The Board may define the duties and obligations of said assistants and set any compensation deemed appropriate and fill any vacancies therein.
- b) The Board of Directors shall have the power to remove and suspend permanently or temporarily the officers, any assistants to said officers, and any other agents and servants appointed by the Board, and to delegate to any officer of the corporation by resolution all or any of the power stated in this section with such restrictions as it deems appropriate.

3. RESIGNATION

A Director may resign at any time by filing their resignation with the Secretary. The Secretary may resign at any time by filing their resignation with the President.

4. REMOVAL

Any Director may be removed for cause at any time at a special meeting of the members of the corporation called for such purpose and by an affirmative vote of a majority of the members of said corporation calling for removal of said director. In addition, any Director shall be removed from office if said Director misses four (4) meetings within a twelve (12) month period, said absence deemed cause for removal.

5. VACANCIES

In case of any vacancy in the Board of Directors through death, resignation, removal, sale of his/her real estate in Mallwood Estates subdivision, or other cause, the remaining directors by the vote of a majority thereof may elect a successor to fill such vacancy until the next succeeding election.

6. PLACE OF BOARD MEETING

All meetings of the Board of Directors shall be held at the principal office of the corporation, or at such other location as the Board of Directors shall determine. All meetings are held in a smoke-free environment.

7. REGULAR BOARD MEETINGS

Regular meetings of the Board of Directors shall be held immediately following the annual meeting of the members and at such other times as the Board of Directors may by resolution determine. No notice of regular meetings of the Board of Directors is necessary.

8. SPECIAL BOARD MEETINGS

Special meetings of the Board of Directors shall be held whenever called by the Secretary upon the direction of the President, or upon the written request of any two (2) Directors; and it shall be the duty of the Secretary to give sufficient notice of such meeting to enable the Directors so notified to attend such meeting.

10. QUORUM

A majority (4) of the Directors convened according to these By-laws shall constitute a quorum for the transaction of business; but if, at any meeting of the Board, there shall be less than a quorum present, a majority of those present may adjourn the meeting at such time.

Phone attendance is allowed for up to (2) times in the election year when Board Member is absent from the meeting because of work purposes.

11. ORGANIZATION

The President, and in his absence, the Vice-President; and in their absence, any Director chosen by the Directors present shall call meetings of the Board of Directors to order and shall act as Chairman of such meeting and the Secretary of the corporation shall act as Secretary at all meetings of the Board of Directors, but in the absence of the Secretary, the presiding officer may appoint any Director to act as Secretary of the meeting.

12. ORDER OF BUSINESS

The order of business at all meetings of the Board of Directors shall be as follows:

- a) roll call
- b) election of officers (after annual meeting)
- c) reading of the minutes of the preceding meeting and action thereof
- d) reports of officers
- e) reports of committees
- f) unfinished business
- g) miscellaneous business
- h) new business

ARTICLE V: OFFICERS

1. ELECTION

The Board of Directors has annually, at the regular meeting held immediately following the annual meeting of the members, choose one of their members President, one of their members Vice President, one of their members Secretary, and one of their members Treasurer, and such other officers as the corporation articles and by-laws require. Said officers shall hold office for the term

of one (1) year or until their successors are elected and qualified. Whenever the Board of Directors may so order, any two (2) officers, the duties of which do not conflict, may be held by one (1) person.

2. QUALIFICATIONS

Only Directors of this corporation shall be eligible to be President, Vice President, Secretary, and Treasurer of said corporation, and a resignation or removal of the President, Vice President, Secretary, or Treasurer from the Board of Directors shall operate as a resignation of his office.

3. DUTIES

The principal duties of the several general officers respectively are as follows:

a) PRESIDENT.

The President shall preside at all of the meetings of the members and the Board of Directors. He/she shall be the chief executive officer of the corporation and shall have the general supervision, direction and active management of the property, affairs and business of the corporation, subject to the Board of Directors. He/she shall see that all orders and resolutions of the Board of Directors are carried into effect. He/she shall sign all checks and shall sign and execute all contracts and agreements, and other documents to be executed by the corporation authorized by the Board of Directors. He/she shall submit a complete and detailed report of the corporation for the fiscal year and of its financial condition to the Board of Directors at its regular meeting in each year, and to the members at their annual meeting, and shall time to time report to the Board of Directors all matters within his/her knowledge which the interest of the corporation may require to be brought to its notice. He/she shall have charge of hiring any and all employees which may be required by said corporation supervise the work and duties of said employees. He/she shall provide for an annual audit at the end of each year to be made of all books of the corporation and report made of said audit to the corporation. He/she shall perform such additional duties as may be prescribed from time to time by the Board of Directors, as may be prescribed from time to time by the By-laws.

b) VICE PRESIDENT

The Vice-President shall discharge the duties of the President in the event of his/her absence or disability for any cause whatever. He/she shall perform such additional duties as may be prescribed from time to time by the Board of Directors, or as may be prescribed from time to time by the By-laws.

c) SECRETARY

The Secretary shall counter-sign all contracts, agreements and other documents executed by said corporation, and shall keep a correct and complete record of all of the proceedings of the Board of Directors and of the meetings of the members of the corporation, including such as relate to the election of its officers. He/she shall also keep a book containing the names of all members of the corporation, showing their place of residence, and shall safely and systematically keep all books, papers, records, and documents belonging to said corporation or in otherwise pertaining to the business thereof. He/she shall attend to the giving and serving of all notices of all meetings to be held by the Board of Directors or members of said corporation. He/she shall in general perform all duties which are incident to the office of Secretary of a corporation, subject to the supervision of the Board of Directors. He/she shall perform such additional duties as may be prescribed from time to time by the Board of Directors or as may be prescribed from time to time by the By-laws.

d) TREASURER

The Treasurer shall keep and account for all monies, credits and properties of the corporation of any and every kind and nature, which shall come into his/her hands, and shall keep an accurate account of all money received and disbursed and proper vouchers for monies disbursed and render such accounts, statements and inventories of money received and disbursed and of monies and property on hand, and generally of all matters pertaining to his/her office as shall be required by the Board of Directors. He/she shall make such statements as corporations are required to make by the Laws of Wisconsin. He/she shall have the custody of all of the funds and securities of the corporation. Whenever necessary and proper he/she shall endorse on behalf of the corporation all checks, notes or other obligations and evidences of payment of money payable to the corporation or coming into his/her possession, and shall deposit the funds arising therefrom, together with all other funds of the corporation coming into his/her possession, in such banks as may be selected as the depositories of the corporation, or properly care for them in such other manner as the Board of Directors may direct. He/she shall sign all checks and other instruments drawn on or payable out of the funds of the corporation and all bills, notes, and other evidences of indebtedness of the corporation not requiring the seal of the corporation. Whenever required by the Board of Directors to do so, he/she shall exhibit a true and complete statement of his/her cash account, and of the securities, and other funds in his/her possession, custody and control. He/she shall at all reasonable times within business hours exhibit his/her books and accounts to any director. He/she shall in general perform all of the duties which are incident to the office of Treasurer of a corporation, subject to the supervision of the Board of Directors. If the Board of Directors shall so require it, he/she shall give bond in such sum and with such surety as the Board of Directors may direct for the faithful performance of his/her duties and for the safe custody of the funds, books, paper, vouchers and property coming into his/her possession. He/she shall perform such additional duties as may be prescribed from time to time by the By-laws.

4. DELEGATION OF DUTIES

In case of the absence or inability to act of any officer of the corporation, the Board of Directors may delegate for the time being, the duties of such officer to any other officer or to any director.

ARTICLE VI: DUES AND ASSESSMENTS

1. ASSESSMENTS

Pursuant to the provisions of Chapter 181 of the Wisconsin Statutes and Section 779.70 Wis.Stats., said corporation, for the purpose of owning, maintaining, improving, beautifying, keeping, preserving and policing the parks, beaches, paths, piers, docks, playgrounds, and the streets, roads, highways and avenues now existing (except such as are owned, maintained and improved by the Township of Milton, or the County of Rock), and all other properties in which its member shall have common rights of usage and enjoyment in Mallwood Estates, subject to all Township of Milton and County of Rock regulations and ordinances and the laws of the State of Wisconsin, for the benefit of all of the members of Mallwood Estates Improvement Association and the inhabitants, residents and property owners at Mallwood Estates, as now platted, shall prepare and annually submit to its members a budget of the expenditures which it proposes to make for the ensuing year. Such budget shall include the expense of maintaining the necessary organization of the corporation, including salaries to the officers and employees, fees paid for auditing the books of the corporation, and for necessary services and counsel fees to the Board of Directors and the corporation.

Upon the adoption and approval of the annual budget by a majority of the members in good standing at the regular Annual Meeting or adjournment thereof the Board of Directors of such corporation shall levy an assessment not in excess of 1.2 mills or in any other amount legally permitted by the State of Wisconsin on each dollar of assessed valuation of the various lots and properties in Mallwood Estates, to be known as a Maintenance Assessment. Said assessment shall be levied on December 1st of each year upon all lots and said assessment shall be payable on or before February 1st of each following year. The Secretary shall notify the owner of every lot, so assessed, of the action taken by the Board of Directors and the amount of the assessment of each lot owned by said owner and the date such assessment becomes due and payable. Such notice shall be mailed to each owner at their last known post office address by the Secretary via the United States postal service.

In the event that the assessment levied against any lot remains unpaid for a period of sixty (60) days from the date of the levy then the Board of Directors of this corporation may in its discretion file a claim for a maintenance lien against any such lot at any time within six months from the date of levy, such claim to be filed in the office of the Clerk of the Circuit Court of Rock County. Such claim for lien shall contain the name of the claimant or assignee, the name of the person against whom the assessment is levied, a description of the property affected thereby and a statement of the amount claimed. Said claim for lien shall be signed by the claimant or by its attorney, and need not be verified, and may be amended and shall provide for the collection of interest on such assessment at the rate of ten percent (10%) per annum from the date of the levy, and for the costs of filing and enforcing said claim for lien, including reasonable attorney fees.

Members whose dues are not paid by March 15th will be reviewed for maintenance lien action.

2. ASSESSMENT RESPONSIBILITY:

Whoever owns a property as of December 31st of the prior year is responsible for the current assessment due by February 1st of the following year.

3. FAILURE TO PAY DUES/ASSESSMENTS/FINES:

Mallwood Estates Improvement Association shall have the right to suspend the voting privileges and right to use the common areas of any property owner or occupant in the event the Association dues, assessments, and/or fines for the property/owner become delinquent.

ARTICLE VII: BOOKS AND RECORDS

1. PLACE OF KEEPING

The general and principal books of accounts and records of this corporation shall be kept in its principal office in this state, or at such other place or location as the Board of Directors may from time to time determine.

The President and the Secretary/Treasurer will possess the keys for the safety deposit box and the PO box.

The safety deposit box will contain the land records, easement contracts, as much historical data as possible such as regular business paperwork preferably on an annual basis on electronic record is filed with a digital storage device. The list of contents will be stored in an email.

2. RIGHT OF MEMBERS TO EXAMINE

The books of this corporation containing the accounts, records and membership of this corporation shall at all reasonable times be open for inspection by the members.

ARTICLE VIII: MISCELLANEOUS

1. AMENDMENTS

These By-laws may be adopted, amended, or repealed at any meeting of the members by a vote of the majority of the voting members in good standing present or by proxy at said meeting.

2. FISCAL YEAR

The fiscal year of this corporation shall begin on the first day of June and terminate on the thirty-first day of May of each year.

3. WAIVER OF NOTICE

Any member, director, or officer may in writing waive the giving and mailing of any notice required, given or mailed, either by the Statutes of Wisconsin, the Articles of Organization, or by the By-laws of this corporation.

4. RESTRICTIONS ON CONTRACTS

This corporation shall not enter into or be bound by any contract or contracts except the same be authorized and ratified by resolution, in writing, by the Board of Directors at a regular or special meeting of the Directors. No contract or act of any officer, agent, caretaker, employee, or any person whatever, shall be binding in any manner upon this corporation unless such contract or act shall be duly authorized or ratified by resolution, in writing, of the Board of Directors, aforesaid.

5. GOLF CARTS/ATVS ON MALLWOOD ROADS

The board is empowered to create rules governing the use of Golf Carts/ATVs on Mallwood Estates Improvement Association roads. The rules will be limited to Roads and property owned by the Association. In the event of a conflict between the rules and town/city/county ordinances, or Wisconsin State law/regulations, the rules will be superseded by the ordinance, statute, or regulation. The rules will be subject to amendment from time to time, and be enforceable through fines imposed by the association for violations. The rules shall cover the following:

- a) Whether/under what conditions to permit the use of Golf Cart/ATVs within the association
- b) Registration of the Golf Cart/ATV with the association
- c) Required insurance necessary for approval to use Golf Carts/ATVs on Association roads
- d) Establish a permitting processing for members to use Golf Carts/ATVs on association roads.
- e) Establish rules governing locations that ATVs, Golf Carts, etc. may be used.
- f) Any other rule necessary for the safe operation deemed to be in the best interests of the Association.

6. SMOKE-FREE ENVIRONMENT:

All monthly member meetings, annual meetings, Board of Director meetings, and special meeting shall be conducted in a smoke-free environment.

7. FIRES, OR FIRE PERMITS FOR FIRES ON MALLWOOD COMMON PROPERTY:

No fires on Mallwood common property, or issuing of fire permits for fires on Mallwood common property, other than those initiated by Mallwood representatives in the completion of cleanup, are allowed by Mallwood Estates Improvement Association.

8. POSTED SPEED LIMIT:

The posted speed limit on all Mallwood Estates Improvement Association maintained roads shall be 15 MPH.

9. ROAD RESTORATION:

Any activity by any member, member's contractor, agent, guest, invitee, or any other party under the control, direct or indirect, that disrupts or excavates in Mallwood roads shall permanently restore the roads to Mallwood specifications and approval within 30 days of disturbance of road. All restoration shall at a minimum be warrantied for one full year and at least one full freeze thaw cycle. Restorations must be in place from October 15th to April 15th to complete a full freeze thaw cycle. Road openings or damages shall be repaired with like DOT approved materials. Cold mix asphalt shall not be used for permanent repairs. Excavations shall be compacted to prevent settling. All patches of roadway shall extend a minimum of (1) foot past excavated area and be at least from center line of road to edge. If (1) foot patch will cross centerline patch must extended edge to edge of road. If any patch is within (5) feet from the seam where a road ends and meets another road the patch must extend to the seam where the roads meet. All patches will be repaved at a minimum of (3 1/2) inches thick road pavement. All patches will be saw cut and or ground to match existing grade. Ground areas will be minimum (1.5) inches thick. All patches must be sealed where patch meets existing material. Failure by any member to ensure the restoration may result in an assessment against the member for Association's costs to restore the road.

10. LATERAL GUIDELINES:

Regarding placement of laterals for new or existing housing: If a lateral is to be installed after a road has been paved, the landowner shall place \$3,000 in an escrow account for the period of the restoration rules below to ensure said road is repaired to the original state before the lateral was installed. When the road condition is satisfied per inspection of the Board of Directors, the \$3,000 will be returned to the landowner, less whatever, if any, cost of repair or legal fees were dispensed to conform road to original state.

11. SPECIFIC TO PLACEMENT OF PIERS ON COMMON AREAS:

In order to improve the shoreline appearance and help minimize the Association's liability exposure, the following additions to the By-laws are adopted: Any Association member in good standing who places a privately-owned pier on a Mallwood Association Improvement Association common **MUST:**

- a) The numbers are provided by Mallwood and are placed on the shoreline, mounted to a post, at the spot where the pier can be installed. Pier spots will be assigned and approved by majority vote of the Mallwood board. To obtain a pier spot and number a member must contact the Secretary treasurer to be assigned the next available spot. If all spots are currently in use, a waiting list will be maintained. If the next person on the list does not want the next available spot, they go to the last spot on the waiting list at the time they refuse the next available spot.

- b) Piers cannot be installed in the lake before **March 15th**. Piers must be installed by **June 15th** or member could lose pier privileges. Piers are required to be removed by **November 1st**. **In cases of extreme weather, or on a case by case basis with the Notification of the Mallwood Board these dates may be extended.**
- c) Not allow any other structures or storage devices on common areas unless installed by the Association.
- d) Place piers/lifts/structures stored on Common Areas on shore in such a manner as to provide a safe and neat appearance. All structural parts of pier/lift/structure shall be chained together to help minimize tampering, or the possibility of items floating away in the event of high water. No other accessories or loose components shall be stored on Common areas, i.e. loose boards, tires, posts, floats, etc. These items shall be stored at the pier owner's residence while the pier/lift/structure is out of the water; and on the pier, itself once the pier is in the water. Any such items left on the shoreline or Mallwood common areas between June 15 and October 15 shall be considered as trash and disposed of without prior notice.
- e) Maintain piers/lifts/structures in a safe and usable condition and in full compliance with the Association By-laws. Any pier/lift/structure that is not so maintained shall be removed and disposed of at the owner's expense. Such charges resulting shall be levied against the owner of the pier/lift/structure and payable within 30 days of written notification of said charges. Non-payment of said charges may result in additional costs, not limited to attorney's fees, interest charges, and property liens.
- f) Association member must be in good standing during the application process and at all times while pier is placed in the lake (paid in full all dues, fines, assessments, etc. to Mallwood). Use of the member's pier by a member that is not in good standing would result in the member's loss of pier privilege
- g) Privilege to install a pier is for one season/year, but that privilege will be extended on an annual basis, as long as member pays all dues, fees and had followed all Bylaws.
- h) The end of pier may have an "L" shaped end and/or a shore station. This shall not restrict boat traffic to adjacent piers.
- i) Members may be held legally responsible and liable for their pier, and if desired, shall purchase liability insurance for their pier at their own expense.
- j) Member's pier privilege is nontransferable from the member.
- k) Piers must be identified by your assigned pier number granted from the Mallwood Association. Numbers must be displayed on the pier visible when looking at the pier from shore. Piers must be placed as close as possible inline with the number on shore. Piers cannot be placed offset of the sign as to not interfere with other piers.
- l) Pier location **cannot** be changed without the Board approval. If you change your location without approval you may lose your pier privilege.

- m) Piers cannot be used to generate profits, financial or otherwise, by renting or trading for use of the pier. Piers are to be used by the Member and their guests only. This does not include homes in Mallwood that are rental units and have an associated pier used by the renter of the property.
- n) The member must reimburse Mallwood for the cost to repair any damage done to Association Property by installing, using or removing pier, including if the Mallwood orders the removal. Member agrees that member is responsible for the cost of installing and / or removing pier.
- o) Members agree to follow all rules and understood that violating any one of them will result in the termination of privilege to have a pier on Mallwood Property. Members understand and agree that the Mallwood Board will notify members via first class mail, postage paid to the address provided to the Association of any violations related to the pier. Said notification will also state a date and time at which the Mallwood Board shall hold a hearing as to any violation. Mallwood Board agrees to allow members to present any relevant evidence they might wish to have them hear at said hearing. Mallwood Board shall vote on whether a rule/regulation has been violated, and if pier privilege has ended. If member does not attend member will be notified by first class mail of the results of the hearing.
- p) Member agrees that within 10 days of that hearing, if the Mallwood has found that member violated a rule and indicates that the Board has found that member pier privilege has ended, member shall remove pier. member agrees that the Mallwood may have pier removed at member cost at any time after the 30-day period following the hearing described above. The cost of the pier removal, storage or associated cost may be added to members maintenance assessment and/or lien of member property if it goes unpaid.
- q) Member who has violated pier rules may reapply the following year, to be placed on Pier Waiting List, provided all other conditions for a pier privilege have been met. The Pier Waiting List applicant will be placed at the end of the waiting list.
- r) No piers shall be placed within the DNR limits of the swim area. The swim area will be posted at the North and South limits.
- s) It is the sole responsibility of the pier owner to make sure the Association has all of your current contact information. Failure to do so may result in not meeting certain deadline dates and could result in the loss of your pier privilege.

Revised August of 2023