

BY LAWS  
OF  
OAK HILLS ASSOCIATION, INC.  
AMENDMENT

The required number of owners of the Association executed and acknowledged at the annual meeting on December 6, 1977, that, effective January 1, 1978, these By Laws amend, modify and supersede the By Laws executed May 25, 1971, for Regime I and August 20, 1971, for Regime II, by Harold E. Grove, President of Hill Grove, Inc. Such amendments embody the provisions set forth in Article 3, Condominium Law, Section 76-815 and will be recorded in the Office of the Register of Deeds of Douglas County, Nebraska, by the Secretary of the Board of Directors.

ARTICLE I  
NAME AND LOCATION

These are the By Laws of Oak Hills Association, Inc., a Nebraska non-profit corporation with its registered office at P. O. Box 37594, Omaha, Nebraska 68137. The same By Laws shall apply to Oak Hills Condominium Regime No. I and Regime No. II. This corporation has been organized to provide a means of management for Oak Hills Condominium Property Regime No. I and Regime No. II.

ARTICLE II  
DEFINITIONS

Section 1. "Association" shall mean and refer to Oak Hills Association, Inc.

✓ Section 2. "Members" and/or "Co-owners" shall refer to owners of apartments in Condominium Regime No. I and Regime No. II. Membership in the Association is automatically granted and restricted to owners of record.

✓ Section 3. "Common Elements" and/or "Common Area" are for use and enjoyment of all members. A description of common elements can be found in Item 5 of the Master Deed.

Section 4. "Rules and Regulations" are established by the Association from time to time for use of the common elements and all co-owners and users shall be bound thereby.

Section 5. "Board of Directors" are elected by members of the Association and are responsible for managing the affairs of the Association.

ARTICLE III  
MEETING OF MEMBERS

Section 1. The annual meeting of the members shall be held between November 1 and December 31, inclusive, of each calendar year for the purpose of electing board members and any other business that may come before the meeting. The date and hour shall be determined by the Board of Directors in accordance with Section 3 of this Article.

Section 2. Special meetings of the members may be called at any time by the President or by any two or more members of the Board of Directors or upon written request of the members who are entitled to vote one-half of all of the votes of the entire membership in the Association.

Section 3. Written notice of each meeting of the members shall be given by, or at the direction of, the secretary or person authorized to call the meeting, by mailing a copy of such notice, postage prepaid, at least 10

days before such meeting to each member entitled to vote thereat, addressed to the member's address last appearing on the books of the Association, or supplied by such member to the Association for the purpose of notice. 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. A "Quorum" for members' meetings shall consist of persons owning two-thirds of the total basic value of the condominium regime, but a meeting consisting of less than a quorum may by majority vote adjourn the meeting from time to time without further notice. The affirmative vote of persons at the meeting owning two-thirds of the total basic value of the condominium shall be required to adopt a decision on the part of the members.

Section 5. "Proxies." At all meetings of members, each member may vote in person or by proxy. All proxies shall be in writing and filed with the Secretary of the Board of Directors. Every proxy shall be revocable and shall automatically cease upon conveyance by the member of his/her lot.

Section 6. The vote on behalf of an apartment shall be in person or proxy by the record owner thereof, but if an apartment is owned by more than one person or by a corporation or other entity, such vote shall be cast by the person named in a certificate signed by all of the owners of the apartment and filed with the Secretary of the Association. Each apartment shall be entitled to the number of votes equaling the total dollar basic value assigned to such apartment in Article IX Section 3. However, each apartment shall have only one (1) vote in electing members to serve on the Board of Directors.

#### ARTICLE IV

##### BOARD OF DIRECTORS

Section 1. Number. The Board shall comprise five (5) Directors who are members of the Association elected by the members at the annual members' meeting for a term of office stipulated in Section 2 of this Article.

Section 2. Directors will be elected to serve a term of three (3) years to fill vacancies resulting from expired terms of office.

Section 3. Removal. Vacancies occurring in the Board membership, created by circumstances other than expiration of full term, shall be filled by a majority vote of the remaining board members, but only for the period of vacancy until the next following annual meeting of members, at which meeting the unexpired term shall be filled by election of members.

Any Director may be removed by a majority vote of the members at an Annual Members' Meeting or a Special Members' Meeting, as defined in these By Laws, and the vacancy so created shall be filled, for the entire unexpired term, by the election process at the same meeting.

Section 4. Compensation. No Director, except the Treasurer, shall receive compensation for any service he/she may render to the Association. However, any Director may be reimbursed for his/her actual out-of-pocket expenses in the performance of his/her duties.

#### ARTICLE V

##### NOMINATION AND ELECTION OF DIRECTORS

Section 1. Nomination. Nomination for election to the Board of Directors shall be made by the nominating committee. Nominations may also be made from the floor at the annual meeting. The nominating committee shall consist of the Board Members, and one member each from Regime I and Regime II of the

Association. The Chairman of the committee shall be one of the two Board Members. The committee will serve from the close of the Annual Meeting until the close of the next annual meeting and such appointment shall be announced at each annual meeting. The committee shall make as many nominations for election to the Board of Directors as its discretion determines, but not less than the number of vacancies that are to be filled. Such nominations may be made from among members of the Association only.

Section 2. Election. Election to the Board of Directors shall be by secret written ballot. At such election, the members or their proxies may cast, in respect to any vacancy, one vote. The person receiving the largest number of votes shall be elected from the list of candidates for each expired term of office to be filled.

All elections to the Board of Directors shall be made on a written ballot which shall:

- describe the vacancies to be filled;
- set forth the names of those nominated by the nominating committee for such vacancies; and
- contain space for a write-in vote by the members for each vacancy.

Upon receipt of ballots at the annual meeting or their proxy, the Secretary of the Board shall count the votes. After the announcement of the results, the ballots shall be destroyed, unless a review of the procedure is demanded by the members present at the meeting.

#### ARTICLE VI

#### OFFICERS AND THEIR DUTIES

Section 1. Enumeration of Offices. The offices of this Association shall be a President, Vice President, Secretary and Treasurer who shall at all times be members of the Board of Directors, and such other officers as the Board may from time to time by resolution create.

Section 2. Election of Officers. The election of officers shall take place at the first meeting of the Board of Directors following the annual meeting of the members.

Section 3. Term. The officers of the Board shall be elected annually by the Board and each shall hold office for one (1) year unless he/she 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 resign at any time giving written notice to the Board, the President or the Secretary. Such resignation shall take effect on the date of the receipt of such notice or at any later time 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 replaced.

Section 7. Duties. The duties of the officers are as follows:

President - The President shall preside at all meetings of the Board of Directors; 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.

Vice President - The Vice President shall act in the place of the President in the event of his/her absence, inability or refusal to act, and shall exercise and discharge such other duties as may be required of the President by the Board.

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 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.

Treasurer - The Treasurer shall receive and deposit in appropriate bank accounts all monies of the Association and shall disburse such funds as authorized by the Board of Directors; shall sign all checks and promissory notes of the Association; keep proper books of account; and shall prepare an annual budget and a statement of income and expenditures to be presented to the membership at its regular annual meeting, and deliver a copy of each to the members.

#### ARTICLE VII

##### MEETINGS OF DIRECTORS

Section 1. Regular Meetings. Regular meetings of the Board of Directors shall be held monthly without notice, at such place and hour as may be fixed from time to time by resolution of the Board.

Section 2. Special Meeting. Special meetings of the Board of Directors shall be held when called by the President of the Association, or by any two directors.

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.

Section 4. Action Taken Without a Meeting. The directors shall have the right to take any action in the absence of a meeting which they could take at a meeting by obtaining the approval of all the directors. Any action so approved shall have the same effect as though taken at a meeting of the directors.

Section 5. Quarterly Reports. At the end of each quarter, the Board shall inform the members concerning the current status of expenses, budgeted amounts remaining in the current fiscal year and any other affairs of the Association of interest to the members.

#### ARTICLE VIII

##### POWERS AND DUTIES OF THE BOARD OF DIRECTORS

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

(a) adopt and publish rules and regulations governing the use of the Common Elements and facilities.

(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 By Laws or the Master Deed.

(c) declare the office of a member of the Board of Directors to be vacant in the event such member shall be absent from three (3) consecutive regular meetings of the Board of Directors.

(d) increase or decrease the monthly assessment during an annual assessment period or levy special assessments.

(e) establish a reserve fund in accordance with Section 3.

Section 2. Duties. It shall be the duty of the Board of Directors 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.

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

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

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

(e) if any member shall fail or refuse to make any payment of an assessment when due, the amount thereof shall constitute a lien on the interest of the member in his/her apartment and the administrators may record such lien in the Office of the Register of Deeds, whereupon, said lien shall be privileged over and prior to all liens and encumbrances except assessments; liens and charges for taxes past due and unpaid on the apartment and except prior duly recorded mortgage and lien instruments. Assessments delinquent more than ten days after the due date shall bear interest at the highest legal rate from the due date until paid. The delinquency of one installment of an assessment shall cause all remaining installments to immediately become due and payable.

(f) procure and maintain adequate liability and hazard insurance on property owned by the Association.

(g) cause all officers or employees having fiscal responsibilities to be bonded, as it may deem appropriate.

(h) cause the Common Elements to be maintained.

(i) cause the exterior of living units to be maintained.

Section 3. Reserve Fund. After consideration of the future requirements for Exterior Maintenance, the Board of Directors shall have the power and authority to levy as part of the monthly assessment such sums of money as they shall determine necessary to provide for the payment of future Exterior and Common Elements Maintenance designated: "Reserve Fund - Exterior Maintenance."

Section 4. Committees. The Board of Directors shall appoint committees as deemed appropriate in carrying out its purpose. Each committee shall consist of a Chairman and two or more members and shall include a member of the Board of Directors for Board contact. The committees shall be appointed by the Board of Directors prior to each annual meeting to serve from the close of such annual meeting until the close of the next annual meeting and such appointment shall be announced at each such annual meeting.

#### ARTICLE IX

##### BUDGET

Section 1. The Board of Directors shall adopt a budget for each calendar year which shall include the estimate of funds required to defray common expenses

in the coming year and to provide funds for current expenses, reserves for deferred maintenance, reserves for replacement, and reserves to provide a working fund or to meet anticipated losses. The budget shall be adopted in November of each year for the coming calendar year, and copies of the budget and assessments shall be sent to each owner on or before December 1 preceding the year for which the budget is made. Budgets may be amended during the current year where necessary, but copies of the amended budget and proposed increase or decrease in assessments shall be sent to each owner as promptly as possible. There shall be no enlargement of the common elements if such enlargement or additional construction costs more than \$2,000.00 unless and until such proposal is approved in writing by co-owners representing at least three-fourths of the total basic value of the condominium and until a proper amendment to the Master Deed has been executed, acknowledged and recorded.

Section 2. Books and Records. The Treasurer shall maintain records of expenses and income and prepare quarterly statements comparing actual amounts to the budget for the Association. The books, records and papers of the Association shall at all times during reasonable business hours, be subject to inspection by any member.

Section 3. Assessments. Assessments against each apartment owner for such common expenses shall be made annually on or before December 31 preceding the year for which assessments are made. The annual assessments shall be due in twelve equal, monthly payments on the first day of each month. The assessment to be levied against each apartment shall be such apartment's pro-rata share of the total annual budget based upon the percentage of such apartment's basic value as set forth in the Master Deeds establishing the Oak Hills Condominium, Regime I and II. As established in the Master Deeds, the percentage by size of apartment is as follows:

<u>Regime I</u>		<u>Regime II</u>	
<u>Apartment Size</u>	<u>Percentage Interest</u>	<u>Apartment Size</u>	<u>Percentage Interest</u>
16'	2.95%	16'	3.71%
16'	3.02%	24'	4.89%
24'	4.11%	32'	4.89%
32'	3.97%	36'	5.18%
36'	4.25%		

In case of an amended budget as provided in Article IX, the amended assessment shall be payable at the times specified in the notice of the amended assessment sent to each owner.

Assessments for exterior maintenance or improvements directly attributed to the size of each apartment, such as exterior painting, replacement of the swimming pool, etc., shall be based upon the percentage of such apartment's basic value as outlined above.

ARTICLE X

INSURANCE

Section 1. Insurance policies upon the condominium property including the structure but excluding the furnishings of individual apartments shall be purchased by and in the name of the Association for the benefit of the Association and the apartment co-owners as their interests may appear. Provision shall be made (if possible) for the issuance of certificates of insurance to holders of first mortgages upon individual apartments. The insurance shall cover all buildings and improvements upon the land and all personal property included in the general and limited common elements in the amount equal to the full insurable value thereof (excluding founda-

tion, walks, drives and excavation costs) as determined annually by the Association, but with co-insurance clauses being permitted. Such coverage shall afford protection against loss by fire and extended coverage hazards. In addition, insurance shall be procured for workmen's compensation coverage and at least \$100,000/300,000 B.I. and \$50,000 P.D. public liability insurance covering the common elements and such other insurance as the Association may deem advisable from time to time. Insurance premiums shall be deemed common element expense. The Association is hereby irrevocably appointed agent for each apartment co-owner and his mortgagee to adjust all claims arising under insurance policies purchased by the Association and to execute and deliver releases upon payment of claims without joinder by the co-owner or his mortgagees. All insurance proceeds shall be applied by the Association toward repairing the damage suffered; provided that reconstruction or repair shall not be compulsory where the damage exceeds two-thirds of the value of the buildings and improvements. In such case, and unless otherwise agreed upon in writing by owners representing three-fourths of the total basic value of the condominium with 120 days after such damage or destruction, the condominium regime shall be deemed waived, and the property shall be subject to a partition action and may be sold and the proceeds, along with the insurance indemnity, if any, shall be credited to each apartment owner in accordance with his/her percentage interest specified in Article IX, Section 3 of these by laws, and said sums shall be first applied toward satisfaction of any recorded first mortgage against each apartment, next toward satisfaction of junior recorded liens in order of their priority, and the remainder paid to each apartment owner. In case the insurance proceeds do not equal the cost of repairs, the excess cost shall be considered a common element expense to be assessed and collected by the Association from the co-owners; provided, however, that in such case of under-insurance, the co-owners may, by unanimous resolution adopted after the date of loss, elect not to repair the damage. In cases of over-insurance, any excess proceeds of insurance received shall be credited to the common element working fund. Each apartment owner may obtain additional insurance at his expense.

#### ARTICLE XI

##### RIGHT OF ACCESS

Section 1. The Board of Directors shall have the right of access to each apartment at all reasonable hours to inspect and to perform any necessary or emergency work upon all pipes, wires, conduits, ducts, cable, utility lines and any common elements accessible from within any apartment, and to insure compliance by the owner with all of the owner's duties under the condominium association.

#### ARTICLE XII

##### AMENDMENTS

Section 1. These By-Laws and the system of administration set out herein may be amended by co-owners representing at least two-thirds of the total basic value of the condominium association, but each such amendment shall embody all of the required provisions set forth in 76-815, R.R.S. Such amendment shall be executed and acknowledged by the President and attested by the Secretary of the Association and shall be operative upon the recording of such amendment in the Office of the Register of Deeds of Douglas County, Nebraska, in the same manner as the Master Deed and the original By Laws.

ARTICLE XIII  
MISCELLANEOUS

The fiscal year of the Association shall begin on the first day of January and end on the 31st day of December of every year.

Executed this 14<sup>th</sup> day of December, 1977.

Margaret Louise Packard Secretary  
R. D. Wright President

STATE OF NEBRASKA)  
  )ss  
COUNTY OF DOUGLAS)

On the date last above written before me, the undersigned, a Notary Public in and for said County, personally came R. D. WRIGHT, President of Oak Hills Association, Inc., to me personally known to be the President and the identical person whose name is affixed to the foregoing By Laws, and acknowledged the execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed of the said Corporation, and that the Corporate Seal of the said Corporation was thereto affixed by its authority.

WITNESS my hand and Notarial Seal at Omaha in said County on the date last above written.

Robert H. Peterson  
Notary Public

CERTIFICATION

I, the undersigned, do hereby certify:

That I am the duly elected and acting secretary of the Oak Hills Association, Inc., a Nebraska Corporation, and,

That the foregoing By Laws constitute the Amended By Laws of said Association as duly adopted at a meeting of the members thereof, held on the 6th day of December, 1977.

Dated this 14<sup>th</sup> day of December, 1977.

Margaret Louise Packard  
Secretary



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S. HANSEN CENTER  
REGISTRATION OFFICE  
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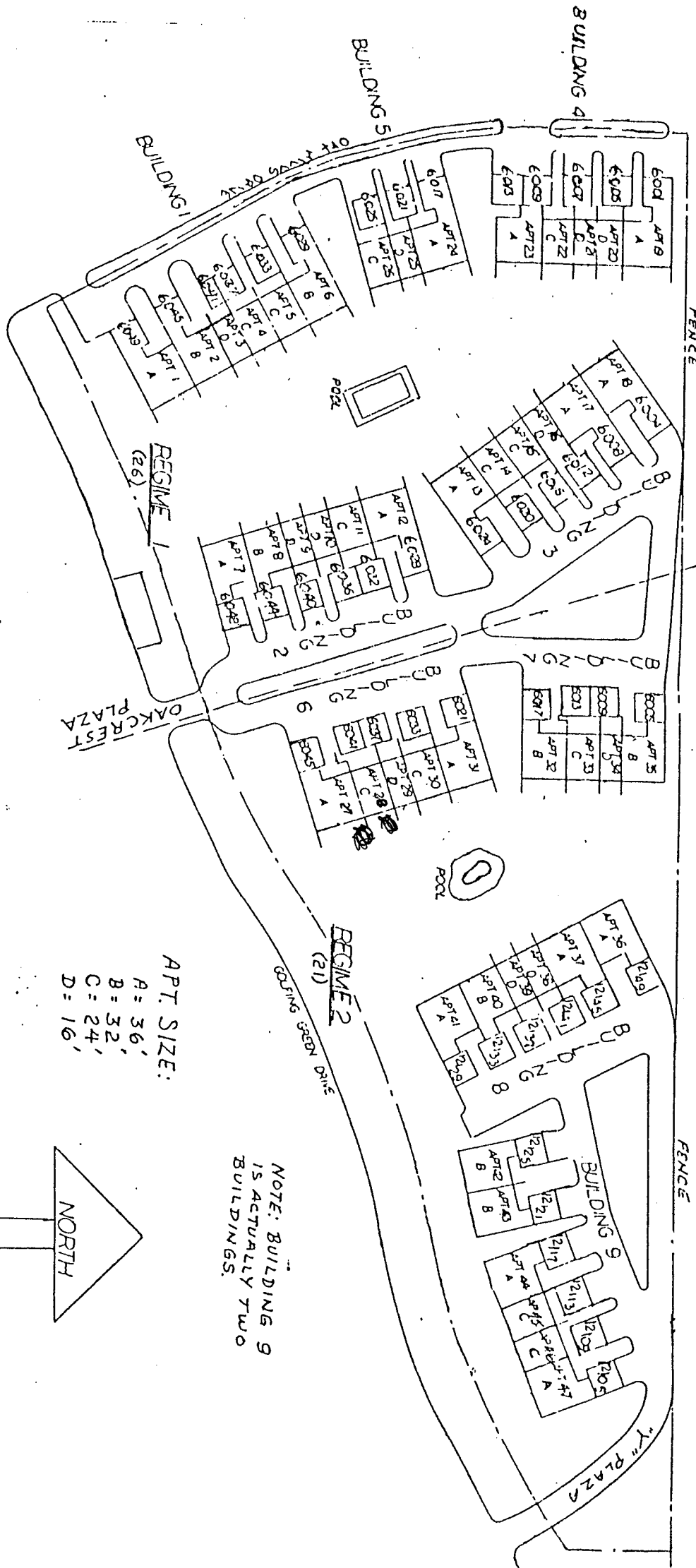
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OAK HILLS ASSOC. INC.

CITY PARK



APT. SIZE:  
 A = 36'  
 B = 32'  
 C = 24'  
 D = 16'

NOTE: BUILDING 9 IS ACTUALLY TWO BUILDINGS.

