

CAVE HOLLOW BAY HOMEOWNERS' ASSOCIATION INC.
260 Wilderness Road
Mammoth Cave, Kentucky 42259
Phone 270-286-9596

BY-LAWS

Revised By-laws dated July 1, 2022 and set forth this day as the new By-laws as per the Corporation's Articles of Incorporation, a non-profit corporation. All previous By-laws are rescinded.

ARTICLE I. BY-LAWS AND AMENDMENTS

- A.** By-laws of the Cave Hollow Bay Homeowners Association are for the purpose of providing rules, regulations, and guidance for the operation and conduct of official business of the Association and its members.
- B.** A member in good standing may make a motion for revision or amendment to the current By Laws at any time, (a second of the motion is required). Upon receipt of the motion the Board of Directors will appoint a By Laws Committee, of at least five members, to review, modify and make recommendations to the Board of Directors prior to the regularly scheduled meeting. The President will propose the change. (At the next regularly scheduled meeting to members), for their review and proposed changes. At the next regularly scheduled meeting an up or down vote by the membership will be taken and the Board of Directors then have an up or down vote for final approval. (The procedure for revision requires three regularly scheduled meetings.)
- C.** In a case of extreme emergencies, the Board of Directors may amend the By Laws, by majority vote. (This procedure is required due to the irregularity of regular meetings.)

ARTICLE II. ASSOCIATION MEMBERSHIP AND VOTING

- A.** Member: All individuals and their spouses owning property in Cave Hollow Bay.
- B.** Members in Good Standing: Property owners who are current in all dues assessments or members who under a payment plan approved by the Board of Officers.
- C.** Members Not in Good Standing: Property owners who are not current in all dues/ assessments.
 - a.** (Members not in Good Standing may attend meetings, participate in discussions, but are not authorized to present a motion or vote on any matters). At all meetings, where voting takes place, only those property owners whose name appears on the association books, at least 10 days prior to such meeting, shall be entitled to one collective vote per invoice. Should more than one owner per invoice appear on the association books, each owner is entitled to one vote collectively per invoice. In the event that such joint owners are unable to agree as to how to cast their vote, the vote for that invoice shall not be counted or recorded.
- D.** Members must be in good standing to vote.
- E.** A vote on any matter brought before the Association will carry with a majority of voted cast.

ARTICLE III. MEETINGS

- A. Meetings of the Association shall be held at the Association office, 260 Wilderness Road, at 10:00 AM, local time, the second Saturdays of March, April, June, August, and October of each year. Board of Directors meetings are scheduled 60 minutes prior to the general membership meeting.
- B. Any board member may request a special Board of Directors meeting; the President will then schedule a meeting with a seventy-two-hour notification of the meeting to all Board members.
- C. A quorum of five (5) Board members is required to conduct official business. A quorum of fourteen (14) members, in good standing, is required to conduct official business of the Association.
- D. October meeting each year is designated as the Annual Meeting.

ARTICLE IV. BOARD OF DIRECTORS

- A. The Board of Officers Directors of the corporation shall consist of the President, Vice President, Secretary/Treasurer, Recording Secretary, Sargent at Arms and three (3) Directors.
 - a. Duties of Officers
 - i. President:
 - 1. Shall manage, with consultation of the Board of Directors; the day-to-day business of the Association and shall preside at all meetings of the Association.
 - ii. Vice President:
 - 1. Perform all duties of the President in his/her absence.
 - iii. Secretary/Treasurer:
 - 1. Control and maintain all records, correspondences, and account books of the Association.
 - 2. Perform duties as the Association Registered Agent.
 - 3. Perform duties as Chief Financial Officer of the Association, maintaining all financial records, and manage all financial accounts.
 - 4. Pay all bills of the Association, (checks in excess of \$200.00 must be countersigned as designated by the Board of Directors.
 - 5. All billing and correspondence pertaining to the Association shall be routed through his/her office. He/she will maintain a copy of all correspondence.
 - 6. Present a current financial report, to the membership at each meeting. Prepare and forward a yearly financial report with the yearly dues billing to each member. If unable to attend a monthly meeting, he/she will provide a financial report to the President for presentation at the meeting.
 - 7. Provide the Board of Directors a monthly statement of all bills and expenditures paid by credit card and automatic bank statements.
 - 8. Maintain a digitized backup copy of all Association official documents, correspondence, and financial records will be maintained as directed by the Board of Directors. Backup copies will be no less than weekly.

- iv. Recording Secretary:
 - 1. Record minutes of all Board of Directors and general membership meetings.
 - 2. Read minutes of the previous meeting and present to the membership for approval.
 - 3. Provide a copy of the minutes to the Secretary/Treasurer for historical records.
- v. Directors
 - 1. Three (3) directors are elected to serve for a period of three years. One director is elected each year.
 - 2. Directors may be appointed by the President to represent the Board of Directors on advisory committees.
- vi. Sargent at Arms:
 - 1. Maintains order, decorum, and enforces the Association policies during Membership and Board of Directors meetings and all activities sponsored by the Association.
 - 2. Coordinates maintenance of the Association roads, facilities, common areas, and leased boat ramp.
 - 3. Coordinates for and oversees vendor contracted services. Ensures vendors/contractors are bonded/insured or executes an independent contractor contract, which absolves the Association of liabilities to CHB owners/residents' properties and pays all taxes.
 - 4. Contracts for independent contractors, and purchases supplies less than \$1000.00 with the approval of the President. Any contracts or purchases over \$1000.00 must be approved by the Board of Directors. (Contracts for purchases of supplies funding exceeding \$1000.00 will not be split.)
- B. When a member of the Board of Directors transitions from their position they must transition all items and education surrounding the vacated position within thirty (30) days of appointment or election of the new member of the board of director.
- C. Election of Board of Directors: The Board Directors shall be nominated and elected by Association members.
- D. Nominations shall take place at the April meeting each year, with the election being held at the June meeting.
- E. Newly elected officers shall take office immediately following the June meeting of each year, starting in 2020.
- F. The term of the President, Vice President, Secretary/Treasurer, Recording Secretary and Sargent at Arms shall be two (2) years and Directors three (3) years.
- G. The two (2) two-year term for the President, Recording Secretary, and Sargent at Arms will begin in the 2023 election. The two (2) term for Vice President, Secretary/Treasurer will begin in the 2024 election.
- H. All individuals serving on the Board of Directors are eligible for re-election.
- I. The order of the election of officers shall be
 - a. Secretary/Treasurer
 - b. Director
 - c. President
 - d. Vice President
 - e. Recording Secretary

- f. Sargent at Arms
- J. Members may only hold one office.
- K. Prerequisites for nomination and election to office.
 - a. Individuals must have attended 3 meetings (during the previous April through October March) to be eligible for nomination to an office. This does not apply to appointments to a vacant office.
 - b. Individuals serving as a member of the Board of Directors that have resigned or have been removed from office are ineligible to hold any office for a period of one year.
 - c. Individuals must be a Member in Good Standing to be nominated.
- L. Vacancies
 - a. If any officer misses two meetings, without due cause, the President may declare the office vacant, and the Board of Directors will appoint a replacement for the remainder of the election year. The President, for good cause, may excuse an officer from attendance, and the absence will not be considered as an absence for removal.
 - b. If for some reason a member of the Board of Directors resigns, they are requested to notify the President in writing, or notify a member of the Board of Directors.
 - c. Any member of the Board of Directors may be removed by a majority vote of the Board of Directors, whenever it's in the judgement of the Board, the best interest of the Association will be thereby served. Upon a vote of Removal, the removal will be effectively immediately. The Director removed may appeal the action to the general membership at the next regularly scheduled meeting. If a majority of the general membership vote to affirm the appeal the Director will be reinstated immediately.
 - d. If for any reason any office becomes vacant or is not filled through election, the President will declare the office vacant, and the Board of Directors will appoint a replacement to serve until the next regularly scheduled election.

ARTICLE V. COMPENSATION

- A. With the approval of the membership, the Board of Directors may enter into contracts and agreements, (with members in good standing), for personal services and independent contracts which are in support of Cave Hollow Bay Homeowners Association activities.
- B. The Board of Directors may authorize reimbursement for individual member expenses that are in support of Cave Hollow Bay activities. Authorization must be approved prior to the expenditure. Documentation/receipts must be provided for reimbursement. Mileage will be reimbursed at the rate of the Commonwealth of Kentucky state government rate.
- C. The Board of Directors, upon proper documentation or receipts may authorize reimbursement.

ARTICLE VI. INSPECTION OF RECORDS

- A. The books and records of the corporation shall be subject to inspection by any member. However, such inspection must be set up at a reasonable time and for a reasonable duration so as not to disrupt the affairs of the corporation.
- B. At no time will any records or books be taken from the office of the Secretary/Treasurer. No copy of papers may be taken from the office unless approved by the President or Secretary/Treasurer.
- C. Expenses incurred to provide copies will be borne by the requesting member.

ARTICLE VII. HOMEOWNERS ASSOCIATION DUES AND ASSESSMENTS

- A. Dues of \$100 per year will be charged for each deed that appears on the Edmonson County, Kentucky, current year's Tax Roll.
- B. However, if an owner has more than one deed, they will only receive one charge of \$100.00, total, for all properties owned. If there is more than one owner listed on a deed, there will be only one \$100 charge for that deed. If one or more of the multiple owners on that deed own separate property, they will receive a charge of \$100 for that separate property. Rental property dues are established at \$100.00 per rental lot.
- C. A lien will be placed upon the property of any owner whose dues and/or assessments are in arrears of \$300.00 or more and have not been granted a payment plan by the Board of Directors.
- D. To enhance the health and appearance of the community, homeowners are prohibited from allowing the following conditions to persist on their property:
 - a. Junked or wrecked automobiles, vehicles, machines, or other similar scrap or salvage materials, excluding farm equipment
 - b. Any "structure", regardless of content, is identified as junked, wrecked, non-operative and which is inhabited or not and/or in structural disrepair and/or in a condition of decay or ruin, or partial ruin, due to neglect, misuse, or deterioration
 - c. Rubbish
 - d. Weeds or grass taller than 18 inches - applies only to properties that have evidence of a structure of any kind old/new.
- E. Once a violation is registered on a property, said property is inspected determine the validity of the complaint. Once a violation is validated, a first violation warning notice will immediately be sent to the owner of said property. Failure to rectify the violation within 45 days will be considered a subsequent violation. Violators will be responsible for contacting the Association to inform of corrections made or to submit a corrective action plan. Multiple violations or repeat offenses will be reviewed by the board of directors and may be subject to additional action which may include, additional fines and/or legal ramification.
- F. Cave Hollow Bay Drainage Culvert/Tile Standards for Driveways and Ditch Crossings for new and replacement culvert/tiles may be obtained from the Association office or by requesting via Cave Hollow Bay official email.
- G. Each violation will incur the following assessments:
 - a. First violation – Warning
 - b. Second violation - \$200.00 fine
 - c. Third violation - \$200.00 fine
 - d. Fourth violation - \$200.00 fine
- H. Reminder: Once an owner's account is in arrears for \$300.00 or more, a lien and/or collection service from an external agency may be placed on the property/property owner in violation.
- I. With any legal action brought forth by the Association against any property owner and said legal action ruled in favor of the Association, the property owner will pay the Association's legal fees.
- J. It is highly recommended the all-property owners obtain blue reflective house address numbers from the Lincoln Volunteer Fire Department at 8525 Nolin Dam Rd, Mammoth Cave, KY 42259 (270) 286-4222

ARTICLE VIII. HOMEOWNERS' ASSOCIATION FUNDS MANAGEMENT

- A. Amendments to the By Laws for dues increase or decrease will be voted upon at the October

regularly scheduled meeting, (Annual Meeting).

- B. Motions for dues change must be made at the June regularly scheduled meeting so as to conform with the amendment process outlined in Article I, paragraph B.
- C. Dues/Assessments collected shall be utilized for the general maintenance and upkeep of Cave Hollow Bay roads and the equipment necessary to perform the work and for the general overall good of the community of Cave Hollow Bay.
- D. Dues will also be utilized to pay the boat ramp lease with the Corps of Engineers every five years.
- E. Dues/Assessments may also be utilized to conduct the administrative and operational expenses of Cave Hollow Bay.
- F. No major purchase or expenditure (over \$1000.00), except for gravel and/or individual culvert tiles, will be made without first presenting it to the membership at a meeting and then will be voted upon at the subsequent meeting. Exceptions can be made in cases of emergency and may be approved upon a majority vote by the Board of Directors.
- G. When a property owner sells property in Cave Hollow Bay, they are requested to provide the new owner with a copy of the By-laws and association papers.
- H. Dues are payable by March 15 each year. Dues received after that date will be charged a fee of 5%.
- I. Annually, 10% of the Association's total funds in its banking institution as of 1 May of each year, shall be transferred to a Building Fund, to be used for the ongoing improvements and construction of the association community properties and structures.
- J. On 1 May of each year, 10% of the Association's total funds in its banking institution will be accounted for separately on the budget as an equipment line. To be designated for hiring external vendors, supplies, equipment rentals, equipment purchases, and sustainment and general maintenance of CHB equipment, facilities and grounds.
- K. The Association Fiscal Year is 1 July thru 30 June. The President will present their proposed Budget to the membership at the August regularly scheduled meeting.

ARTICLE IX. ADVISORY COMMITTEES

- A. Advisory Committees may be created as determined by the Board of Directors.
- B. An Advisory Committee, recommended by the President, may be appointed by the Board of Directors, which will consist of five (5) voting members and Director as a non-voting member. Any additional member may be appointed as a volunteer and will be considered as an auxiliary member and will not be considered as a voting member.
- C. Advisory Committees will be appointed for a specific time, not to exceed one year. Members may be reappointed annually. There are no term limits for a member of a committee.
- D. An Advisory Committee may not act on the behalf of the Association or bind the Association to any action but will make recommendations to the Board of Directors.
- E. The appointed Director may be given the authority, by the Board of Directors, to remove a member of the Advisory Committee.
- F. The Board of Directors will provide a Mission and Purpose statement, with any additional guidance or data.
- G. The members of the Committee will select their chairperson. The Chairperson or a designated representative may be required to provide, in person or virtually, updates to the Board of Directors or the general membership.
- H. Committees must maintain records. Meeting minutes will be recorded.

ARTICLE X. AUTHORITY FOR DUES ASSESSMENTS AND PROPERTY RESTRICTIONS

- A. Cave Hollow Bay Developer Property restrictions (Appendix I) were established by Holly Caves, Inc. the developer of Cave Hollow Bay, and are not subject to revision by the Association By-laws.
- B. The Association has any all powers necessary or appropriate to assess, levy, and collect dues/assessments against each lot and against members of this association under the authority of the following:
 - a. Kentucky Revised Statutes Title XXIII, Chapter 273
 - b. Property report, Notice and Disclaimer, by Office of Land Sales, U.S. Department of Housing and Urban Development, Holly Cave, Inc., Cave Hollow Bay, dated June 8, 1978.
 - c. Articles of Incorporation of Cave Hollow Bay Homeowners Association dated December 17, 2002, Cave Hollow Bay Homeowners Association, Inc.
 - d. Cave Hollow Bay Homeowners Association, Inc., By-laws, dated October 18, 2003.
 - e. Cave Hollow Bay Homeowners Association, Inc., amendment to By-laws, dated November 24, 2006.
 - f. Cave Hollow Bay Homeowners Association, Inc., revised By-laws, dated November 8, 2008. Cave Hollow Bay Homeowners Association, Inc., amendment to By-laws, dated November 13, 2013
 - g. Cave Hollow Bay Homeowners Association, Inc., revised By-laws, dated 1 June 2014.
 - h. Cave Hollow Bay Homeowners Association, Inc., revised By-laws, dated 13 June 2020.
 - i. Cave Hollow Bay Homeowners Association, Inc., revised By-laws, dated 29 May 2021.

Attestation

In witness whereof, this document is signed for the purpose of authentication as by-laws of cave hollow bay homeowners' association inc., a Kentucky corporation for non-profit. Adopted and ratified by the Board of Directors this day _____.

Signed by the Board of Directors:

Signature on File –

Document recorded at the Edmonson County Clerks Office

Tracie Hermes, President

Signature on File

Gary Grosso, Vice President

Signature on File

Donita White, Secretary/Treasurer

Signature on File

Susie Shelley, Recording Secretary

Signature on File

Kathy Yates, Director

Signature on File

Sharon House, Director

Signature on File

Connie Watson, Director

Signature on File

CAVE HOLLOW BAY DEVELOPER PROPERTY RESTRICTIONS

- 1) No building shall be erected or maintained on any lot in the subdivision designated as residential other than a private residence and private garage for the sole use of the owner or occupant.
- 2) No old, used, existing building or structure of any kind and no part of an old, used, existing building or structure shall be moved onto, placed on or permitted to remain on any lot (commercial or residential) in the subdivision. All construction on any lot (commercial or residential) in the subdivision is to be of new material.
- 3) Each dwelling house or residence constructed on any lot in subdivision designated as residential shall have minimum floor area of 600 square feet including enclosed porches, excluding carports, patios or garages.
- 4) All construction in said subdivision shall be completed within a period of 12 months after initial construction begins (exterior).
- 5) No fence shall be permitted on lots designated as residential to extend nearer to the street than the minimum setback line as hereinafter provided.
- 6) No residential structure on any lot designated as residential shall be located nearer to the front lot line than (10) feet or nearer to the side street line than ten (10) feet or nearer to the side lot line and rear lot line than (5) feet.
- 7) No animals or birds other than household pets shall be kept on any lot designated as residential.
- 8) Only one residence or garage may be built or maintained on any lot designated as residential.
- 9) No part of any lot in the subdivision shall be used for commercial or manufacturing purposes except those lots designated as commercial on the plat map.
- 10) The above-described property does not include mineral rights.

- 11) No house trailers or mobile homes with less than 500 square feet shall be permitted on any lot designated as residential without approval of management of said subdivision.
- 12) No outside toilet or privy shall be erected or maintained on any lot (commercial or residential) in the subdivision. All sanitary plumbing shall conform the minimum requirements of the Health Department of Edmonson County and the Commonwealth of Kentucky.
- 13) Easements are reserved along and within 15 feet of the front, 10 feet of the rear and side lines of all lots in this subdivision for the construction and perpetual maintenance of conduits, poles, wires, and fixtures for electrical distribution, telephone, watermains, sanitary and storm sewers, and with the right to cut and trim any trees which at any time may interfere to threaten to interfere with the maintenance of such lines, with right of ingress and egress from across said premises to employees of said utilities. It is understood and agreed that it shall not be considered a violation of the provisions of the easement if wires or cables carried by such pole lines pass over or are located on some portion of said lots not within the 10-foot-wide strip as long as such lines do not hinder the construction of buildings on any lots in this subdivision.
- 14) No signs of any kind shall be displayed to the public view on any lot designated as residential in the subdivision except one professional sign of not more one (1) square foot, one sign of not more than five (5) square feet advertising the property for sale or rent, or signs customarily used by builders or contractors to advertise the property during the construction and sales period.
- 15) These conditions and restrictions shall be binding upon all owners of lots in Cave Hollow Bay, their heirs, assigns, or successors in title to said lots. If the owner of any lot in this subdivision or any other person shall violate any of the covenants herein, it shall be lawful for any person or persons owning other property situated in said subdivisions or development to prosecute and proceedings at law or in equity against the person or persons violating any such covenant for the purpose of preventing him or them from so violating said covenant(s) or to recover damages for such violation(s).

THE FOLLOWING RESTRICTIONS SHALL APPLY TO THOSE LOTS IN THE SUBDIVISION DESIGNATED AS COMMERCIAL AND RESIDENTIAL.

- 16) Any interior sign displayed shall pertain only to a business or use conducted on the lot(s) where the sign is located; said sign may not extend over any street line; and no sign shall be located within fifty (50) feet of any residential property line. In no case shall a sign project more than twenty (20) feet above the roof line of the building to which the sign has reference.
- 17) It is anticipated that one or more lots in the commercial sections of the subdivisions or development shall be sold and used for the purpose of conducting a gasoline and oil business or activities common to a motor vehicle service station business. It is accepted, understood and agreed, however, that no lot designated on the plat as commercial may be used to conduct a gasoline and oil business or any activities common to a motor vehicle service station without specific written approval of the owners of the subdivision with such written approval to be included in the deed to said lot(s); such written approval authorizing this use to attach to the specific lot(s) and to thereafter become an authorized use for such designated lot(s).
- 18) Buyer should determine permissible use of the property from local zoning authorities.