

**Overview and Quick
Reference Guide
of the
Oakleaf Villas Garden Condominium
By-Laws**

This document is intended as a reference guide, not to replace the wording or intent of the official By-Laws. Refer to the actual By-laws for specific interpretations. This is not intended as a legal declaration of responsibilities or regulations. This is a supplement to make those references quicker.

**Compiled by: Jeff Rogge, Secretary
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1 **Article 1 - NAME AND LOCATION**

2 The name of the Council of Unit Owners is “Oakleaf Villas Garden Condominium, inc.”

3
4 **Article 2 - DEFINITIONS**

- 5 • legal definition of “Declaration”
6 • other definitions are taken from the Annotated Code of Maryland

7
8 **Article 3 - MEMBERSHIP**

- 9 • anyone who holds the title to a Unit is a member of the Corporation
10 • these By-Laws apply to the Corporation and are in line with MD’s Annotated Code
11 • the Secretary keeps a membership roster of Unit Owners
12 • Members notify the Secretary in writing of any change in ownership
13 • Failure to provide this information disqualifies Owners as voting members

14
15 **Article IV - MEETING OF MEMBERS AND / OR UNIT OWNERS**

16 Section 1

- 17 • the Board of Directors assigns a suitable meeting location

18 Section 2

- 19 • establishing the first meeting of the Corporation

20 Section 3

- 21 • the President calls special meetings if the Board decides, or 25% of the Owners petition
22 • Other than the original reason the special meeting is called, no other business can take place
23 unless 80% of the Owners are present (or proxy).

24 Section 4

- 25 • The Secretary mails notice of meetings to the address on the membership roster.
26 • The notice states the purpose, date, location.
27 • It must go out more than 10 days before the date, but less than 90 days.
28 • Meetings of members are open meetings.

29 Section 5

- 30 • 25% of the members must be present (by proxy or in person) to conduct business

31 Section 6

- 32 • Members’ vote corresponds to the number of Units they own.
33 • Normal decisions are made by vote greater than 50%, unless otherwise indicated in the By-Laws
34 • Members who are delinquent (more than 30 days) in payment may not vote nor be elected to the
35 Board of Directors.

36 Section 7

- 37 • A member may appoint another member as a proxy (in writing).
38 • One proxy vote per member representing, and they expire after 180 days.

39 Section 8

- 40 • If quorum is not met, the Members may designate another meeting 10 days from then.
41 • All Members then need to be notified as above.

42 Section 9

- 43 • Order of Business

- 44 1) Roll Call and proxies
- 45 2) Proof of notice of meeting or waiver or notice
- 46 3) Reading of minutes of preceding meeting
- 47 4) Reports of Officers
- 48 5) Reports of Committees
- 49 6) Elections and Appointments
- 50 7) Unfinished business
- 51 8) New business
- 52 9) Adjournment

53

54

Article V – DIRECTORS

55 Section 1 The Board of Directors must have at least 3, but no more than 9 members.

56 Section 2 Lists the original Directors.

57 Section 3 The Board of Directors administrates on behalf of the Council of Unit Owners to:

- 58 1) Provide care, upkeep, maintenance
- 59 2) Set and collection of assessments
- 60 3) Hire and fire personnel
- 61 4) Enforce rules
- 62 5) Impose fines, suspend voting rights, etc.
- 63 6) Lease, grant licensee, easements for common elements
- 64 7) Purchase Units
- 65 8) Make arrangements, for enjoyment, recreation, or welfare of Members
- 66 9) Purchase Insurance
- 67 10) Make repairs
- 68 11) Tow unauthorized vehicles
- 69 12) Manage parking spaces

70 Section 4

- 71 • By majority vote, the Board may employ a Management agent
- 72 • Management agents may be dismissed without cause with 90 day notice, with cause 30 days
- 73 notice.
- 74 • Terms with Management agents may not be more than one year, but may be renewed.

75 Section 5

- 76 • Terms of office for Directors are 3 years (after the first round of Directorships expired).
- 77 • The Membership may choose to have Director terms of one year.
- 78 • Directors hold their office until successors have been elected and hold their first annual meeting

79 Section 6

- 80 • Normal vacancies are filled by a majority vote of the remaining Directors.
- 81 • The new Director's term serves until the next annual meeting, when a new election can be held.

82 Section 7

- 83 • Directors may be removed by a majority vote of the members, after that Director has been heard.
- 84 • A Director more than 30 days delinquent in dues may be terminated by the rest of the Board.

85 Section 8

- 86 • No Director will receive compensation for service on the Board, reimbursement for reasonable
- 87 expenses is ok.

88 Section 9

- 89 • Within 10 days of an election, the Board of Directors must meet.

90 Section 10

- 91 • The Board of Directors must meet at least two times a year (as decided by a majority on the
92 Board). Appropriate notice must be given to each Director unless it is a reoccurring date.

93 Section 11

- 94 • Special meetings of the Board may be called by the President, with 3 day's notice (with time,
95 location, and purpose).

96 Section 12

- 97 • Waiver of notice for Board Meetings

98 Section 13

- 99 • Board of Director's meetings need a majority of Directors for quorum.
- 100 • If quorum is not met, another meeting may be called 48 hours later, business may move forward
101 without quorum at that meeting

102 Section 14

- 103 • Any action by the Board (except adopting a budget), may be taken without a meeting if all
104 Directors individually and collectively consent in writing.
- 105 • Written consent is filed with the Minutes.

106 Section 15

- 107 • Directors must register with the Department of Assessments and Taxation.

108

109

Article VI – OFFICERS

110 Section 1

- 111 • Principal officers are the President, Vice President, Secretary and Treasurer.
- 112 • Office is by election of the Board.
- 113 • Other offices may be created and held by non-Corporation members.
- 114 • The Secretary may also be the Treasurer.

115 Section 2

- 116 • Officers are elected by the Board of Directors annually.

117 Section 3

- 118 • A Director may be removed from their position by a majority vote of the Board, with or without
119 cause.
- 120 • A successor is then elected by the Board.

121 Section 4

- 122 • the President is the Chief Executive Officer.
- 123 • The President presides at all member meetings and the Board meetings.
- 124 • The President has all the general powers and duties usually vested in a President of the
125 Corporation (including but not limited to, appointing committees to assist the Corporation).

126 Section 5

- 127 • The Vice President takes the place of the President if the President is unable.
- 128 • The Board may also specify other duties for the Vice President.

129 Section 6

- 130 • The Secretary keeps the minutes and resolutions of all meetings .

- 131 • The Secretary counts all votes at meetings of members, keeps the membership roster, and other
132 records.

133 Section 7

- 134 • The Treasurer has the responsibility for funds, and accounting responsibilities for the
135 Corporation.

136 Section 8

- 137 • Officers serve without compensation.
138

139 **Article VII – Liability and Indemnification of Officers and Directors**

- 140 • This section deals with protection for Directors against legal actions pertaining to their work as
141 Directors.
142 • This section refers to contracts between the Directors and the interests of the Corporation.
143

144 **Article VIII - MANAGEMENT**

145 Section 1

- 146 • The council of Unit Owners is responsible for cost of liability insurance, cost of services for
147 management, maintenance and repair of common property.
148 • Costs associated with maintenance or repair of any Unit if it is necessary to protect common
149 property or overall community appearance (by approval of the Board of Directors, with
150 reasonable notice to the owner). The owner of the unit can then be responsible for payment of
151 work.

152 Section 2

- 153 • Responsibilities may be delegated to the Management Agent, and if the Management Agent is
154 believed to provide competent service, then the Board and/or Corporation is not responsible if the
155 Management Agent fails to provide.

156 Section 3

- 157 • The Corporation has the power to negotiate easements and licenses with utilities, cable TV gas
158 lines, etc.

159 Section 4

- 160 • The Corporation isn't responsible for failure in the water supply or any other utility paid out of
161 the common funds. Unless the Condominium has insurance to cover such events, the Corporation
162 is not liable for damages from water coming off the roof, downspout or into any Units.

163 Section 5

- 164 • The Corporation is the attorney in fact.

165 Section 6

- 166 • This section refers to owner responsibilities for their individual units.
167 • Structural repairs can be the responsibility of the Corporation unless negligence from the Owner.

168 Section 7

- 169 • The Board can enter Units to make repairs when necessary for public safety or to prevent damage
170 to other properties. A reasonable effort needs to be made to notify the Owner.
171

172 **ARTICLE IX – ASSESSMENTS, CARRYING CHARGES AND ANNUAL BUDGET**

173 Section 1

- 174 • Members' monthly charges are due the first of the month.
- 175 • These charges cover facilities maintenance, management, repairs, taxes and assessments, liability
- 176 insurance, water and/or any other costs from the corporations.
- 177 • The Board of Directors determines the amount annually, and may do so more frequently if
- 178 necessary.
- 179 • If the Board and more than 50% of Members agree, collection may occur on a basis other than
- 180 monthly.
- 181 • Increases need to be rounded off to the next higher dollar amount.
- 182 • After the Board determines the annual assessment, it is submitted to the Owners at least 30 days
- 183 before adoption.
- 184 • The budget is adopted at an open meeting of the Council of Unit Owners.
- 185 • Annual budgets must cover:
 - 186 1) Income
 - 187 2) Administration
 - 188 3) Maintenance
 - 189 4) Utilities
 - 190 5) General expenses
 - 191 6) Reserves
 - 192 7) Capital items
- 193 • No Owner may exempt themselves from assessments or carrying costs.

194 Section 2

- 195 • Special Assessments may be levied with the assent of the majority of Owners. The purpose of the
- 196 special assessment is determined by the Board.

197 Section 3

- 198 • Delinquent accounts may be charged fees, interest, collection costs, attorney's fees, and a lien
- 199 may be initiated.
- 200 • Rules and format for the lien are stated
- 201 • The Board may post a list of delinquent members in any location within the Condominium.

202 Section 4

- 203 • The Corporation can issue Certificates of Assessment, and charge \$30 for it.

204 Section 5

- 205 • The board may elect for an accelerated or insist on payment in full on delinquent accounts.

206 Section 6

- 207 • Priority of a Lien

208 Section 7

- 209 • Proper notification of owners with delinquent accounts.

210

211 **ARTICLE X – USE RESTRICTIONS**

- 212 • Units are for private residential purposes, with exceptions granted by the Board of Directors (i.e.
- 213 day-care).

214 Section 2

- 215 • No portion of the Unit may be rented, all or nothing. Any Owner leasing, must notify the Board
- 216 of Directors with a copy of the lease.

- 217 • Units may not be leased for less than 30 days.
- 218 • The By-Laws or any other “house rules” need to be inside the unit.
- 219 • Check original passage for exemptions to this.

220 Section 3

- 221 • Each Unit is to be used for residential purposes, professional office exemptions to be granted by
222 the Board of Directors (in compliance with zoning laws).
- 223 • Anyone intending to run a home day-care service must notify the Board in writing 60 days before
224 opening the service. The Board of Directors may regulate and charge fees for home day care
225 providers.
- 226 • No noxious activities or trade. i.e. loud music, late night parties, or equipment usage that
227 interferes with normal TV or radio reception.
- 228 • No obstruction to the common areas/properties.
- 229 • Nothing can be stored on the common elements without approval by the Board of Directors.
- 230 • Parking spaces and bicycle storage may be assigned by the Board of Directors.
- 231 • No alterations, modifications, messing with common areas, especially if it increases the insurance
232 rate.
- 233 • No posting advertisement, posters, signs on the exterior of Units (or in windows), without
234 permission of the Board.
- 235 • No recreational vehicles, boats, trailers, etc. stored on the premises unless approval of the Board.
236 The Board may create such spaces though.
- 237 • No antennas that are visible from the exterior may be erected or maintained except by written
238 consent of the Board.
- 239 • All yards must be kept orderly (no motorcycles, on patios, etc.). The Board of Directors may
240 determine “orderly.” If an owner fails to remove objectionable items, the Board may remove
241 them (without liability), and charge the owner for costs incurred.
- 242 • Livestock and poultry are prohibited, small orderly house pets are fine (except for breeding
243 purposes).
- 244 • Pets need to be accompanied, and leashed. Owners are responsible for their pets.
- 245 • No temporary structures or clothes lines are allowed.

246
247 **ARTICLE XI – ARCHITECTURAL CONTROL**

- 248 • Residents cannot change the exterior appearance of their unit without prior permission (including:
249 awnings, nailing things, windows, doors, lighting, etc.).
- 250 • Units cannot be joined or partitioned without prior approval.
- 251 • The Architectural Control Committee has 3 members appointed by the Board, if no committee
252 exists then the Board is the Committee.
- Requests should be made to the Architectural Control Committee, and the ACC has 60 days to
address them.
- 253 • The applicant has 6 months to commence approved plans, and completed within 12.
- 254 • When the project is completed, the ACC requests from the Owner a Certificate of Compliance.
- 255 • The ACC has the power to adopt rules and regulations, enforceable through the Courts.

256
257 **ARTICLE XII – INSURANCE**

- 258 • The Board will obtain insurance (for common elements, fire, flood, Workman’s Comp,
259 Indemnity, fidelity, and determine that Unit Owners may need to obtain their own insurance for
260 individual units.
261 • Each Owner will insure their Units, with an appropriate amount of coverage.
262

263 **ARTICLE XIII – CASULTY DAMAGE – RECONSTRUCTION OR REPAIR –CONDEMNATION**

- 264 • This section provides guidance if the Insurance proceeds are insufficient, the damage is
265 catastrophic, etc. It also states where the Corporation may step in if more than 2/3 of a project is
266 destroyed, and how to work with issues of condemnation from damage.
267

268 **ARTICLE XIV – FISCAL MANAGEMENT**

- 269 • The fiscal year starts with January 1. It may be changed by the Board.
270 • Books and accounts are the charge of the Treasurer. They should be in good order, and include
271 all receipts and expenditures.
272 • The Books and accounts of the Corporation must be available for Unit Owners upon request.
273 • With prior authorization of the Board, the President or Vice President may execute all notes,
274 checks, and contracts.
275

276 **ARTICLE XV - AMENDMENTS**

- 277 • These By-Laws may be amended by a 67% vote by the Unit Owners at any meeting called for
278 this purpose.
279 • Amendments may be proposed by the Board or by Petition signed by at least 30% of Unit
280 Owners, with proper notice.
281

282 **ARTICLE XVI – Mortgages**

- 283 • Owners who mortgage their Unit, need to notify either the President of the Board, or the
284 Management Agent.
285 • With few exceptions, the Council of Unit Owners may not abandon, subdivide, or sell common
286 elements.
287 • At least 67% of Owners are needed to approve changes beyond the By-Law statements to: voting
288 rights, leins, assessments, bonds, leasing, etc.
289 • Unpaid assessments may be collected by the Council of Unit Owners when over 60 days due.
290

291 **ARTICLE XVII – Parking Spaces**

- 292 • All parking spaces are considered common elements, to be regulated by the Board.
293 • Vehicles must be parked properly so they don’t interfere with other parking spaces or access.
294

295 **ARTICLE XVIII – Federal Home Loan Mortgage Corporation and Federal National Mortgage**
296 **Association**

- 297 • By-Laws, rules, standards, etc must comply with the FHLMC
298

299 **ARTICLE XIX – Compliance – Interpretation – Miscellaneous**

- 300 • We are compliant with Maryland laws and they also supersede these By-Laws.