

**AMENDED AND RESTATED BYLAWS OF EAGLE CONDOMINIUM**  
**Approved February 22nd, 2022**

**PREAMBLE**

The following Bylaws constitute the amended and restated Bylaws of Eagle Condominium Association of Sun City West, Arizona, an unincorporated association of properly owners owning Lots 264 through 302, Tract J, Sun City West Unit 4, according to the plot of record in the office of the Maricopa County Recorder, State of Arizona, in Book 199 of maps, at page 18.

**ARTICLE I**

**BYLAWS - AMENDED DECLARATION**

These Bylaws are subject to the "First Amendment to Declaration of Covenants, Conditions, and Restrictions", dated May 5, 1986, and recorded in the official records of Maricopa County, Arizona. May 12, 1986, as instrument No. 86 232494. Said instrument may be referred to herein as "Declaration."

**ARTICLE II**

**DEFINITIONS**

1. Except as otherwise specified herein, the words and terms used shall have the meanings ascribed to them in Article I of the Declaration.
2. "Unit" shall have the some meaning as the words "Improved Lot," defined in Article I, Section 10 of the Declaration
3. "Member" shall have the some meaning as the word "Owner," defined in Article I, Section 11 of the Declaration.

**ARTICLE III**

**NAME OF THE ASSOCIATION**

The Association is hereby named "Eagle Condominium Association of Sun City West, Arizona", but may be referred to as "Eagle Condominium." Eagle Condominium includes all owners of record registered in the County Recorder office of Maricopa County, State of Arizona, of the thirty-nine (39) Units in Eagle,

Swallow, and Thrush Courts.

## ARTICLE IV

### PURPOSES OF ASSOCIATION

The purposes of this Association are: (a) to be and to operate as a non-profit Association, (b) to provide for the management of the common interests of the Members, (c) to assess the Members for, and pay on their behalf, the expenses incurred and to be incurred for the operation and maintenance of the properties described in the Preamble to these Bylaws, and (d) to adopt and enforce rules and regulations for the use of the individual Units.

## ARTICLE V

### MEMBERSHIP AND VOTING RIGHTS

1. Membership. All owners of record in the office of the Maricopa County Recorder, State of Arizona, of one or more of the lots included in the Preamble to these Bylaws shall be Members of the Association while such ownership continues.

2. Registration of interest. It shall be the duty of each Member of the Association to register his name, address, and the nature of his interest with the Chairman of the Association. Failure to register shall not relieve such Member from any obligation, covenant, or restriction under the Declaration or these Bylaws.

3. Voting. The total number of votes of all Members of the Association is thirty-nine (39) votes. Each Unit shall constitute one (1) voting unit, it being understood that the owners of such Unit shall be entitled to one (1) vote among them, regardless of the number of persons who may own such Unit.

4. Quorum.

(a) The presence in person, by Absentee Ballot or email of record of Members having in the aggregate twenty (20) total authorized votes computed in accordance with Section 3 above shall constitute a quorum at all meetings of the Association.

(b) if at any meeting of the Association there shall be less than a quorum present, a majority of votes held by the Members present may adjourn the meeting from time to time. At any such adjourned meeting at which a quorum is present, any business which might have been transacted at the meeting originally called may be transacted without further notice.

(c) A plurality of the votes cast at a meeting at which a quorum shall

be present shall be binding upon the Association for all purposes, except wherein the Declaration, or these Bylaws, or by law, a higher percentage vote, or number of votes, is required.

5. Order of Business. The order of business at the annual meetings of Members shall be as follows:

- (a) Roll Call
- (b) Proof of notice of meeting
- (c) Reading and approval of minutes of last annual and special meetings
- (d) Reports of officers
- (e) Report of Board of Management
- (f) Report of Committees, including nominating committee
- (g) Appointment of inspectors of election
- (h) Election of Board members
- (i) Unfinished business
- (j) New business

6. Absentee Ballot. A member who cannot attend the annual meeting shall be given/sent an Absentee Ballot and an email ballot and shall select one of those two options to cast their votes. Absentee and email ballots will be given/sent out to members in good standing, thirty (30) days before the Annual Meeting. Absentee Ballots must be signed and returned within one (1) week of the Annual Meeting and are valid only for one specified meeting. Email ballots must be received via an email address on record with the Management Board Secretary and are valid only for one specified meeting. The Absentee Ballot and email ballot will be counted as an establishment for a quorum.

7. Required Votes. To be legally effective, any one or more at the following proposals made by or on behalf of the Association shall require that a total of twenty (20) affirmative votes be cast in person by absentee ballot or by email ballot in support of such proposal at a meeting of the Members of the Association duly held in accordance with the Bylaws, i.e., any proposal:

- (a) To amend the bylaws or any section thereof,
- (b) To increase the amount at the monthly assessment levied by the Board of Management against each Unit. However, notwithstanding Article 5, Section 7, the Board of Management may approve an association dues increase by an amount not to exceed 5% for each succeeding fiscal year without following the procedures established in that section.
- (c) To authorize the Board of Management to expend monies of the Association in excess of Five Thousand Dollars (\$5,000.00) for any capital construction project or to ratify any such expenditure previously made by the Board,

- (d) To authorize the Board of Management to incur an indebtedness for or in the name of the Association in an amount in excess of Five Thousand Dollars (\$5,000.00) or to ratify any such indebtedness previously incurred,
- (e) To authorize the Board of Management to levy a special assessment against each Unit.

## ARTICLE VI

### MEETINGS OF MEMBERS

1. Annual Meeting. The annual meeting of Members of the Association shall be held in February of each year at such date, time and place as shall be determined by the Board of Management.

2. Special Meetings. A special meeting of Members of the Association may be called by the Chairman or by the Board of Management and shall be called by the Chairman upon submission to him of a written request for a special meeting signed by Members of the Association possessing collectively twenty (20) votes.

3. Service of Notice. It shall be the duty of the Secretary to mail or deliver a written notice of each annual or special meeting of the Association to each Member at least thirty (30) days in advance of such meeting. The notice shall be mailed first class or delivered to such Member at the Member's dwelling Unit or mailed first class to such other address as such Member shall have designated by notice in writing to the Secretary. The Notice of Meeting shall state the date, time, and place of such meeting and, in the case of a special meeting, the purpose thereof. No business shall be transacted at a special meeting except as stated in the notice. When the notice is mailed in the manner provided in this Article, the notice shall be deemed to have been delivered on the date it has been deposited in the United States mail, postage prepaid and properly addressed.

## ARTICLE VII

### BOARD OF MANAGEMENT

1. Number and Qualification. The affairs of the Association shall be governed by a Board of Management, sometimes referred to herein as the "Board," composed of five (5) persons, each of whom shall be a Member of the Association.

2. Term of Office. At the Annual meeting of the Association the term of office of two (2) members at the Board shall be fixed by the nominating

committee at two (2) years in even numbered years and the term of office of three (3) members of the Board at two (2) years in odd numbered years. Following succeeding elections the chair of the current board shall remain in that position to convene a meeting of the newly elected board. The new boards first initial action shall be to elect officers. Following the election of officers the new board is declared official and the terms of the past board members are ended.

3. Nominations. Nomination of candidates for the Board of Management shall be made by a Nominating Committee.

4. Regular Meetings. Regular meetings of the Board may be held on such dates and at such times and places as shall be determined from time to time by a majority of the Board. Notice of regular meetings for the Board shall be given to each Board member at least three (3) business days prior to the day named for such meeting.

5. Special Meeting. Special meetings at the Board may be called by the Chairman on twenty-four hours notice to each Board member, which notice shall state the date, time, place and purpose of the meeting. Special meetings of the Board shall be called by the Chairman or Secretary in like manner and on like notice on the written request of at least three (3) Board members.

6. Attendance of Members at Board of Management Meetings. Any member of the Association may participate in any Board of Management meeting with voice but no vote.

7. Quorum. At all meetings of the Board, a majority of the Board members shall constitute a Quorum for the transaction of business, and the votes of a majority of the Board members present at a meeting at which a quorum is present shall constitute the decision of the Board.

8. Compensation. No Board member shall receive any compensation from the Association for acting as such.

9. Vacancies. Vacancies on the Board shall be filled by a vote of a majority of the remaining members of the Board at a special meeting of the Board held for that purpose promptly after the occurrence of any such vacancy, even though the members present at such meeting may constitute less than a quorum. Each person so elected shall be a member of the Board for the remainder of the term of the member replaced.

10. Powers of the Board. Except as otherwise provided in these Bylaws, the Board shall have the rights and powers specified in Article VI Section 3, of the Declaration.

11. Taxes and Assessments. The owner or owners of each Unit shall be solely responsible for the payment of any and all taxes and assessments levied and assessed against each Unit.

Monthly assessment shall be paid by the Members by the fifth (5<sup>th</sup>) day of each month as directed by the Board of the Association and in the amount predetermined and which is designated as the monthly assessment. If at the end of thirty (30) days payment has not been received, a delinquent penalty charge of ten percent (10%) shall be made against the owner of the unit. In the event of special circumstances, the thirty (30) days may be extended with the approval of the Board of Management. Any request for an extension must be made in writing to the Board of Management by the fifteenth (15<sup>th</sup>) day of the month in which the payment is due.

## ARTICLE VIII OFFICERS – DUTIES

1. Officers. The officers of the Association shall be the Chairman, Vice Chairman, Secretary, and Treasurer. The Board shall elect the Chairman from among the Board Members. No member shall hold more than one (1) office at a time.

2. Election by Board. The officers of the Association shall be elected annually by the Board at the organizational meeting of each new Board and shall hold office at the pleasure of the Board.

3. Duties of Officers. The duties of the officers shall be as follows:

- (a) The Chairman. The Chairman Shall preside at meetings of the Association and the Board at Management. As executive officer at the Association, it is his/her duty to carry out the directions of the Association and of the Board of Management. The Chairman, with the approval at the Board, shall appoint such committees as may be required.
- (b) The Vice Chairman. The vice Chairman shall perform the duties of the Chairman in his absence or disability and shall perform such additional duties as may be directed by the Board of Management.
- (c) The Secretary. The Secretary shall keep minutes of all meetings of the Association and the Board of Management and keep all records. They

shall handle all correspondence, including the preparation and distribution of notices of meetings, and perform such other duties as may be directed by the Board of Management. Upon a written request, the Secretary shall provide copies of the minutes of all Board meetings since the last annual meeting to any Member of the Association.

(d) The Treasurer. The Treasurer shall:

- (1) deposit, or cause to be deposited, all monies belonging to the Association with a bank selected by the Board of Management, and whose deposits are insured by the Federal Deposit Insurance Corporation;
- (2) disburse such monies, or direct their disbursement, as authorized by the Board of Management;
- (3) with the assistance of the Board, prepare and present to the Members at the Annual Meeting a budget for the fiscal year;
- (4) prepare and present to the Members at the Annual Meeting a budget and a projection of long term fixed asset reserve fund expenditures;
- (5) assist an Auditing Committee of three (3) Members who shall not be members of the Board of Management, and who shall be appointed by the Chairman. It shall be the duty of the Auditing Committee to audit the Treasurer's accounts within one hundred eighty (180) days of the close of the fiscal year and to report to the Members at the Annual Meeting;
- (6) prepare and present to the Members at the Annual Meeting a proposed allocation of Members' assessments to the separate funds maintained by the Association.

(e) The Member-at-Large shall act as an intermediary between the board and the committees of the association.

4. Absences – Disability. In the case of the absence or disability of the Chairman, the duties of that office shall be performed by the Vice Chairman. Should both the Chairman and the Vice Chairman be unavailable, the duties of the Chairman shall be performed by the Secretary, and in the case of his/her unavailability, by the Treasurer.

5. Compensation. No officer shall receive any compensation from the Association for acting as such.

## ARTICLE IX

### RULES

1. Pets. No more than one (1) pet shall be kept in any one (1) unit by an



owner. If the Unit is rented at any time, no pets of any kind shall be permitted in the Unit by the tenant.

2. Signs.

- (a) The use of "For Sale," "For Rent," or "Sold" signs shall be limited as to number, size and location. One sign of not more than six (6) square feet may be displayed at the street entrance to the court. A small sign may be used inside the court near the entryway of the Unit which is for sale or rent, and a small sign may be placed in the window of that Unit. "Sold" signs are to be removed within seven (7) days after a contract to sell the property has been signed by the buyer and seller;
- (b) Political signs may be placed as long as they meet state, county, or city guidelines with a maximum of 24" x 24", for forty-five (45) days before the election and fifteen days after the general election, except that for a sign for a candidate in a primary election who does not advance to the general election, the period ends fifteen days after the primary election.

3. Complaints. Complaints and suggestions that pertain to the management of Eagle Condominium, or to the implementation of any project authorized by the Board of Management, shall be made in writing and presented to any member of the Board of Management for consideration.

4. Parking. Designated parking spaces located on the property of the Eagle Condo Association are for the exclusive use of residents and their guests. Only vehicle types not listed in Article III, Section 6 of the association CC&Rs, which includes mobile homes, boats, recreational vehicles, trailers of any kind, remodeled buses, or other types of recreational vehicles, or commercial vehicles, may access these parking spaces. Parking is not allowed in the service drives with the following exceptions:

- 1. Parking a reasonable amount of time for purposes of loading or unloading a vehicle.
- 2. Vehicles providing maintenance work or delivering products. It is the responsibility of the unit resident involved in the exceptions listed to assure that other residents are not inconvenienced.

## ARTICLE X

### MISCELLANEOUS

1. Profit. No profit may be made by the Association; and if income is received other than by assessment of Members, it shall be deposited in the general Association fund for the benefit of all Members.



2. Withdrawal of Funds. The share of a Member in the funds and assets of the Association cannot be withdrawn, assigned, pledged, encumbered, or transferred in any manner, except as an appurtenance to his Unit.

3. Captions. The captions herein are inserted only as a matter of convenience and for reference end in no way define, limit, or describe the scope of these Bylaws or the intent of any provision hereof.

4. Gender. The use of the masculine gender in these bylaws shall be deemed to include the feminine gender, and the use of the singular shall be deemed to include the plural, and vice versa, whenever context so requires.

5. Waiver. No restrictions, condition, obligation, or provision contained in these Bylaws shall be deemed to have been abrogated or waived by reason of any failure to enforce the same, irrespective of the number of violations or breaches thereof which may occur.

6. Invalidity. The invalidity of any part of these Bylaws shall not impair or affect in any manner the validity, enforceability, or effect at the balance of these Bylaws.

7. Guidance. With the approval of at least two additional board members, the Board Chairman has the authority to request information and guidance concerning association business from an attorney, knowing that an attorney fee may be levied against the association.

## ARTICLE XI

### PARLIAMENTARY AUTHORITY

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Association in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the Association may adopt.

## ARTICLE XII

### AMENDMENTS

1. Vote Required. These Bylaws may be amended by the affirmative vote of a majority of the total voting power of the Members, i.e., twenty (20) affirmative votes, cast in person or by Absentee Ballot, or email of record at a

meeting of the members of the Association duly held in accordance with these Bylaws.

2. Procedure. An amendment to these Bylaws may be submitted to the Members of the Association by the Board of Management or by any Member of the Association. An amendment proposed by a Member shall be submitted in writing to a Board member at least sixty (60) days prior to the meeting of Members of the Association at which the amendment is proposed to be considered.

3. Notice. The notice of meeting of Members of the Association at which the proposed amendment is to be considered shall include, or be accompanied by, the full text of the section or sections at the Bylaws as proposed to be amended.