




*Tom Leatherwood*  
Shelby County Register

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<b>07041809</b>	
<b>03/09/2007 - 03:31 PM</b>	
7 PGS : R - MISCELLANEOUS	
DAVEJ 475990-7041809	
VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	35.00
DP FEE	2.00
REGISTER'S FEE	0.00
WALK THRU FEE	0.00
<b>TOTAL AMOUNT</b>	<b>37.00</b>
<b>TOM LEATHERWOOD</b>	
REGISTER OF DEEDS SHELBY COUNTY TENNESSEE	

THIS INSTRUMENT PREPARED  
BY AND TO BE RETURNED TO:  
Kannon C. Conway, Esq.  
Harris Shelton Hanover Walsh, PLLC  
One Commerce Square, Suite 2700  
Memphis, Tennessee 38103

*W. C. Conway* 3/8/07  
Commission Expires: 01/2/07  
NOTARY PUBLIC AT LARGE  
SHELBY COUNTY, TENN.

AMENDMENT TO BY-LAWS OF VILLAGE OF SUMMER MEADOWS HOMEOWNERS ASSOCIATION, INC.

THIS AMENDMENT TO BY-LAWS IS made on the date hereinafter set forth by the required number of members VILLAGE OF SUMMER MEADOWS HOMEOWNERS ASSOCIATION, INC. (the "Association"), a Tennessee not-for-profit corporation:

WITNESSETH

WHEREAS, on November 13, 1998, the By-laws of the Village of Summer Meadows Homeowners Association, Inc. ("the By-laws") were filed with the Tennessee Secretary of State, and;

WHEREAS, Article XIV, Section 14.01 provides that the By-laws may be amended, at a regular or special meeting of the members, by a vote of a majority of a quorum of members present in person or by proxy; and

WHEREAS, Article III, Section 3.04 defined quorum as the presence at the meeting of members entitled to cast, or of proxies entitled to cast, thirty percent (30%) of the votes of each class of membership; and

WHEREAS, the majority of a quorum of members, represented by the attached voting records, desire to amend the By-laws as hereafter set forth:

NOW THEREFORE, the By-laws are amended as follows:

1. Article III, Section 3.04 is hereby deleted in its entirety and replaced with the following:

3.04 Quorum. The presence at the meeting of members entitled to cast, or of proxies entitled to cast, ten percent (10%) of the votes of each class of membership shall constitute a quorum of any action except as otherwise provided in the Articles of Incorporation, the Declaration, or these By-Laws. If, however, such quorum shall not be present or represented at any meeting, the members entitled to vote thereat shall have power to adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum as aforesaid shall be present or represented.



# Annual Membership Meeting, 2006-07-29 Election Results Certification Form

## RESULTS FROM BALLOTS SUBMITTED ONLINE

Election of Two Directors	For	12
	Against	3
	Abstain	3
Ballot Initiative 1	For	9
	Against	10
Ballot Initiative 2	For	16
	Against	3
Ballot Initiative 3	For	16
	Against	2
	Abstain	1
Ballot Initiative 4	For	17
	Against	2
Ballot Initiative 5	For	14
	Against	5
Ballot Initiative 6	For	11
	Against	7
	Abstain	1

## RESULTS FROM BALLOTS SUBMITTED BY MAIL / IN PERSON

Election of Two Directors	For	# of Votes: 47 + RW
	Against	# of Votes: 6

	Abstain	# of Votes: 13
	For	# of Votes: 50 + RW
Ballot Initiative 1	Against	# of Votes: 11
	Abstain	# of Votes: 5
	For	# of Votes: 53 + RW
Ballot Initiative 2	Against	# of Votes: 8
	Abstain	# of Votes: 5
	For	# of Votes: 53 + RW
Ballot Initiative 3	Against	# of Votes: 9
	Abstain	# of Votes: 4
	For	# of Votes: 56 + RW
Ballot Initiative 4	Against	# of Votes: 6
	Abstain	# of Votes: 4
	For	# of Votes: 60 + RW
Ballot Initiative 5	Against	# of Votes: 5
	Abstain	# of Votes: 1
	For	# of Votes: 43 + RW
Ballot Initiative 6	Against	# of Votes: 19
	Abstain	# of Votes: 4

**RESULTS FROM BALLOTS SUBMITTED IN PERSON**

<del>Election of Two Directors</del>	<del>For</del>	<del># of Votes:</del>
	<del>Against</del>	<del># of Votes:</del>
	<del>Abstain</del>	<del># of Votes:</del>
<del>Ballot Initiative 1</del>	<del>For</del>	<del># of Votes:</del>
	<del>Against</del>	<del># of Votes:</del>
	<del>Abstain</del>	<del># of Votes:</del>
<del>Ballot Initiative 2</del>	<del>For</del>	<del># of Votes:</del>
	<del>Against</del>	<del># of Votes:</del>
	<del>Abstain</del>	<del># of Votes:</del>
<del>Ballot Initiative 3</del>	<del>For</del>	<del># of Votes:</del>
	<del>Against</del>	<del># of Votes:</del>
	<del>Abstain</del>	<del># of Votes:</del>
<del>Ballot Initiative 4</del>	<del>For</del>	<del># of Votes:</del>

	Against	# of Votes:
	Abstain	# of Votes:
	For	# of Votes:
Ballot Initiative 5	Against	# of Votes:
	Abstain	# of Votes:
	For	# of Votes:
Ballot Initiative 6	Against	# of Votes:
	Abstain	# of Votes:

**Write-in Candidates**

Race/Office Sought:	# of Votes:
Candidate Name:	
Race/Office Sought:	# of Votes:
Candidate Name:	
Race/Office Sought:	# of Votes:
Candidate Name:	
Race/Office Sought:	# of Votes:
Candidate Name:	
Race/Office Sought:	# of Votes:
Candidate Name:	

**GRAND TOTALS**

	For	# of Votes: 59 + RW
Election of Two Directors	Against	# of Votes: 9
	Abstain	# of Votes: 16
	For	# of Votes: 59 + RW
Ballot Initiative 1	Against	# of Votes: 21
	Abstain	# of Votes: 5
	For	# of Votes: 69 + RW
Ballot Initiative 2	Against	# of Votes: 11
	Abstain	# of Votes: 5
	For	# of Votes: 69 + RW
Ballot Initiative 3	Against	# of Votes: 11
	Abstain	# of Votes: 45
	For	# of Votes: 73 + RW
Ballot Initiative 4	Against	# of Votes: 108
	Abstain	# of Votes: 4

	For	# of Votes: 74 + 2w
Ballot Initiative 5	Against	# of Votes: 10
	Abstain	# of Votes: 1
	For	# of Votes: 54 + 2w
Ballot Initiative 6	Against	# of Votes: 26
	Abstain	# of Votes: 4

**Write-in Candidates**

Race/Office Sought: \_\_\_\_\_ # of Votes: \_\_\_\_\_  
Candidate Name: \_\_\_\_\_

Race/Office Sought: \_\_\_\_\_ # of Votes: \_\_\_\_\_  
Candidate Name: \_\_\_\_\_

Race/Office Sought: \_\_\_\_\_ # of Votes: \_\_\_\_\_  
Candidate Name: \_\_\_\_\_

Race/Office Sought: \_\_\_\_\_ # of Votes: \_\_\_\_\_  
Candidate Name: \_\_\_\_\_

Race/Office Sought: \_\_\_\_\_ # of Votes: \_\_\_\_\_  
Candidate Name: \_\_\_\_\_

**CERTIFICATION OF RESULTS**

We, the undersigned, certify that these results are true and correct, representing an accurate count of the votes that were properly cast in this election.

Tabulator: _____ (Print Name)	Signature: _____
Tabulator: _____ (Print Name)	Signature: _____
Director: Sharon J Crawford (Print Name)	Signature: Sharon J Crawford
Director: [Handwritten Name] (Print Name)	Signature: [Handwritten Signature]
Director: Coby M. Ritter (Print Name)	Signature: Coby M. Ritter
Director: _____ (Print Name)	Signature: _____
Director: _____ (Print Name)	Signature: _____
Director: _____ (Print Name)	Signature: _____

## BALLOT INITIATIVES

### **Ballot Initiative 1 – Modify the Bylaws so that 10% of homeowners at a meeting constitutes a quorum.**

The Board proposes to modify Section 3.04 of the Bylaws to read:

*“The presence at the meeting of members entitled to vote, or of proxies entitled to cast, ten percent (10%) of the votes of each class of membership shall constitute a quorum of any action except as otherwise provided in the Articles of Incorporation, the Declaration, or these By-Laws. If, however, such quorum shall not be present or represented at any meeting, the members entitled to vote thereat shall have power to adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum as aforesaid shall be present or represented.*”

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### **Ballot Initiative 2 – Align and clarify the wording of the restrictions in the Declaration of Covenants and the Final Plat attachment, and ease certain restrictions.**

The Board proposes to add all restrictions in the Final Plat attachment which are pertinent to the Homeowners into the Declaration of Covenants, in order to eliminate confusion about which restrictions to follow. Also, certain restrictions will be eased, and others clarified.

- No new restrictions will be added as a result of voting for this initiative.
- One satellite antenna per house will be permitted, additional antennas subject to Architectural Review (this brings the Covenants in line with Federal law).
- The restriction on pick-up trucks will be lifted, as the Board considers this an unreasonable restriction.
- The issues of storage sheds and wrought-iron gates are clarified.

### **Proposed Modifications to Declaration of Covenants (DOC) and Final Plat Restrictions (FPR):**

Modify DOC Section 7.02 (e) and FPR (e) to read:

*One exterior television or satellite antenna is permitted on each lot. Additional television or satellite antennae of any nature shall not be located on the Property without prior written approval of the Board of Directors of the Architectural Review Committee.*

Delete the words “pick-up trucks” from DOC Section 7.02(f) and FPR (f).

Add new paragraph to DOC Section 7.02:

*Perpetual easements for utility and driveways are reserved as shown in the Final Plat. No owner shall, within any such easement areas or at other locations, whether within or without designated areas, place or permit any structures, fencing, plants, or other materials which may damage or interfere with the installation and maintenance of utilities and/or interfere with the positive natural drainage established by Partners of the Builder of said homes. Further, no owner shall install any improvements or modify any existing grades in such a manner as would impair the positive natural flow of water from or onto the owner's lot the easement area and drainage facilities on each lot shall be maintained continuously by the owner of such lot.*  
(exact wording from FPR (o) )

Add new paragraph to DOC Section 7.02:

*Each lot owner is prohibited from obstructing the free flow of water drainage, or diverting or changing such drainage in any manner, which may result in damage to any other lot owner.*  
(exact wording from FPR (t) )

Add new paragraph to DOC Section 7.02:

*Storage sheds may be located on the Property with prior written approval of the Board of Directors or the Architectural Review Committee.*

Add new paragraph to DOC Section 7.02, and modify FPR (q) to read:

*No metal, wire, or chain link fences shall be allowed. Wood-style fences are allowed, however, wood style fences must comply with city and county ordinances. Wrought-iron fences are not permitted, however, a wrought-iron gate in a wood style fence is acceptable. Prior written approval of the Board of Directors or the Architectural Review Committee is required before erecting a fence.*

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**Ballot Initiative 3 – To prohibit the storage of tools, yard and garden implements, toys and other recreational equipment, and hazardous materials in view of street when such items are not in use.**

This initiative proposes to add the following paragraph to Section 7.02 of the Declaration of Covenants:

*Toys and other recreational equipment including (but not limited to) bicycles, portable basketball hoops, and barbecue grills, shall be stored so as to be screened from view of neighboring streets when not in use. Tools and equipment such as lawnmowers shall be similarly stored out of sight of neighboring streets when not being used. Under no circumstances shall gasoline cans or other hazardous materials be stored in view of neighboring streets.*

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**Ballot Initiative 4 – Prohibit parking in a manner obstructing the flow of two-way traffic on the street.**

The Board proposes to add the following paragraph to Section 7.02 of the Declaration of Covenants:

*No vehicle shall be parked so as to obstruct or impede two-way traffic on any street within the Properties, or impede the passage of any emergency vehicle.*

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**Ballot Initiative 5 – Prohibit the storage of inoperative vehicles within the subdivision.**

The Board proposes to modify Section 7.02 (f) of the Declaration of Covenants, and Final Plat Restriction (f) to read:

*No mechanical work shall be done on automobiles, boats, motors, etc. on the Lots except for emergency purposes. **Inoperative vehicles shall not be parked or stored within the properties. An inoperative vehicle is defined as any vehicle which cannot be legally operated on the street because of lack of current registration, lack of an engine, transmission, wheels, tires, doors, windshield or any other part or equipment necessary to operate safely, or which cannot be operated under its own power.***

Changes from the original wording are in bold type.

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**Ballot Initiative 6 – Prohibit the use of window-mounted air conditioning or ventilation units in windows visible from the street.**

The Board proposes to add the following paragraph to Section 7.02 of the Declaration of Covenants:

*Window-mounted air conditioners or ventilation fans shall not be permitted in any window within view of neighboring streets.*