

DECEPTION PARK VIEW ASSOCIATION

BYLAWS

AMENDED JUNE 26, 2020



BYLAWS
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**DECEPTION PARK VIEW COMMUNITY ASSOCIATION
BYLAWS**

As Amended June 26, 2020

**ARTICLE I
Registered Office**

The registered office of the corporation in the State of Washington shall be located at such address as may be established by the Board of Directors from time to time, as it may deem necessary for the proper transaction of corporate business.

**ARTICLE II
Purposes**

Section 1. The corporation shall be conducted as a non-profit, social and maintenance organization for the benefit of the members of this corporation.

Section 2. The purposes for which this corporation has been created may be altered, modified, enlarged or diminished by the vote of a majority of the members, at an annual meeting or at any special meeting duly called for that purpose.

**ARTICLE III
Membership**

Section 1. The membership of this corporation shall consist of and be limited to the incorporator and the owners and purchasers of property as determined by the Board of Directors. The privileges and facilities of the association may be extended to the spouse and children of a member and may be extended to guests, under such rules and regulation as the Board of Directors may prescribe.

Section 2. Membership shall be inseparably appurtenant to the tracts owned or being purchased by the members, and upon the transfer of ownership or the making of a contract for the sale of any such tract, the membership appurtenant thereto shall be deemed to be transferred to the contract purchaser or grantee, and said ownership is not subject to the approval of the Board of Directors, or of the other members of said association. No membership may be conveyed or transferred in any other way. In the event of the death of a member, their membership shall pass in the same manner and to the same persons as does the real property itself.

Section 3. No membership shall be forfeited nor any member be expelled, except members may be temporarily suspended and their voting rights temporarily suspended during the period within which they may be billed by the corporation for regular dues which have been for more than 60 days due and unpaid.

No member may withdraw except upon the transfer of title to, or upon contracting for the sale of, the tract to which their membership is appurtenant. No compensation shall be paid by the corporation upon any transfer of membership and no member whose membership is transferred shall be entitled to share or participate in any of the property or assets of the corporation.

ARTICLE IV

Meetings

Section 1. Annual meeting. The annual meeting of the members shall be held in June each year at the registered office of the corporation or at such other location as the Board may select for the purpose of electing directors and transacting such other business as may come before the meeting. If the day fixed for the annual meeting is a legal holiday at the place of the meeting, the meeting shall be held on the next succeeding business day. If the election of directors is not held on the day designated for the annual meeting of the members, or at any adjournment thereof, the election shall be held at a special meeting of the members called as soon thereafter as practicable.

Section 2. Special meetings. The members of the corporation shall meet in January of each year for the purpose of conducting community business. The meeting shall be held at the registered office of the corporation or at such other location as the Board may select. The President or the Board may call additional special meetings of the members for any purpose. At the request of the members having at least one-twentieth (1/20) of the votes entitled to be cast at a meeting of the membership, the President shall call a special meeting of the members.

Section 3. Place of meeting. All meetings shall be held at the registered office of the corporation or at such other place within the State of Washington designated by the Board or by waiver of notice signed by all of the members entitled to vote at the meeting.

Section 4. Notice of meeting. The President or Board, when calling annual or special meetings of the members, shall cause to be delivered to each member entitled to vote at the meeting, either personally or by mail, not less than 10 nor more than 50 days before the meeting a written notice stating the place, day and hour of the meeting, and in the case of a special meeting, the purpose or purpose for which the meeting is called.

Section 5. Action by members without a meeting. Any action required or permitted to be taken at a members' meeting may be taken without a meeting if a written consent setting forth the action so taken is signed by all member entitled to vote with respect to the subject matter thereof. Any such consent shall be inserted in the minute book as if it were the minutes of a membership meeting.

Section 6. Quorum. At any meeting of the membership of the corporation, those members present in person shall constitute a quorum. Each member so present shall be entitled to one vote.

Section 7. Proxies. At all membership meetings a member may vote by proxy executed in writing by the member or by their attorney in fact. Such proxy shall be filed with the Secretary of the corporation before or at the time of the meeting. Unless otherwise provided in the proxy, a proxy shall be invalid after 11 months from the date of its execution.

Section 8. Voting. Members shall be entitled to cast one vote. No member may hold more than one membership except temporarily as personal representative in probate proceedings, or as a guardian. The vote of any membership owned by a single marital community may be cast by either spouse without presentation of authority from the other. Ownership of two or more tracts shall entitle the owner to one vote per lot provided that community dues are assessed and paid on each lot involved. Lot combinations that are assessed only one community dues fee shall be entitled to only one vote.

ARTICLE V

Board of Directors

Section 1. General powers. The business and affairs of the corporation shall be managed by the Board.

Section 2. Number, tenure and qualifications. The Board shall be composed of six directors, provided however; that the number of directors may be changed from time to time to any number not less than three by an amendment to these Bylaws, but no decrease shall have the effect of shortening the term of any incumbent director. Each director shall hold office until the next annual meeting and until their successor shall have been elected and qualified unless they resign or are removed. Directors must be members of the corporation. In the event a director, other than the incorporator, can no longer qualify as a member, they shall thereupon also automatically cease to be a director and their office shall become vacant without the necessity of any act by the Board.

Section 3. Regular meetings. A regular Board meeting shall be held without notice immediately after and at the same place as the annual meeting of the membership. By resolution, the Board may provide the time and place within the State of Washington for holding additional regular meetings without other notice than such resolution.

Section 4. Special meetings. Special Board meetings may be called by or at the request of the President or any two directors. The person or persons authorized to call special meetings may fix any place within the State of Washington as the place for holding any special Board meeting called by them.

Section 5. Notice. Written notice of each special Board meeting shall be delivered personally or mailed to each director at their business address at least two days before the meeting. If such notice is mailed, it shall be deemed to be delivered when deposited in the United States mail properly addressed with postage prepaid. The attendance of a director at a meeting shall constitute a waiver of notice of such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the Board need be specified in the notice or waiver of notice of such meeting.

Section 6. Quorum. A majority of the directors shall constitute a quorum for the transaction of business at any Board meeting, but, if less than such majority be present at a meeting, a majority of the directors present may adjourn the meeting from time to time without further notice.

Section 7. Manner of acting. The act of the majority of the directors present at a meeting at-which a quorum is present, shall be the act of the Board.

Section 8. Vacancies. Any vacancy occurring on the Board may be filled by the affirmative vote of a majority of the remaining directors though less than a quorum of the Board. A director elected to fill a vacancy shall be elected for the unexpired term of their predecessor in office. Any directorship to be filled by election by reason of an increase in the number of directors shall be filled by election at an annual meeting or at a special membership meeting called for that purpose.

Section 9. Removal. At a meeting of the membership called expressly for that purpose, one or more members of the Board (including the entire Board) may be removed, with or without cause, by a vote of the holders of a majority of the shares then entitled to vote on election of directors. If cumulative voting is allowed and less than the entire Board is to be removed, no one of the director may be removed if the

votes cast against their removal would be sufficient to elect them if then cumulatively voted at an election of the entire Board.

Section 10. Compensation. By Board resolution, directors may be paid their expenses, if any, of attendance at each Board meeting or a fixed sum for attendance at each Board meeting or a stated salary as director or any combination of the foregoing. No such payment shall preclude any director from serving the corporation in any other capacity and receiving compensation therefore.

Section 11. Presumption of assent. A director of the corporation present at a Board meeting at which action on any corporate matter is taken shall be presumed to have assented to the action taken unless their dissent is entered in the minutes of the meeting or unless they file their written dissent to such action with the person acting as the Secretary of the meeting before the adjournment thereof or unless they forward such dissent by registered mail to the Secretary of the corporation immediately after the adjournment of the meeting. A director who voted in favor of such action may not dissent.

Section 12. Action by directors without a meeting. Any action required or permitted to be taken at a meeting of the Board may be taken without a meeting if a written consent setting forth the action to be taken is signed by each of the directors. Any such written consent shall be inserted in the minute book as if it were the minutes of a Board meeting.

Section 13. Election of Officers. The members shall elect the officers of the corporation at the annual membership meeting. All such officers must be members of the corporation. The President of the corporation shall be the Chairman of the Board of Directors.

ARTICLE VI

Officers

Section 1. Number. The Officers of the corporation shall be a President, a Vice President, a Secretary, a Treasurer, and two Directors, each of whom shall be elected by the members at the annual meeting. Such other officers or assistant officers as may be deemed necessary may be elected or appointed by the Board. No person shall hold more than one office during their term as director.

Section 2. Term of office. Each officer shall hold office until the next annual meeting and until their successor shall have been elected and qualified unless they resign or are removed.

Section 3. Removal. Any officer or agent elected or appointed by the Board may be removed by the Board whenever in its judgment the best interests of the corporation would be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the person so removed.

Section 4. Vacancies. A vacancy in any office because of death, resignation, removal, disqualification or otherwise, may be filled by the Board for the unexpired portion of the term.

Section 5. President. The President shall be the principal executive officer of the corporation and, subject to the Board's control, shall supervise and control all of the business and affairs of the corporation. When present, they shall preside over all membership meetings and over all Board meetings. With the Secretary or other officer of the corporation authorized by the Board, they may sign deeds, mortgages, bonds, contracts, or other instruments that the Board has authorized to be executed, except when the signing and execution thereof has been expressly delegated by the Board or by these Bylaws to some other officer or agent of the corporation or is required by law to be otherwise signed or executed by some other officer or

in some other manner. In general, they shall perform all duties incident to the office of President and such other duties as may be prescribed by the Board from time to time.

Section 6. Vice President. In the absence of the President or in the event of their death, inability or refusal to act, the Vice President shall perform the duties of the President, and when so acting, shall have all powers of and be subject to all the restrictions upon the President. Vice Presidents shall perform such other duties as from time to time may be assigned to them by the President or by the Board.

Section 7. Secretary. The Secretary shall: (a) keep the minutes of membership and Board meetings in one or more books provided for that purpose; (b) see that all notices are duly given in accordance with the provisions of these Bylaws or as required by law; (c) be custodian of the corporate records; (d) keep a register of the addresses of each member as furnished to the Secretary by each member; (e) in general perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned to them by the President or by the Board.

Section 8. Treasurer. If required by the Board, the Treasurer shall give a bond for the faithful discharge of their duties in such sum and with such surety or sureties as the Board shall determine. They shall have charge and custody of and be responsible for all funds and securities of the corporation; receive and give receipts for monies due and payable to the corporation from any source whatsoever, and deposit all such monies in the name of the corporation in such banks, trust companies or other depositories as shall be selected in accordance with the provisions of these Bylaws and in general perform all of the duties incident to the office of Treasurer and such other duties as from time to time may be assigned to them by the President or by the Board.

Section 9. Salaries. The salaries of the officers shall be fixed from time to time by the Board, and no officer shall be prevented from receiving such salary by reason of the fact that they are also a director of the corporation.

Section 10. Other Officers. In addition to the foregoing officers, the Board of Directors may, from time to time, elect such other officers as they may see fit, with such duties as the Board may deem proper.

ARTICLE VII

Contracts, Loans, Checks and Deposits

Section 1. Contracts. The Board may authorize any officer or officers, agent or agents, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the corporation and such authority may be general or confined to specific instances.

Section 2. Loans. No loans shall be contracted on behalf of the corporation and no evidences of indebtedness shall be issued in its name unless authorized by a resolution of the Board, such authority may be general or confined to specific instances.

Section 3. Loans to Officers and Directors. No loans shall be made by the corporation to its officers or directors.

Section 4. Checks, Drafts, Etc. All checks, drafts or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the corporation, shall be signed by the Treasurer and one other officer of the corporation, as is from time to time determined by resolution of the Board.

Section 5. Deposits. All funds of the corporation not otherwise employed shall be deposited from time to time to the credit of the corporation in such banks, trust companies or other depositories as the Board may select.

ARTICLE VIII
Fiscal Year

The fiscal year of the corporation shall begin on the first day of June and terminate on the last day of May of each year.

ARTICLE IX
Waiver of Notice

Whenever any notice is required to be given to any member or director of the corporation under the provision of these Bylaws or under the provision of the Articles of Incorporation or under the provisions of the Washington Non-Profit Corporation Act, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

ARTICLE X
Indemnification

To the full extent permitted by the Washington Non-Profit Corporation Act, the corporation shall indemnify any person who was or is a party or is threatened to be made a party to any civil, criminal, administrative or investigative action, suit or proceeding whether brought by or in the right of the corporation or otherwise by reason of the fact that they are or were a director or officer of the Corporation, or are or were serving at the request of the corporation as a director or officer of another corporation, against expenses including attorney's fees, judgments, fines and amounts paid in settlement actually and reasonably incurred by them in connection with such action, suit or proceeding; and the Board of Directors may, at any time, approve indemnification of any other person which the corporation has the power to indemnify under the Washington Non-Profit Corporation Act. The indemnification provided by this section shall not be deemed exclusive of any other rights to which a person may be entitled as a matter of law or by contract.

ARTICLE XI
Dues and Water Fees

Section 1. Dues. For the purposes of financing the activities of the corporation, it is hereby declared that all the tracts within the jurisdiction of the corporation, except unsold tracts owned by the developer, shall be charged an amount as annual dues as follows:

A. Each member shall pay \$50.00 per year per tract of property owned by said member as annual community dues in 2020 and then \$75.00 per year starting in 2021 and every year after. If two or more tracts of property have been combined in the records of the Island County Assessor's office into one tract, that tract shall be considered one lot for the purpose of charging community dues. It shall be the property owner's responsibility to provide acceptable documentation to the Board of Directors.

Section 2. Water fees. For each member of the corporation using water from the water distribution system of the corporation, the following fees shall be assessed:

A. Water hook-up fee - \$15,000.00

B. Residential water use - \$60 per month per household connection (\$120 bi-monthly flat rate) plus bi-monthly usage tier structure as follows:

Tier range	Rate/Gal
Under 10000	Included in Flat Rate
10000-12000	\$0.0080
Over 12000	\$0.0100

Section 3. Water connection. No member or other parties shall tap into the corporation's water system without prior written approval of the Board of Directors, Architectural Committee, or their designated agent, and said installation must be made in accordance with terms and conditions as established by the Board of Directors to ensure a satisfactory water connection. The fee for this connection shall be paid in full, water meter installed, and all terms and conditions must have been met prior to said connection.

Section 4. Payment of dues. The annual dues shall be due and payable on or before the 31st day of October following the annual meeting of the membership. Within one month from the date of the annual meeting of the membership, the Treasurer shall cause a statement of the annual dues to be mailed to each member at their address of record with the Secretary. The assessment shall be subordinate to the lien of any purchase money mortgage or deed of trust by Veterans Administration (VA) or FHA loaned monies. Any dues not paid by the 31st day of October, shall thereafter be delinquent with interest at the highest rate allowed by law per annum. Upon becoming delinquent, such dues shall constitute a lien upon the tract or tracts against which they have been levied, and the corporation may file within 120 days after said delinquency a statement of said charges and lien in the proper offices of Island County, Washington. A release of said lien shall be filed by the corporation upon payment in full of said dues with interest and costs, disbursements and attorney's fees incurred by the corporation. Said lien may be enforced by the corporation as may any lien on real property under the law of the State of Washington; and if said lien is foreclosed, the member/owner shall be liable for the costs and disbursements, including reasonable attorney's fees, of the corporation herein, all of which costs, disbursements and fees shall be secured by such lien. Members shall have, nonetheless, first liability for dues, whether by accepting the deed to or by executing a contract to purchase, a tract to which unpaid dues are allocated, and shall become personally obligated to pay such dues, including any interest accrued thereon, and shall be subject to the enforcement provisions of this section.

Section 5. Payment of water fees. Fees for residential water use shall be billed every two months, in August, October, December, February, April, and June, subject to the provisions of Section 4 above. Fees shall be due and payable 90 days after receipt of statement.

Section 6. Delinquent dues/water fees. In the event that any member of this corporation fails for a period of 30 days after the due date to pay their dues, this corporation shall have the power to discontinue water and services to their property until such bill is paid, and/or to suspend voting privileges and membership, as herein above provided, until such bill is paid.

ARTICLE XII Amendments

Section 1. General amendments. These Bylaws may be amended by the Board of Directors at any regular meeting or at any special meeting properly called for that purpose, by the affirmative vote of a majority of the Directors present. Action of the Board is subject to repeal by two-thirds of eligible voting association members.

**DECEPTION PARK VIEW COMMUNITY ASSOCIATION
AMENDMENTS TO THE BYLAWS**

The following amendments were motioned and passed by the Deception Park View Association Annual meeting on May 26, 1994, as:

Article XI: Section 2, Sub-paragraph B.

Original:

B. Residential water use - \$10.00 per month per household connection.

Change to:

B. Residential water use - \$20.00 per month per household connection.

Article XI: Section 4.1. (Changed to Section 5 in 2018)

Original:

Payment of water fees. Fees for residential water use shall be billed semi-annually, in June and December, subject to the provisions of Section 4 above. Charges for hot tubs/spas/pools shall be included with June statement. Fees shall be due and payable 90 days after receipt of statement.

Change to:

Payment of water fees. Fees for residential water use shall be billed every two months, in August, October, December, February, April, and June, subject to the provisions of Section 4 above. Fees shall be due and payable 90 days after receipt of statement.

The following amendments were motioned and passed by the Board of Directors on August 17, 1997:

Article XI: Section 2, Subparagraph A

Original:

A. Water Hook-up fee - \$900.00

Change to:

A. Water Hook-up fee - \$3,500.00

Article XI: Section 3

Original:

Water connection. No member or other parties shall tap into the corporation's water system without prior written approval of the Board of Directors, or their designated agent, and said installation must be made in accordance with terms and conditions as established by the Board of Directors, or their designated agent, to ensure a satisfactory water connection. The fee for this connection shall be payable in full prior to said connection.

Change to:

Water connection. No member or other parties shall tap into the corporation's water system without prior written approval of the Board of Directors, Architectural Committee, or their designated agent, and said

installation must be made in accordance with terms and conditions as established by the Board of Directors to ensure a satisfactory water connection. The fee for this connection shall be paid in full, water meter installed, and all terms and conditions must have been met prior to said connection.

The following amendment was motioned and passed by the Board of Directors on January 13, 2000:

Article XI: Section 2, Subparagraph A

Original:

A. Water hook-up fee \$3,500.00

Change to:

A. Water Hook-up fee - \$4,200.00

The following amendment was motioned and passed by the Board of Directors on January 27, 2016:

Article XI: Section 2, Subparagraph B

Original:

B. Residential water use - \$20.00 per month per household connection.

Change to:

B. Residential water use - \$37.50 per month per household connection (\$75 bi-monthly flat rate) plus bi-monthly usage tier structure as follows:

Tier range	Rate/Gal
Under 8500	Included in Flat Rate
8500-10500	\$0.0060
Over 10500	\$0.0080

The following amendment was motioned and passed by the Deception Park View Association Annual meeting on June 14, 2016:

Article XI: Section 1, Subparagraph A

Original:

A. Each member shall pay \$20.00 per year per tract of property owned by said member as annual community dues. If two or more tracts of property have been combined in the records of the Island County Assessor's office into one tract, that tract shall be considered one lot for the purpose of charging community dues. It shall be the property owner's responsibility to provide acceptable documentation to the Board of Directors.

Change to:

A. Each member shall pay \$40.00 per year per tract of property owned by said member as annual community dues. If two or more tracts of property have been combined in the records of the Island County Assessor's office into one tract, that tract shall be considered one lot for the purpose of charging community dues. It shall be the property owner's responsibility to provide acceptable documentation to the Board of Directors.

The following amendments were motioned and passed by the Board of Directors on March 13, 2018:

General corrections made:

1. All prior year typographical errors were corrected to include format changes (cover page, spacing, font style and size).
2. Changed all gender specific pronouns (such as he, him, his) to gender neutral pronouns (such as they, them, their).
3. Table of Contents revised to shorten the Amendments to the Bylaws Section to only list the date approved with the Article and Section amended.
4. Updated the document to include the amendments inside the document with the original verbiage listed in the Amendments to the Bylaws' pages.
5. Moved the February 25, 1997: Section III, Subparagraph a, to the Covenants.

Article IV: Section 1

Original:

Section 1. Annual meeting. The annual meeting of the members shall be held the second Tuesday in June in each year at the registered office of the corporation or at such other location as the Board may select for the purpose of electing directors and transacting such other business as may come before the meeting. If the day fixed for the annual meeting is a legal holiday at the place of the meeting, the meeting shall be held on the next succeeding business day. If the election of directors is not held on the day designated for the annual meeting of the members, or at any adjournment thereof, the election shall be held at a special meeting of the members called as soon thereafter as practicable.

Change to:

Section 1. Annual meeting. The annual meeting of the members shall be held in June each year at the registered office of the corporation or at such other location as the Board may select for the purpose of electing directors and transacting such other business as may come before the meeting. If the day fixed for the annual meeting is a legal holiday at the place of the meeting, the meeting shall be held on the next succeeding business day. If the election of directors is not held on the day designated for the annual meeting of the members, or at any adjournment thereof, the election shall be held at a special meeting of the members called as soon thereafter as practicable.

Article XI: Section 2, Subparagraph A

Original:

A. Water hook-up fee \$4,200.00

Change to:

A. Water Hook-up fee - \$10,000.00

Article XI: Section 2, Subparagraph C

Original:

C. Lap pools/spas over 500 gallons - \$75.00 per year.

Change to:

Removed because we have a tiered water system that charges a per gallon rate.

The following amendments were motioned and passed by the Board of Directors on May 12, 2020:

Article XI: Section 2, Subparagraph A

Original:

A. Water hook-up fee \$10,000.00

Change to:

A. Water Hook-up fee - \$15,000.00

Article XI: Section 2, Subparagraph B

Original:

B. Residential water use - \$37.50 per month per household connection (\$75 bi-monthly flat rate) plus bi-monthly usage tier structure as follows:

Tier range	Rate/Gal
Under 8500	Included in Flat Rate
8500-10500	\$0.0060
Over 10500	\$0.0080

Change to:

B. Residential water use - \$60 per month per household connection (\$120 bi-monthly flat rate) plus bi-monthly usage tier structure as follows:

Tier range	Rate/Gal
Under 10000	Included in Flat Rate
8500-10500	\$0.0080
Over 10500	\$0.0100

The following amendment was motioned and passed by the Deception Park View Community Association Annual meeting on June 26, 2020:

Article XI: Section 1, Subparagraph A

Original:

A. Each member shall pay \$40.00 per year per tract of property owned by said member as annual community dues. If two or more tracts of property have been combined in the records of the Island County Assessor's office into one tract, that tract shall be considered one lot for the purpose of charging community dues. It shall be the property owner's responsibility to provide acceptable documentation to the Board of Directors.

Change to:

A. Each member shall pay \$50.00 per year per tract of property owned by said member as annual community dues in 2020 and then \$75.00 per year starting in 2021 and every year after. If two or more tracts of property have been combined in the records of the Island County Assessor's office into one tract, that tract shall be considered one lot for the purpose of charging community dues. It shall be the property owner's responsibility to provide acceptable documentation to the Board of Directors.