

D E C L A R A T I O N

The undersigned (herein called the Owners) are all of the owners of the following described real property situate in the County of Sheridan, State of Wyoming:

Parcel 1

Tract numbered 1 - 26 inclusive of Eastern Hills Subdivision in the County of Sheridan, State of Wyoming.

Parcel 2

A tract of land situate in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 1, Township 55 North, Range 84 West, Sixth Principal Meridian, Sheridan County, Wyoming, described as follows:

Beginning at a point north 5°20' West, a distance of 3,203.7 feet from the South one-quarter corner of Section 1, Township 55 North, Range 84 West of the Sixth P.M.; thence along the Southerly right of way line of U.S. Highway No. 14, for a distance of 361.3 feet, with a bearing of South 60°55' East; thence South a distance of 157.2 feet; thence South 89°38.5' West, a distance of 253 feet; thence North 10°36.5' West, a distance of 340.3 feet to the point of beginning, containing approximately 1.542 acres, more or less.

The Owners hereby form an Association, with consent and intent that said association shall become a non-profit corporation and each Owner and his or her successors, heirs, and assigns, by this declaration and all future owners of land described herein, by their acceptance of deeds, agree as follows:

Article I

Name

The name of the Association of Owners shall be EASTERN HILLS HOME OWNERS ASSOCIATION.

Article II

Purpose

The purposes of the association shall be for any improvements to Eastern Hills Subdivision and surrounding lots including but not limited to road maintenance, snow removal and enforcing covenants.

Article III

Voting, Majority of Owners, Quorum, Proxies

Section 1: Voting. Voting shall be on the basis of votes assigned to the Owners of each tract and parcel within the subdivisions. The Owner or Owners of each tract shall collectively

have one (1) vote. One (1) vote is assigned to each tract or major portion (there of). If a tract is sold by the terms of an Agreement for Warranty Deed which is recorded in the office of the County Clerk, the buyers shall be considered the owners for the purpose of this paragraph. That each Owner, or Owners if the property is in joint ownership, shall have the total number of votes as tracts in his ownership, however, the Owner, or Owners, if joint ownership, must cast all his votes for one (1) director only. No owner may split his votes, in order to vote for more than one director. All owners must be present in order to cast their vote. No proxies may be submitted.

Section 2: Majority of Owners. As used in these declarations the term "Majority of Owners" shall mean those owners holding fifty-one (51%) percent of the votes.

Section 3: Quorum. Except as otherwise provided, the presence in person of a "Majority of Owners" as defined in the preceding paragraph of this article shall constitute a quorum.

#### Article IV

##### Administration

Section 1: Association Responsibilities. The owners of the above described real property will constitute the EASTERN HILLS HOME OWNERS ASSOCIATION, hereinafter referred to as association, who will have the responsibility of maintaining and improving all platted streets, approving an annual budget, establishing and collecting assessments and establishing a time limit for payment thereof, and except as otherwise provided, decisions and resolutions of the association shall require approval by a majority of owners.

Section 2: Board of Directors Responsibility. The Board of Directors shall have the responsibility for providing the written approval for covenants four and twelve and the enforcement of all other covenants of the subdivision subject to the right of any person to appeal the decisions of the board to a meeting of the membership of the association. The Board of Directors shall also have the responsibility to negotiate and implement all necessary contracts and payments necessary to fully effect the purpose and proposals approved by the tract owners.

Section 3: Place of Meetings. Meetings of association shall be held at the Courtroom, Sheridan County Courthouse, Sheridan, Wyoming, or such other suitable place convenient to the owners as may be designated by the Board of Directors.

Section 4: Annual Meetings. The first annual meeting of the association shall be held on \_\_\_\_\_, 1980. Thereafter, annual meetings shall be held on the first Wednesday of February of each succeeding year. At such meetings there shall be elected by ballot a Board of Directors in accordance with the requirements of Section 3 of Article V. of these Declarations. The Owners may also transact such other business of Association as may properly come before them. The Owners must be present in order to vote.

Section 5: Special Meetings. It shall be the duty of the president to call a special meeting of the Owners as directed by resolution of the Board of Directors or on a petition signed by a majority of the Owners and having been presented to the Secretary. No business shall be transacted at a special meeting except as stated in the notice unless by a consent of four-fifths (4/5) of the Owners present in person.

Section 6: Notice of Meetings. It shall be the duty of the secretary to mail the notice of each annual or special meeting, stating the purpose thereof as well as the time and place of the meeting, to each owner, at least five(5) but not more than twenty (20) days prior to such meeting. The mailing of notice in the manner provided in this section shall be considered notice served.

Section 7: Adjourned Meetings. If any meeting of Owners cannot be organized because a quorum is not attended, the Owners who are present in person, may adjourn the meeting to a time not less than forty-eight (48) hours from the time the original meeting was called.

Section 8: Order of Business: The order of business at all Association meetings shall be as follows:

- (a) Roll call.
- (b) Proof of notice of meeting or waiver of notices.
- (c) Reading of minutes of preceding meeting.
- (d) Reports of officers.

- (e) Report of committees.
- (f) Election of directors.
- (g) Unfinished business.
- (h) New business.

#### Article V

##### Board of Directors

Section 1: Number and Qualifications. The Association's affairs shall be governed by a Board of Directors composed of five (5) persons, all of whom must be owners of a tract or other unit of the real property described herein. <sup>and reside on said real property</sup>

Section 2: Powers and Duties. The Board of Directors shall have the powers and duties necessary for the administration of Association's affairs and may do all such acts which are not by law or by these Declarations directed to be exercised and done by the Owners, including but not limited to the power to contract for labor and materials, recommend assessments at annual or special meetings and collect assessments. The Board of Directors shall also have the power to provide for written approval or rejection of the plans provided for by the covenants to Eastern Hills Subdivision and to enforce the remaining covenants subject to the right of the petitioner to appeal to the general body of home owners at a meeting called for that purpose.

Section 3: Election and Term of Office. At the first annual meeting of Association, the term of office of all five (5) directors shall be until first annual meeting of 1981. At the expiration of the initial term of office of each respective director, his successor shall be elected to serve a term of one (1) year. The directors shall hold office until their successors have been elected and hold their first meeting.

Section 4: Vacancies. Vacancies in the Board of Directors caused by any reason other than the removal of a director by a vote of Association shall be filled by a vote of the majority of the home owners at a special meeting and each person so elected shall be a director until a successor is elected at Association's next annual meeting.

Section 5: Removal of Directors. Upon any regular or special meeting duly called, any one or more of the directors may be removed with or without cause by a majority of the owners,

and a successor may then and there be elected to fill the vacancy that is created. Any director whose removal has been proposed by the owner shall be given an opportunity to be heard at the meeting.

Section 6: Organization Meeting. The first meeting of the newly elected Board of Directors shall be held within ten (10) days of election at such place as shall be fixed by the directors at the meeting in which such directors were elected, and no notice shall be necessary to the newly elected directors in order legally to constitute such meeting, provided a majority of the whole board shall be present.

Section 7: Regular Meetings. Regular meetings of the Board of Directors may be held at such time and place as shall be determined, from time to time, by a majority of the directors but at least two such meetings shall be held during each year. Notice of regular meetings of the Board of Directors shall be given to each director, personally or by mail, or by telephone at least three (3) days prior to the day named for such meeting.

Section 8: Special Meetings. Special meetings of the Board of Directors may be called by the President on three (3) days notice to each director, given personally or by mail, or telephone, which notice shall state the time, place and purpose of the meeting. Special meetings of the Board of Directors shall be called by the President or Secretary in like manner and on like notice of the written request of at least three (3) directors.

Section 9: Waiver of Notice. Before or at any meeting of the Board of Directors, any director may, in writing, waive notice of such meeting and such waiver shall be deemed equivalent to the giving of such notice. Attendance by a director at any meeting of the Board shall be a waiver of notice by him of the time and place thereof. If all of the directors are present at any meeting of the board, no notice shall be required and any business may be transacted at such meeting.

Section 10: Board of Directors Quorum. At all meetings of the Board of Directors, a majority of the directors shall constitute a quorum for the transaction of business, and the acts of the quorum shall be the acts of the Board of Directors. If, at any meeting of the Board of Directors, there be less than a quorum present, the members present may adjourn the meeting from time

to time.

## Article VI

### Officers

Section 1: Designation. The principal officers of the Association shall be a president, vice-president, and a secretary-treasurer, all of whom shall be elected by the home owners and shall be chosen from the Board of Directors.

Section 2: Election of Officers. The officers of the Association shall be elected annually by a majority of the home owners at the annual meeting, for one year term.

Section 3: Removal of Officers. On an affirmative vote of a majority of the home owners at a special meeting, any officer may be removed, either with or without cause, and his successor elected.

Section 4: President. The president shall be the chief executive officer of the Association. He shall preside at all meetings of the association and of the Board of Directors. He shall have all of the general powers and duties that are usually vested in the office of president of the Association, including but not limited to the power to appoint committees from among the owners from time to time as he may in his discretion decide is appropriate to assist in the conduct of Association's affairs.

Section 5: Vice-President. The vice-president shall take the place of the president and perform his duties whenever the president shall be absent or unable to act. If neither the president nor the vice-president is able to act, the Board of Directors shall appoint some other member of the Board to do so on an interim basis. The vice-president shall also perform such other duties as shall, from time to time be imposed on him by the Board of Directors.

Section 6: Secretary-Treasurer. The secretary-treasurer shall keep the minutes of all meetings of the Board of Directors, and minutes of all meetings of association; he shall have charge of such books and papers as the Board of Directors may direct; he shall, in general, perform all of the duties incident to the office of secretary and he shall have the responsibility for association funds and shall be responsible for keeping full and accurate accounts of all receipts and disbursements in books

belonging to Association. He shall be responsible for the deposit of all monies and other valuable effects in the name, and to the credit of, Association in such depositories as may from time to time be designated by the Board of Directors.

Section 7: All Checks drawn upon Association funds must bear the signatures of any two (2) officers.

Article VII

Obligations of the Owners

Section 1: Assessments. All Owners are obligated to pay assessments within the time limit imposed by Association to meet all costs for the maintenance and improvement of all roads or streets in the Subdivision and other necessary expenses of Association.

Article VIII

Amendments

Section 1: These Declarations and any other covenants of the Eastern Hills Subdivision may be amended by Association in a duly constituted meeting for such purpose, and no amendment shall take effect unless approved by two-thirds (2/3) of the association members.

Article IX

Duration

Section 1: This Association shall cease to exist and the covenants herein contained shall be inoperable as of September 1, 1999, unless a majority of owners shall and at a meeting duly constituted for such purpose, vote to continue Association for another term of ten (10) years. Such action shall become effective if notice thereof is filed in the office of the County Clerk of Sheridan County, Wyoming.

In the event of incorporation this document shall function as the (by laws) of the corporation.

IN WITNESS WHEREOF, Owners have executed this Declaration as of the 9<sup>th</sup> day of January, 1980.

Larry L. Pedersen

Henry L. Pedersen

LOT  
NO. 1

James L. Pedersen

Sharon A. Pedersen

2

3

<u>Stephen E. Rogers</u>	<u>Barbara Rogers</u>	LOT NO. 4
		5
<u>Wally L. Leback</u>	<u>Mary R. Leback</u>	6
<u>Kurt Allgood</u>	<u>Jennifer Allgood</u>	7
<u>Dale Johnson</u>	<u>Linda Nelson Johnson</u>	8
<u>Thomas E. Ecker</u>	<u>Don Ecker</u>	9
<u>Clyde R. Smith</u>	<u>Connie R. Smith</u>	10
<u>John B. Dale</u>	<u>Mary E. Dale</u>	11
<u>Robert E. Brittain</u>	<u>Kiela E. Brittain</u>	12
<u>Robert E. Dawson</u>	<u>Jean K. Dawson</u>	13
<u>Robert E. Dawson</u>	<u>Jean K. Dawson</u>	14
		15
		16
<u>Marshall Shumaker</u>	<u>Marion Shumaker</u>	17
<u>Donald C. Gordon</u>	<u>Sheryl Gordon</u>	18
<u>Ernest B. Hart</u>	<u>Linda E. Hart</u>	19
	<u>Ernest B. Hart</u>	20
<u>Walter L. Wilson</u>	<u>Margaret Wilson</u>	21
		22



<u>Louis R. Smith</u>	<u>Jill Anne Smith</u>	LOT NO. 23
<u>William P. Hamilton</u>	<u>Jacquie Hamilton</u>	24
<u>Bruce Kuehn</u>	<u>Donna Kuehn</u>	25
<u>Ellen G. Gellin</u>	<u>Gada C. Robbins</u>	26
		27

STATE OF WYOMING )  
 ) ss  
 COUNTY OF SHERIDAN )

The foregoing instrument was acknowledged before me this 3rd day of June, 1987, by the following residents of Eastern Hills subdivision verifying the maintenance of the streets, by Larry Alden, Betty Alden, Wayne Baumann, Eidella Baumann, Ban Bilyeu, Linda Bilyeu, Lawrence Bride, Rochelle Bride, A. J. Brittain, Viola Brittain, Jerry Browne, Sharon Browne, Robert K. Christie, Sharon K. Christie, Robert Damson, Jean Damson, John Gale, Mary E. Gale, Mark Gentry, Debbie Gentry, William Hamilton, Jacquie Hamilton, Brad Hart, Rebecca Hart, Richard Kellett, Mary Kellett, Bruce Kuehne, Donna Kuehne, E. Gary Robbins, President, Linda Robbins, William Shackleford, Ann Shackleford, Lou Smith, Jill Smith, Dean States, Penny States, Howard Thomas, Loretta Thomas, Walter Tokach, Myrna Tokach, Keith Wysocki and Jennifer Wysocki.

Witness my hand and seal.



Vicki Lane  
 Notary Public

Commission expires: October 7, 1989