

The following Resolutions of Holiday Lake Lot Owners' Association, Inc. approved by Board of Directors at the August 10, 2017 Regular Business Meeting will have implementation procedures by the Fall 2017.

## **Resolutions of Holiday Lake Lot Owners' Association, Inc., Board of Directors**

WHEREAS the first provision of the original covenants of Holiday Lake provides that "the Owner of any lot in said Subdivision, or his or her assigns, and their families and guests shall have the right to the use of Holiday Lake, the parks, drives, avenues, lanes, ways, entrances and courts or other conveniences and privileges maintained thereon by the proprietor of Holiday Lake, subject to any and all regulations now or hereafter imposed",

WHEREAS the Holiday Lake Owners' Association, Inc., through its Board of Directors holds, in addition to other powers, the "power to carry out the restrictions and covenants as set forth in the original plats of Holiday Lake" and the "power to all such other and additional functions which may be required in order to make Holiday Lake a community which will preserve property values of the owners and will ensure a community life within Holiday Lake which is desirable, safe and comparable to that of cities and towns in Poweshiek County" pursuant to the Decree of the Iowa District Court for Poweshiek County dated March 13, 1981, in Stevens, et al., v. Whitmer, et al., Equity No. 2356-60-98/Cause No. 226-149-153;

WHEREAS the original covenants reference only a single owner (or future assigns) of a lot and their families and guests as having rights to use of Holiday Lake properties subject to any and all regulations now or hereafter imposed and further reference a lot as shown in the plats accompanying the original covenants;

WHEREAS the infrastructure of Holiday Lake properties has limited use capacity, and the limited number of lots created by the original plats of Holiday Lake created a relationship between those lots and the use capacity of Holiday Lake properties;

WHEREAS it is in the best interest of the lot owners of Holiday Lake that regulations be issued as provided by the first provision of the original covenants of Holiday Lake, set out above, to clarify and enforce a relationship between use rights and ownership of a lot;

THEREFORE:

IT IS RESOLVED, that Article IV of the Bylaws of Holiday Lake Owners' Association, Inc., is amended to read as follows:

## **ARTICLE IV MEMBERSHIP AND USE RIGHTS**

**SECTION 1. Members.** A "Lot" as used in this Article IV shall mean only those whole Lots appearing of record in connection with the filing of the original covenants, namely those appearing in Plat Book D at Page 409; Plat Book D at Page 415; Plat Book D at page 438; Plat Book E at Page 23; Plat Book D at Page 453; and Plat Book E at Page 29 of the Records of the Poweshiek County Recorder, and shall not mean a fraction or part of one of those Lots. All Lot owners of Lots at Holiday Lake are, as a result of acquisition of title, members of this Association. Each Lot is entitled to one membership and one vote regardless of the number of titleholders. Only titleholders with a right of present possession shall be entitled to exercise any membership rights, including a right to vote or otherwise participate in the process of governing the Association. In the event of any transfer, whether voluntary or involuntary, membership rights and responsibilities do not cease until legal title, or equitable title in the case of a contract sale, has been shown of record. Corporations, partnerships and any other association of individuals, including tenants in common and joint tenants, that purchase or otherwise receive a Lot, shall designate, in a writing addressed to the corporate secretary, the name of the person who shall exercise the membership voting right for that Lot. Such designation must be signed by an authorized officer of the entity owning the Lot or by each individual in the case of tenants in common or joint tenants owning the Lot. Parts of a Lot carry no rights by themselves; however, if a Lot is owned in separate parts, then the owners of all those parts shall designate, in a writing addressed to the corporate secretary, the name of the person who shall exercise the voting right for that Lot. If no written notice provided above has been delivered to the corporate secretary or if the person named is not present to vote, then a vote may not be cast. Each Member and the individual designated to vote for a Lot, if different than the member, are responsible for maintaining their current mailing address with the Secretary of this Association at all times and must do so in writing.

**SECTION 2. Voting Rights.** Members acquire and maintain their voting rights for the annual meeting by paying their annual maintenance fee, (inclusive of \$2 in the nature of Association membership dues), supplemental fee and corporate assessments to the Association not later than June 1<sup>st</sup>. Written assessments of the annual fee and supplemental fee shall be sent to members not later than March 1<sup>st</sup> each year at the address provided by the member to the Association as provided in Article IV, Section 1. Failure to timely pay the annual maintenance fee, supplemental fee and corporate assessments associated with a Lot shall result in loss of the voting right associated with that Lot for the annual meeting. Failure to pay the annual maintenance fee, supplemental fee and corporate assessments prior to the time of a special meeting shall likewise result in the loss of the voting right associated with that Lot for the special meeting. This Article IV shall control as to voting rights under Article VI, Section 5.

**SECTION 3. Right to use lake or common areas.** Each Lot is entitled to one right of use (hereafter referred to as "Use Right") as provided by the original covenants, which states that the owner of any Lot and that owner's family and guests has the right "to the use of Holiday Lake, the parks, drives, avenues, lanes, ways, entrances and courts or other conveniences and privileges maintained thereon by the proprietor of Holiday Lake, subject to any and all regulations now or hereafter imposed." That single "Use Right" shall be held by the individual (a natural person) holding the right to vote for that Lot as provided above. If the voting right associated with a Lot has been lost as provided in Article IV, Section 2, or if the individual holding the right to vote has not been designated as required by Article IV, Section 1, then the Use Right associated with that Lot shall likewise be lost until the annual maintenance fee, supplemental fee and corporate assessments associated with that Lot have been paid or the designation as required by Article IV, Section 1, has been made, or both have occurred, as the case may be.

IT IS FURTHER RESOLVED, that these resolutions shall take effect immediately, except that any changes shall not impact Motor Vehicle and Land Craft and Watercraft permits already issued for 2017, recreational campers during 2017, or voting rights at the 2017 annual meeting.

IT IS FURTHER RESOLVED, that upon application to the Board of Directors of Holiday Lake Owners' Association, Inc., by January 31, 2018, it will consider granting special use rights for the year 2018 to an individual holding partial ownership of a Lot that has a history of multiple owners securing motor vehicle, land craft or watercraft permits and other use rights for 2017 prior to the date of these resolutions. A special use right shall only be granted as follows:

- 1) Only individuals receiving permits in 2017 will be considered for special use rights;
- 2) No more than two special use rights, in addition to the actual use right held by the individual with voting rights for that Lot, shall be issued per Lot;
- 3) Motor vehicle permits per Lot shall not exceed four for the actual use right and the special use rights combined;
- 4) The maximum number of motorized watercraft per Lot permitted on the lake at one time shall not exceed two for the actual use right and the special use rights combined;
- 5) Only one special use right recreational vehicle shall be permitted per Lot beyond those recreational vehicles owned by the individual holding the voting rights associated with that Lot; and
- 6) In the case of disputes, the individual holding the voting right for the Lot shall provide in writing the names of those to be given priority to receive the available special use rights.
- 7) The Board reserves the option to consider and accommodate special use requests that may present matters not addressed or present facts not anticipated herein.

Within this resolution, a "Lot" shall mean only those whole Lots appearing of record in connection with the filing of the original covenants, namely those appearing in Plat Book D at Page 409; Plat Book D at Page 415; Plat Book D at page 438; Plat Book E at Page 23; Plat Book D at Page 453; and Plat Book E at Page 29 of the Records of the Poweshiek County Recorder and shall not mean a fraction or part of one of those Lots.

IT IS FURTHER RESOLVED, that existing Rules, Regulations and Forms are modified to be consistent with these resolutions.

IT IS FURTHER RESOLVED, that the officers of the corporation shall cause there to be filed of record with the Poweshiek County Recorder a notice substantially in the following notice:

**NOTICE TO THE PUBLIC  
OWNING LOTS AT HOLIDAY LAKE  
NOW OR IN THE FUTURE**

To: Any person, as defined in Section 4.1 (20) of the 2017 Code of Iowa, now or at any time in the future owning any platted lot at Holiday Lake situated in rural Poweshiek County, Iowa, more particularly described as:

[At this point in the notice, the legal descriptions for Holiday Lake Subdivisions, Unit No. One, Unit No. Two, Unit No. Three, Unit No. Four, Unit No. Five and Unit No. Six shall be included.]

Where the name "Holiday Lake Maintenance Company" appears in the Notice to the Public Owning Lots at Holiday Lake Now or in the Future filed with the Poweshiek County Recorder on October 31, 2007 in Book 817 at Page 557, such name shall be altered and read as "Holiday Lake Owners' Association, Inc."

The first provision of the original covenants of Holiday Lake provides that "the Owner of any lot in said Subdivision, or his or her assigns, and their families and guests shall have the right to the use of Holiday Lake, the parks, drives, avenues, lanes, ways, entrances and courts or other conveniences and privileges maintained thereon by the proprietor of Holiday Lake, subject to any and all regulations now or hereafter imposed," The Bylaws and other regulations of Holiday Lake Owners' Association, Inc. provide regulations that permit only one person per entire lot shown in the Plats identified above holding as owner "the right to the use of Holiday Lake, the parks, drives, avenues, lanes, ways, entrances and courts or other conveniences and privileges maintained thereon by the proprietor of Holiday Lake, subject to any and all regulations now or hereafter imposed." A part of one of those lots does not carry any rights, and when there are multiple owners of one of those lots, only one person may hold as owner "the right to the use of Holiday Lake, the parks, drives, avenues, lanes, ways, entrances and courts or other conveniences and privileges maintained thereon by the proprietor of Holiday Lake, subject to any and all regulations now or hereafter imposed." The Bylaws and other regulations of Holiday Lake Owners' Association, Inc., which are subject to change, provide additional details in this regard.

Lot owners and potential lot owners are advised to familiarize themselves with the Bylaws, resolutions, rules, regulations and other policy statements in force and effect at the time they acquire an interest in any platted lot or lots contained in any Holiday Lake subdivision noted above and thereafter maintain compliance with them as they exist or may be amended, altered or expanded from time to time.

IT IS SO RESOLVED.

[At this point in the notice, the Secretary and President shall sign or attest and the appropriate notarization shall occur.]

IT IS FURTHER RESOLVED, that the Bylaws, Rules and Regulations of Holiday Lake Owners' Association, Inc., are amended to replace "Z26-149-153" with "226-149-153," wherever it may appear, such change being solely to correct a typographical error.

IT IS FURTHER RESOLVED, that the officers of Holiday Lake Owners' Association, Inc., shall cause these resolutions to be provided to the members of the Association and made generally available as they believe reasonable; however, the absence or lack of notice shall not impact the validity or application of these resolutions.

These resolutions were approved by a majority of the Board of Directors for Holiday Lake Owners' Association, Inc., present at its regular meeting on August 10, 2017.

  
President

  
Secretary

