

**BYLAWS OF
THE RESERVE ON HIGGINS CREEK HOMEOWNER'S ASSOCIATION**

**ARTICLE I.
NAME AND LOCATION**

The name of the association is The Reserve on Higgins Creek Homeowner's Association, hereinafter referred to as the "association". The principal address of the association is PO Box 45, Spearfish, South Dakota 57783 with Black Hills Bookkeeping at 1041 N Main Street, as the physical address. Meetings of members and directors may be held at such places within the State of South Dakota, County of Lawrence, as may be designated by the Board of Directors.

**ARTICLE II.
MEETINGS OF DIRECTORS**

Section 1. Regular Meetings. A regular annual meeting of the board of directors shall be held after the annual meeting. Only titled owners in the HOA may be directors.

Section 2. Special Meetings. Special meetings of the board of directors shall be held when called by the president of the association, or by any two directors, after not less than three (3) days' notice to each director.

Section 3. Quorum. A majority of the number of directors shall constitute a quorum for the transaction of business. Every act or decision done or made by a majority of the directors present at a duly held meeting at which a quorum is present shall be regarded as the act of the board.

**ARTICLE III.
POWERS AND DUTIES OF THE BOARD OF DIRECTORS**

Section 1. Powers: The board of directors shall have the power to:

- (a) Adopt and publish rules and regulations governing the use of association property and rights;
- (b) Suspend the voting rights and right to use of the facilities of a member during any period in which such member shall be in default in the payment of any assessment levied by the association. Such rights may also be suspended after notice and hearing, for a period not to exceed sixty (60) days for infraction of published rules and regulations;
- (c) Exercise for the association all powers, duties and authority vested in or delegated to this association and not reserved to membership by other provisions of these bylaws, the constitution or declaration;
- (d) Declare the office of a member of the board of directors to be vacant in the event such member shall be absent from three (3) consecutive regular meetings of the board of directors;

Section 2. Duties. It shall be the duty of the board of directors to:

- (a) Cause to be kept a complete record of all its acts and corporate affairs and to present a statement thereof to the members at the annual meeting of the members, or at any



special meeting;

(b) Supervise all officers, agents and employees of this association, and to see that their duties are properly performed;

(c) As more fully provided in the declaration, to

(1) Fix the amount of the annual assessment against each lot in advance of each annual assessment period;

(2) Send written notice of each assessment to every owner subject thereto at least thirty (30) days in advance of each annual assessment period; and

(3) Turn over to a collection agency any assessments that are not paid after due or to bring an action at law against the owner personally obligated to pay the same.

(d) Issue, or cause an appropriate officer to issue, upon demand by any person, a certificate setting forth whether or not any assessment has been paid. A reasonable charge may be made by the board for the issuance of these certificates. If a certificate states an assessment has been paid, such certificate shall be conclusive evidence of such payment;

(e) Procure and maintain adequate liability and hazard insurance on property owned by the association;

(f) Cause all officers or employees having fiscal responsibilities to be bonded, as it may deem appropriate; and

(g) Cause the common areas to be maintained.

Section 3. Action Taken Without a Meeting. The directors shall have the right to take any action in the absence of a meeting which they could take at a meeting by obtaining the written approval of all of the directors. Any action so approved shall have the same effect as though taken at a meeting of the directors.

Section 4. Replacement of Retiring Directors. If a director resigns, refuses or is unable to serve, the president may appoint a temporary director to serve until the next meeting of members.

ARTICLE IV. OFFICERS

Section 1. Enumeration of Officers. The officers of this association shall be a president and vice president, who shall at all times be members of the board of directors, a secretary, and a treasurer, and such other officers as the board may from time to time by resolution create. Only titled property owners in the HOA may be officers.

Section 2. Election of Officers. The election of officers shall take place at the first meeting of the board of directors following each annual meeting of the members.

Section 3. Term. The officers of this association shall be elected to (3) three-year terms. Any term expiring will be elected at the annual meeting of the membership in attendance unless he shall sooner resign, or shall be removed, or otherwise be disqualified to serve.



Section 4. Special Appointments. The board may elect such other officers as the affairs of the association may require, each of whom shall hold office for such period, have such authority, and perform such duties as the board may from time to time, determine.

Section 5. Resignation and Removal. Any officer may be removed from office with or without cause by the board. Any officer may resign at any time giving written notice to the board, the president or the secretary. Such resignation shall take effect on the date of receipt of such notice or at any later time specified therein, the acceptance of such resignation shall not be necessary to make it effective.

Section 6. Vacancies. A vacancy in any office may be filled by appointment by the board. The officer appointed to such vacancy shall serve for the remainder of the term of the officer he replaces.

Section 7. Multiple Offices. The offices of secretary and treasurer may be held by the same person. No person shall simultaneously hold more than one of any of the other offices except in the case of special offices created pursuant to Section 4. of this article.

Section 8. Duties. The duties of the officers are as follows:

President: The president shall preside at all meetings of the board of directors; shall see that orders and resolutions of the board are carried out; shall sign all leases, mortgages, deeds and other written instruments and shall co-sign all checks and promissory notes.

Vice-President: The vice president shall act in place and stead of the president in the event of his absence, inability or refusal to act, and shall exercise and discharge such other duties as may be required of him by the board.

Secretary: The secretary shall record the votes and keep the minutes of all meetings and proceedings of the board and of the members; service notice of meetings of the board and of the members; keep appropriate current records showing the members of the association together with their addresses; and shall perform such other duties as required of the board.

Treasurer: The treasurer shall receive and deposit in appropriate bank accounts all monies of the association and shall disburse such funds as directed by resolution of the board of directors; shall sign all checks and promissory notes of the association; keep proper books of account; and shall prepare an annual budget and a statement of income and expenditures to be presented to the membership at its regular annual meeting, and deliver a copy of each to the members.

ARTICLE V. COMMITTEES

The board of directors shall appoint other committees as deemed appropriate in carrying out its purpose.

ARTICLE VI. BOOKS AND RECORDS

The books, records and papers of the association shall at all times, during reasonable business hours, be subject to inspection by any member. The declaration, the constitution and the bylaws of the association shall be available for inspection by any member at the principal office of the association. All of these documents are available on the association's website at www.spearfishreserve.com.



ARTICLE VII.
ASSESSMENTS

As more fully provided in the declaration, each member is obligated to pay to the association annual and special assessments which are secured by a continuing lien upon the lot or home against which the assessment is made. Any assessments which are not paid when due shall be delinquent. If the assessment is not paid within thirty (30) days after the due date, the assessment will be turned over to a collection agency and the costs of such collection will be added to the amount of such assessment. No owner may waive or otherwise escape liability for the assessments provided for herein by nonuse of the common area or abandonment of his lot.

ARTICLE VIII.
AMENDMENT

These bylaws may be amended, at a regular meeting of the members, including board meetings, by a vote of a majority of a quorum of members present in person or by proxy properly submitted to the Secretary. The Board will have three (3) readings of the amendment at three (3) consecutive meetings of the Board and may vote to adopt at the third meeting.

ARTICLE IX.
MISCELLANEOUS

Section 1. Prevailment. In the case of any conflict between the constitution and these bylaws, the constitution shall control; and in the case of any conflict between the declaration and these bylaws, the declaration shall control.

Section 2. Fiscal Year. The fiscal year of the association shall begin on the first day of January and end on the 31st day of December of every year, except that the first fiscal year shall begin on the date of the association.

IN WITNESS WHEREOF, these Bylaws are executed this 2 day of November
2024.

THE RESERVE ON HIGGINS CREEK HOMEOWNERS ASSOCIATION

By: 
John Williams
Its President

STATE OF SOUTH DAKOTA)
) ss.
COUNTY OF LAWRENCE)

On this 2nd day of November, 2024, before me, the undersigned officer, personally appeared John Williams, who acknowledged himself to be the President of The Reserve on Higgins Creek Homeowners Association, a domestic non-profit corporation, and that he, as such member, being authorized to do, executed the foregoing instrument for the purposes therein contained by signing the name of the association by himself as member.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Notary Public
My commission expires 9-23-25



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