

# Burnt Oaks Homeowners Association

## BURNT OAKS HOMEOWNERS ASSOCIATION, INC. TIMETABLE OF EVENTS

May 31, 1991	Declarations of Covenants, Conditions and Restrictions
June 10, 1991	Articles of Incorporation are signed by Kenneth M. Muller, George C. McCully and Deborah St. John.
June 11, 1991	Articles of Incorporation are filed with the State Department of Assessments and Taxation of the State of Maryland.
June 13, 1991	By-Laws signed by Deborah St. John
September 24, 2003	Amendment to the By-Laws signed by Alice Debbie Bowers before a notary.

### THE ABC'S OF THE BURNT OAKS HOME OWNERS ASSOCIATION

*Note: This is a paraphrased summary by one who is not a lawyer and does not purport to give legal assistance or advice of any nature. This summary is provided to aid residents and homeowners of the Burnt Oaks community in understanding the governing principles, policies and procedures. By-laws and Covenants, Conditions and Restrictions are summarized.*

The following is provided for homeowners and residents alike since all are affected by the Articles of Incorporation, the By-Laws and the Covenants, Conditions and Restrictions.

THE ARTICLES OF INCORPORATION OF BURNT OAKS HOMEOWNERS ASSOCIATION, INC. dated 6-11-91 were filed on that date at 11:30am with the State Department of Assessments and Taxation.

There are eleven (11) paragraphs that outline the corporation to be formed, BURNT OAKS HOMEOWNERS ASSOCIATION, INC. Definitions are provided *that refer the reader to the Covenants, Conditions and Restrictions for details.*

The Articles provide the purposes of forming the corporation which is not for profit but rather for maintenance, preservation and architectural control and " ... to promote the health, safety and welfare of the residents within the property ..."

To that end, the Association has the powers and privileges to perform a variety of duties that are spelled out in the document that are listed from a) through g). In brief (best to read the whole item to get a full understanding), these include:

- a) Exercise powers and privileges of the Association
- b) Fix, levy, collect and enforce payment
- c) Acquire or dispose of real or personal property subject to specified conditions
- d) Borrow money, subject to specified conditions
- e) Dedicate, sell or transfer common areas subject to specified conditions
- f) Participate in mergers and consolidations subject to specified conditions
- g) Have and exercise powers, rights and privileges under Non-Profit Corporation Laws of the State of Maryland

In the paragraphs that follow, address information is provided (as it was in 1991), the issue of capital stock being issued (it is NOT authorized), voting classes are defined and a Board of Directors is assigned the management of the Association. The first three directors\* were Kenneth M. Muller, George C. McCully and Deborah St. John who all signed on June 10<sup>th</sup>, 1991.

To ensure that the Articles stayed in place as designed, there are demanding requirements in the Eleventh (last) paragraph that have to be met before any amendment to or dissolution of these Articles can be started. However, the Articles do allow the number of Directors on the Board to be changed by amendment to the By-laws. This was done through an amendment on September 9, 2003 when the number of Directors was increased to five.

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## **COVENANTS, CONDITIONS AND RESTRICTIONS**

**SIGNED MAY 31, 1991**

AFTER A STANDARD INTRODUCTION LAYING THE LEGAL GROUNDWORK FOR THE COVENANTS, CONDITIONS AND RESTRICTIONS, ELEVEN (11) SECTIONS FOLLOW.

**ARTICLE I. DEFINITIONS.** IT COVERS DEFINITIONS OF ARCHITECTURAL COMMITTEE, ASSOCIATION, BOARD OF DIRECTORS, COMMON AREA, DECLARANT, LOT, MEMBER, OWNER, PROPERTY AND STRUCTURE.

**ARTICLE II. COMMON AREA PROPERTY RIGHTS**

- |         |    |                              |
|---------|----|------------------------------|
| SECTION | 1. | GRANT OF LOTS                |
| SECTION | 2. | OWNERS EASEMENT OF ENJOYMENT |
| SECTION | 3. | PARKING RIGHTS               |
| SECTION | 4. | DELEGATION OF USE            |
| SECTION | 5. | STRUCTURES                   |

ARTICLE III. RESERVED RIGHTS OF DECLARANT

SECTION 1. ADDRESSES ROADS AND STREETS, GRADING, SALES AND CONSTRUCTION OFFICES AND EASEMENT FOR UTILITIES, SIDEWALKS AND PATHWAYS.

ARTICLE IV. MEMBERSHIP AND VOTING RIGHTS

SECTION 1. MEMBERSHIP

SECTION 2. VOTING

ARTICLE V. COVENANT FOR MAINTENANCE ASSESSMENTS

SECTION 1. CREATION OF LIEN AND PERSONAL OBLIGATIONS OF ASSESSMENTS

SECTION 2. PURPOSES OF ASSESSMENTS

SECTION 3. RESERVE FUND

SECTION 4. MAXIMUM ANNUAL ASSESSMENT

SECTION 5. SPECIAL ASSESSMENTS

SECTION 6. NOTICE AND QUORUM FOR ANY ACTING AUTHORIZED UNDER SECTIONS 4 AND 5.

SECTION 7. UNIFORM RATE OF ASSESSMENT

SECTION 8. SURPLUS RECEIPTS

SECTION 9. DATE OF COMMENCEMENT OF ANNUAL ASSESSMENT; DUE DATES

SECTION 10. EFFECT OF NONPAYMENT OF ASSESSMENTS; REMEDIES OF THE ASSOCIATION

SECTION 11. MARYLAND CONTRACT LIEN ACT.

SECTION 12. SUBORDINATION OF THE LIEN TO MORTGAGES.

ARTICLE VI. MAINTENANCE BY OWNER *BECAUSE THIS ARTICLE DOES NOT HAVE SECTIONS AND IS A SHORT BUT VERY IMPORTANT PARAGRAPH, IT IS QUOTED HERE IN ITS ENTIRETY.*

"The Owner of each Lot shall keep his Lot, and all improvements thereon, in good order and repair, including, but not limited to, the seeding, watering and mowing of all lawns and yards, , keeping all sidewalks neat, clean, in good repair and free of ice and snow, the pruning and cutting of all trees and shrubbery and the painting (or other appropriate external care) of all buildings and structures on the Lot; all in a manner and with such frequency as is consistent with good property management and maintenance. If, in the opinion of the Architectural Committee, any Owner fails to perform the duties imposed hereunder, the Association, on affirmative action by a two-thirds (2/3) vote of the Board of Directors, after fifteen (15) days written notice to the Owner to remedy the condition in question, and upon failure of the Owner to remedy the condition, shall have the right (but not the obligation), through its agents and employees, to enter upon the Lot in question and to repair, maintain, repaint and restore the Lot and the improvements or Structures thereon, and the cost thereof shall be a binding, personal obligation of such Owner of the Lot, and an additional assessment on the Lot."

ARTICLE VII. ARCHITECTURAL REVIEW

SECTION 1. BUILDING RESTRICTIONS

SECTION 2. COMMITTEE CRITERIA

SECTION 3. DISAPPROVAL OF PLANS

- SECTION 4. APPROVAL OF PLANS
- SECTION 5. EXAMINATION FEE
- SECTION 6. COMMITTEE COMPENSATION
- SECTION 7. DECLARANT EXEMPTION
- SECTION 8. ARCHITECTURAL COMMITTEE RULES
- SECTION 9. CONDITIONAL APPROVAL
- SECTION 10. GOVERNMENTAL APPROVAL

#### ARTICLE VIII. DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

- SECTION 1. RESIDENTIAL USE
- SECTION 2. SUBDIVISION
- SECTION 3. MOTOR VEHICLES
- SECTION 4. STRUCTURES
- SECTION 5. ANIMALS
- SECTION 6. SIGNS
- SECTION 7. PARKING AREAS
- SECTION 8. NOISES AND NUISANCES
- SECTION 9. EXTERIOR ANTENNAE
- SECTION 10. TRASH
- SECTION 11. EXTERIOR CLOTHES DRYERS
- SECTION 12. FRONT YARDS

#### ARTICLE IX. ANNEXATION

- SECTION 1. ADDITIONAL PROPERTY
- SECTION 2. ANNEXATION BY DECLARANT
- SECTION 3. RECORDING

#### ARTICLE X. PARTY WALLS

- SECTION 1. GENERAL RULES OF LAW TO APPLY
- SECTION 2. SHARING OF REPAIR AND MAINTENANCE
- SECTION 3. DESTRUCTION BY FIRE OR OTHER CASUALTY
- SECTION 4. WEATHERPROOFING
- SECTION 5. RIGHT TO CONTRIBUTION RUNS WITH LAND
- SECTION 6. ARBITRATION

#### ARTICLE XI. GENERAL PROVISIONS

- SECTION 1. ENFORCEMENT
- SECTION 2. SEVERABILITY
- SECTION 3. AMENDMENT
- SECTION 4. RIGHT OF ENTRY
- SECTION 5. NO REVERTER OR CONDITION SUBSEQUENT
- SECTION 6. REMEDIES
- SECTION 7. HEADINGS
- SECTION 8. FHA/VA APPROVAL

SIGNED BY GEORGE C. MCCULLY AND KENNETH M. MULLER ON THE 31<sup>ST</sup> OF MAY, 1991 IN THE PRESENCE OF A NOTARY.

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**BY-LAWS OF BURNT OAKS HOMEOWNERS ASSOCIATION, INC.**

ARTICLE	I.	NAME AND LOCATION
ARTICLE	II.	DEFINITIONS
ARTICLE	III.	MEETING OF MEMBERS
ARTICLE	IV.	BOARD OF DIRECTORS' SELECTION; TERM OF OFFICE
ARTICLE	V.	NOMINATION AND ELECTION OF DIRECTORS
ARTICLE	VI.	MEETING OF DIRECTORS
ARTICLE	VII.	POWERS AND DUTIES OF THE BOARD OF DIRECTORS
ARTICLE	VIII.	OFFICERS AND THEIR DUTIES
ARTICLE	IX.	INDEMNIFICATION OF OFFICERS AND DIRECTORS
ARTICLE	X.	COMMITTEES
ARTICLE	XI.	BOOKS AND RECORDS
ARTICLE	XII.	ASSESSMENTS
ARTICLE	XIII.	CORPORATE SEAL
ARTICLE	XIV.	AMENDMENTS

SIGNED ON JUNE 13, 1991 BY DEBORAH ST. JOHN, SECRETARY/TREASURER OF THE BURNT OAKS HOMEOWNERS ASSOCIATION, INC.

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AN AMENDMENT TO THE BY-LAWS WAS SIGNED SEPTEMBER 24, 2003 BY DEBBIE BOWERS, SECRETARY OF THE BOARD OF DIRECTORS. THE AMENDMENT CHANGED ARTICLE IV, SECTION 1. THE AMENDMENT INCREASED THE NUMBER ON THE BOARD TO FIVE (5) FROM THREE (3).