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DEBRA ANDERSON
REGISTER OF DEEDS

SHIRETOWN COMMON CONDOMINIUMS ASSOCIATION

Amendment to Bylaws

Amendment to the Bylaws of SHIRETOWNE COMMON CONDOMINIUMS ASSOCIATION, Kennebunk, Maine, made this 30th day of July A.D. 2015 , by 45 of the owners in said Shiretowne Common Condominiums Association.

WITNESSETH;

WHEREAS, Shiretowne Common Condominiums Association was duly created by Declaration of Condominiums, dated June 6, 2004 and recorded in the York County Registry of Deeds, Book 14111 , Page 764 ; and

WHEREAS, the unit owners desire to amend said Bylaws.

NOW, THEREFORE, in accordance with the Unit Ownership Act of the State of Maine (Maine Revised Statutes Annotated, Title 33, Sections 560 through and including Section 587) the Bylaws of the aforementioned Declaration are hereby amended by the following:

Article I, Section 3

Replace "December 31" with "June 30th".

Article II, Section 2

Add the following paragraph as a new Section 2:

Section 2. Parliamentary Authority. The rules contained in the current edition of Robert's Rules of Order Newly Revised (RONR) shall govern the Association in all cases to which they are applicable and in which they are not inconsistent with the Declaration and Bylaws of the Association and/or any special rules of order the Association may adopt

Article III, Section 5

Delete this section in its entirety.

Article IV, Section 2

Remove the reference to Article III, Section 5 in the first sentence and delete "at the first annual meeting of members" in the last sentence.

Article IV, Section 3

In the last sentence:

a) Replace $1,000 with $7,500
b) Delete "in writing of all"
c) Insert "60% of" prior to "the members."

1 of 4 →

Fred Castle
12 Shiretowne Common Dr
Kennebunk, Me. 04043

Article IV, Section 10

Add the following paragraph as a new Section 10:

Section 10. Committees. The Board of Directors may designate committees and their purpose, as the Executive Board deems necessary, which committees may consist of members of the Executive Board and/or members as designated in the Bylaws.

Article IV, Section 11

Add the following paragraph as a new Section 11:

Section 11. Indemnification. Any person, while serving as Director or officer shall, in all cases, be indemnified against expenses including attorneys' fees, judgments, fines and amounts paid in settlement actually and reasonably incurred by him/her in connection with an action, suit or proceeding per Maine Title 13-B, Section 714. Determination of indemnification shall be made by a majority vote of the Board of Directors commensurate with this statute.

Article V, Section 3

Add the following paragraph as the last paragraph in Section 3:

The President, or his/her appointee from the SCCA Board, shall become the Shiretowne Common Condominiums Association representative to the Coventry Woods Board of Directors if the representative position becomes vacant. The President may also appoint an alternate representative from the SCCA Board to the Coventry Woods Board of Directors to attend any meetings if the primary representative cannot attend.

Article V, Section 5

a) In the first sentence delete "in books kept for that purpose".
b) Delete the second sentence in its entirety.
c) Insert the following paragraph as the second paragraph in Section 5:

The Secretary will establish and maintain a process in accordance with Section 13. Association of Unit Owners of the Declaration, "the Association shall make available to unit owners, prospective purchasers, lenders and the holders, insurers and guarantors of the first mortgage on any unit, current copies of the Declaration, Bylaws, and other Rules and Regulations governing the Condominiums, and other books, records and financial statements of the corporation. The Association may impose a reasonable charge for copies.

d) In the new third paragraph, replace "transfer books" with "records".

Article V, Section 7

Insert "by a majority vote" after offices.

Article VI, Section 2

In the third paragraph, replace "first" with "15th"

Article VI, Section 9

Replace Section 9 in its entirety with the following paragraphs:

Section 9. Insurance. The Board of Directors shall obtain insurance on the units and unit fixtures and the common elements against loss or damage by fire and such other hazards as are covered under Standard Extended Coverage Provisions and all other perils customarily covered for similar types of projects, including those covered by the standard "all risk" endorsement for 100% of the current replacement costs of the units, unit fixtures, common elements and fixtures, excepting land, foundations, excavations, or other items that are usually excluded from insurance coverage.

The proceeds of the master casualty policy shall, pursuant to Section 43 III of the Condominium Act, be used to repair, replace, or restore the structures and common area damaged unless the Unit Owners vote to terminate the condominium.

The Board of Directors is hereby appointed as the agent for each Owner and any other interests in the Condominium, to adjust all claims arising under such policy(ies) or otherwise resulting from such damage, and to execute and deliver releases upon the payment of claims.

The Board of Directors will also hereby have the authority to assess and divide the Association's master policy deductible as they feel appropriate to the units that are destroyed or damaged due to negligence per occurrence. In no circumstances shall the Association be responsible for a unit owner's insurance policy deductible.

IN WITNESS WHEREOF, the undersigned parties have executed this instrument or, in the case of corporations, have caused this instrument to be signed and sealed in their corporate names and on behalf of all as of the day and date first above written.

Secretary

President

Treasurer, Fred Castle 8/25/15

York SS Maine
Aug 25, 2015
Personally appeared the above named Fred F Castle Jr and acknowledged the foregoing instrument to be his free act + deed.
Before me, Cynthia R Spencer

CYNTHIA R. SPENCER
Notary Public, Maine
My Commission Expires October 9, 2016

May 30, 2015

BYLAWS OF
SHIRETOWNE COMMON CONDOMINIUMS ASSOCIATION

ARTICLE I
Name, Location, and Fiscal Year

Section 1. Name: The name of the corporation is SHIRETOWNE COMMON CONDOMINIUMS ASSOCIATION (the "Corporation").

Section 2. Location. The principal office of the corporation shall be located at Kennebunk, Maine.

Section 3. Fiscal Year. The fiscal year of the corporation shall, unless otherwise decided by the Executive Board, end June 30th.

ARTICLE II
Purposes

Section I. Purposes. The purposes of said corporation are to act on behalf of its members collectively as their governing body with respect to the administration, maintenance, repair and replacement of certain property which will be submitted to the provisions of Maine Condominium Act, Title 33, Chapter 31, Section 1601-101 et seq. and to be known as Shiretowne Common Condominiums Association and as such to own and acquire any real estate or interest or rights therein or appurtenances thereto and any and all personal property in connection therewith as may be incidental or necessary to such purpose.

Section 2. Parliamentary Authority. The rules contained in the current edition of Robert's Rules of Order Newly Revised (RONR) shall govern the Association in all cases to which they are applicable and in which they are not inconsistent with the Declaration and Bylaws of the Association and/or any special rules of order the Association may adopt.

ARTICLE III
Members

Section I. Membership. The owner or owners of record from time to time of each unit of the Condominiums, shall constitute one member of the Association, and each such member shall have the fraction of common interest, common expenses liabilities and voting rights in the corporation that are set forth in Appendix II of the Declaration.

Section 2. Termination of Membership. The membership of each unit owner shall terminate when he/she ceases to be a unit owner, and upon the sale, transfer or other disposition of his/her ownership interest in the property, his/her membership in the corporation shall automatically be transferred to the new unit owner succeeding to

such ownership interest.

Section 3. Meetings and Notice. The Annual Meeting will be held on the second Wednesday in June. Should a change in the date be necessary, the Board of Directors must select an alternate at least sixty (60) days prior to the alternate date. Special meetings of the members may be called by the President, the Executive Board or upon a petition signed by fifty (50) percent of the members.

Written notice of any meeting shall be given to each member by the Secretary not less than ten (10) days nor more than thirty (30) days before the meeting by mailing it postage prepaid to the member's mailing address or to any other mailing address designated in writing by the member.

The notice shall specify the time and place of the meeting and the items on the agenda.

Section 4. Quorum. A quorum for any meeting shall be constituted by persons entitled to cast 54.17% percent (31 of 60) of the votes for election of the Executive Board, attending in person or represented by proxy.

ARTICLE IV
The Executive Board

Section 1. Composition. The Executive Board (herein also referred to as Directors or Board of Directors) shall consist of a number, not less than three nor more than seven, which shall be fixed for the ensuing year by the members at the annual meeting.

Section 2. Election and Term. The Directors, except as provided in Sections 7 and 8 of this Article, shall be elected at the annual meeting from among the members or spouses of members or in the case of a unit owner which is a corporation, partnership, trust or estate, a designated agent thereof. Each unit shall have one (1) vote for each Director.

The term of office of each Director shall be fixed at three (3) years, except that the initial Directors shall serve for staggered terms so that no more than 50% will have a term expiring in any successive year. The Directors shall hold office until their successors have been elected.

Section 3. Powers. The business of the corporation shall be managed by the Executive Board, which shall have and may exercise all the powers of the corporation, except those powers reserved to the members by the Act or by these Bylaws. The Executive Board shall have the power to engage a managing agent for the property and to fix the term, compensation and authority of the manager or managing agent. Notwithstanding the foregoing, the Executive Board shall have no authority to approve any capital expenditure in excess of $7,500 nor to authorize the corporation to enter into any contract for a term of more than three (3) years except with the approval of 60% of the

members.

Section 4. Meetings of Directors. Meetings of the Executive Board may be held at any time and place upon call by the President or by a majority of the Directors, reasonable notice thereof being given to each Director. Notice that a meeting has been called may be given by the President, Secretary or Temporary Secretary, if one is appointed, or by one of the Directors.

Notice of any meeting of the Executive Board may be waived in writing and signed by the person or persons entitled to such notice, whether before or after the time of such meeting, and shall be equivalent to the giving of such notice. Attendance of a Director at such meeting shall constitute a waiver of notice thereof, except where a Director attends a meeting for the express purpose of objecting to the transaction of any business because such meeting is not lawfully convened.

Neither the business to be transacted at, nor the purpose of, any meeting of the Executive Board need be specified in the notice, or waiver of notice, of such meeting.

Section 5. Quorum and Voting. Attendance by a majority of Directors then in office shall constitute a quorum. If a quorum exists, the Directors present may take any action so long as they concur.

Section 6. Action by Consent. Any action required or permitted to be taken at any meeting of the Executive Board may be taken without a meeting if a written consent thereto is signed by all the Directors. The Secretary shall file such written consent with the records of the meetings of the Executive Board. Such consent shall be treated as a vote of the Executive Board for all purposes.

Section 7. Vacancies. A vacancy in the Executive Board shall be filled by appointment of the Directors and shall hold office for the unexpired term of the Director whose place is vacant and until his/her successor is elected.

Section 8. Removal. A Director may be removed from office only by a majority vote of the unit owners.

Section 9. Compensation. Directors shall not receive compensation for their services except as provided by resolution of a majority of the members of the corporation. Directors shall be reimbursed for any out of pocket expenses incurred which are reasonable and necessary in performing their duties on behalf of the corporation.

Section 10. Committees. The Board of Directors may designate committees and their purpose, as the Executive Board deems necessary, which committees may consist of members of the Executive Board and/or members as designated in the Bylaws.

Section 11. Indemnification. Any person, while serving as Director or officer shall, in all cases, be indemnified against expenses including attorneys' fees, judgments, fines and amounts paid in

settlement actually and reasonably incurred by him/her in connection with an action, suit or proceeding per Maine Title 13-B, Section 714. Determination of indemnification shall be made by a majority vote of the Board of Directors commensurate with this statute.

ARTICLE V
Officers

Section I. Designation and Qualification. The officers of the corporation shall consist of a President, a Treasurer, a Secretary and such other officers as the Executive Board may elect.

The President and Treasurer shall be members, or spouses of members, or in the case of a unit owner, which is a corporation, partnership, trust or estate, a designated agent thereof. The Secretary need not be a member, but shall be a resident of Maine.

Section 2. Election and Term. All officers shall be elected by the Executive Board at its first meeting following the annual meeting of the members and shall hold office until the first meeting of the Executive Board following the next annual meeting of members and until their successors are elected.

Section 3. President. The President shall be a Director and shall be the chief executive officer of the corporation. The President shall have general supervision and control of the business of the corporation subject to the direction of the Executive Board and shall also have such other powers and duties as the Executive Board may decide. The President shall preside at all meetings of the members and at all meetings of the Executive Board.

If the President is absent from any meeting of the members or Executive Board, the Treasurer shall preside at such meeting. The President shall prepare, execute, certify and record amendments to the Declaration on behalf of the Association.

The President, or his/her appointee from the SCCA Board, shall become the Shiretowne Common Condominiums Association representative to the Coventry Woods Board of Directors if the representative position becomes vacant. The President may also appoint an alternate representative from the SCCA Board to the Coventry Woods Board of Directors to attend any meetings if the primary representative cannot attend.

Section 4. Treasurer. The Treasurer shall have, subject to the direction of the members or Executive Board, general charge of the financial affairs of the corporation and shall keep full and accurate records thereof, which shall always be open to the inspection of any member or holder of a first mortgage on a unit. He/she shall render to the President and Directors, at the regular meetings of the Executive Board, or whenever they may require it, a statement of the accounts of his/her transactions as Treasurer and of the financial condition of the corporation.

Section 5. Secretary. The Secretary shall record the proceedings of all meetings of the members and of the Executive Board.

The Secretary will establish and maintain a process in accordance with Section 13. Association of Unit Owners of the Declaration, "the Association shall make available to unit owners, prospective purchasers, lenders and the holders, insurers and guarantors of the first mortgage on any unit, current copies of the Declaration, Bylaws, and other Rules and Regulations governing the Condominiums, and other books, records and financial statements of the corporation. The Association may impose a reasonable charge for copies."

The Secretary shall also keep the membership records of the corporation. He/she shall notify the members and the Directors of all meetings in accordance with the Bylaws.

If the Secretary is absent from any meeting of the members or the Executive Board, a Temporary Secretary shall be chosen to exercise the duties of the Secretary at such meeting.

Section 6. Vacancies. A vacancy in any office may be filled by the Executive Board by the election of a successor to hold office for the unexpired term of the officer whose place is vacant and until his/her successor is chosen and qualified.

Section 7. Removal. All officers may be removed from their respective offices by a majority vote of the Executive Board.

Section 8. Resignation. Any officer may at any time resign his/her office' by a resignation in writing delivered to the corporation at its principal office or to the President or Secretary. Such resignation shall be effective upon receipt and acceptance thereof shall not be necessary to make it effective unless it so states.

Section 9. Compensation. The officers shall receive no compensation for their services unless expressly provided for in a resolution adopted by the majority of the members of the corporation. The officers shall be reimbursed for out-of-pocket expenses incurred which are reasonable and necessary in performing their duties on behalf of the corporation.

ARTICLE VI
Assessments

Section I. Budget. The Executive Board shall cause to be prepared an estimated annual budget for each fiscal year of the corporation. Such budget shall take into account the estimated common expenses and cash requirements for the year, including insurance, salaries, wages, payroll taxes, supplies, materials, parts, services, maintenance, repairs, replacements, landscaping, insurance, fuel, snow blowing and ice removal, trash pickup and other common expenses (as distinguished

from individual mortgage payments, real estate taxes and individual telephone, electricity and other individual utility expenses billed or charged to the separate members on an individual or separate basis rather than a common basis).

The Executive Board shall establish and maintain an adequate reserve fund for the periodic maintenance, repair, replacement, and improvements to the common areas and limited common areas. The reserve fund shall be included in the budget and maintained out of regular assessments for common expenses. To the extent that the assessments and other cash income collected during the preceding year shall be more or less than the expenditures for such preceding year, the surplus or deficit, as the case may be, shall also be taken into account in setting the budget and determining assessments for the current year so as to credit any surplus or refund any deficit.

Section 2. Payment. The estimated annual budget for each fiscal year shall be approved by the Executive Board, and copies thereof shall be furnished to each member and eligible mortgage holder within thirty (30) days of adoption, and in any event not later than 90 days after the beginning of such year.

The Executive Board shall set a date for a meeting of the members to consider ratification of the budget not less than six (6) nor more than thirty (30) days after mailing of the budget. Notice of said meeting shall accompany the budget. Unless at that meeting a majority of all unit owners reject the budget, the budget is ratified, whether or not a quorum is present. In the event the proposed budget is rejected, the periodic budget last ratified by the members shall be continued until such time as the members ratify a subsequent budget proposed by the Executive Board.

On or before the 15th day of the next quarter and of each succeeding month or quarter of the year covered by the annual budget, each member shall pay, as his/her respective monthly assessment for the common expenses, one-twelfth *(1/12)* of his/her proportionate share of the common expenses for such year as shown by the annual budget, all as determined by the Executive Board. Such proportionate share for each member shall be in accordance with his/her respective ownership interest in the common areas and facilities. No member shall be relieved of his/her obligation to pay his/her assessments for common expenses by abandoning or not using his/her unit or the common areas and facilities.

Section 3. Statements. Within ninety (90) days after the end of each year covered by an annual budget, or as soon there-after as shall be practicable, the Treasurer shall cause to be furnished to each member a statement for such year so ended, showing the receipts and expenditures and such other information as he/she may deem desirable.

Section 4. Separate Accounts. The Treasurer shall cause to be kept a separate account for each member showing the respective assessments charged to and paid by such member, and the status of his/her account from time to time.

Section 5. Additional Assessments. In the event that during the course of any year, it shall appear to the Treasurer that the monthly assessments, determined in accordance with the estimated annual budget for such year, are insufficient or inadequate to cover the estimated common expenses for the remainder of such year, then the Executive Board shall prepare and approve a supplemental budget covering the estimated deficiency for the remainder of such year, and shall cause the same to be presented to the members for ratification in the same manner as the budget. Upon ratification of the supplemental budget, a supplemental assessment shall be made to each member for his/her proportionate share of such supplemental budget.

Section 6. Common Expenses. It shall be the duty of every member to pay his/her proportionate share of the common expenses, in the same ratio as his/her percentage of ownership in the common areas and facilities. If any member shall fail or refuse to make any such payment of the common expenses when due, the amount thereof together with interest at the rate established by the Association, costs and reasonable attorney's fees shall constitute a debt secured by a lien on such unit. The corporation shall have the authority and responsibility to exercise and enforce any and all rights and remedies as provided for in Maine Revised Statutes, Title 33, Chapter 31, the Declaration and these Bylaws, or otherwise available at law or in equity for the collection of all unpaid assessments.

Section 7. Budget Expenses. The President and/or Treasurer, subject to Executive Board direction, shall have the authority to enter into contracts on behalf of the corporation for work and expenses provided in the budget and to make payment thereof from the funds of the corporation.

Section 8. Expenses Assessed Subsequent to Conveyance of Unit. A member may not exempt himself/herself from liability for his/her share of common expenses subsequently to be assessed by a conveyance of his/her unit to the corporation, except by approval of all of the other members and their first mortgagees.

Section 9. Insurance. The Board of Directors shall obtain insurance on the units and unit fixtures and the common elements against loss or damage by fire and such other hazards as are covered under Standard Extended Coverage Provisions and all other perils customarily covered for similar types of projects, including those covered by the standard "all risk" endorsement for 100% of the current replacement costs of the units, unit fixtures, common elements and fixtures, excepting land, foundations, excavations, or other items that are usually excluded from insurance coverage.

The proceeds of the master casualty policy shall, pursuant to Section 43 III of the Condominium Act, be used to repair, replace, or restore the structures and common area damaged unless the Unit Owners vote to terminate the condominium.

The Board of Directors is hereby appointed as the agent for each Owner and any other interests in the Condominium, to adjust all claims arising under such

policy(ies) or otherwise resulting from such damage, and to execute and deliver releases upon the payment of claims.

The Board of Directors will also hereby have the authority to assess and divide the Association's master policy deductible as they feel appropriate to the units that are destroyed or damaged due to negligence per occurrence. In no circumstances shall the Association be responsible for a unit owner's insurance policy deductible.

ARTICLE VII
Amendments

Section 1. Amendment of By-Laws. These Bylaws may be amended or modified from time to time by action or approval of members representing seventy-five (75) percent of the votes allocated to members, except that no amendment may violate the provisions of Maine Revised Statutes, Title 33, Chapter 31.

Section 2. Amendment of Declaration. The Declaration may be amended in accordance with the terms thereof. The President and/or Treasurer of the corporation shall execute a certificate setting forth the text of the amendment, which certificate shall be attested by the Secretary and recorded in the York County Registry of Deeds. Following the recordation of four certificates of amendment, the next amendment shall be evidenced by recordation of a complete revised Declaration executed in the same manner as a certificate of amendment.