

MALLARD LAKE SUSTAINABILITY GUIDELINES

We, the property owners of the lots abutting Mallard Lake, have this unique feature that contributes to the enjoyment of our homes and serves as a valuable asset that enhances our property values. To ensure the sustainability of this asset, it's in our best interests to work together to maintain and hopefully increase the benefit of Mallard Lake for all of us.

Our lake maintenance provider, Lake and Pond Solutions, is doing an excellent job of minimizing weed and algae incidents and is reducing accumulated biomass with targeted spreading of sludge pellets. They're also focusing on factors important for the health of our fish population.

By adhering to the following guidelines, we can all contribute to the maintenance and enhancement of this valuable asset.

KEY ELEMENTS FOR LAKE SUSTAINIBILITY

EROSION CONTROL

Objective: Maintain shoreline integrity by preventing erosion of shoreline soil by wave action.

Last year, we invested in another rocking treatment for the islands for erosion control to ensure their long-term sustainability. Our individual responsibility is to minimize erosion of our shorelines so as to maintain the natural lakefront.

Guideline:

Review the condition of your lakefront. If you see evidence of erosion, consider one of the following:

- Rocking similar to that on the islands. Several property owners have done this.
- Ground cover to anchor the lakefront soil. Several property owners have done this.
- Other natural solutions.

Please avoid unnatural solutions such as concrete block barriers, reinforced concrete barriers, treated wood barriers or anything else that would conflict visually with the natural look of the lake.

LAKE FRONT AESTHETIC PRESERVATION

Objective: Maintain the natural visual flow of the lakefront.

Mallard Lake has a free-flowing lakefront with five islands of various sizes that give it a distinct identity. This was a major attraction for all of us when we decided to acquire our properties.

Guideline:

- We have a natural lakefront on our properties and also have property lines that may extend into the lake. It may be tempting to add fill to extend your property to the legally defined limits of your boundaries, but in the general interest of your fellow lake property owners we ask that you not do so. It is to all of our benefits aesthetically to maintain the natural flow of the lakefront.
- In the past, several property owners modified their lakefronts by dumping sand or gravel into the lake at their shorelines. This had short term benefit but within a year the lake returned to its previous condition. Please refrain from dumping anything into the lake since it will eventually seek the lowest level with little shoreline benefit.
- There are a number of piers on the lake of differing construction. Some, such as Lemerond's which is cantilevered or Cholewa's which has sliding supports can weather the winter without damage. Other piers have suffered serious damage from the pressures of winter ice. If in doubt, piers should be removed for the winter season to avoid damage.
- To not impede lake use, pier extension into the lake should be limited to 12 feet unless a greater extension is necessary. Variance requests should be submitted and approved by the Lake Association.
- Piers or other structures bordering or extending into the lake are potential safety hazards if not properly maintained. As a lake property owner, you are expected to maintain any such structure on your property. Failure to do so will prompt action by the Association in the interest of general safety.

Objective: Maintain the natural appearance the lake.

We all enjoy an unimpeded view of the lake and it's important to preserve this for our fellow lake property owners.

Guideline:

- Temporary swimming rafts and temporary ice fishing shelters that aren't visually offensive are acceptable, but installation of these in or on the lake should be limited to two-week duration to avoid impairing the visual enjoyment of the lake by other lake property owners.

WATERCRAFT

It's always good to see lake property owners and their guests out on the lake in a variety of watercraft fishing or just enjoying cruising the lake. This opportunity was a major draw for many of us when we bought our properties.

Objective: Maintain a peaceful clean lake and limit shoreline erosion.

Guideline:

- Personal watercraft are limited to electric motors or sail power, as well as pedal power or oars. All vessels must operate creating no more than a 3" wake. These guidelines are in the interest of minimizing noise, lake contamination, shoreline erosion and water use safety.
- Use of internal combustion engine powered watercraft is limited to our lake treatment professionals.
- Small battery powered model boats are allowed between the hours 9:00am and sunset. In addition, be courteous of other people on the lake and along shore.

FISH HEALTH

Maintenance of a healthy diverse fish population is a continual balancing act. Our Fish Committee does a great job on this and annually provides Fishing Rules to ensure this. This makes Mallard Lake a fun place for our resident fisherman and their guests.

Objective: Maintain a healthy diverse fish population.

Guideline: Enjoy fishing on Mallard Lake in compliance with the Fishing Committee rules. Ensure that your guests also comply. Refer to the rules as necessary to ensure compliance.

WATER QUALITY

Mallard Lake is used as a holding pond by the city with surface run-off channeled in from the northwest residential area and discharged to the creek south of the lake that runs into Pike's Creek and subsequently into Lake Michigan. We can't control what comes in from this source but we can control what we put into the lake.

Objective: Minimize the inflow of contaminating materials to maintain lake water quality for the fish and vegetation at the best level that we can control.

Guideline:

- Use phosphate-free fertilizer on your lawn. Don't discharge swimming pool or hot-tub water into the lake (chlorine contamination). Sump pump, ground water and rain run-off is okay.
- Do not use limestone as it can leach into the water creating an unfavorable environment for fish or plants.

LAKE VEGETATION

Maintaining a healthy variety and amount of vegetation in the lake is a delicate balancing act.

Vegetation is desirable to help maintain a good oxygen level in the lake and to provide shelter for the fish. However, there are invasive species and other varieties that are undesirable and if not controlled, could take over the lake. We had this experience several years ago with hydrodictyon with devastating effects.

Objective: Maintain a healthy balance of lake vegetation with the professional guidance of our lake treatment provider. If advised by them, appropriate action will be taken to introduce or remove vegetation to maintain the desired balance.

Guidelines:

- Report any unusual or excessive vegetation growth you observe on your lakefront to one of the lake committee members.
- Don't plant any vegetation in the lake without the expressed consent of the Lake Association. It may seem interesting to plant cattails, lily pads or similar 'decorative' water plants on your lakefront, but these can upset the vegetation balance of the lake. If species such as these occur, such vegetation may be removed or killed in the interest of overall lake health.

BIOMASS CONTROL

Objective: Prevent and/or reverse the natural degradation that occurs due to decomposition of dead vegetation such as algae and weeds.

All inland lakes naturally degrade as weed and algae growth dies and decomposes on the bottom of the lake, eventually transforming the lake into a wetland. We've experienced this over the years as the lake depth has become shallower and the natural springs have become plugged. With the help of Lake and Pond Solutions, our lake treatment provider, we have a long-term program in place to reverse this process.

Guideline:

We can contribute to this effort by:

- Not dumping organic debris into the lake. Lawn cuttings and pruning debris should be collected and disposed of properly. In the past, we've witnessed lawn care services blowing debris into the lake. Please ensure that any service providers you use avoid this practice.
- Raking sunken leaves and other debris from the lake in front of our properties.
- Spreading sludge pellets along our lakefronts during the summer season.
- Removing branches and other foreign material that may accumulate on our lakefronts.

LAKE WATER LEVEL CONTROL

Objective: Maintain the lake water level as close as possible to the design level controlled by the discharge weir. The lake water level typically cycles from high in the spring after the snow melt to a low point midsummer with recovery in the fall.

Guideline:

- Don't withdraw water from the lake for irrigation or for any other reasons. In addition to lowering the lake level, the water may have been treated to kill weed and algae growth and may do the same to your lawn and shrubs.

RESPONSE TO NATURAL EVENTS

Objective: Avoid debris accumulation in the lake.

Guideline:

- Lakefront vegetation will eventually encroach on the lake resulting in branches, twigs and other growth spilling over into the water. Any material like this in the water immediately becomes a host for algae growth as it provides a grip and a source of nutrients. It's important that you routinely inspect your lakefront and remove any vegetation growing into the lake.
- Mother Nature is cruel. Storms, erosion and wildlife can cause events such as tree falls or limb breakages that can dump debris into the lake. Any such occurrence on one of the islands or the northeast outlot is the responsibility of the Association but occurrences on individual lake fronts are the responsibility of the respective property owner.
- Corrective action for any such event is the responsibility of the respective lake property owner and prompt action is expected to respect the rights of adjacent property owners to an unimpeded enjoyment of the lake.

RESOURCE FOR QUESTIONS/CONCERNS

- If you are considering changes or improvements to your property that impact the lake or other lake property owners' enjoyment of the lake, please contact one of the MLMA board members. The board member will communicate your request to the full board and get back to you with approval or recommendations for revisions that will make your plan more acceptable to all lake property owners.

MLPDA

Form 14
(1989)

United States of America
State of Wisconsin
OFFICE OF THE SECRETARY OF STATE

1312274

To All to Whom These Presents Shall Come:

The undersigned, as Secretary of State of the State of Wisconsin, certifies that the attached is a duplicate of a document accepted and filed in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at Madison, on the date of filing of said document.

Register's Office
Racine County, Wis.

Received for Record ^{SS} 8th day of June A.D. 1992 at 8:30 o'clock A.M. and recorded in Volume 2017 of Records on page 926-929

Douglas L. Follette

DOUGLAS La FOLLETTE
Secretary of State

Ret: John Bjelajac

10- *Helen M. Schuttner*
Register of Deeds

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ARTICLES OF INCORPORATION

Executed by the undersigned for the purpose of forming a Wisconsin corporation under Chapter 181 of the Wisconsin statutes, WITHOUT STOCK AND NOT FOR PROFIT.

Article 1. The name of the corporation is Mallard Lake Property Owners' Association, Inc.

Article 2. The period of existence shall be perpetual

Article 3. The sole purpose of the corporation shall be to:

- a) Acquire, manage, maintain and care for Mallard Lake, being a private lake located in the Mallard Shores Subdivision in the City of Racine, Wisconsin; and to
- b) Regulate, govern and control the use of Mallard Lake; and to
- c) Conduct such other activities as may be allowed by the laws of the State of Wisconsin, provided, however, that if the corporation attains a tax exempt status under any applicable provision of the United States Internal Revenue Code, then any such other activities must also be allowed by the applicable provisions of such Internal Revenue Code and all related laws, rules and regulations.

Article 4. Location of the principal office in Wisconsin is
(Include street & number, city, state and ZIP code)

3615 Waterbury Lane
Racine, WI 53403

RACINE Co

Article 5. Name of the initial registered agent is Nicholas P. Baldukas

Article 6. Address of the initial registered agent is 3615 Waterbury Lane
(Include street & number, city, state and ZIP code) Racine, WI 53403

Article 7. These articles may be amended in the manner authorized by law at the time of amendment.

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SPECIAL INSTRUCTION

PLEASE NOTE: The number of directors, or the manner in which that number is determined, must be established either in these articles of incorporation OR in the by-laws of the corporation. You may USE ONE of the following "Article 8" and CROSS OUT the one that is not used, or substitute wording of your choice.

~~Article 8. The number of directors shall be fixed by by-law but shall be not less than three.~~

Article 8. The number of directors shall be fixed by by-law but shall be not less than three.

Article 9. The names and addresses of the initial Board of Directors are:
(Include street & number, city, state and ZIP Code)

Ronald R. Wolter, 4323 Pineridge Circle, Racine, WI 53403
Gerald Sadlon, 4347 Danbury Lane, Racine, WI 53403
Robert DiPasquale, 3515 Waterbury Lane, Racine, WI 53403
Gary Myers, 3615 Waterbury Lane, Racine, WI 53403
Nicholas P. Baldukas, 3615 Waterbury Lane, Racine, WI 53403 (Member-at-Large)

Such individuals shall serve as directors of the corporation () until new directors are elected in accordance with the provisions of the By-Laws of the corporation.

Article 10. (Membership provisions)

The corporation shall have such members as provided and specified in the By-Laws of the Corporation. Such members shall have such rights, entitlements, duties and obligations as the By-Laws of the Corporation may from time to time provide.

Article 11. (Other provisions)

Those provisions of the initial By-Laws of the Corporation (ie. the By-Laws adopted by the initial Board of Directors of the Corporation pursuant to Section 181.13 of the Wisconsin Statutes) which identify, specify and/or designate (i) the members of the Corporation and/or (ii) any possible future or additional members of the Corporation may be amended only by a unanimous vote of all of the then-existing members of the Corporation, and not in any other manner.

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Article 12. The name and address of incorporator (or incorporators) are:

NAME

ADDRESS

(street & number, city, state and ZIP Code)

Attorney John M. Bjelajac

601 Lake Avenue, Racine, WI 53403

Executed in duplicate on the 1st day of June, 19 90

All incorporators
SIGN HERE

Attorney John M. Bjelajac

STATE OF WISCONSIN

County of

ss.

Personally came before me this 1st day of June A.D. 19 90
the above named Attorney John M. Bjelajac

to me known to be the person who executed the foregoing instrument, and acknowledged the same.

Theresa Schenker
Notary Public
My Commission expires ~~3/13/94~~
expires 3/13/94

Notarial
Seal

This document was drafted by

Attorney John M. Bjelajac
(Name of Person)

Please print or type

See instruction M

STATE OF WISCONSIN
FILED

JUN 04 1990

DOUGLAS LA FOLLETTE
SECRETARY OF STATE

READ THE INSTRUCTIONS ON THE REVERSE SIDE
AND PLEASE FILL OUT THE RETURN ADDRESS BOX VOL 2017 PAGE 929

BY-LAWS
OF
MALLARD LAKE
PROPERTY OWNERS' ASSOCIATION, INC.

Approval April 29, 2018

ARTICLE I

IDENTITY OF CORPORATION

Section 1.0. Association. These By-Laws are the By-Laws of "Mallard Lakes Property Owners' Association, Inc.", a not-for-profit and nonstock corporation organized under the laws of the State of Wisconsin. Such corporation is hereinafter referred to as the "Association" and/or the "Corporation".

Section 1.1. Restrictive Covenants. The Association was established in accordance with the mandates of Paragraph 27 of those certain restrictive covenants entitles "Declaration of Conditions, Covenants, Restrictions and Easements Regarding the Mallard Shores Subdivision in Racine County, Wisconsin", dated May 10, 1989, and recorded in the Office of Register of Deeds for Racine County, Wisconsin, on May 10, 1989, in Volume 1961 of Records, at Pages 768-779, as Document No. 1282637. Such restrictive covenants are hereinafter referred to as the "Declaration".

Section 1.2. Mailing Address and Office. The office and mailing address of the Association shall be the residence of the then current President of the Association.

ARTICLE II

MEMBERS

Section 2.0. Members of the Association. The members of the Association shall be the record-title owner(s) of fee simple title (or, in the event of the sale of real property by a recorded Land Contract, the Purchaser(s) under such Land Contract) of the following-described real property:

Lots 5, 6, 7, 11 through 20, and lot 45 of Mallard Shores, being a Subdivision of Outlots "A" and "B" of Halter Lakes Estates and part of the Northeast 1/4 and Northwest 1/4 of Section 31, Township 3 North, Range 23 East, said land being in the City of Racine, Racine County, Wisconsin.

(Special Note: Lot 10 of Mallard Shores was originally specified in the Declaration as being a member of the Association. Subsequently, however, Lot 10 was reconfigured in such a manner that Lot 10 now has no frontage of Mallard Lake. Accordingly, Lot 10 is now not included as a member of the Association.)

Section 2.1. Additional Members. The initial members of the Association specified in above Section 2.0 of these By-Laws may, at their sole discretion and by a majority vote of the members-elect,

elect into membership in the Association any record-title owner(s) of Lots 1, 2, 3, 4, 5, 6 and 7 of Halter Lakes Estates and lots 4, 6, 7, ~~8~~ and 10 of Halter Lakes Estates Addition No. 1, according to the recorded plats thereof, located in the County of Racine, Wisconsin, who may request membership in the Association.

Special Note: Lot 8/9 of Halter Lakes Estates Addition No. 1 became a ~~deeded~~ member in 2008)

As a condition precedent to any such owner(s) becoming an additional member of the Association, however, such owner(s) shall execute, deliver and/or record such written agreement encumbering their property as the Association may deem appropriate which obligate such owner(s) to fully perform, assume and undertake such duties, responsibilities and obligations as may from time to time be imposed by these By-Laws. In addition to and/or as an alternative to the foregoing provisions for the adding of additional members to the Association, the initial members of the Association may:

- a) Establish one or more classes of membership in the Association, including classes of membership with and without voting rights; and/or
- b) Enter into such licensing agreements as the Association may deem appropriate with such owner(s) for the use of Mallard Lake.

Section 2.2. Multiple Owners. In the event record-title ownership of real property which entitles the owner to be a member of this Association is held by more than one person or entity, all such joint or multiple owners shall, for all purposes under these By-Laws, together be deemed a single member and entitled (if otherwise eligible) to cast only one (1) vote as a member of the Association. It is the intent of these By-Laws that there be only one member and only one membership vote for each lot or parcel of real property described herein.

Section 2.3. Termination of Membership. The membership of any member of the Association may only be terminated pursuant to and in accordance with the terms and provisions of these By-Laws, as the same may from time to time be amended.

Section 2.4. Successor Owner(s). In the event the record-title fee simple ownership and/or record-title Land Contract purchaser's interest is in any manner conveyed or transferred to a third party, then such member shall be automatically terminated from membership in the Association, and the third party transferee shall automatically become a member of the Association. Upon such termination of membership, the transferor member shall continue to be liable and responsible for any and all obligations and/or payments due the Association as of the time of transfer, and the third party transferee shall also automatically become liable and responsible for any such obligations and/or payments not fulfilled or made by the transferor member.

ARTICLE III

VOTING RIGHTS OF MEMBERS

Section 3.0. Multiple Owners. As stated in the above Section 2.2, multiple owners of any lot or parcel of qualifying real property shall only be entitled to jointly cast a single membership vote in any vote taken of the members of the Association. The single vote of such multiple owners may be cast as they may unanimously agree among themselves. In the event there is no such unanimous agreement among such multiple owners, and in the further event clear and adequate notice of such disagreement is given to the Association prior to the time or deadline for the casting of votes by all members, then the vote of such member (ie. the single vote of the multiple owners who fail to unanimously agree) shall be disqualified and such vote shall not be taken into consideration when calculating any quorum or required number of votes. If such notice of disagreement among the multiple owners is not timely or properly given as provided above, however, then the vote cast on behalf of the said single membership shall be valid and counted.

Section 3.1. Proxies. In any vote taken of the members of the Association, each member may vote in person or by proxy. All proxies shall be in writing and filed with the Secretary of the Association either prior to or at the time of the vote in question.

Section 3.2. Eligibility to Vote. A member shall be entitled and eligible to vote on any matter in which a vote of the membership is being taken only if such member has, at the time of the taking of such vote, fully paid all charges, costs, assessments or any other financial obligations, of any nature whatsoever, imposed upon and due from such member by these By-Laws.

ARTICLE IV

MEETING OF MEMBERS

Section 4.0. Annual Meetings. An annual meeting of the members shall be held in the spring of each year.

Section 4.1. Special Meetings. Special meetings of the members having voting rights shall be held when called by the President and/or the Board of Directors and/or upon written request of at least One-fourth (1/4) of the members.

Section 4.2. Notice of Meetings. Written notice of each meeting of the members having voting rights shall be given by, or at the direction of, the Secretary of the Association or by any person authorized to call the meeting, by mailing a copy of such notice, postage prepaid, at least 15 days before such meeting to each member entitled to vote thereat, addressed to the member's address last appearing on the books of the Association, or supplied by such member to the Association for the purpose of notice. Such notice shall specify the place, day and hour of the meeting, and, in the case of a special meeting, the purpose of the meeting.

Section 4.3. Quorum. Members holding One-half (1/2) of the votes entitled and eligible to be cast, whether in person or by proxy, shall constitute a quorum at a meeting of the members. If such quorum shall not be present or represented at any meeting, the members entitled to vote thereat shall have power to adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum as aforesaid shall be present or be represented.

Section 4.4. Majority Vote. The majority of the votes entitled to be cast by the members present in person or represented by proxy necessary for the adoption of any proposal at a meeting at which a quorum is present shall be as follows:

- a) For administrative matters such as elections of officers and approval of routine budget items not requiring a change in annual dues, a simple majority is required.
- b) For significant financial matters, such as dues increases or special assessments, a three-quarters majority is required.

Section 4.5. Vote by Mail. At the discretion of the Board of Directors, any vote to be taken by the members having voting rights may be conducted by mail. This shall include, but not be limited to, the election of officers and directors of the Association. With regard to any such vote by mail:

- a) Written ballots, along with an explanatory covering letter, shall be mailed to all members in the manner described in Section 4.2 of these By-Laws;
- b) An addressed return envelope, with proper postage prepaid thereon, shall be included with the written ballot to facilitate the return mailing of the ballot;
- c) A quorum shall be deemed to exist;
- d) The explanatory letter and/or written ballot shall clearly indicate the deadline for the actual receipt by the Association of the completed written ballot for it to be counted;
- e) Such deadline for receipt by the Association of the completed written ballot shall be at least Fifteen (15) Days but no more than Thirty (30) Days after the date of the mailing of the ballot to all members;
- f) The written ballots actually received by the Association as of the voting deadline shall be counted to determine the vote on the matter in question.

Section 4.6. Meetings by Waiver of Consent. Whenever notice is generally required, a written waiver by any member not receiving notice, whether signed before or after the time of the meeting, shall be deemed equivalent to the giving of such notice. When all of the members of the Association are present at any meeting, however notified or called, and shall sign a written consent to the holding of such meeting on the records thereof, they may transact any business at such meeting which is specified in the notice or consent and which could lawfully be transacted at any meeting of the members of this Association regularly called and notified. Action may also be taken without a meeting, as provided in Section 181.72 of the Wisconsin Statutes, by unanimous consent.

Section 4.7. Location of Meetings. The meetings of the members of the Association shall be held in Racine County, Wisconsin, at such specific location(s) as may from time to time be designated in the written notice of each such meeting.

ARTICLE V

POWERS AND DUTIES OF MEMBERS

Section 5.0. Annual Election of Officers/Directors. The members having voting rights shall, at each Annual Meeting, elect the officers/directors of the Corporation. The candidate for each office receiving the highest number of votes shall be elected. In lieu of conducting such election of officers/directors at the Annual Meeting, such election of officers/directors may, at the discretion of the Board of Directors, be conducted by mail pursuant to the provisions of Section 4.5 of these By-Laws. Any such election by mail shall be conducted in a time frame such that the new officers/directors to be elected shall be elected in time to take office at the time the terms of the existing officers/directors expire.

Section 5.1. Special Election of Officers/Directors. The members having voting rights shall conduct a special election to elect new officers/directors at any time such a special election may be required in writing by at least One-half (1/2) of the members. In the event such a special election is so requested, a Special Meeting as described in Section 4.1 of these By-Laws shall be held as soon as the required notice provisions can be complied with for the purpose of conducting such special election. In the alternative, if the request for a special election so indicates, the special election of officers/directors shall be immediately conducted by mail by the Secretary of the Association pursuant to the provisions of Section 4.5 of these By-Laws. The candidate for each office receiving the highest number of votes shall be elected, and all officers/directors elected at such special election shall then immediately take office, notwithstanding when the regular terms of the previously-existing officers/directors were to expire. Such newly-elected officers/directors shall hold office until the next election required under Section 5.0 of these By-Laws is held, or until the next special election is held pursuant to this present Section.

Section 5.2. Review of Budget. The members having voting rights may review and vote on modifications to the proposed annual budget of the Association in accordance with Section 4.4.

Section 5.3. Votes on Other Matters. The members having voting rights shall vote on such other matters as may from time to time be requested by the Board of Directors.

Section 5.4. Obligations of Members. All members (in all classes of membership and whether or not such members have voting rights) shall fully and timely comply with all duties and obligations as may from time to time be imposed upon them by:

- a) The Articles of Incorporation of the Association; and/or
- b) The By-Laws of the Association; and/or
- c) All resolutions, rules and regulations adopted by the members of the Association.

ARTICLE VI

OFFICERS AND DIRECTORS

Section 6.0. Officers of the Association. The Association shall have the following officers:

- a) President
- b) Vice President
- c) Secretary
- d) Treasurer
- e) Member-at-Large

Section 6.1. Directors of the Association. Each officer described in Section 6.0 of these By-Laws shall be a director of the Association, and all such officers/directors shall together constitute the Board of Directors of the Association.

Section 6.2. Term of Office. Each officer/director shall have a term of office for One (1) Year, unless a special election is sooner held pursuant to Section 5.1 of these By-Laws.

~~Section 6.3. Initial Officers/Directors. Pursuant to the terms and provisions of Section 181.20(2) of the Wisconsin Statutes, the initial officers/directors named in the Articles of Incorporation of the Association shall hold such offices until new officers/directors are elected at the first Annual Meeting of the members as specified in Section 5.0 of these By-Laws, or until a special election is sooner held pursuant to the provisions of Section 4.1 and/or Section 5.1 of these By-Laws.~~

Section 6.4. Vacancies. In the event of a vacancy of any office/directorship, such vacancy shall be filled by the Board of Directors. Any such officer/director so appointed to fill a vacancy shall hold such office for the balance of the term of such office.

Section 6.5. No Compensation. No officer/director shall receive compensation for any service he/she may render to the Association. Any officer/director may be reimbursed by the Association, however, for any actual expenses incurred by the officer/director, provided that such reimbursement is approved by the Board of Directors.

Section 6.6. Only Members Eligible. Only members of the Association are eligible to be an officer/director of the Association.

Section 6.7. Dual Offices Prohibited. No member may, at any one time, hold more than one of the offices specified in Section 6.0 of these By-Laws.

ARTICLE VII

POWERS OF THE ASSOCIATION

Section 7.0. Powers of the Association. The Association shall have the full power and authority granted to it under the laws of the State of Wisconsin, provided that such power and authority is also in conformance and allowed by the Articles of Incorporation of the Association. This shall include, but not be limited to, the power and authority specified in Sections 181.04 and 779.70 of the Wisconsin Statutes, as may from time to time be amended, and the power and authority specified in the Declaration described in Section 1.1 of these By-Laws.

ARTICLE VIII

POWERS AND DUTIES OF THE BOARD OF DIRECTORS

Section 8.0. Management of the Affairs of the Association. The affairs of the Association shall be managed by the Board of Directors.

Section 8.1. Regular Meetings. The Board of Directors shall meet at such time with such frequency and at such location as the Board of Directors may from time to time provide by resolution adopted by the Board. No prior notice shall be required for such regular meetings other than such resolution of the Board of Directors.

Section 8.2. Special Meetings. Special meetings of the Board of Directors shall be held when called by the President of the Association or by at least Two (2) directors. Such a special meeting of the Board of Directors shall be held at such time, place, and location as may be specified in either a written notice of such meeting which shall be given to all directors at least Twenty-four (24) Hours prior to such meeting.

Section 8.3. President to Preside. The President ~~or their designee from the Board of Directors~~ shall preside over all meetings of the Board of Directors and/or meeting of the members.

Section 8.4. Quorum and Votes Required. 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 of Directors.

Section 8.5. Powers of the Board. The Board of Directors shall have full power and authority to:

- a) Manage all of the affairs of the Association;
- b) Exercise on behalf of the Association all of the power and authority of the Association;
- c) Adopt and implement such resolutions, rules and/or regulations, as the Board may from time to time deem appropriate, regarding (i) the protection, maintenance and use of Mallard Lakes, and (ii) the personal conduct of all persons using Mallard Lake;
- d) Subject to the provisions of the Declaration referred to in Section 1.1 of these By-Laws, adopt and implement the budget for the Association;
- e) Impose, assess and/or levy such fees, charges, forfeitures, penalties and/or assessments upon the members and/or their real property as the Board may from time to time deem reasonably necessary for (i) the implementation of the Association's budget, and/or (ii) the management of the affairs of the Association, and/or (iii) the enforcement of all obligations and duties imposed in these By-Laws upon the members. This shall include, but not in any manner be limited to, the full power and authority granted to the Association in numbered paragraphs 23, ~~25 and 27~~ and 26 of the ~~Mallard Shores Property Owners Association~~ Declaration referred to in Section 1.1 of these By-Laws;
- f) Take any and all other action as may be allowed under the laws of the State of Wisconsin and these By-Laws.

Section 8.6. Action by Written Unanimous Consent. The Board of Directors may take any action without a meeting, as provided by Section 181.72 of the Wisconsin Statutes, by obtaining in writing the consent of all of the members of the Board of Directors to the action in question. Any action so approved shall have the same effect as though taken at a meeting of the directors.

ARTICLE IX

POWERS AND DUTIES OF OFFICERS

Section 9.0. General Duties. The duties of the officers of the Association shall be (i) such regular duties as usually pertain to each respective office, and (ii) such other duties as may be prescribed for any officer in these By-Laws, and (iii) such other duties as the Board of Directors may from time to time delegate to each officer. The Board of Directors may delegate the duties of any officer to any other officer or other person designated by it for that purpose.

Section 9.1. Corporate Books and Records. The Secretary of the Association shall cause to be kept a complete record of all of the acts and affairs of the Association.

Section 9.2. Funds and Financial Records. The treasurer of the Association 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; cause an annual audit of the Association books to be made at the completion of each fiscal year; 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.

Section 9.3. Records Open to Inspection. Upon reasonable advance notice and during reasonable hours, the officers of the Association shall allow any member of the Association to inspect any documents, books or records of the Association.

ARTICLE X

MISCELLANEOUS PROVISIONS

Section 10.0. Amendments to By-Laws. These By-Laws may be amended in whole or in part by either:

- a) A majority vote of the members at any Annual Meeting of the members, or at any Special Meeting of the members held for that express purpose; and/or
- b) A majority vote of the Board of Directors at any meeting of the Board of Directors. No By-Law adopted by the members, however, may be amended or repealed by the Board of Directors.

Section 10.1. 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 incorporation.~~

ARTICLE XI

ASSESSMENTS AND LIENS

Section 11.0. Reservation of Rights. The terms and provisions contained in this present Article XI are in addition to any and all other rights, entitlements, power and authority of the Association, and shall not in any manner be deemed to limit or restrict any such other rights, entitlements, power and authority.

Section 11.1. Assessments and Liens. All fees, charges, forfeitures, penalties and/or assessments that are imposed, assessed and/or levied by the Association upon the members and/or their real property shall be in accordance with Section 779.70 of the Wisconsin Statutes, as amended from time to time, and/or in accordance with any other applicable laws or statutes. To the fullest extent allowed by law, the Association is specifically empowered (in addition to any other rights or remedies that may be available to the Association) to enforce the provisions of such statute(s) pertaining to maintenance liens, including any interest or penalties provide for there under.

The Association shall have the right to bring any and all actions and proceedings for the collection of the said delinquent amount due and the enforcement of liens therefore. In addition to any of the foregoing, each member/record-title owner shall be personally (jointly and severally) liable to the Association for any such delinquent amount due, and, without any limitation on availing itself of any other actions or remedies allowed herein or by law, the Association may seek and obtain a personal money judgement against each such member/record-title owner for such delinquent amount. Further, in addition to any other remedy, and in addition to any other damages and/or delinquent amount the Association may be entitled to recover, the Association shall also be entitled to recover, whether by legal action and/or by further assessment against the delinquent member and/or by lien on the delinquent member's lot or parcel of real property, all reasonable actual attorney's fees incurred by the Association regarding such delinquency.

Section 11.2. Suspension of Privileges. In the event a member fails to timely and fully pay to the Association all monies due the Association or in the event a member otherwise fails to fulfill any other obligation or duty imposed by these By-Laws, then all rights and privileges of the delinquent member (i) with respect to the Association and his/her membership in the Association, and (ii) with respect to his/her use of Mallard Lake shall be automatically suspended and withdrawn unless and until such delinquency is fully paid and/or cured. Any such suspension of rights, however, shall not in any manner release the delinquent member from any financial obligations imposed under the terms of these By-Laws, whether such financial obligations presently exist or are imposed in the future.

ARTICLE XII

INDEMNIFICATION

Section 12.0. Persons Indemnified. The Association shall, to the fullest extent allowed by the laws of the State of Wisconsin, indemnify and/or reimburse all costs and expenses incurred by the following persons while performing their duties and/or responsibilities on behalf of the Association and/or while, in any other manner, acting on behalf of the Association:

- a) The Officers/Directors of the Association;
- b) The members of any committee that may from time to time be created by the Officers/Directors and/or By-Laws of the Association;
- c) Any other person or party acting on behalf of the Association with the authorization of the Officers/Directors of the Association.

Section 12.1. Broad Scope of Indemnification. The Association shall indemnify the persons specified in above Section 12.0, to the fullest extent allowed by the laws of the State of Wisconsin, for any and all costs and expenses, of any nature whatsoever, incurred as a result, whether directly or indirectly, of such persons performing their duties and/or responsibilities pursuant to these By-Laws and/or the Declaration referred to in Section 1.1 of these By-Laws and/or on behalf of the Association and/or while, in any other manner, acting on behalf of the Association. This shall expressly include, but not be limited to, any damages, judgments or any other type of liability, and/or any actual reasonable attorney's fees incurred. It is the express intent of this present Article XII that the indemnification provided herein shall be as full and complete as permissible under the law, and limited only by any specific limitation that may be expressly contained in the applicable laws of the State of Wisconsin. Additionally, it is the express intent of this present Article XII to expand, to the fullest degree permissible under the laws of the State of Wisconsin, the nature, type and extent of indemnification provided for and allowed under Chapter 181 of the Wisconsin Statutes and/or any other laws of the State of Wisconsin.

IN WITNESS WHEREOF, we, being all the directors of the Mallard Lakes Property Owners' Association, Inc., have hereunto set our hands this 29th day of April, 2018.

Gary Myers	President
Kevin Poulsen	Vice President
Jim Costelloe	Secretary
Kurt Lehrmann	Treasurer
Jeff Zimmerman	Member-at-Large

Date Last Revised 10/23/2017