

AMENDMENTS TO BY-LAWS
OF
SOUTHPORT ONE EAST HOMEOWNERS ASSOCIATION

WHEREAS, Southport One East Homeowners Association ("HOA") is the HOA for the following real property located in Burleigh County, North Dakota:

Lots One (1) through Fifty-two (52), Lot 1-A of Lot Fifty-three (53), and Lot A of Lot Fifty-four (54), all in Block One (1), Southport Addition to the City of Bismarck; and

WHEREAS, Article XIII entitled "Amendments" states that "These By-Laws may be amended, at a regular or special meeting of the members, by a vote of twenty percent (20%) of the lot owners present in person or by proxy, . . ."; and

WHEREAS, the Board of Directors of the HOA called a special meeting for May 19th, 2025 for the purpose of amending said By-Laws and written notice was sent to all HOA members not less than thirty (30) nor more than sixty (60) days in advance of the meeting, setting forth the proposed amendments; and

WHEREAS, at said meeting, more than twenty percent (20%) of the lot owners present or in person or by proxy, adopted the following amendments of the HOA By-Laws;

Subsection (g) is added to ARTICLE VII of the By-Laws:

ARTICLE VII

POWERS AND DUTIES OF THE BOARD OF DIRECTORS

- (g) The Board of Directors shall have the authority to appoint three (3) members to the Architectural Review Committee ("Committee") for three (3) year terms. The Board may appoint Board or Non-Board members in good standing with the HOA to the Committee.

B. ARTICLE XV is hereby added to the HOA By-Laws:

ARTICLE XV

ARCHITECTURAL REVIEW COMMITTEE

There shall be an Architectural Review Committee ("Committee") consisting of three (3) persons to be appointed by the Board of Directors. Each of the said persons so appointed shall be subject to removal at the direction of the Board of Directors at any time and from time to time, and all vacancies on the said Committee shall be filled by appointment of the Board of Directors. In the event of the failure of the Board of Directors to appoint such Committee or to fill any vacancies therein, then in such event the owners of a majority in number of the lots in the HOA shall have the right by written document to appoint members of the said Committee or to fill any vacancies therein. The authority and responsibilities of the Committee are as follows:

- a) Any property owner seeking to construct a new home, or to add to or modify any portion of the exterior of an existing home, shall submit the plans to the Committee for review. The Committee shall provide to the property owner a generic form with all pertinent information needed such as renderings, photos, drawings, plans, measurements, and colors, landscaping, docks and dock sizes and placements, dock coverings, gazebos, and lighting.

No enclosed dock covers are permitted. Any request for a view shed shall be reviewed by

the Committee and the applicant shall obtain the written consent of all lot owners in the cul-de-sac.

b) No construction, change, modification, or alteration for which plans are to be submitted to the Committee pursuant to Paragraph (a) immediately above, shall commence until the plans and specifications showing the nature, kind, shape, heights, materials, and location of the same shall have been submitted to and approved in writing by the Committee as to the harmony of external design and location in relation to surrounding structures and topography, size, and such other factors as the Committee considers necessary, appropriate, and relevant to maintain property values of nearby properties. In the event the Committee fails to approve or disapprove the design and location plan within thirty (30) days after the plans and specifications have been submitted to it, approval will not be required and full compliance with this section of the Declaration will be deemed to have occurred.

c) Without limiting the generality of the factors to be considered by the Committee, the Committee and property owners must also comply with the restrictions contained in the Declaration.

d) In spite of the above provisions, the Committee shall have no affirmative obligation to be certain that all elements of the design comply with the restrictions contained in this Declaration, and no member of the Committee shall have any liability, responsibility, or obligation, whatever, for any decision or lack of a decision, in the carrying out of duties as a member of the Committee. The Committee and its members shall have only an advisory function, and the sole responsibility for compliance with all of the terms of this Declaration shall rest with the homeowner. Each homeowner agrees to save, defend, and hold harmless

the Committee and each of its members on account of any activities of the committee relating to the owner's property or buildings to be constructed on his or her property.

e) Any construction, change, or modification approved by the Committee must be substantially completed including, but not limited to, all staining and painting, within twelve (12) months from the date that the plans are approved by the Committee or from the date construction is commenced, whichever occurs earlier.

C. ARTICLE XVI is hereby added to the HOA By-Laws:

ARTICLE XVI

OUTSIDE STORAGE, PARKING, AND FENCES

No trailer, shed, tent, or any other buildings, camper, recreational vehicle (RV), fish house, boats, pontoons, ATV, lawn tractor, or a boat house shall be parked permanently or stored temporarily on any lot for more than fourteen (14) days per year. No storage is permitted under open decks.

No fences, dog kennels, living fences or hedges may be placed anywhere on a lot without the written approval of the Committee.

D. ARTICLE XVII is hereby added to the HOA By-Laws:

ARTICLE XVII

BOATS

Each lot owner shall be allowed to park two (2) motorized boats owned by such owner at the lot dock. Kayaks, paddle boats, water islands, lily pads need to be stored accordingly when not in use, either on a dock storage attachment or in the lot owner's garage unless prior approval is received from the Committee.

...ing of a guest boat is limited to a forty-eight (48) hour period if it does not exceed the 2-boat limit. Lot owners and guests shall abide by the guidelines and rules for usage of the bay for various activities as set by the Maintenance Association.

E. ARTICLE XVIII is hereby added to the HOA By-Laws:

ARTICLE XVIII

NON-COMPLIANCE

If any lot owner (member) is not in compliance with the By-Laws or any of the provisions in the Declaration of Restrictions and Obligations ("Declaration"), the Board of Directors or the Committee shall issue a notice of non-compliance to the member. Said notice shall be effective when the notice is served on the member by a member of the Board of Directors or a member of the Committee or when the member receives the notice by certified mail. The member shall have fourteen (14) days to comply after receipt of the notice. If the member fails to comply, any appropriate legal action may be commenced against the member to require compliance.

F. ARTICLE XIX is hereby added to the HOA By-Laws:

ARTICLE XIX

LEASING

No lot owner (aka property owner) shall lease the lot or any improvements thereon or any portion thereof. This no leasing prohibition shall also apply to the water area adjacent to said lot.

Dated this 5th day of JUNE, 2024 (106)

SOUTHPORT ONE EAST
HOMEOWNERS ASSOCIATION

THOMAS R. HERMAN
By: [Signature]
Its: President