

Brenda DeShields-Circuit Clerk
Benton County, AR
Book/Pg: 2010/63723
Term/Cashier: CASH4/Mistie Hance
12/17/2010 1:31:44PM
Tran: 138208
Total Fees: \$85.00

**FIFTH
AMENDMENT TO THE BYLAWS OF
THE ARBORS AT PINNACLE RIDGE HORIZONTAL PROPERTY REGIME**

WHEREAS, this Fifth Amendment to the Bylaws of The Arbors At Pinnacle Ridge Horizontal Property Regime is adopted pursuant to Article XXXVII of the original Bylaws of The Arbors At Pinnacle Ridge Horizontal Property Regime governing such amendment, said Bylaws being recorded August 5, 2005, in **Deed Book 2005 at Page 40404** of the Benton County Real Estate Records in conjunction with the covenants, restrictions and reservations set forth and contained in the original Master Deed of The Arbors At Pinnacle Ridge Horizontal Property Regime as recorded June 17, 2005, in **Deed Book 2005 at Page 30596**, and the Amendments to the Master Deed by The Arbors At Pinnacle Ridge, LLC ("Owners"), on March 7, 2006, in **Deed Book 2006 at Page 12182** and on August 1, 2007, in **Deed Book 2007 at Page 31496** of the Benton County Real Estate Records;

WHEREAS, Article XXXVII of the Bylaws of The Arbors At Pinnacle Ridge Horizontal Property Regime provides that the Bylaws may be amended by an instrument in writing signed and acknowledged by Owners holding sixty-seven percent of the basic value of the property of record, which amendment shall be effective upon recordation in the office of the Ex-Officio Recorder of Deeds and Mortgages of Benton County, Arkansas;

WHEREAS, Owners representing not less than sixty-seven percent of the basic value of the property of record voted to amend the above described Bylaws as hereafter set forth; and

WHEREAS, 71.569 percent of Owners voted on October 8, 2010 to amend Article I of the Bylaws in the following respect:

NOW, THEREFORE:

Article I, Definitions, Subsections (b) and (d) are amended and (k) is added to read as follows:

(b) "Board of Administration" shall mean the formally incorporated association of the Co-Owners known as "Board of Administrators" in the Master Deed vested with the authorities hereafter set forth."

(d) "Council of Co-Owners" means all of the Co-Owners as defined in Subsection (c) of this Article, but a majority as defined in Subsection (g) of this Article shall constitute a quorum for the adoption of decisions."

(k) "Community Covenants and Restrictions" means and includes all references to covenants, reservations, and restrictions; administrative rules and regulations, policies and guidelines, or any other reference to like items.

WHEREAS, 71.457 percent of Owners voted on October 8, 2010 to amend Article I of the Bylaws in the following respect:

NOW THEREFORE:

Article I, Definitions, Subsection (I) is added to read as follows:

(I) "Renter" means and refers to a person, firm, corporation, partnership, association, trust, or legal entity, or any combination thereof, paying rent to the Owner of a Unit. Either a rent to own or a lease to own arrangement shall be deemed a rental making the occupier of the Unit a renter. Occupancy under a Real Estate Contract (Offer and Acceptance) for more than two months prior to closing shall be deemed a rental making the occupier of the Unit a renter. Parents or children of the Owner living in the Unit rent free will not be counted as renters; however, written approval must be obtained from the Board of Administration before the parents/children move into the Unit.

WHEREAS, 70.411 percent of Owners voted on October 8, 2010 to amend Article II of the Bylaws in the following respect:

NOW, THEREFORE:

Article II, Status of Units Within the Regime, the following sentence is added to read as follows:

Should an Owner wish to allow his/her parents or children to live in the Unit rent free, the parents or children will not be counted as renters; however, written approval must be obtained from the Board of Administration before the parents/children move into the Unit.

WHEREAS, 71.569 percent of Owners voted on October 8, 2010 to amend Article X in the following respect:

NOW THEREFORE;

Article X, Notice of Meetings, is amended to read as follows:

The annual meeting of the Council of Co-Owners shall be held at a time and date during the last quarter of the calendar year as determined by the Board of Administration.

Notice of such meeting and of special meetings of the Owners shall be given by mail to the Owner's address last reflected in the telephone directory or at such address as such Owner may have for a Unit in the Regime and shall be mailed not less than ten days nor more than fifteen days prior to the date of the meeting.

WHEREAS, 74.707 percent of Owners voted on October 8, 2010 to amend Article XII in the following respect:

NOW THEREFORE:

Article XII, Reports, is amended to read as follows:

Unless the Council of Co-Owners shall have unanimously waived the necessity for a formal audit of the Regime's financial affairs, an audit will be performed no later than March 31st of each year with results provided at a Council of Co-Owners meeting called by the Board of Administration. Within ten days after that meeting, the results shall be delivered or mailed to Owners not present, in person, at this meeting.

At the Annual Meeting of the Council of Co-Owners, the Board of Administration shall present the estimated common expenses for the coming year and the allocation thereof to each Owner. Within ten days after the Annual Meeting, such statement shall be delivered or mailed to Owners not present, in person, at the Annual Meeting.

WHEREAS, 74.707 percent of Owners voted on October 8, 2010 to amend Article XIV in the following respect:

NOW THEREFORE:

Article XIV, Election and Proceedings of the Board of Administration, the following sentence is added to read as follows:

Newly elected Board members will take office on January 1 following their election at the Annual Meeting of the Council of Co-Owners.

WHEREAS, 70.523 percent of Owners voted on October 8, 2010 to amend Article XV in the following respect:

NOW THEREFORE:

Article XV, Subsection (k), Authority of the Board of Administration, the following sentence is added to read as follows:

(This Section specifically refers to expenditures that result in creating a new asset that previously did not exist or enhancing or increasing the value of an existing asset, as

opposed to expenditures that result in maintaining the value of or preventing an accelerated decline of the natural deterioration or destruction of a common element.)

WHEREAS, 70.523 percent of Owners voted on October 8, 2010 to amend Article XVII in the following respect:

NOW THEREFORE:

Article XVII, Alterations, Additions and Improvements to Common Elements, the following sentence is added to read as follows:

(This Article specifically refers to expenditures that result in creating a new asset that previously did not exist or enhancing or increasing the value of an existing asset, as opposed to expenditures that result in maintaining the value of or preventing an accelerated decline of the natural deterioration or destruction of a common element.)

WHEREAS, 68.319 percent of Owners voted on October 8, 2010 to amend Article XXXIII in the following respect:

NOW THEREFORE:

Article XXXIII, Enforcement, is amended to read as follows:

Each Owner shall comply strictly with the provisions of these Bylaws and with the administrative rules and regulations drafted pursuant hereto as the same may be lawfully amended from time to time and with decisions adopted pursuant to these Bylaws and administrative rules and regulations. Failure to comply shall be grounds for the Board of Administration to determine and assess monetary penalties until the issue is resolved and cleared with a letter from the Board or for an action to recover sums due for damage or injunctive relief or both, maintainable by the Board of Administration on behalf of the owners, or in a proper case by an aggrieved owner.

WHEREAS, 71.569 percent of Owners voted on October 8, 2010 to amend Article XXXV in the following respect:

NOW THEREFORE:

Article XXXV, Audit, is amended to read as follows:

Any Owner may at any time at his own expense cause an audit or inspection to be made of the books and records of the Board of Administration. The Board of Administration, at common expense, shall obtain an audit of all books and records pertaining to the project at no greater than annual intervals and furnish copies thereof to

the owners no later than March 31st of each year, unless the formal audit is unanimously waived by all of the Co-Owners voting on the issue at any meeting of the Council of Co-owners. Such audit shall be conducted in accordance with the guidelines promulgated through the AICPA (American Institute of Certified Public Accountants). The audit shall include a statement prepared in accordance with the guidelines promulgated in the AICPA *Audit and Accounting Guide for Common Interest Realty Associations* reporting "Future Major Repairs and Replacements" in the notes to the financial statements. Appropriate amounts necessary for future major repairs and replacements shall be determined through a study done by an organization holding itself out as able to provide such study with proper professional E&O (Errors and Omissions) coverage for such service. Such study shall be done effective with the 2011 audit and updated no less frequently than every five years.

WHEREAS, except as herein specifically amended, the original Bylaws of the Arbors At Pinnacle Ridge Horizontal Property Regime as described above, and Amendments as of this date, shall remain in full force and effect.

IN WITNESS WHEREOF: Mike Eldredge, President, and Dan Copeland, Secretary, of The Arbors At Pinnacle Ridge Horizontal Property Regime, an Arkansas nonprofit corporation, execute this amendment.

WITNESS our hands and seals on this 16th day of December, 2010.

THE ARBORS AT PINNACLE RIDGE HORIZONTAL PROPERTY REGIME

By: Michael E Eldredge By: Dan Copeland
Mike Eldredge, President Dan Copeland, Secretary

ACKNOWLEDGMENT

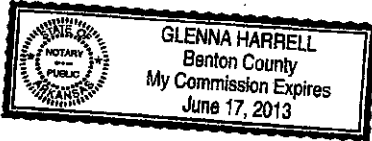
STATE OF ARKANSAS)
)ss
COUNTY OF BENTON)

ON THIS DAY before the undersigned, a Notary Public, duly qualified and acting in and for the County and State aforesaid, personally appeared Mike Eldredge and Dan Copeland, to me well known or satisfactorily proven to be the President and Secretary, respectively, of The Arbors At Pinnacle Ridge Horizontal Property Regime, an Arkansas

Book 2010 Page 63728
Recorded in the Above
DEED Book & Page
12/17/2010

nonprofit corporation, the parties in the foregoing instrument and state that they had executed the above and foregoing instrument for the consideration, uses, and purposes therein stated.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this 16 day of December, 2010.



Glenna Harrell
NOTARY PUBLIC

My commission expires:

6-17-13

Benton County, AR
I certify this instrument was filed on
12/17/2010 1:32:19PM
and recorded in DEED Book
2010 at pages 63723 - 63728
Brenda DeShields-Circuit Clerk