

Bayles Lake Homeowners Association

2020 HOMEOWNERS ASSESSMENT RESOLUTION

Date: February 18, 2020

WHEREAS, the covenants and restrictions of Bayles Lake Subdivision and the First Addition to Bayles Lake Subdivision, which are recorded in the Records Office Watseka, Illinois provide that every lot owner shall become a member of this Association, shall maintain membership in the Association, shall observe and abide by all rules and regulations adopted by the Association and shall pay any and all membership dues and assessments levied by the Association; and,

WHEREAS, membership dues and assessments are used to pay the costs of maintenance and operation of services available to the lot owners, including the maintenance of roads, parks and common areas, a water distribution system and a sanitary sewer collection system; and,

WHEREAS, the costs of maintenance and operation of these services should be borne by the owners who enjoy the benefits thereof; and,

WHEREAS, joint ownership by more than two (2) families and ownership by corporations and trustees provides an opportunity for a larger number of persons to enjoy the services available to the lot owners and therefore, said owners should bear a greater share of the cost of providing said services; and,

WHEREAS, the Bayles Lake Homeowners Association desires to have its annual assessment distinguish between “single family dwellings” which are owned by more than two (2) families or more than two (2) individuals; and,

WHEREAS, members of the Bayles Lake Homeowners Association and potential members of the Association are purchasing multiple lots with the intent of consolidating them into a single lot thereby reducing the assessment from multiple assessments into a single assessment;

NOW, THEREFORE, BE IT RESOVLED, by the Board of Directors of the Bayles Lake Homeowners Association, duly assembled as follows:

1. That, for the purposes of this resolution, the following definitions are hereby adopted:
 - A. Assessment / Fiscal year:
The calendar year 2020-21
 - B. Assessment date:
April 1, 2020

- C. Unimproved Assessment Lot:
Any unimproved platted lot in Bayles Lake Subdivision or the First Addition to Bayles Lake Subdivision, Loda Township, Iroquois County, Illinois, which could be sold and a residence constructed thereon, pursuant to and under the terms and conditions of the Zoning Ordinance of Iroquois County, Illinois, in existence on July 1, 1999; provided, however, that any unimproved platted lot which was improved with a residence on July 1, 1999, shall be considered to be, for the purpose of determining the assessment, an Improved Assessment Lot and shall pay the same assessment as an Improved Assessment Lot.
- D. Improved Assessment Lot:
Any improved platted lot or lots, in Bayles Lake Subdivision or the First Addition to Bayles Lake Subdivision, Loda Township, Iroquois County, Illinois, under one ownership which as of July 1, 1999, could be sold and no additional residence could be constructed thereupon, pursuant to and under the terms and conditions of the Zoning Ordinance of Iroquois County, Illinois in existence on July 1, 1999. Demolition or removal of the residence on or after July 1, 1999, shall not change the definition of the lot from an: "Improved Assessment Lot" to an "Unimproved Assessment Lot."
- E. Family:
An individual and all persons related to the individual in any of the following relationships: (i husband/wife; ii parent/unemancipated child).
- F. Corporation:
A Corporation for profit or Not-for-Profit organized under the laws of the State of Illinois or organized under the laws other than the laws of the State of Illinois.
- G. Trust:
A right of real property held by one party for the benefit of another, being a fiduciary relation with the respect to real property, subjecting person by whom the property is held to equitable duties to deal with the property for the benefit of another person which arises as the result of a manifestation of an intention to create it.
- H. Trustee:
The person appointed or required by law, to execute a trust, a person who holds title to the real property and administers it for others benefit.

I. Multi Family Ownership:

Multi-family ownership is ownership of either an Unimproved Assessment Lot or and Improved Assessment Lot by a group of more than two families or by a group of more than two individuals who are not related in any of the relationships as set forth above under the definition of "Family".

2. That the ownership of any lot in Bayles Lake Subdivision or in the First Edition to Bayles Lake Subdivision, Loda Township, Iroquois County, Illinois, shall be determined from the records in the County Court House of Iroquois County, Illinois, as of the assessment date.

If after the assessment date, documents are recorded or filed in the County Court House of Iroquois County, Illinois showing that as of the assessment date ownership of any lot should have been in an assessment classification other than that as it was assessed and classified for the assessment year the owner or owners of said lot as shown by said later recording or filing shall pay to the Bayles Lake Homeowners Association the additional assessment sum due plus interest from the assessment date to the date of payment at the rate of interest as provided for unpaid assessments hereinafter, plus a penalty on the unpaid additional assessment sum due at the penalty rate as provided for unpaid assessments hereinafter.

3. That in the case of either an Unimproved Assessment Lot or an Improved Assessment Lot the ownership of which is held by a trustee in a trust, the trustee may certify, under oath, to the Board of Directors of the Bayles Lake Homeowners Association the names and addresses of the current income beneficiaries and their relationship to each other, if any, of the trust as of the assessment date. That upon the receipt of said certification the current income beneficiaries of said trust shall be deemed to be the owners of said real estate for the determination of the assessment for the current assessment year.
4. That in the case of either an Unimproved Assessment Lot or an Improved Assessment Lot the ownership of which is held by a corporation, the President may certify, under oath, to the Board of Directors of the Bayles Lake Homeowners Association the names and addresses of the current stockholders of the corporation and their relationship to each other, if any, of the corporation as of the assessment date. That upon receipt of said certification of the current stockholders of said corporation, the stockholders shall be deemed to be the owners of said real estate for determination of the assessment for the current assessment year.
5. After July1, 1999, if any two or more adjacent platted lots, or parts of adjacent platted lots, are consolidated into one common ownership, the lots shall retain their character as defined prior to July 1, 1999, as either an Unimproved

Assessment Lot or Improved Assessment Lot and pay the same type and number of assessments as were being paid prior to July 1, 1999.

6. That the following assessments shall be the annual assessment for the assessment year as above defined. The Board reserves the right to levy and impose any special assessment that may be required after the adoption of this resolution.
 - A. That there be, and is hereby levied and imposed upon each Unimproved Assessment Lot, owned by a family, an assessment in the amount of \$356.00.
 - B. That there be, and is hereby levied and imposed upon each Unimproved Assessment Lot, owned by a corporation, an assessment in the amount of \$712.00.
 - C. That there be, and is hereby levied and imposed upon each Unimproved Assessment Lot, owned by a trustee and held in trust, an assessment in the amount of \$712.00.
 - D. That there be, and is hereby levied and imposed upon each Improved Assessment Lot, owned by a family, an assessment in the amount of \$1,000.00.
 - E. That there be, and is hereby levied and imposed upon each Improved Assessment Lot, owned by a corporation, an assessment in the amount of \$2,000.00.
 - F. That there be, and is hereby levied and imposed upon each Improved Assessment Lot, owned by a trustee and held in trust, an assessment in the amount of \$2,000.00.
 - G. That where either an Unimproved Assessment Lot or an Improved Assessment Lot is owned by a multi-family ownership, as above defined, then each family in the multi-family ownership must pay the assessment amount above set forth for each such lot.
 - H. That there be, and is hereby levied and imposed upon each Unimproved Assessment Lot, owned in some manner other than as above defined, an assessment in the amount of \$712.00 and, there be, and is hereby levied and imposed upon each Improved Assessment Lot, owned in some manner other than as above defined, an assessment in the amount of \$2,000.00.

7. Notwithstanding anything heretofore to the contrary, the heirs or devisees of a member of a family who died not more than two years prior to the assessment date shall be considered members of the family even if they do not come within the foregoing definition of a family.
8. That said assessment be, and the same is, due and payable in four installments, the first installment due and payable on April 30th of each year, the second installment due and payable on July 30th of each year, the third installment due and payable on October 30th of each year, and the fourth installment due and payable on January 30th of each year. The amount of each installment shall be as hereinafter set forth to-wit:

<u>FAMILY</u>	<u>UNIMPROVED LOT</u>	<u>IMPROVED LOT</u>
04/30/20	\$89.00	\$250.00
07/30/20	\$89.00	\$250.00
10/30/20	\$89.00	\$250.00
01/30/21	<u>\$89.00</u>	<u>\$250.00</u>
	Total \$356.00	\$1,000.00

<u>CORPORATION</u> <u>TRUSTEE, MISC.</u>	<u>UNIMPROVED LOT</u>	<u>IMPROVED LOT</u>
04/30/20	\$178.00	\$500.00
07/30/20	\$178.00	\$500.00
10/30/20	\$178.00	\$500.00
01/30/21	<u>\$178.00</u>	<u>\$500.00</u>
	Total \$712.00	\$2,000.00

9. That each installment of said assessment shall be increased by a penalty in the amount of 10 percent thereof, if the same is not paid on or before the due date of said installment.
10. That each unpaid installment of said assessment, together with the penalty thereon, shall draw interest at the rate of 1 percent per month, from the due date said installment until paid.
11. If any action at law or in equity shall be brought in any court of law to recover any sums due under this Resolution, the Bayles Lake Homeowners Association shall be entitled to recover from the owner or owners of the lot all costs and expenses, including reasonable attorneys' fees and costs of a title search and court costs incurred by reason of such action, suit, proceeding, hearing, motion or application before any court, the amount of which shall be fixed by the court and shall be made a part of any judgment or decree rendered.
12. That the officers of this Association be, and they are hereby directed, to take all steps necessary to collect all assessments due this Association; and the

Treasurer is hereby authorized and directed to mail to each homeowner a Notice of Assessment.

- 13. That if any assessment shall remain unpaid on the first day of November in the assessment year the attorney for this Association is hereby authorized and directed to file suit for the collection of the total amount due the Association in the Circuit Court of Iroquois County, Illinois.

PASSED and ADOPTED this 18th day of February 2020.

Approved: _____
Signature on file
President

SEAL (On File)

Attest: _____
Signature on file
Attorney