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Pat Toalson
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Ennis, MT 59729



Doc #: 192344 Pages: 4 Book: Page:
STATE OF MONTANA MADISON COUNTY
Recorded 10/13/2020 10:20 AM KOI: AMEND BYLAWS
Kathleen Mumme, CLERK & RECORDER
Fee: \$ 28.00 BY: Alison Elsen, Deputy
To: TOALSON, PO BOX 1372, ENNIS MT 59729

**SECOND AMENDMENT
TO THE BYLAWS OF
BULL WHEEL RANCH HOMEOWNERS ASSOCIATION, INC.**

The property owners of the Bull Wheel Ranch hereinafter referred to as "Owners" hereby establish and declare on behalf of themselves, their successors and assigns, the following amendment to the First Amendment and Restatement of the Bylaws of the Association, recorded on the 6th day of August, 2018, Document #179200, records of Madison County, Montana, hereinafter the "Bylaws."

Recitals:

WHEREAS, Bull Wheel Ranch is a subdivision of Madison County, Montana, hereinafter referred to as the "Property", and more particularly described as follows, to-wit:

Lots 1 through and including Lot 43 of Bull Wheel Ranch, which is a subdivision of Madison County, Montana, according to the official plat thereof on file and of record in the office of the Clerk and Recorder of Madison County, Montana. Plat Book 4, Page 293.

WHEREAS, the First Amendment and Restatement of the Bylaws of the Association were recorded in Madison County, Montana on August 6th, 2018 Document #179200.

WHEREAS, the Owners are desirous of amending the Bylaws of the Association to amend Article II, Section 1 and Article VI, Section 1 of the Bylaws;

WHEREAS, as owners of two-thirds (2/3) of the Lots in the Bull Wheel Ranch subdivision have voted to approve this amendment to the By-laws, as required under Article 8 of said Bylaws;

NOW THEREFORE, the Bylaws for Bull Wheel Ranch Homeowners Association, Inc. shall be amended as follows:

1. Upon the effective execution hereof, Article II, Section 1 shall be amended to read:

Section 1. Membership and Voting. A member of the Association is a person or entity entitled to membership pursuant to the Declarations. A member shall be entitled to one vote for each lot or grouped lot

owned, as determined by the number of lots or grouped lots in existence on January 1, 2020. When more than one person owns any lot or grouped lot, all such persons shall be members. The vote for such lot or grouped lot shall be exercised as its owners determine, but in no event shall more than one vote be cast with respect to any lot or grouped lot. Voting rights of an owner shall not vest until any outstanding Association assessments which have been levied against the ownership of a lot or grouped lot have been paid in full.

2. Upon the effective execution hereof, Article VI, Section 1 shall be amended to read:

Section 1. General and Special Assessments. All members are obligated to pay general and special assessments imposed by the Association to meet all Property communal expenses, which may include a liability insurance policy premium. Both annual and special assessments must be fixed at a uniform rate for all lots and grouped lots and shall be collected in a manner prescribed by the Board of Directors. Beginning January 1, 2020, all annual and special assessments for grouped lots which were grouped after January 1, 2020 will be assessed at a uniform rate based upon the number of lots or grouped lots in existence and paying assessments prior to January 1, 2020.

Each lot or grouped lot within the Property shall be assessed an amount annually, to be determined by the Board of Directors, payable within thirty (30) days of mailing of a notice of assessment. No regular yearly general assessment may be increased by more than 15% over the previous year's assessment without the vote of two-thirds (2/3) of the voting power of the Association.

All delinquencies in the payment of assessments shall be enforced, collected, or foreclosed in the manner provided in the Declarations.

3. Upon the execution hereof, an Article XI will be added to the bylaws of the Association and shall read as follows:

Section 1. Definitions. The definitions of terms set forth in the Declarations shall apply to these Bylaws, except that any term specifically defined in these Bylaws shall have the meaning set forth in these Bylaws.

Section 2. Captions: Capitalization, Tense, Form. The captions and headings in these Bylaws are for convenience only and shall not be considered in interpreting any provision herein. The definition of any term set forth in these Bylaws, including any definitions described in Section 1 of this Article XI, shall apply regardless of capitalization or tense, or whether the term is used in the singular or plural form."

Section 3. Severability. The invalidity or unenforceability of any provision of these Bylaws or any amendment thereto shall not affect the validity or enforceability of any other provision of these Bylaws.

DATED this 13th day of October, 2020.

IN WITNESS WHEREOF, the undersigned have executed this Second Amendment of the Bylaws for Bull Wheel Ranch Homeowners Association, Inc. of Madison County, Montana, on the day and year above written.

Bull Wheel Ranch Homeowners Association, Inc.

By: Patrick Isalson

Its: President

Attest

By: Pauline Baker

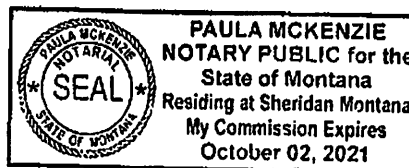
Its: Secretary

(STATE OF MONTANA)

(County of Madison)

On this 13 day of October, 2020, before the undersigned, a Notary Public, personally appeared Patrick Taulson, President of Bull Wheel Ranch Homeowners Association, Inc., known to me to be the person whose name is subscribed to the written instrument, and acknowledged to me that they executed the same.

Paula McKenzie

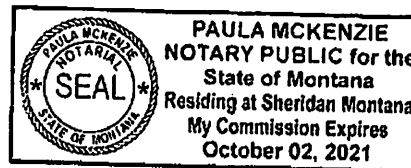


(STATE OF MONTANA)

(County of Madison)

On this 13 day of October, 2020, before the undersigned, a Notary Public, personally appeared Pauline Baker, Secretary of Bull Wheel Ranch Homeowners Association, Inc., known to me to be the person whose name is subscribed to the written instrument, and acknowledged to me that they executed the same.

Paula McKenzie



Return to:
Pat Toalson
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Ennis, MT 59729



Doc #: 179200 Pages: 9 Book: Page:
STATE OF MONTANA MADISON COUNTY
Recorded 8/6/2018 9:30 AM KOI: BYLAWS
Kathleen Mumme, CLERK & RECORDER
Fee: \$ 63.00 BY: *Bula McKenzie, Deputy*
To: TOALSON, PO BOX 1372, ENNIS MT 59729

**FIRST AMENDMENT AND RESTATEMENT TO
BY – LAWS OF
BULL WHEEL RANCH HOME OWNERS ASSOCIATION, INC.**

Recitals:

WHEREAS, Bull Wheel Ranch is a subdivision of Madison County, Montana, hereinafter referred to as the “Property”, and more particularly described as follows, to-wit:

Lots 1 through and including Lot 43 of Bull Wheel Ranch, which is a subdivision of Madison County, Montana, according to the official plat thereof on file and of record in the office of the Clerk and Recorder of Madison County, Montana. Plat Book 4, Page 293.

WHEREAS, the Owners are desirous of amending the By-laws of the Association to undertake an overall restatement of the By-laws;

WHEREAS, as owners of two-thirds (2/3) of the Lots in the Bull Wheel Ranch subdivision, the undersigned own sufficient number of lots to approve this amendment to the By-laws, as required under Article 8 of said By-laws;

NOW THEREFORE, the By-laws for Bull Wheel Ranch shall be amended as follows:

**ARTICLE I
APPLICATION OF BY – LAWS**

Section 1. Name. The name of the Association in BULL WHEEL RANCH HOME OWNERS ASSOCIATION, INC. The principal office of the Association shall be located in Madison County, Montana.

Section 2. Project. Lots 1 through and including Lot 43 of Bull Wheel Ranch, which is a subdivision of Madison County, Montana, together with all improvements located or situated thereon, shall comprise the “Property” as referred to herein.

Section 3. By-laws Applicability. The provisions of these By-laws are applicable to the Property and to the members of the Association.

Section 4. Personal Application. All present and future owners, tenants, future tenants, or their employees, or any other person that might use the facilities of the property in any manner, are subject to the regulations set forth in these By-laws and to the Declarations, Restrictions, Protective Covenants and Conditions for Bull Wheel Ranch, (hereinafter referred to as "Declarations") recorded contemporaneously with the filing of the Final Plat of such subdivision.

The mere acquisition or rental of any of the units of the property or the mere act of occupancy of any of the units will signify that these By-laws are accepted, ratified, and will be complied with.

Section 5. Consolidation and Mergers. To the extent permitted by law, the Association may participate in mergers and consolidations with other non-profit associations organized for the same purposes as this association, provided that any such merger or consolidation shall have the assent of 2/3 of the voting power of members.

ARTICLE II MEMBERSHIP VOTING MAJORITY OF OWNERS, QUORUM, PROXIES

Section 1. Membership and Voting. A member of the Association is a person or entity entitled to membership pursuant to the Declarations.

A member shall be entitled to one vote for each lot or grouped lot owned. When more than one person owns any lot or grouped lot, all such persons shall be members. The vote for such lot or grouped lot shall be exercised as its owners determine, but in no event shall more than one vote be cast with respect to any lot or grouped lot.

Voting rights of an owner shall not vest until any outstanding Association assessments which have been levied against the ownership of a lot or grouped lot have been paid in full.

Section 2. Majority of Owners. As used in the By-laws, the term "majority" of owners shall mean those owners holding more than fifty percent (50%) of the votes.

Section 3. Quorum. Except as otherwise provided by these By-laws, the presence in person or by proxy of 35% of the members of the Association shall constitute a quorum.

Section 4. Proxies. Votes may be cast in person or by proxy. Proxies must be in writing, dated, signed by members and filed with the Secretary before the appointed time of each meeting and recorded in the minutes at the start of the meeting. A proxy can be executed by email as long as the Secretary receives it before the appointed time of the meeting. No proxy shall extend beyond 11 months after filing with the Secretary and shall automatically cease upon the sale of the member's lot.

ARTICLE III ADMINISTRATION

Section 1. Association Responsibilities. The Association shall have the responsibility of administering the Property, approving the annual budget, and establishing and collecting assessments and such other responsibilities as may be set forth in the Declarations. Except as otherwise provided, decisions and resolutions of the Association shall require approval by a majority of owners.

Section 2. Place of Meetings. Meetings of the Association shall be held at such suitable place convenient to the owners and within Madison County as may be designated by the Board of Directors.

Section 3. Annual Meetings. An annual meeting shall be held every twelve months. At such meetings, there shall be elected by a ballot of the members a Board of Directors upon notice in accord with the requirements of Section 5 of Article III of the By-laws. The members may also transact such other business of the Association as may properly come before them.

Section 4. Special Meetings. A special meeting of the members may be called at any time by any of the following: the Board of Directors, the President, or by written request by members representing not less than fifteen percent (15%) of the total voting power of the Association.

If a special meeting is called by members other than the President or Board of Directors, the request shall be submitted by such members in writing, specifying the general nature of the business proposed to be transacted, and shall be delivered personally or sent by registered mail or by email to the President or the Secretary of the Association. The office receiving the request shall cause notice to be promptly given to the members entitled to vote, in accordance with the provisions of Section 5 of this Article III, that meeting will be held, and the date for such meeting, which date shall not be less than 20 nor more than 45 days following the receipt of the request. If the notice is not given within 10 days after receipt of the request, the persons requesting the meeting may give the notice. Nothing contained in the subsection shall be construed as limiting, fixing, or affecting the time when a meeting of members may be held when the meeting is called by action of the Board of Directors.

Section 5. Notice of Meetings. All notices of meetings of members shall be sent or otherwise given in not less than 10 nor more than 90 days before the date of the meeting. The notice shall specify the place, date, and hour of the meeting and (i) in the case of a special meeting, the general nature of the business to be transacted, and that no other business may in that case be transacted, or (ii) in the case of the annual meeting, those matters which the Board of Directors, at the time of giving notice, intends to present for action by the members.

Notice of any meeting shall be given either personally or by first-class mail, email or other written communication.

Section 6. Bull Wheel Ranch Water Association. Lots 28-37, 39, 40 and 42 are included in the Bull Wheel Ranch Water Association and must comply with all requirements therein.

ARTICLE IV BOARD OF DIRECTORS

Section 1. Number and Qualifications. The number of the Board of Directors shall be as it may be determined from time to time; but in no event less than five.

Section 2. Powers and Duties. The Board of Directors shall have the powers set forth in Articles, the Declarations, and the powers and duties necessary for the administration of affairs of the Association and may do all such acts and things as are not by law or by these By-laws directed to be exercised and done by the members. Except upon the written vote or written assent of a majority of voting power of the Association, the Board shall not: (a) enter into a contract with a third person to provide goods or services for the Association for a term longer than three years unless it be a contract with a public utility, (b) incur aggregate expenditures for capital improvements in any fiscal year in excess of 20% of the budgeted gross expenses of the Association for that fiscal year; (c) sell during any fiscal year property of the Association having any aggregate fair market value great than 5% of the budgeted gross expenses of the Association for that fiscal year; (d) pay compensation to members of the Board or to officers of the Association business but said persons may be reimbursed for actual expenses so incurred.

The Board may delegate its functions and powers to committees and each such committee shall have as a member at least one member of the Board. The Board may also delegate its functions and powers to officers of the Association or a management agent.

Section 3. Other Duties. In addition to duties imposed by these By-laws or by regulations of the Association, the Board of Directors shall be responsible for the following: (a) care, upkeep and surveillance of the Property; (b) collection of all assessments from the members; (c) contracting for goods and repairs and services; (d) payment of taxes and assessments which are or could become a lien upon the Property or a portion thereof; (e) formulation of rules and policies for operation of the facilities owned or controlled by the Association, and (f) maintaining a full set of books and records showing the financial condition of the affairs of the Association in a manner consistent with generally accepted accounting principles.

Section 4. Election and Term of Office. Election to the Board of Directors shall be by written secret ballot. At such election the members may cast, in respect to each vacancy, as many votes as they are entitled to exercise under the provisions of the Declarations and cumulative voting shall be permitted whenever two or more directors are to be elected. Persons receiving the largest number of votes shall be elected to office.

Members elected to the Board of Directors shall serve a 3-year term with said election to occur at the Association's annual meeting. The terms shall be staggered so that no more than two Directors shall be finishing their term in any given year.

Section 5. Vacancies. Vacancies in the Board of Directors caused by any reason other than the removal of a Director by vote of the Association shall be filled by vote of the majority of the remaining directors, even though they may constitute less than a quorum; and each person so elected shall be a director until a successor is selected by the members at the next annual meeting of the Association.

Section 6. Removal of Directors. At any regular or special meeting duly called, any one or more of the directors may be removed with or without cause by a majority of the members and a successor may then and there be elected to fill the vacancy thus created. Any director whose removal has been proposed by the members shall be given an opportunity to be heard at the meeting.

Section 7. Board of Directors' Quorum. At all meetings of the Board of Directors, a majority of the directors shall constitute a quorum for the transaction of business, and the acts of the majority of the directors present at such meeting at which a quorum is present shall be recorded in the minutes of the Board of Directors. If, at any meeting of the Board, there be less than a quorum present, the majority of those present may adjourn the meeting from time to time. At any such adjourned meeting, any business which might have been transacted at the meeting as originally called may be transacted without further notice, provided however, if the meeting is adjourned for more than 24 hours, notice of any adjournment to another time and place shall be given prior to the time of the adjournment meeting to the directors who were not present at the time of adjournment.

Section 8. Conduct of Meeting. Regular and Special meetings of the Board shall be open to all members of the Association provided that members who are not on the Board may not participate in any deliberation or discussion unless expressly authorized to do so by a vote of a majority or a quorum of the Board. The Board may, upon the approval of a majority of a quorum of its members, adjourn a meeting and reconvene in executive session to discuss and vote upon personnel matters, litigation in which the Association is or may become involved, and orders of business of a similar nature. The nature of all business to be considered in executive session shall first be announced in open session.

ARTICLE V OFFICERS

Section 1. Designation. The principal officers of the Association shall be President, such Vice-Presidents as the Board of Directors may from time to time determine necessary, a Secretary, and a Treasurer. One individual may hold one or more offices of the Association except for the offices of President and Secretary, which must be held by separate individuals.

Section 2. Election of Officers. The officers of the Association shall be elected annually by the Board of Directors at the organizational meeting of each new Board and shall hold office at the pleasure of the Board.

Section 3. Removal of Officers. Upon an affirmative vote of a majority of the members of the Board of Directors, any officer may be removed, either with or without cause and his successor elected at any regular meeting of the Board called for such purpose.

Section 4. President. The President shall be the chief executive officer of the Association. He shall preside at all meetings of the Association and of the Board of Directors. He shall have all of the general powers and duties which are usually vested in the office of President, including but not limited to the power to appoint committees from among the members from time to time as he may in his discretion decide is appropriate to assist in the conduct of the affairs of the Association.

Section 5. Vice-President. The Vice-President shall take the place of the President and perform his duties whenever the President shall be absent or unable to act. If neither the President nor the Vice-President is able to act, the Board of Directors shall appoint some other member of the Board to do so on an interim basis. The Vice-President shall also perform such other duties as shall from time to time be imposed upon him by the Board of Directors.

Section 6. Secretary/Treasurer. The Secretary/Treasurer shall keep the Minutes of all meetings of the Association; he shall have charge of such books, accounts, and papers as the Board of Directors may direct; and

shall, in general, perform all duties incident to the office of the Secretary/Treasurer. The Board of Directors may elect one individual to perform the duties of Secretary/Treasurer or may elect two individuals, one to perform the duties of the Secretary and one to perform the duties of Treasurer, such duties to be assigned by the Board of Directors.

ARTICLE VI OBLIGATIONS OF THE MEMBERS

Section 1. General and Special Assessments. All members are obligated to pay general and special assessments imposed by the Association to meet all Property communal expenses, which may include a liability insurance policy premium. Both annual and special assessments must be fixed at a uniform rate for all lots and grouped lots, and shall be collected in a manner prescribed by the Board of Directors.

Each lot or grouped lot within the Property shall be assessed an amount annually, to be determined by the Board of Directors, payable within thirty (30) days of mailing of a notice of assessment. No regular yearly general assessment may be increased by more than 15% over the previous year's assessment without the vote of two-thirds (2/3) of the voting power of the Association.

All delinquencies in the payment of assessments shall be enforced, collected, or foreclosed in the manner provided in the Declarations.

ARTICLE VII ARCHITECTURAL REVIEW COMMITTEE

Section 1. General. There shall be an Architectural Review Committee of the Association, which shall be responsible for reviewing all proposed new construction and additions to, or modifications of, existing structures.

Section 2. Membership. The Architectural Review Committee shall be comprised of not fewer than three members. Each member must be a member of the Association and will be appointed by the Board of Directors. At least one member shall be a member of the Board of Directors.

Section 3. Submission of Plans and Construction. Any member seeking to install or construct a residential structure, garage, out building or other structure, a septic tank, propane tank, water tank, fencing, pond, well, antenna, solar or wind energy components or exterior ornament of any kind, or any addition, alteration or remodeling shall submit plans and specifications showing the nature, kind, shape, height, materials, color, and location of the same to the Architectural Committee for approval in writing by the Committee as to harmony of external design, location in relation to surrounding structures and topography, construction and the materials to be used in the construction, and compliance with the restrictions of the Declarations.

In addition to the information required by the Declarations, plans shall include such additional information as may be specified by the committee. No residence or structure shall be installed or constructed, and no existing residence or structure shall be modified, without prior written approval of a majority of the committee.

Section 4. Review Standards. The Architectural Review Committee shall not approve plans for proposed construction or modifications of existing structures unless the plans for such proposed construction or modifications comply with law or regulations imposed by applicable governmental entities; comply with the Declarations; and insure development of the Property consistent with prevailing standards within its area.

Section 5. Procedure for Review. The procedure for review by the Architectural Review Committee of members' plans shall be specified in the Declarations. Failure of the committee to approve or disapprove within the time specified by the Declarations, shall not, however, relieve or exempt a member from compliance with all applicable laws, regulations, and the Declarations.

ARTICLE VIII AMENDMENT TO BY-LAWS OR DECLARATIONS, RESTRICTIONS, PROTECTIVE COVENANTS AND CONDITIONS

These By-laws and the declarations may be amended by the Association in a duly constituted meeting called for such purpose and no amendment shall take effect unless approved as follows:

a. Any amendment that would materially alter any of the requirements imposed by the governing body of Madison County, which requirements were made mandatory for the process of final subdivision approval, shall be approved by the governing body of Madison County prior to amendment.

b. Any amendment must be recorded.

c. By-laws may be amended upon a two-thirds (2/3) majority vote of the total voting power of the Association.

d. The Declarations may be amended only in accordance with the amendment procedures and requirements as established in the Declarations.

ARTICLE IX RECORDS AND REPORTS

Section 1. Maintenance and Inspection of Association Records. The membership register, books of account, and minutes of meetings of the Board of Directors and general membership meetings shall be available for inspection and copying by any member or by his duly appointed representative during regular business hours at the office of the Association.

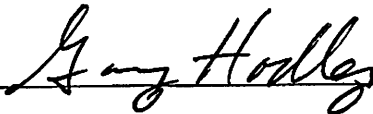
Section 2. Annual Report to Members. The Association shall provide a written annual financial report to every member. Such report shall contain, in appropriate detail, the following: assets and liabilities, revenue or receipts of the Association, expenses or disbursements of the Association, and any information required by Montana Corporations Codes.

**ARTICLE X
INDEMNIFICATION OF DIRECTORS,
OFFICERS, EMPLOYEES, AND OTHER AGENTS**

The Association may, to the maximum extent permitted by Montana law, indemnify each of its agents against expenses, judgments, fines, settlements and other amounts actually and reasonably incurred in connection with any proceeding arising by reason of the fact any such person is or was an agent of the Association. For purposes of this Article, an "agent" of the Association is or was serving at the request of the Association as director, officer, employee, or agent of another corporation, partnership, joint venture, trust, or other enterprise, or was a director, officer, employee, or agent of a corporation which was a predecessor corporation of the corporation or of another enterprise at the request of such predecessor corporation.

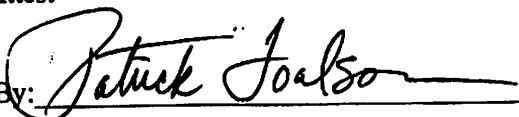
IN WITNESS WHEREOF, the undersigned have executed this First Amendment and Restatement of the Bylaws for Bull Wheel Ranch Homeowners Association, Inc. of Madison County, Montana, on the day and year first above written.

Bull Wheel Ranch Home Owners Association, Inc.

By: 

Its: President

Attest

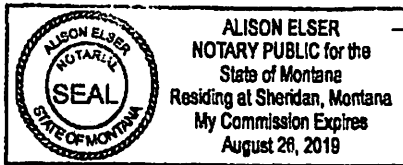
By: 

Its: Secretary

(STATE OF MONTANA)

(County of Madison)

On this 6th day of August, 2018, before the undersigned, a Notary Public, personally appeared Gary Hadley, President of Bull Wheel Ranch Home Owners, Inc., known to me to be the person whose name is subscribed to the written instrument, and acknowledged to me that they executed the same.

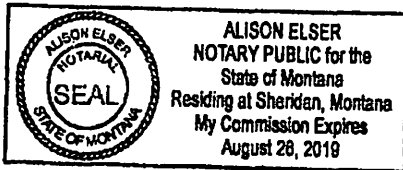


Alison Elser

(STATE OF MONTANA)

(County of Madison)

On this 6th day of August, 2018 before the undersigned, a Notary Public, personally appeared Patrick T. Olson Secretary of Bull Wheel Ranch Home Owners, Inc., known to me to be the person whose name is subscribed to the written instrument, and acknowledged to me that they executed the same.



Alison Elser