

**North Start Planned Unit Development Amendments**

**Fourth Amendment to By-Laws**

**for**

**NORTH STAR PLANNED UNIT DEVELOPMENT**

**FOURTH AMENDMENT TO BY-LAWS  
FOR NORTH STAR PLANNED UNIT DEVELOPMENT**

WHEREAS, North Star Development Company, LLC of Helena, has filed a plat of certain lands in Lewis and Clark County, Montana, known as North Star Planned Unit Development, with the Clerk and Recorder of said County, and

WHEREAS, the owners of the lots in said tract desired to place restrictions upon said lots for the use and benefit of themselves as present owners and for the future owners thereof, and for the benefit of the general public interest, and

WHEREAS, Covenants and Conditions for the Planned Unit Development described herein have been adopted and recorded with the Lewis and Clark County Clerk and Recorder Bk. M27, Pg. 6291, Document 3031940, and

WHEREAS, the aforesaid Covenants were amended by law, the Covenants and By-Laws, and were recorded on March 12, 2009 with Lewis and Clark County Clerk and Recorder at Bk. M38, Pg. 8401, Document 3153336 (titled "Amendment to Restrictive Covenants for North Star Planned Unit Development In the County of Lewis and Clark County, State of Montana"); and

WHEREAS, the aforesaid Covenants were amended by law and were recorded with the Lewis and Clark County Clerk and Recorder at Bk. M39, Pg. 7125, Document 3162792 ("Second Amendment to Restrictive Covenants for North Star Planned Unit Development"); and

WHEREAS, the aforesaid By-Laws were amended by law and were recorded with the Lewis and Clark County Clerk and Recorder at Bk. M57, Pg. 4624, Document 3359123 ("Third Amendment to By-Laws for Northstar Planned Unit Development"); and

WHEREAS, the aforesaid By-Laws were amended by law, including a meeting of a quorum of the Homeowner's Association by majority vote of the quorum; and

NOW THEREFORE, the By-Laws are amended, effective immediately, as follows:

Article IV,  
Section III:

**Meetings of the Members: Notice.** Meetings of the members, both regular and special, shall be called by notice of the time and place of said meeting by published as follows:

- (1) On the **HOA's website (northstarhoa.net)** at least two weeks prior to the date of such meeting;
- (2) Weather permitting, **on notice boards** at each of the four ingress/egress locations to the subdivisions for the seven (7) days preceding such meeting. This requirement shall exist until there is a general community

board established for the purpose of giving notice to the HOA community—at which point notice boards at each ingress/egress shall be optional;

- (3) By **email service** at least two weeks prior to the date of such meeting. The HOA has compiled an extensive list of HOA member emails; however, such list must be continually maintained. It is the duty of each HOA member to provide their most current email address to [theboard@northstarhoa.net](mailto:theboard@northstarhoa.net); and
- (4) At the discretion of the Board, by posting on any of the HOA's social media accounts that may exist from time to time. Publication on any HOA's social media account, however, is not mandatory and serves to supplement the other required publication methods only.

Such notice shall specify the place, day, and the purpose (if practical) of the meeting. If by failure to give the necessary notice, the meeting shall not be held on the day provided and may be called by the Officers upon proper notice stated herein.

Article IV,  
Section IV:

**Quorum and electronic voting.** The presence at the meeting of members entitled to cast, or of proxies entitled to cast, one-tenth of the votes of each class of membership shall constitute a quorum for any action except as otherwise provided for in the Articles of Incorporation or these By-Laws. If the meeting is available via Zoom or like platform where the online member's identity and presence can be verified by the Secretary, then the Secretary shall include such eligible member as part of the quorum. If, however, such quorum shall not be present or represented at any meeting, the members entitled to vote there shall have the power to adjourn the meeting from time to time without notice other than announcement at the meeting. Furthermore, if such a quorum shall not be present or represented, another meeting may be called, subject to the same notice. The required quorum at any such subsequent meeting shall be one half of the required quorum at the preceding meeting. No subsequent meeting shall be held more than sixty days following the preceding meeting.

Following the meeting where a quorum is reached, the following actions shall be immediately taken:

- (1) The Secretary shall send notes summarizing the meeting, and any issue to be voted on, to all members who have provided their most current email to the HOA Board. These notes shall be sent no later than the day the electronic ballot is sent pursuant to Subsection (2).
- (2) The HOA Board shall send to each HOA member entitled to vote an electronic ballot. Each voting member shall be responsible for ensuring that they have received an electronic ballot. Thereafter, each voting member shall have a one-week window that begins the day the electronic ballot is sent out and concludes at 11:59pm on the seventh day following the electronic ballot being sent. For example, if a meeting

is held on a Tuesday and the HOA sends the electronic ballot that same day, then the electronic polling shall close the following Tuesday at 11:59pm.

- (3) A measure brought to a vote shall pass by a majority of those members who have participated in voting, unless otherwise stated in these By-Laws. Though a quorum is required to bring a matter to a vote, physical presence at the meeting is not a requirement to vote.

Article VI,  
Section II:

**Nomination of Officers.** Nominations shall be made by the members at the annual meeting, either from the floor or by email to [theboard@northstarhoa.net](mailto:theboard@northstarhoa.net).

Article VI,  
Section III:

**Election.** Election of Officers shall be by written ballot or electronic poll. At such elections, or their proxies, may cast as many votes as they are entitled to exercise under the provisions of the Articles of Incorporation or the By-Laws. The electronic poll shall be closed during the count of written ballots. The persons receiving the largest number of votes shall be elected to their respective position. Any objection to the vote counts must be made prior the end of the annual meeting. Written ballots shall be destroyed after the annual meeting.