

F. ANN RODRIGUEZ, RECORDER

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DEPUTY RECORDER

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CASA BONITA CONDOMINIUMS

PO BOX 27066

TUCSON AZ 85726



SEQUENCE: 20142460332

NO. PAGES: 2

AFF 09/03/2014

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MAIL

AMOUNT PAID: \$10.00

## AFFIDAVIT OF ERRONEOUS RECORDING

**Re: By-Laws of Casa Bonita Condominium (sic) Association of Tucson, Inc.  
Amended April 12, 1993.**

The undersigned, being first duly sworn states under oath as follows:

1. Affiant is the President of the Casa Bonita Condominiums Association of Tucson, Inc., an Arizona non-profit corporation.
2. By inadvertence and mistake, the Association caused to be recorded the By-Laws of Casa Bonita Condominium (sic) Association of Tucson, Inc.
3. The By-Laws were recorded on June 30, 1993, in Docket 9574, page 2855 *et seq.* office of the Pima County Recorder.
4. The purpose of this Affidavit is to give notice that the recording of said documents was done in error and that the By-Laws recorded as described herein is not a correct copy of the Association's By-Laws and should be disregarded.
5. A correct copy of the Association's By-Laws can be obtained from the statutory agent on record with the Arizona Corporation Commission.

FURTHER THE AFFIANT SAYETH NOT.

CASA BONITA CONDOMINIUMS ASSOCIATION OF  
TUCSON, INC., an Arizona non-profit corporation

*Signature of Doris*

STATE OF ARIZONA )  
 ) ss.  
County of Pima )

SUBSCRIBED, SWORN AND ACKNOWLEDGED before me this 2nd day of July, 2014, by Jennifer L. Dorn as President of Casa Bonita Condominiums Association of Tucson, Inc., an Arizona non-profit corporation.



Kelly Finkle  
Notary Public

RECORDED BY: OKG  
DEPUTY RECORDER  
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DOCKET: 9574  
PAGE: 2855  
NO. OF PAGES: 6  
SEQUENCE: 93106964  
06/30/93  
12:32:00  
BYLAW  
MAIL  
AMOUNT PAID \$ 8.00

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CASA BONITA ASSN  
9420 E SPEEDWAY BLVD  
TUCSON AZ 85710

## BY-LAWS

OF

CASA BONITA CONDOMINIUM ASSOCIATION OF TUCSON, INC.

Amended: April 12, 1993

All other editions are superceded

### ARTICLE I

#### NAME AND LOCATION

The name of the corporation is CASA BONITA CONDOMINIUM ASSOCIATION OF TUCSON, INC., hereinafter referred to as the "Association." The principal office and mailing address of the corporation shall be located at 9420 East Speedway, Tucson, Arizona 85710, but meetings of members and directors may be held at such places within the State of Arizona, County of Pima, or as may be designated by the Board of Directors.

### ARTICLE II

#### DEFINITIONS

Section 1 "Association" shall mean and refer to the Casa Bonita Condominium Association of Tucson, Inc., its successors and assigns.

Section 2 "Properties" shall mean and refer to that certain real property described in the Declaration of Covenants, Conditions and Restrictions (C.C. & R.'s), and such additions thereto as may hereafter be brought within the jurisdiction of the Association.

Section 3 "Common Area" shall mean all real property as designated on the Casa Bonita Condominiums Plat recorded in Book 35 at page 67 of Maps and Plats, Pima County Recorder's Office, by the Association for the common use and enjoyment of the Owners.

Section 4 "Unit" shall mean and refer to any part of the property so designated on the recorded Casa Bonita Condominiums Plat.

Section 5 "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of equitable or beneficial title whose estate(s) or interest individually or collectively aggregate fee simple title to any Unit which is a part of the properties, including contract buyers, but excluding those having such interest merely as security for the performance of an obligation.

Section 6 "Declaration" shall mean and refer to the Declaration of Covenants, Conditions and Restrictions (C.C. & R.'s) applicable to the Properties recorded in the office of the Pima County Recorder, Pima County, Arizona.

**Section 7.** "Member" shall mean and refer to those persons entitled to membership as provided in the Declaration.

### **ARTICLE III**

#### **MEETINGS OF MEMBERS**

**Section 1. Annual Meetings.** There shall be an annual meeting of the members during the month of April each year at such time and place convenient to the Owners. The Board of Directors may designate another date for such annual meeting not more than thirty (30) days before or after the date fixed for said annual meeting by written notice of the Board given to the Owners not less than ten (10) nor more than sixty (60) days prior to the date fixed for such annual meeting specifying the date, time and place thereof.

**Section 2. Special Meetings.** Special meetings of the members may be called at any time by the president or by three members of the Board of Directors, or upon written request of the members who are entitled to vote thirty percent (30% - 11 votes) of all the votes of the Association.

**Section 3. Notice of Meetings.** Written notice of each meeting of the members shall be given by, or at the direction of, the secretary or person authorized to call the meeting, by mailing a copy of such notice, postage prepaid, at least 30 days before such meeting to each member entitled to vote thereat, addressed to the member's address last appearing on the books of the Association, or supplied by such member to the Association for the purpose of notice. Such notice shall specify the place, day and hour of the meeting, and, in the case of a special meeting, the purpose of the meeting. It is each owner's responsibility to provide the Board with an up-to-date address and phone number. Landlord owners must provide the names and phone numbers of all tenants.

**Section 4. Quorum.** The presence at the meeting of members entitled to cast, or proxies entitled to cast, thirty percent (30% - 11 votes) of all the votes of the Association shall constitute a quorum for any action except as otherwise provided in the Articles of Incorporation, the Declaration or these By-Laws. If, however, such quorum shall not be present or represented at any meeting, the members present and entitled to vote shall have power to adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum as aforesaid shall be present or be represented.

**Section 5. Proxies.** At all meetings of members, each member may vote in person or by proxy, except as otherwise provided in the Declaration. All proxies shall be in writing and filed with the secretary. Every proxy shall be revocable and shall automatically cease upon conveyance by the member of his Unit. NIB

## ARTICLE IV

### **BOARD OF DIRECTORS; SELECTION; TERM OF OFFICE**

**Section 1. Number and Qualifications.** The affairs of this Association shall be managed by a Board of five (5) Directors, all must be members in good standing of the Association. A Director who is in current violation of the By-laws or C.C.&R.'s for 30 days is automatically terminated from the Board of Directors.

**Section 2. Term of Office.** At each annual meeting the number of Directors elected shall equal the number of Directors whose term has expired and shall serve for a term of two years.

**Section 3. Removal.** Any Director may be removed from the Board, with or without cause, by a majority vote (19 votes) of the members of the Association. In the event of death, resignation or removal of a Director, his or her successor shall be selected by the remaining members of the Board and shall serve for the unexpired term of his or her predecessor.

**Section 4. Compensation.** No Director shall receive compensation for any service he or she may render to the Association except by a simple majority vote of those present at an annual or special meeting. Any Director may be reimbursed for his or her Board Approved expenses incurred in the performance of his or her Association duties. Board approval shall constitute a minimum of 3 votes.

**Section 5. Action Taken Without a Meeting.** The Directors shall have the right to take any action in the absence of a meeting which they could take at a meeting by obtaining the approval of a majority of the directors. Any action so approved shall have the same effect as though taken at a meeting of the directors.

## ARTICLE V

### **NOMINATION AND ELECTION OF DIRECTORS**

**Section 1. Nomination.** Nomination for election to the Board of Directors shall be made from the floor at the annual meeting. The floor shall make as many nominations for election to the Board of Directors as it shall in its discretion determine, but not less than the number of vacancies that are to be filled. Such nominations may be made from among those eligible to serve as a Director.

**Section 2. Election.** Election to the Board of Directors shall be by secret written 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 Declaration. The persons receiving the largest number of votes shall be elected. One vote for each vacancy per unit.

## ARTICLE VI

### MEETINGS OF DIRECTORS

**Section 1. Regular Meetings.** Regular meetings of the Board of Directors shall be held as determined by the Directors at such place and hour as may be fixed from time to time by resolution of the Board.

**Section 2. Special Meetings.** Special meetings of the Board of Directors shall be held when called by the president of the Association, or by any three Directors, after not less than three (3) days' notice to each director.

**Section 3. Quorum.** A majority of the number of Directors shall constitute a quorum for the transaction of business. Every act or decision done or made by a majority of the Directors present at a duly held meeting at which a quorum is present shall be regarded as the act of the Board.

## ARTICLE VII

### POWERS AND DUTIES OF THE BOARD OF DIRECTORS

**Section 1. Powers.** The Board of Directors shall have power to:

- (a) adopt and publish rules and regulations governing the use of the Common Area and facilities, and the personal conduct of the members and their guests thereon, and to establish penalties for the infraction thereof;
- (b) suspend the voting rights and right to use of the recreational facilities of a member during any period in which such member shall be in default in the payment of any assessment or fine levied by the Association. Such rights may also be suspended after notice and hearing, for a period not to exceed 60 days for infraction of published rules and regulations;
- (c) exercise for the Association all powers, duties and authority vested in or delegated to this Association and not reserved to the membership by other provisions of these By-Laws, the Articles of Incorporation or the Declaration;
- (d) declare the office of a member of the Board of Directors to be vacant in the event such member shall be absent from three (3) consecutive regular meetings of the board of Directors; and
- (e) employ a manager, an independent contractor, or such other employees as they deem necessary, and to prescribe their duties.

**Section 2 Fines.** All fines for violations of the C.C. & R.'s and By-Laws will be \$25.00.

- (a) Violators will be given 10 days to respond in writing to the notice of violation/fine and will have 30 days to pay the fine. After 30 days, legal action will ensue.
- (b) Owners are responsible for guests, friends, workmen, roommates, relatives, etc. Landlord owners are responsible for tenants and guests, friends, workmen, roommates, relatives, etc. of tenants.
- (c) The fine will double each time the same person or unit repeats the same violation.
- (d) Refusal to accept correspondence from the Board of Directors by mail or in person will be an automatic \$25.00 fine and will not abrogate the contents of the correspondence. Punitive action will proceed as if the correspondence was received.

**Section 3 Duties.** It shall be the duty of the Board of Directors to:

- (a) cause to be kept a complete record of all its acts and corporate affairs and to present a statement thereof to the members of the annual meeting of the members, or at any special meeting when such statement is requested in writing by thirty percent (30%-11 votes) of the members who are entitled to vote;
- (b) Supervise all officers, agents and employees of this Association, and to see that their duties are properly performed;
- (c) as more fully provided in the Declaration, to:
  - (1) fix the amount of the regular assessment against each Unit at least thirty (30) days in advance of each regular assessment period (Jan. 1 - Dec. 31);
  - (2) send written notice of each assessment to every Owner subject thereto at least ten (10) days in advance of each regular assessment period; and
  - (3) foreclose the lien when necessary against any property for which assessments or fines are not paid within ninety (90) days after due date or to bring an action at law against the owner personally obligated to pay the same.
- (d) issue, or to cause an appropriate officer to issue, upon demand by any person, a certificate setting forth whether or not any assessment has been paid. A reasonable charge may be made by the Board of the issuance of these certificates. If a certificate states an assessment has been

- paid, such certificate shall be conclusive evidence of such payment;
- (e) procure and maintain adequate liability and hazard insurance on property owned by the Association;
  - (f) cause all officers or employees have fiscal responsibilities to be bonded, as it may deem appropriate;
  - (g) cause the Common Area, including the exterior of the buildings to be maintained.

## ARTICLE VIII

### OFFICERS AND THEIR DUTIES

**Section 1. Enumeration of Offices.** The officers of this Association shall be a president and vice president, who shall at all times be members of the Board of Directors, a secretary; and a treasurer, and such other officers as the Board may from time to time by resolution create.

**Section 2. Election of Officers.** The election of officers shall take place at the first meeting of the Board of Directors following each annual meeting of the members.

**Section 3. Term.** The officers of this Association shall be elected annually by the Board, and each shall hold office for two (2) years unless he shall sooner resign, or shall be removed, or otherwise disqualified to serve.

**Section 4. Special Appointments.** The Board may elect such other officers as the affairs of the Association may require, each of whom shall hold office for such period, have such authority, and perform such duties as the Board may; from time to time, determine.

**Section 5. Resignation and Removal.** Any officer may be removed from office with or without cause by the Board. Any officer may resign at any time giving written notice to the Board, the president or the secretary. Such resignation shall take effect on the date of receipt of such notice or at any later time specified therein, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

**Section 6. Vacancies.** A vacancy in any office may be filled by appointment by the Board. The officer appointed to such vacancy shall serve for the remainder of the term of the officer he replaces.

**Section 7. Multiple Offices.** The offices of secretary and treasurer may be held by the same person. No person shall simultaneously hold more than one of any of the other offices except in the case of special offices created pursuant to Section 4 of this Article.



**Section 8 Duties.** The duties of the officers are as follows:

- (a) ***President.*** The president shall preside at all meetings of the Board of Directors; shall see that orders and resolutions of the Board are carried out; shall sign all leases, mortgages, deeds and other written instruments and shall co-sign all checks and promissory notes.
- (b) ***Vice President.*** The vice president shall act in the place and stead of the president in the event of his or her absence, inability or refusal to act, and shall exercise and discharge such other duties as may be required of him by the Board.
- (c) ***Secretary.*** The secretary shall record the votes and keep the minutes of all meetings and proceedings of the Board and of the members; keep the corporate seal of the Association and affix it and all papers required said seal; serve notice of meetings of the board and of the members; keep appropriate current records showing the members of the Association together with their addresses, and shall perform such other duties as required by the Board.
- (d) ***Treasurer.*** The treasurer, or a professional manager is authorized to do so by a written contract with the Association, shall receive and deposit in appropriate bank accounts all monies of the Association and shall disburse such funds as directed by resolution of the Board of Directors and co-sign all checks of the Association; shall co-sign all promissory notes of the Association; keep proper books of account; if directed by the Board, cause an annual audit of the Association books be made by a public accountant at the completion of each fiscal year; and shall prepare an annual budget and a statement of income and expenditures to be presented to the membership at its regular annual meeting, and deliver a copy of each to the members. Co-sign checks drawn by Professional Management in the absence of the President or by his authority.

**Section 9 Enforcement of By-laws and C.C. & R.'s.** All Unit Owners (not only Board Members) are equally responsible for the enforcement of the By-laws and C.C. & R.'s.

## **ARTICLE IX**

### **FINANCIAL ACCOUNTS**

- (a) **Management Company Account or General Account.** Any checks, other than normal periodic billings, drawn on the Management Company account or general account must be voted for by a majority of board members.

No checks may be requested by telephone. No checks may be issued in the name of individual Board Members.

(b) Petty Cash Checking Account. Purchases can be made by verbal approval of at least three (3) Board Members. Purchases in excess of \$25.00 will be brought before the Board for approval. Dual signatures by the president and treasurer are required. No prior signing of blank checks.

(c) Large Expenditures. Any item or items not outlined in article VIII 8.3 Purpose of Assessments of the C.C. & R.'s exceeding \$500.00 must be voted for by the general membership, at an annual or special meeting or circulated petition. A simple majority vote of a quorum at a meeting will constitute approval.

## ARTICLE X

### COMMITTEES

The Association shall appoint an Architectural Control Committee, as provided in the Declaration. In addition, the Board of Directors shall appoint other committees as deemed appropriate in carrying out its purpose.

## ARTICLE XI

### BOOKS AND RECORDS

The books, records and papers of the Association shall at all times, during reasonable business hours, be subject to inspection by any member. The Declaration, the Articles of Incorporation and the By-Laws of the Association shall be available for inspection by any member at the principal office of the Association, where copies may be purchased at reasonable cost.

## ARTICLE XII

### ASSESSMENTS

As more fully provided in the Declaration, each member is obligated to pay to the Association regular and special assessments which are secured by a continuing lien upon the property against which the assessment is made. Any assessments which are not paid when due shall be delinquent. The Board may, by resolution, impose a charge for late payment not to exceed twenty percent (20%) of the delinquent assessment. If the assessment is not paid within thirty (30) days after the due date, the assessment shall bear interest from the date of delinquency at the rate of 12 percent per annum, and the Association may bring an action at law against the owner personally obligated to pay the same or foreclose the lien against the

property, late fees, interest, administrative costs, miscellaneous fees, court costs, document server costs and all attorney's fees of any such action shall be added to the amount of such assessment. No Owner may waive or otherwise escape liability for the assessments provided for herein by non-use of the Common Area or abandonment of this Unit.

### ARTICLE XIII

#### CORPORATE SEAL

The Association shall have a seal having the words: Casa Bonita Condominium Association of Tucson, Inc.

### ARTICLE XIV

#### AMENDMENTS

Section 1. These By-Laws may be amended, at a regular or special meeting of the members, by a simple majority vote of a quorum of those members present in person or by proxy.

Section 2. In the case of any conflict between the Articles of Incorporation and these By-Laws, the Articles shall control; and the case of any conflict between the Declaration and these By-Laws, the Declaration shall control.

### ARTICLE XV

#### MISCELLANEOUS

The fiscal year of the Association shall begin on the first day of January and end on the 31st day of December of every year. Amended by the Members on April 12, 1993.

IN WITNESS WHEREOF, we, being all of the Directors of Casa Bonita Condominium Association, Inc., have hereunto set our hands this 10<sup>th</sup> day of June, 1993.

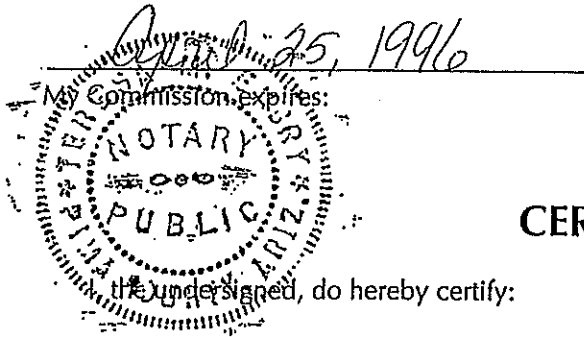
Algie Lawson, Jr.  
Christie C. Robb  
Luann Finu

Wanda E. Rogers

STATE OF ARIZONA )  
 ) ss.  
County of Pima )

The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of June, 1993 by Christine A. Robbins.

[Signature]  
Notary Public



### CERTIFICATION

I, the undersigned, do hereby certify:

THAT I am the duly elected and acting Secretary of the Casa Bonita Condominium Association of Tucson, Inc., an Arizona corporation, and

THAT the foregoing constitutes the By-Laws of said Association, as duly adopted at a meeting of the general members thereof, held on the 12 day of April, 1993.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of said Association this 16<sup>th</sup> day of June, 1993

CASA BONITA CONDOMINIUM  
ASSOCIATION OF TUCSON, INC.  
9420 E. Speedway  
Tucson, AZ 85710

[Signature]  
Secretary Christine A. Robbins