

**FIRST AMENDMENT TO GAZEBO HILL SUBDIVISION
RULES, REGULATIONS & ENFORCEMENT PROCEDURES**

This FIRST AMENDMENT TO GAZEBO HILL SUBDIVISION RULES, REGULATIONS & ENFORCEMENT PROCEDURES (this "Amendment") is made as of the 15th day of November, 2013, by the Board of Directors ("Board") of the Gazebo Hill Homeowners Association, Inc., a Wisconsin not-for-profit association ("Association"), on behalf of the Association.

RECITALS:

A. The Board has previously adopted those certain Rules, Regulations & Enforcement Procedures for Gazebo Hill Subdivision ("Rules and Regulations") on behalf of the Association.

B. The Association, pursuant to that certain Restatement and Amendment of Declaration of Restrictions for Gazebo Hill Subdivision, dated February 8, 2006 and recorded on May 5, 2006 with the Ozaukee County Register of Deeds as Document Number 0840980, as may be amended ("Declaration"), has the authority to provide for a procedure for appealing decisions of the Architectural Control Committee ("ACC") to the Board in any rules or regulations adopted by the Association.

C. The Board, acting in its capacity on behalf of the Association, now wishes to amend the Rules and Regulations to add a procedure for appealing decisions of the ACC and other committees appointed by the Board, to the Board.

ACCORDINGLY, the Rules and Regulations are hereby amended as follows:

1. **Appeal Process.** The following is hereby added as Article VII of the Rules and Regulations:

"VII. APPEAL OF COMMITTEE DECISIONS

A. NOTICE OF APPLICATIONS/DETERMINATIONS

Any committee appointed by the Board (including, but not limited to, the ACC and landscape committee) (each, an "Appointed Committee") which renders a decision on a matter requiring such Appointed Committee's approval, shall promptly provide notice to the Board of all applications and other requests for approval. Likewise, an Appointed Committee shall notify the Board in writing of any determinations made by the Appointed Committee, at the time when the Appointed Committee gives notice of its determination to the party who submitted the request for approval. The Board shall make a determination within its sole discretion as to which decisions (or portions thereof) by an Appointed Committee grant a variance from the terms of the Declaration, Bylaws or Rules and Regulations of the Association, establish a new precedent for any

discretionary item or are otherwise deemed material or significant decisions (any of the foregoing, an “Appealable Decision”). The Board shall, within five (5) business days of receipt of a determination from an Appointed Committee, post notice of any Appealable Decision on the Association’s website. It shall be the Owners’ responsibility to periodically check the Association’s website to review notice of Appealable Decisions.

B. APPEAL BY BOARD OF DIRECTORS

1. Following any Appealable Decision rendered by an Appointed Committee, any member of the Board may file a petition with the Board, challenging the Appointed Committee’s authority to have made the particular decision. Such petition must be in writing and shall be submitted to the Board within fifteen (15) days of the date the Board posts notice of the Appealable Decision, with a copy sent to the applicant Owner and the Appointed Committee. A petition shall be deemed to be “submitted to the Board” when delivered to either the President or the Secretary, who shall then promptly notify the other members of the Board.
2. A petition shall include the name and address of the applicant Owner, a detailed description of the Appealable Decision with which the Board member takes issue, and the reason for such challenge.
3. The Board shall have thirty (30) days from receipt of the petition, within which to determine whether the Appointed Committee was acting within its allowable authority under the Declaration, Rules and Regulations or Bylaws of the Association when it rendered the particular decision, and to notify the applicant Owner and Appointed Committee of its determination. If the Board determines that the Appointed Committee was acting within its allowable authority when rendering such decision, the decision of the Appointed Committee shall be sustained. If the Board determines that the Appointed Committee was acting outside of its allowable authority when rendering such decision, the decision of the Appointed Committee shall be modified as the Board determines appropriate. If the Board fails to provide notice of its determination within the above-referenced thirty (30)-day period, the Appointed Committee shall be deemed to have been acting within its allowable authority. Any determination of the Board shall be final.

C. APPEAL BY APPLICANT OWNER

1. Following a decision rendered by an Appointed Committee, the applicant Owner may file a petition with the Board, challenging the Appointed Committee’s decision as to any matter (including, but not limited to challenging the authority of the Appointed Committee to render such

decision), regardless of whether the Board deems such matter an “Appealable Decision”. Such petition must be in writing and shall be submitted to the Board within fifteen (15) days of the date the applicant Owner receives notice of the Appointed Committee’s decision. Within three (3) business days after receipt of the petition, the Board shall notify the Appointed Committee of such petition. A petition shall be deemed to be “submitted to the Board” when delivered to either the President or the Secretary, who shall then promptly notify the other members of the Board.

2. A petition shall include the name and address of the petitioning Owner, a detailed description of the decision with which the petitioning Owner takes issue, and the reason for such challenge.
3. The Board shall have thirty (30) days from receipt of the petition, within which to determine whether to sustain, reverse or modify the decision of the Appointed Committee, and to notify the Appointed Committee and the applicant Owner of the same. If the Board fails to provide notice of its determination within such thirty (30)-day period, the Board shall be deemed to have sustained the decision of the Appointed Committee. Any determination of the Board shall be final.

D. APPEAL BY OTHER OWNERS

1. Following an Appealable Decision rendered by an Appointed Committee, any other Owner may file a petition with the Board, challenging the Appointed Committee’s decision as to the Appealable Decision (including, but not limited to challenging the authority of the Appointed Committee to render such decision). Such petition must be in writing and shall be submitted to the Board within fifteen (15) days of the date the Board posts the Appealable Decision on the Association’s website. Within three (3) business days after receipt of the petition, the Board shall notify the Appointed Committee and the applicant Owner of such petition. A petition shall be deemed to be “submitted to the Board” when delivered to either the President or the Secretary, who shall then promptly notify the other members of the Board.
2. A petition shall include the name and address of the petitioning Owner, the name (if known) and address of the applicant Owner, a detailed description of the Appealable Decision with which the petitioning Owner takes issue, and the reason for such challenge.
3. The Board shall have thirty (30) days from receipt of the petition, within which to determine whether to sustain, reverse or modify the decision of the Appointed Committee, and to notify the Appointed Committee, the applicant Owner and the petitioning Owner of the same. If the Board fails

to provide notice of its determination within such thirty (30)-day period, the Board shall be deemed to have sustained the decision of the Appointed Committee. Any determination of the Board shall be final.”

2. **Defined Terms.** Any capitalized terms not otherwise defined herein shall have those meanings given to them in the Rules and Regulations.

3. **Conflict.** In the event of a conflict between the terms and conditions of the Rules and Regulations and the terms and conditions of this Amendment, the terms and conditions of this Amendment shall control.

IN WITNESS WHEREOF, this Amendment is adopted and enacted by the Board, on behalf of the Association, as of the date first set forth above.



Michael C. Williams, President



Marcia Schwager, Secretary