

IN THE CIRCUIT COURT OF THE TWENTY SECOND JUDICIAL CIRCUIT
McHENRY COUNTY – WOODSTOCK, ILLINOIS

FILED

SEP 23 2010

KATHERINE M. KEENE
McHENRY CTY. CIR. CLK.

THOMAS P. MATHEWS,

Plaintiff,

v.

MASTER PROPERTY OWNERS
ASSOCIATION,

Defendants.

No. 10 CH 1004

NOTICE OF MOTION

TO: Thomas P Mathews
3145 E Lake Shore Drive
Wonder Lake, IL 60097-9371

James P. Kelly
Matuszewich, Kelly & McKeever, LLP
453 Coventry Lane, Suite 104
Crystal Lake, Illinois 60014
Facsimile: 815-459-3123

PLEASE TAKE NOTICE that on the 27th day of September, 2010, at 9:00 a.m., or as soon thereafter as counsel may be heard, I will appear before the Honorable Michael T. Caldwell, or any judge sitting in his place, in Courtroom 204 of the McHenry County Government Center, 2200 N. Seminary Avenue, Woodstock, Illinois 60098, and then and there present the enclosed Motion for Fees Pursuant to MPOA's By-Laws, a copy of which is hereby served upon you.

Respectfully submitted,

THE MASTER PROPERTY OWNERS'
ASSOCIATION, INC. FOR THE WONDER
LAKE, ILLINOIS AREA

By: 
One of its Attorneys

Dean W. Krone – ARDC# 6190868
Steven M. Richart – ARDC# 6287195
Hodges, Loizzi, Eisenhammer,
Rodick & Kohn LLP
3030 Salt Creek Lane, Suite 202
Arlington Heights, IL 60005
(847) 670-9000
Firm I.D. #: 26941

IN THE CIRCUIT COURT OF THE TWENTY SECOND JUDICIAL CIRCUIT
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 SEP 23 2010
 KATHERINE M. KEENE
 McHENRY CTY. CIR. CLK.

THOMAS P. MATHEWS,)
)
 Plaintiff and)
 Counterdefendant,)
 v.)
 MASTER PROPERTY OWNERS)
 ASSOCIATION,)
)
 Defendant and)
 Counterplaintiff.)

No. 10 CH 1004

THE MASTER PROPERTY OWNERS')
 ASSOCIATION, INC. FOR THE WONDER)
 LAKE, ILLINOIS AREA,)
)
 Third-Party Plaintiff,)
)
 v.)
)
 WOODED SHORES PROPERTY OWNERS)
 ASSOCIATION, INC. and the WOODED)
 SHORES PROPERTY IMPROVEMENT)
 ASSOCIATION,)
)
 Third-Party Defendants.)

MOTION FOR FEES PURSUANT TO MPOA'S BY-LAWS

NOW COMES the Defendant and Counterplaintiff, the Master Property Owners' Association, Inc. for the Wonder Lake, Illinois Area (hereinafter "MPOA" or Defendant) by and through its attorneys, Dean W. Krone, Steven M. Richart, and Hodges, Loizzi, Eisenhammer, Rodick & Kohn LLP, and moves this Court for an award of attorneys' fees and costs pursuant to Article XIII of the MPOA's By-Laws, subject to further prove-up as to the amount of said award. In support of this motion, the MPOA states as follows:

1. Article XIII of the MPOA's By-Laws provides:

If at any time the officers determine that it is necessary to employ professional legal services to enforce any of the provisions of these By-Laws, the Member against whom any such action is necessary shall be held liable for payment of all attorney's fees, as well as any damages, M.P.O.A. late charges, liens, and court costs.

(See MPOA By-Laws, attached hereto as Exhibit 1.)

2. Plaintiff and Counterdefendant Thomas P. Mathews is a Member of the MPOA. He is listed in Article I, Section 6, of the By-Laws as "Mathews Undeveloped Property" and serves as a Director of the MPOA. (See Exhibit 1.)

3. The officers of the MPOA determined that it was necessary to employ legal services to (1) draft and prepare two separate opinions of counsel pertaining to Mathews' allegations; (2) appear and defend the MPOA in this lawsuit; and (3) file a counterclaim and third party complaints for declaratory and injunctive relief in this lawsuit. All of these services had the purpose and effect of enforcing provisions of the MPOA's By-Laws against MPOA Member and Plaintiff Mathews.

4. All legal services performed on behalf of the MPOA in this lawsuit were performed to defend and enforce the votes that were taken at the Directors' meetings held on March 10 and March 22, 2010, thereby enforcing the provisions of the MPOA By-Laws against the Plaintiff, including the following provisions:

Article I, Section 6 – which lists members of the MPOA.

Article VI – which provides for representation of member subdivisions by delegates and directors selected by valid lot owner associations.

Article VII – which provides for voting at Directors' meetings.


Article XI, Section 6 – which provides for emergency meetings of Directors.

5. Because the legal services performed during this lawsuit and beforehand were employed and performed to enforce provisions of the MPOA's By-Laws against a Member, the Plaintiff is liable for payment of "all attorney's fees" and court costs pursuant to Article XIII of the MPOA's By-Laws.

WHEREFORE, the MPOA asks the Court to enter an order awarding the MPOA's costs and attorneys' fees pursuant to Article XIII of the MPOA's By-Laws, subject to the MPOA's prove-up of the amount of such costs and fees by proper invoices showing all billed amounts for services for the preparation of opinions regarding the Plaintiff's allegations and for the MPOA's defense and prosecution of counterclaims and third party claims in this suit.

Respectfully submitted,

**THE MASTER PROPERTY OWNERS'
ASSOCIATION, INC. FOR THE WONDER
LAKE, ILLINOIS AREA**

By: 
One of its Attorneys

Date: Sept. 22, 2010

Dean W. Krone – ARDC# 6190868
Steven M. Richart – ARDC# 6287195
Hodges, Loizzi, Eisenhammer,
Rodick & Kohn LLP
3030 Salt Creek Lane, Suite 202
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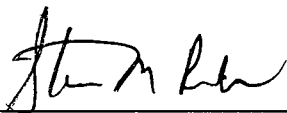
CERTIFICATE OF SERVICE

I, Steven M. Richart, an attorney, certify that I have caused a true and correct copy of the foregoing Motion for Fees pursuant to MPOA's By-Laws, and Notice of Motion thereof, to be served via First Class Mail, on the parties listed below, on this 23 day of September, 2010.

Thomas P Mathews
3145 E Lake Shore Drive
Wonder Lake, IL 60097-9371

James P. Kelly
Matuszewich, Kelly & McKeever, LLP
453 Coventry Lane, Suite 104
Crystal Lake, Illinois 60014
Facsimile: 815-459-3123

Steven J. Cuda
Hamer, Schuh & Cuda
101 Van Buren Street
Woodstock, Illinois 60098
Facsimile: 815-338-5960

By: 

Steven M. Richart

Dean W. Krone – ARDC# 6190868
Steven M. Richart – ARDC# 6287195
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3030 Salt Creek Lane, Suite 202
Arlington Heights, IL 60005
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Firm I.D. #: 26941

ARTICLE I

Section 1. The name of this corporation shall be MASTER PROPERTY OWNERS ASSOCIATION, INCORPORATED.

Section 2. This Corporation (hereinafter referred to as the M.P.O.A.) is an Illinois not for profit corporation, chartered by the Secretary of State on September 18, 1965, as provided by the General Not For Profit Act of Illinois, approved July 17, 1943, in force January 1, 1944.

Section 3. The principal office of the M.P.O.A. shall be located in the area known as Wonder Lake situated in McHenry and Greenwood Townships, McHenry County, Illinois.

Section 4. This Constitution and the By-Laws together shall be taken and applied as the code of rules adopted for the regulation and management of the affairs of the M.P.O.A.

Section 5. The term Wonder Lake, Illinois Area as used herein shall be considered as consisting of only that property which has lake rights by or through deeds, contracts, or agreements of the Wonder Lake Syndicate and/or the M.P.O.A.

Section 6. The M.P.O.A. consists of the following subdivisions and unsubdivided property.

1. Deep Springs Woods Country Club Association
2. Deep Springs Woods Property Owners Association, #1
3. Hickory Falls Property Owners Association, #1 & #2
4. Hickory Falls Property Owners Association, #3
5. Highland Shores Property Owners, Inc.
6. Indian Ridge Improvement Association, Inc.
7. Lookout Point Community Association, Inc.
8. Mathews Undeveloped Property
9. Edwin McGuire/Josef Ceisel
10. Eric McGuire
11. Oakwood Shores
12. St. Francis Heights
13. Shore Hills Country Club
14. Sunrise Ridge Property Owners Association, Inc.
15. Sunrise Ridge Estates
16. White Oaks Bay Property Owners Association, Inc.
17. Widwood Association, Inc.
18. Wonder Center Property Owners Association, Inc.
19. Wonder Woods Property Owners Association, Inc.
20. Wooded Shores Property Owners Association, Inc.
21. Unsubdivided property with lake rights as described in Article II, Section 2, owned by the David Joslyn Trust

(Revised 9-13-00)

ARTICLE II

PURPOSE

Section 1. To conduct and promote the Wonder Lake Recreation Area for the improvement of civic and social welfare and to control and maintain the lake bottom and other community property pertinent thereof, and do any and all acts necessary to further said objects..

Section 2. To limit the use of Wonder Lake to those property owners who have lake rights by or through deeds, contracts or agreements with the Wonder Lake Syndicate or the M.P.O.A.

ARTICLE III
MANAGEMENT

Section 1. Subject to the approval of the Directors, the M.P.O.A. shall be managed by a Board consisting of five (5) officers..

Section 2. The officers of the M.P.O.A. Board shall be:

President
1st Vice-President
2nd Vice-President
Secretary
Treasurer

and shall constitute the managing body of the M.P.O.A. All officers shall rank in the order herein named and preside accordingly in the absence of the President.

ARTICLE IV
ELECTION OF OFFICERS

Section 1. Officers shall be elected by a majority vote of the Assembly of Delegates at the regular September Delegates' Convention

Section 2. Elected officers may be either directors or delegates, except that no two (2) officers may be elected from the same subdivision or unsubdivided property.

Section 3. All officers shall be elected to hold office for a term of two (2) years or until their successors are elected.

Section 4. Officers will be elected in the following sequence:

A. Even Year Terms:
President
2nd Vice-President
Treasurer

B. Odd Year Terms:
1st Vice-President
Secretary

and will take office on the 1st day of January the year following their election.

Section 5. A nominating committee of three (3) directors will be appointed from the floor by the President, subject to approval by the directors at the regular June Directors' meeting. The nominating committee will interview possible candidates (directors or delegates) for office on the M.P.O.A. Board, and submit their recommendations to the M.P.O.A. secretary one month before the regular September Delegates' Convention.

Section 6. Nominations from the floor and write-in candidates will also be accepted at the regular September Delegates' Convention.

Section 7. The election for any office must be by secret ballot. Three (3) tellers (delegates) will be appointed by the President (subject to approval by the delegates) to take charge of such balloting and to report the results thereof to the presiding officer. After the results of the balloting have been confirmed, announced, and recorded, the tellers will immediately destroy the ballots.

ARTICLE V
DUTIES OF OFFICERS

Section 1. Subject to approval by the Directors the officers shall manage and direct the activities and business of the M.P.O.A. and, by appointment, fill all officer vacancies.

Section 2. The officers shall prepare an Annual Balanced Budget which shall be presented for approval at the regular September Convention. The budget shall list the basic categories of M.P.O.A. income and expenditures and shall be distributed to all delegates along with the mailed notice of the regular September Convention. Following approval of the proposed Annual Balanced Budget by the Delegates, all future budgetary amendments must have Director approval.
(Revised 9/11/96)

Section 3. The officers may obtain legal advice when they feel it is necessary. Their records shall show the written legal advice on which they acted or refrained from acting.

Section 4. The President shall be the Chief Executive Officer of the M.P.O.A. and shall preside at all meetings and call special meetings when necessary or legally requested to do so. The President may appoint committees and/or commissions (subject to approval by the directors) and have general supervision of all matters pertaining to the M.P.O.A.

Section 5. The President shall be ex-officio member of all committees and/or commissions.

Section 6. Nothing herein shall prohibit the President from appointing any member property owner possessing specialized training, knowledge or experience, who is not a delegate or director to any committee or commission.

Section 7. It shall be the duty of the 1st and 2nd Vice-Presidents to assist the President, and, in his/her absence, act in the order named in the performance of the duties of the President.

Section 8. The Secretary shall be responsible for the minutes of all Directors' and Delegates' meetings, conduct correspondence, issue notices, keep the roll of Officers, Directors, Delegates, and Committees/Commissions, and discharge such other duties as pertain to his/her office as assigned by the President.
The Secretary shall also prepare all bills, notices of dues payable and shall be the recipient of such dues, also keeping proper account. All monies collected will be transferred to the Treasurer.

The Secretary will prepare a voucher for all bills approved by the officers and present the vouchers to the Treasurer for payment.

Section 9. The Treasurer shall receive all monies collected by the Secretary and shall deposit the same in a suitable bank or trust company previously approved by the officers. The Treasurer shall not disburse any monies without an approved voucher. All checks must be signed by any two officers. The Treasurer will prepare monthly reports to the officers..

Section 10. A Recording Secretary may be appointed by the President (subject to approval by the directors). His/her duties will be to take minutes of all meetings and such other duties as the Secretary may assign

The Recording Secretary need not be a delegate or director and may be paid a salary as determined by the directors.

Section 11. The accounts of the Secretary and the Treasurer shall be examined by a CPA who shall be appointed by the officers. An annual audit shall be prepared except that the President shall have the authority to request an audit at any time in addition to the annual audit. The annual audit shall be for the fiscal year ending December 31 and must be completed by June 30 of the following year. A copy of the annual audit must be given to each Director

Section 12. Upon a two thirds (2/3) vote of the assembly of delegates, any officer may be removed from his/her office for failure to attend three or more meetings without reasonable justification or for failing to perform other duties of office. Written notice of the proposed removal shall be mailed to or personally served upon the officer at least 20 days prior to the meeting at which action is to be considered.

ARTICLE VI
REPRESENTATION

Section 1. Member subdivisions and unsubdivided property shall be represented accordingly:
Subdivisions shall be represented by one (1) delegate for each one hundred (100) lots or fraction thereof.

Unsubdivided property shall be represented by one (1) delegate for each twenty(20) acres or fraction thereof.

Each Delegate shall be entitled to one (1) vote.

Section 2. Delegates may be either elected or appointed according to the by-laws or agreements of their respective subdivision or unsubdivided property.

Section 3. The delegate(s) from each subdivision or unsubdivided property(s) shall select one of their number, as their director, to represent them at the directors' meetings.

Section 4. Thirty (30) days prior to the regular September Delegates' Convention, each member subdivision or unsubdivided property must provide the Secretary of the M.P.O.A. with the name, address and telephone number of its Delegate(s) and their Director.

ARTICLE VII
VOTE ALLOCATION

Section 1. At Directors' meetings, each director's vote shall be weighted according to the same formula for delegates established in Article VI, Section 1, except that the number of delegates represented by each individual director shall first be taken into account before the formula is applied.

Section 2. At Delegates' Conventions each delegate or delegate's proxy shall have one (1) vote.

Section 3. Voting Options.

Yes - Supports the motion.

No - Does not support the motion.

Pass/Abstain - shall be counted with the prevailing side.

A Director or Delegate has the right to change his/her vote up to the time the vote is finally announced. After that, he/she can make the change only by permission (a majority vote) of the assembly.

ARTICLE VIII
PROXY REPRESENTATION

Section 1. Directors

Directors will not be permitted to vote by proxy.

Section 2. Delegates

When a delegate is unable to attend a particular Convention Meeting, he/she may grant a proxy to another delegate from his/her subdivision or unsubdivided property.

When a subdivision or unsubdivided property is represented by only one (1) delegate, that delegate may grant his/her proxy to another member of his/her subdivision or unsubdivided property, subject to approval by his/her subdivision or owners of the unsubdivided property.

Section 3. When a subdivision or unsubdivided property is represented by only one (1) delegate, that delegate will be considered their director. Consequently, the rule for representation for directors will apply for Directors' Meetings and the rule for delegates' representation will apply for Delegates' Conventions.

Section 4. All proxies must be executed in writing by the delegate or the delegate's duly authorized attorney in-fact and may carry instructions as to their use. Proxies shall be presented to the Secretary and their substance noted in the minutes of the meeting.

Section 5. The Secretary shall provide the appropriate proxy form with instructions to be sent with each notice of a meeting.

ARTICLE IX
MEETINGS

Section 1. Regular Directors' Meetings will be held on the second Wednesday of the month, at seven (7) P.M. The place for each meeting will be determined by the officers. The officers will set the agenda. However, any director may place an item on the agenda for consideration at the next meeting.

A quorum of the officers may call a Special Directors' Meeting at any time.

Section 2. The Convention of Delegates will be held on the second Wednesday of September, before the regular September Directors' Meeting.

A quorum of the officers may call a Special Convention meeting at any time.

Section 3. The Secretary shall mail written notification of regular or special Directors' Meetings and regular or special Convention Meetings to all:

Directors
Delegates
Subdivision Secretaries
Owners of Unsubdivided Property

Written notification shall include:

An Agenda
Previous Minutes
Treasurer's Report

Such notification shall be postmarked no later than ten (10) days prior to the meeting unless the agenda includes any of the following items for consideration, in which case, notification shall be postmarked no later than twenty(20) days prior to the meeting:

Mergers
Consolidation
Dissolution or sale, lease or exchange of assets
Granting of lake rights
By-law amendments

Section 4. Order of Business.

The following order of business is intended as a guide to the Directors, Delegates and Officers in planning the agenda for the meetings. A change in the order the items appear on the agenda can be accomplished by a simple majority vote of the officers.

(Revised 9/13/95)

Directors' Meetings

Delegates' Convention

- | | |
|-----------------------------------|-----------------------------------|
| I. Call To Order | I. Call To Order |
| II. Establish Quorum - Roll Call | II. Establish Quorum - Roll Call |
| III. Approval of Previous Minutes | III. Approval of Previous Minutes |
| IV. Treasurer's Report | IV. Annual Budget |
| V. Communications | V. Election of Officers |
| A. Correspondence | VI. Public Comments |
| B. Public Comments | VII. Unfinished Business |
| VI. Committee/Commission Reports | VIII. New Business |
| VII. Unfinished Business | IX. Adjournment |
| VIII. New Business | |
| IX. Adjournment | |

Section 5. All discussion shall be limited to agenda items. Emergency matters may be considered if submitted in writing prior to the commencement of either Directors' or Delegates' Meetings and approved by a three-fourths (3/4) majority vote of the Assembly.

Section 6. A. The President may call emergency Directors' Meetings or emergency Delegates' Conventions on a minimum of one day notice by personal contact or telephone call to each director and/or delegate.

B. If the President is unavailable or refuses to call an emergency Directors' Meeting for any reason, the Vice-President or any other officer with concurrence of one (1) Director may call an emergency Directors' Meeting.

C. If the President is unavailable or refuses to call an emergency Delegates' Convention for any reason, a written request by twenty-five (25) or more delegates shall be sufficient to direct the officers to call an emergency Delegates' Convention.

Section 7. Quorum.

Three (3) officers shall constitute a quorum for all officers' meetings

Fifty (50) percent of all delegates of record and three (3) officers shall constitute a quorum for all Directors' or Delegates' Meetings.

ARTICLE X
DUES

Section 1. The amount of the regular yearly membership dues of the association shall be \$17.00 per lot owners' association lot and \$23.80 for each acre of unsubdivided property.
Revised 9/10/03)

The annual dues will be apportioned in such a manner as to cover the budgeted expenses of the dam and lake fund; general operating fund, mosquito abatement fund, lake renewal fund, contingencies and any additional budgeted expenses approved through the annual budget process outlined in Article V, Section 2.

Section 2. Bills shall be mailed to the subdivisions and to the owners of the unsubdivided properties beginning not later than March 1, 1995 and annually thereafter. Accounts shall not be considered delinquent until three months after billing. In computing the number of lots for the purpose of assessing dues, lots, beaches, and parks owned by the Lot Owners Associations, religious organizations and tax supported public bodies shall be exempt. The M.P.O.A. may increase or decrease dues as provided in Article XII, Section 1., but no increase or decrease shall be valid unless applied to both lots and unsubdivided acreage proportionally.

Section 3. All dues shall be paid to the Secretary of the M.P.O.A.

Section 4. A subdivision or unsubdivided property delinquent in the payment of dues as provided in Section 2 of this article shall not be entitled to vote and shall be so informed of the suspension in writing. The subdivision or unsubdivided property in arrears may, however, regain its original standing by the full and complete payment of all delinquent dues.

Section 5. All monies remaining delinquent shall be charged as a claim of lien against the subdivision or unsubdivided property which is in arrears, and it shall be the duty of the Treasurer and Secretary to institute such legal proceedings as will effectively protect said claim or lien of the M.P.O.A. against the subdivision or unsubdivided property and insure the collection of the delinquent dues. Any and all costs incurred in preparing and filing such claims or liens shall be added to the sum total of the dues and paid by the assessed before reinstatement.

Section 6. As a condition of membership in the M.P.O.A, any new subdivision and each present member subdivision within one year from the passage of these amended by-laws shall submit evidence to the M.P.O.A.:

1. That the subdivision is authorized pursuant to its by-laws to take legal action against any of the individual property owners, including the filing of a lien and/or small claims suit on the property, to enforce the collection of delinquent dues owed to the M.P.O.A.;
2. That the subdivision will enforce its rights to collect such delinquent dues for the benefit of the M.P.O.A.; or
3. That, in the alternative, the subdivision will pay the M.P.O.A. any and all delinquent dues of its members.

ARTICLE XI
GENERAL
ARTICLE XI
(Revised 2/8/06)
**LAKE RIGHTS, REGULATIONS FOR LAKE USE, AND
ISSUANCE OF FUTURE REGULATIONS**

Section 1. LAKE RIGHTS.

- A. Lake rights may be granted by the M.P.O.A. provided that the individual or entity requesting such a grant shall, at a minimum, document to the satisfaction of the M.P.O.A. that the property for which lake rights is requested shows a clear and certain means of access to the lake.
- B. Before lake rights can be granted or any real property belonging to the M.P.O.A. conveyed or otherwise disposed of or dedicated to the public, a Convention of Delegates must approve the proposed action by a 2/3 majority vote of the assembly.

Section 2. REGULATIONS FOR LAKE USE.

- A. Hunting and Shooting. No person shall be permitted to hunt or shoot on the waters of Wonder Lake, or on the property owned by the M.P.O.A., unless he or she has obtained a permit from the M.P.O.A. Conservation Commission, or is accompanied by a person who has a permit. The permit may be issued only to a person who has lake rights. The applicant must agree in writing to:
 - 1) Comply with all State and Federal regulations as well as all flowage agreements.
 - 2) Indemnify, hold harmless, and defend the M.P.O.A. and the owners of land overflowed by waters of Wonder Lake, as evidenced by a copy of the certificate of insurance showing such coverage.
 - 3) The holder of the permit shall be responsible for the acts of his/her guests or his/her family who may accompany him/her.
 - 4) In the event a person fails to comply with any of the above regulations, the permit shall be revoked.
- B. Duck Blinds. No person shall be permitted to build a duck blind on the waters of Wonder Lake, unless he or she has obtained a permit from the M.P.O.A. Conservation Commission. The permit may be issued only to a person who has lake rights. The applicant must agree in writing to:
 - 1) Comply with all State, Federal and applicable local regulations as well as all flowage agreements.
 - 2) Remove or cause to be removed all floating duck blinds within two weeks after the close of the duck hunting season.

- 3) Indemnify, hold harmless, and defend the M.P.O.A. and the owners of land overflowed by the waters of Wonder Lake as evidenced by a copy of the certificate of insurance showing such coverage.
- 4) The holder of the permit shall be responsible for the acts of his/her guests or his/her family who may use the blind.
- 5) In the event a person fails to comply with the above regulations, the permit shall be revoked.

C. **Registration Decals.** The following regulations apply to the issuance of decals and to those persons receiving decals.

- 1) M.P.O.A. registration decals are issued annually and are required to be affixed to all vehicles placed on and used in the waters of Wonder Lake, irrespective of size or propulsion.
- 2) Registration decals may be obtained at the M.P.O.A. office or by mail. (Revised 9/10/03.)
- 3) The M.P.O.A. decal shall be placed on the right (starboard) side of the vehicle windshield. If there is no windshield, the decal shall be affixed on the right (starboard) side of the hull, but not next to or near the Illinois Registration numbers or State sticker.
- 4) M.P.O.A. recreational Guest decals may be issued by member subdivisions and unsubdivided property owners to members of their respective subdivision or to owners of their respective unsubdivided property, who expect their guests to temporarily place a recreational vehicle on the waters of Wonder Lake for a period not to exceed 72 consecutive hours. (Revised 9/13/95.)

Members who are issued a Guest decal shall be responsible for the acts of their guest.

- 5) All subdivisions and owners of unsubdivided property are required to provide the M.P.O.A. office with an annual report by November 1st of each year, of the recreational Guest decals issued. (Revised 9/10/03.)

D. **Use of Aircraft.** The use of aircraft in and on Wonder Lake is prohibited except in case of proven emergency as authorized by the M.P.O.A. through its Directors.

The landing, take off and mooring of aircraft on Wonder Lake in violation of the prohibition shall subject the owner/operator to a fine of \$1,000.00 for each separate offense, to be construed as each unpermitted use of the seaplane and each day the seaplane is moored in violation of the prohibition except where the M.P.O.A. through its Directors has authorized the emergency use and mooring of the seaplane. The determination that a violation has occurred shall be made by the Directors.

ARTICLE XII
BY-LAW AMENDMENTS

Section 1. These By-Laws may be amended at any regular or special Delegates' Convention by a two-thirds (2/3) majority vote of the assembly.

Section 2. The Secretary shall mail copies of the proposed By-Law amendments to all delegates, subdivision secretaries and owners of unsubdivided property. Such notification shall be postmarked no later than twenty (20) days prior to the convention at which the amendment(s) will be considered.

(Revised 9/11/96)

ARTICLE XIII
LEGAL SERVICES

If at any time the officers determine that it is necessary to employ professional legal services to enforce any of the provisions of these By-Laws, the Member against whom any such action is necessary shall be held liable for payment of all attorney's fees, as well as any damages, M.P.O.A. late charges, liens, and court costs.

ARTICLE XIV

All other rights and powers of the Corporation and of its Officers and Directors shall be governed by the Illinois Statute known as the "General Not for Profit Corporation Act" (805 ILCS 105/101.01 et seq) effective January 1, 1987 and any revision thereof or amendments thereto.

ARTICLE XV

The Temporary Constitution and By-Laws previously adopted on October 3, 1965 are hereby repealed.

ARTICLE XVI

The prior By-Laws adopted and became effective on January 30, 1966 with amendments added May 6, 1966 and July 15, 1966, and ratified unanimously at first Convention of Delegates on August 28, 1966, and updated as of January 31, 1981, September 14, 1994, September 13, 1995, September 11, 1996, September 13, 2000, April 24, 2002, September 10, 2003, and February 8, 2006.

ARTICLE XVII

Roberts Rules of Order shall apply in all instances where these By-Laws do not specifically apply.