

**BY-LAWS  
OF THE  
FORT WEST OWNERS ASSOCIATION  
Amended: July 19, 2020**

**ARTICLE I  
NAME AND LOCATION**

The name of the corporation is Fort West Owners Association, hereinafter referred to as the "Association", as established by the CORPORATE CHARTER of FORT WEST OWNERS ASSOCIATION, dated February 18, 1989 (Attachment A). The principal office of the corporation becomes the home address of the current association President and the mailing address is P. O. Box 22176, Knoxville, Tennessee 37933. The meetings of members and directors may be held at such places within the State of Tennessee, County of Knox, as may be designated by the Board of Directors. The web site is [www.fortwest.net](http://www.fortwest.net)

**ARTICLE II  
DEFINITIONS**

Section 1. "Association" shall mean and refer to Fort West Owners Association, its successors and assigns.

Section 2. "Properties" shall mean and refer to that certain real property described in the CORRECTED DECLARATION of RESTRICTIONS FORT WEST SUBDIVISION, UNIT FOUR, and all previous UNITS (Attachment B - E), and such additions thereto as may hereafter be brought within the jurisdiction of the Association, including the Swimming Pool and appurtenant facilities.

Section 3. "Common Area" shall mean and refer to all real property owned by the Association for the common use and enjoyment of the Owners as set out herein. Rules concerning use of the "Common Area" are outlined in Rules and Regulations Governing the Use of FWOA Common Areas (Attachment G)

Section 4. "Lot" shall mean and refer to any plot of land shown upon any recorded subdivision map of the Properties with the exception of the common area.

Section 5. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any Lot which is a part of the Properties, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

Section 6. "Declaration" shall mean and refer to the CORRECTED DECLARATION of RESTRICTIONS FORT WEST SUBDIVISION, UNIT FOUR, and all previous UNITS (Attachment B-E), and any amendments, applicable to the Properties recorded in the Register's Office for Knox County, Tennessee.

Section 7. "Charter" shall mean and refer to the Corporate Charter of Fort West Owners Association, dated February 18, 1989 (Attachment A).

Section 8. "Member" shall mean and refer to those persons who qualify for membership as provided in the Charter, and whose rights are more particularly set out in Article IV hereof. "General Member" or "General Membership" shall mean and refer to all of the Class A members of the Association. General Membership spans the Association fiscal year. "Pool Member" or "Pool Membership" shall mean and refer to General Members who also pay the annual Pool Assessment for the pool operation and maintenance. Pool Membership runs from the start of the prior pool season until the next pool season.

Section 9. "General Assessment" shall mean and refer to the annual assessment made upon all Members, which assessment and its funds are used for general Association purposes unrelated to the operation and/or maintenance of the pool.

Section 10. "Pool Assessment" shall mean and refer to the annual assessment made upon all Pool Members for the annual operation and maintenance of the pool.

Section 11. "Pool Season" shall refer to that Period of time during which the Association pool is open for use by the Pool Members, which period generally runs from May through early September of each calendar year.

Section 12. "Operation and maintenance of the pool" shall mean and refer to acts necessary and/or incident to operating and maintaining the Association pool, for swimming purposes during the Pool Season, including, but not limited to:

- securing/protecting the Association pool during the non-pool season,
- maintaining and keeping in effect a hazard/liability policy insuring the Association in regards to the pool,
- paying any mortgage, note, or other loan owed by the Association for the pool, the paved parking lot adjoining the pool, and any other pool-related purchase or indebtedness.

Section 13. "Architectural Planning Control Committee" will be the committee to review and approve or disapprove all construction activities within the subdivision, in accordance with:

- the DECLARATION of RESTRICTIONS FORT WEST SUBDIVISION, UNIT FOUR, and all previous UNITS (Attachment B-E) , and any amendments, applicable to the Properties recorded in the Registrar's Office for Knox County, Tennessee,
- the Clarification of Restrictions, dated February 3, 2003 (Attachment F) and
- the Town of Farragut GENERAL SINGLE-FAMILY RESIDENTIAL DISTRICT (R-2) (Attachment I).

All applications are to be submitted to the "Architectural Planning Control Committee", using the FWOA form Application for Building and/or Placing Structures (Attachment K).

Section 14. "Community Standards" shall refer to the conduct of Owners and their families within the confines of Fort West Subdivision, as defined in the Rules and Regulations for Maintaining a Safe, Well-Maintained Community (Attachment H).

Section 15. "Frequently Asked Questions" are intended to answer the most frequently asked questions and to provide a FWOA quick reference (Attachment K).

### **ARTICLE III MEETING OF MEMBERS**

Section 1. Annual Meeting, General Membership. The annual meeting of the General Membership, shall be held in the late spring or early summer as approved by the Board with notice provided as specified in Section 4.

Section 2. Annual Meetings, Pool Membership. The annual meeting of the Pool Membership shall be held immediately following the conclusion of the annual meeting of the General Membership.

Section 3. Special Meetings. Special meetings of the General Membership may be called at any time by the President or by the Board of Directors, or upon written request of the Members who are entitled to vote 1/4th of all the votes of the General Membership. Special meetings of the Pool Membership may be called at any time by the President, the Board of Directors, the Pool Manager, or upon written request of the Members who are entitled to vote 1/4th of all the votes of the Pool Membership.

Section 4. Notice of Meetings. Notice of each meeting of the Members (whether General or Pool Member) shall be given by, or at the direction of, the secretary or person authorized to call the meeting, by (1) mailing a copy of such notice, (postage prepaid) (2) hand-delivery, or (3) electronic mail; at least 15 days before such meeting to each Member entitled to vote of the meeting. Notice can be addressed or hand-delivered to the Member's mailing address or to the electronic 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 case of a special meeting, the purpose of the meeting. Proxy forms may be included in the notice of meeting to remind Members they have this option if unable to attend.

Section 5. Quorum. The presence (in person or by proxy) at the meeting of the Members (whether General Members or only Pool Members) entitled to vote, of 1/10th of the membership thereof shall constitute a quorum for any action except as otherwise provided in the Charter, the Declaration or these By-Laws. If, however, such quorum shall not be present or represented at any meeting, the Members entitled to vote thereat shall have power to adjourn the meeting without notice other than announcement at the meeting, until a quorum as aforesaid shall be present or be represented.

Section 6. Proxies. At all meetings of Members, each Member may vote in person or by proxy. All proxies shall be in writing and filed with the Secretary prior to the time set for the meeting for which a proxy is being submitted. Every proxy shall be recoverable and shall automatically cease upon conveyance by the Member of his lot.

#### **ARTICLE IV MEMBERSHIP**

Section 1. Every person who is the owner and/or resident lessee of a fee or undivided fee interest in any lot in the subdivision and who occupies a dwelling house on the same as his/her principle residence shall be eligible for Membership in the Association, as set out hereinafter, provided that any such person or entity who holds such interest merely as security for the performance of an obligation or who is a religious organization, association, or a corporation shall not be a Member. Membership may be held jointly by the owners and/or resident lessees of any lot in the subdivision, but such owners and/or lessees shall be entitled to only one vote.

Section 2. General Members shall be all owners, as deigned above, who pay and are current in payment of the annual General Assessment of the Association. All General Members shall be entitled to vote in all Association matters except those related to the operation and/or maintenance of the pool; however, all General Members shall be entitled to vote on matters directly related to obtaining, refinancing, or repayment of any Association indebtedness related to the pool and/or adjoining paved parking lot.

Section 3. Pool Members shall be all General Members, as deigned above, who first pay and are current in payment of the General Assessments of the Association and also pay and are current in the annual Pool Assessments of the Association. Pool Members shall be entitled to vote in all Association matters and in all matters related to the operation and/or maintenance of the pool.

Section 4. NOTE: This section pertaining to Pool Associate Memberships was removed following a motion, second and unanimous vote of members at the July 19, 2020 FWOA Annual Meeting. It was in agreement with the Pool Manager and Treasurer.

#### **ARTICLE V BOARD OF DIRECTORS: SELECTION: TERM OF OFFICE**

Section 1. Number. The affairs of this Association shall be managed by a Board of not less than 5 nor more than 9 directors as approved from time-to-time by the Board of Directors, with at least 2 being Pool Members.

Section 2. Term of Office. At the first annual meeting the Members shall elect three (3) directors for a term of one year. Members shall elect directors during the Annual Meeting to serve for an initial term of one year (until the next annual meeting) which may be extended each year at the next annual meeting.

Section 3. Removal. Any director or Permanent Committee Chair may be removed from their position, with or without cause, by a majority vote of the Members at any annual or special meeting. In the event of death, resignation or removal of a director, his/her successor shall be selected by the remaining members of the Board and shall serve for the un-expired term of his predecessor.

Section 4. Compensation. No director shall receive compensation for any service he/she may render to the Association. However, any director may be reimbursed for his/her actual expenses incurred in the performance of his/her duties.

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 written approval of all the directors. In addition, a majority of directors shall have the right to approve action between meetings as long as the action is subsequently approved by a majority vote at the next Board meeting. Any action so approved shall have the same effect as though taken at a meeting of the directors.

## **ARTICLE VI**

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

Section 1. Nomination. Nomination for election to the Board of Directors shall be made by a Nominating Committee. Nominations may also be made from the floor at the annual meeting. The Nominating Committee shall consist of a Chairman, who shall be a member of the Board of Directors, and one or more General members and one or more Pool members. The Nominating Committee shall be appointed by the Board of Directors prior to each annual meeting.

Section 2. Election to the Board of Directors shall be by secret ballot or voice vote. A voice vote may be used only if there is no objections by any Member or proxy holder. At such election the members or their proxies may cast, in respect to each vacancy, as many votes as they are entitled to exercise. The largest number of votes shall be elected. Cumulative voting is not permitted.

## **ARTICLE VII**

### **MEETINGS OF BOARD OF DIRECTORS**

Section 1. Regular Meetings. Regular Meetings of the Board of Directors should normally be held 4 times per year, without notice, 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 two directors, after not less than three (3) days notice to each director.

Section 3. Quorum. A simple 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 VIII**

### **POWER 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 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 Charter [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

e) employ a manager, an independent contractor, or such other employees as they deem necessary, and to prescribe their duties.

Section 2. 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 at the annual meeting of the members, or at any special meeting when such statement is requested in writing by 1/4 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 and when more fully provided in the Declaration and any Amendments, to:

1) fix the amount of the annual General Assessment for General Members and the annual Pool Assessment for Pool members at least 30 days in advance of each annual assessment.

2) send written notice of each assessment to every owner subject thereto at least 30 days in advance of each annual assessment period.

3) foreclose the lien against any property for which assessments are to paid within 30 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 for the issuance of these certificates. If a certificate states an assessment has been paid, such certificates 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 having fiscal responsibilities to be bonded, as it may deem appropriate

g) cause the common area to be maintained

h) cause the exterior of the dwellings to be maintained

i) cause the pool and surrounding area to be maintained and/or secured.

## **ARTICLE IX OFFICERS AND THEIR DUTIES**

Section 1. Enumeration of Offices. The identified officers of this Association are a President, Vice-President, Secretary, General Treasurer, Pool Treasurer, and such other officers as the Board may from time to time by resolution create. The President, Secretary, and General Treasurer shall at all times be members of the Board of Directors. Additionally, an elected Pool Manager is a permanent Committee Chair position that may also choose to be a director.

Section 2. Election of Officers. The election of the officers, except the Pool Treasurer and the Pool Manager, 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 except the Pool Treasurer and Pool Manager, shall be elected annually by the Board and each shall hold office for one (1) year unless he/she 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/she replaces.

Section 7. Pool Treasurer and Pool Manager. The Pool Treasurer and the Pool Manager shall each be elected by a majority of the attending (in person or by proxy) Pool Members at the annual meeting of the Pool Membership with each to serve a term of one (1) year (from the annual meeting at which he/she is elected to the next annual meeting), unless he/she shall sooner resign or shall be removed, or otherwise disqualify to serve. The Pool Treasurer and Pool Manager cannot be the same person. The Pool Treasurer and the Pool Manager may resign at any time giving written notice to the Board, the President, or the Secretary. The vacancy created by any such resignation shall be filled by the Board as set out in Section 6 herein above.

Section 8. Multiple Offices. The offices of Secretary and General Treasurer may be held by the same person. If not already acting as both the Secretary and Treasurer, the Secretary may perform the duties of the Vice President if the position of Vice-President is not currently filled. If so elected at the annual Pool Membership meeting, the Pool Treasurer may be the same person as the General Treasurer. 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 9. Duties. The duties of the officers are as follows:

#### **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 promissory notes.

#### **Vice-President**

If approved by the Board, a vice-president may also be elected (or appointed if a vacancy occurs.). If the vice-president position is vacant, the Secretary may exercise the duties of the vice-president. Vice-President shall act in the place and stead of the President in the event of his/her absence, inability or refusal to act, and shall exercise and discharge such other duties as may be required of him/her by the Board.

#### **General Treasurer**

The General Treasurer shall receive and deposit in appropriate bank accounts (which shall be separate from the bank accounts maintained by the Pool Treasurer) all monies of the Association which are not derived from the Pool assessment paid by Pool Members and shall disburse such funds as directed by resolution of the Board of Directors; shall act as Contracting Officer for all Association contracts; shall sign all checks and promissory notes of the Association; keep proper books of account; present an annual summary of the Association books for approval to the Board; and shall prepare an annual budget and a statement of income and expenditures to be presented to the membership at its regular annual meeting.

#### **Pool Treasurer**

The Pool Treasurer Shall receive and deposit in appropriate bank accounts (which shall be separate from the bank accounts maintained by the General Treasurer) all monies of the Association which are derived from the Pool Assessment paid by Pool Members; disburse funds as directed by resolution of the Board of Directors for payment of any and all mortgage/note/indebtedness owed by the Association for the pool and parking lot, the general operation and maintenance of the pool (including salary, wages, and/or benefits of all lifeguards or other personnel hired to work at the pool for any reason), hazard/liability insurance, and all other such expenses as may arise in connection with the maintenance and operation of the pool; shall sign all checks, keep proper books of account; present an annual summary of the Pool accounts

for approval to the Board; and shall prepare an annual budget and a statement of income and expenditures related solely to the pool to be presented to the Pool Membership at its regular annual meeting.

#### **Secretary**

The Secretary shall record the votes and keep the minutes of all meetings and proceedings of the Board and of the Members; serve notice of meetings of the Board and of the Members; keep appropriate current records showing the Members of the Association together with their address, and shall perform such other duties as required by the Board.

#### **Pool Manager**

The Pool Manager shall be responsible for supervising the overall maintenance and operation of the pool and appurtenant facilities; the hiring and termination (by whatever means or for whatever purposes) of all persons who perform any work at and/or to the pool (including life guard(s), maintenance personnel, or otherwise); securing/protecting the pool during the non-pool season; assisting in determining the annual cost of operating and maintaining the pool and the amount of annual assessments to be made upon Pool Members who desire to use the pool during the pool season; developing and recommending to the Pool Membership rules and regulations applicable to all persons who use the pool; enforcing the rules and regulations (related to the use of the pool) approved by the Pool Membership; and taking whatever other action is necessary to operate, maintain, and/or secure the pool.

### **ARTICLE X**

#### **COMMITTEES**

The Pool Committee consists of the Pool Manager and Pool Treasurer and additional members as selected by the Pool Manager who is the elected committee chair. The Association shall appoint an Architectural Planning Control Committee (hereafter called the Planning Committee), as provided in the Declaration, and a Nominating Committee, as provided in these By-Laws. In the absence of a formally appointed Planning Committee and/or Nominating Committee, the entirety of the Board of Directors is empowered to act as either/both committees. In addition, the Board of Directors shall appoint other committees as deemed appropriate in carrying out its purpose.

#### **Committee Chairs**

In addition to the committees identified above, suggested committees are:

- 1) Landscaping Chair (responsible for landscaping, special projects, and Yard of the Month)
- 2) Neighborhood Chair (responsible for membership recruitment & activities and neighborhood watch)
- 3) Special Projects (responsible for developing individually deigned projects).

Committees will be led by Committee Chairs. Committee Chairs may also be elected or appointed as directors.

### **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.

A full set of the Declarations of Restrictions, FWOA Charter, FWOA Amended By-Laws, and Town of Farragut General Regulations R-2 shall be available for inspection by any member or can be obtained from the FWOA Board of Directors, by purchasing at a reasonable cost.

Past FWOA Minutes can be obtained from the FWOA Secretary. Note: It is each member's responsibility to obtain the appropriate FWOA approval, as well as any necessary building permits, etc. when working with the Town of Farragut on your home projects, etc.

A Full set of current Town Regulations, requirements, permits, and contact information may also be obtained at [www.townoffarragut.org](http://www.townoffarragut.org).

## **ARTICLE XII ASSESSMENT**

As per Article VIII, The Board of Directors will yearly review the General Assessment and determine if a change is required and notify the membership.

If a member sells his/her home during the year, after the annual assessment is paid, the assessment shall transfer to the new members/owners for the balance of the paid assessment period.

As or when provided in the Declaration as amended, General Member and Pool Member is obligated to pay to the Association annual general 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. If the assessment is not paid within 30 days after the due date, the assessment shall bear interest from the date of delinquency at the Rate of 6% 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, and interest, costs and reasonable attorney's fees of any such action shall be added to the amount of such assessments. No owner may waive or otherwise escape liability for the assessments provided for herein by non-use of the common area or abandonment of his lot.

## **ARTICLE XIII AMENDMENTS**

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

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

## **ARTICLE XIV MISCELLANEOUS**



The fiscal year of the Association shall begin on the first day of January and end on the 31<sup>st</sup> day of December of every year.

#### **List of Attachments**

- A. CORPORATE CHARTER of FORT WEST OWNERS ASSOCIATION, dated February 18, 1989
- B. DECLARATION of RESTRICTIONS FORT WEST SUBDIVISION, UNIT ONE, dated April 23, 1987
- C. DECLARATION of RESTRICTIONS FORT WEST SUBDIVISION, UNIT TWO, dated April 1, 1988
- D. DECLARATION of RESTRICTIONS FORT WEST SUBDIVISION, UNIT THREE, dated December 6, 1988
- E. CORRECTED DECLARATION of RESTRICTIONS FORT WEST SUBDIVISION, UNIT FOUR, dated August 20, 1990
- F. Clarification of Restrictions, dated February 3, 2003, by FWOA
- G. Rules and Regulations Governing the Use of FWOA Common Areas, dated October 1996, by FWOA
- H. Rules and Regulations for Maintaining a Safe, Well-Maintained Community, dated February 3, 2003, by FWOA
- I. GENERAL SINGLE-FAMILY RESIDENTIAL DISTRICT (R-2), as of March 3, 2004, from Town of Farragut
- J. Application for Building and/or Placing Structures, dated March, 2004 by FWOA
- K. FWOA FAQs