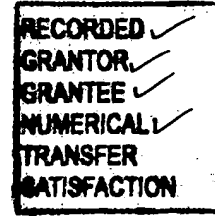


DECLARATION AND ARTICLES OF  
BUCKHORN ESTATES  
HOMEOWNERS ASSOCIATION



This declaration of articles is made by the owners of the following described lands:

LOTS 1 THROUGH 8 OF BUCKHORN ESTATES

A SUBDIVISION OF THE NE1/4, SE1/4NW1/4, AND TRACT WD60. LYING IN THE NE1/4 AND THE SE1/4NW1/4 OF SECTION 28, TOWNSHIP 8 NORTH, RANGE 1 EAST, BLACK HILLS MERIDIAN, BUTTE COUNTY, SOUTH DAKOTA

I. NAME AND DURATION

The name of the Association is the Buckhorn Estates Homeowners Association. The duration shall be perpetual subject to subsequent provisions hereof.

II. AGENT AND OFFICE

The chairperson of the Buckhorn Estates Homeowners Association shall serve as the initial agent of the Association. The duly elected Secretary of the Association shall thereafter serve as the agent of the Association for service of process.

III. PURPOSE

In amplification of the purposes for which the Association has been formed are as follows:

- A. To care for Buckhorn Estates Subdivision roads, common areas and the maintenance of the easements which now exist for all persons, firms, and entities owning property which borders the easements upon or adjacent to the described lands.
- B. To assist the owners in maintaining in good condition all roads, common areas and easements now existing or that hereafter shall exist in the subject tracts and lands.
- C. To assist in the enforcement of any and all Covenants and Conditions appurtenant to the subdivision as expressed in any recorded legal document, if so requested by at least 75% of all lot owners of the subdivision.
- D. This Association shall not engage in political activity or pursue purposes of any kind or character.



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Julie Brunner Register of Deeds  
Butte County, South Dakota

#### IV. MEMBERS

A. Class of Members. The Association shall have one class of members. The qualifications and rights shall be as follows:

1. Every beneficial owner, as distinguished from a security owner, of a described lot or tract, or any assignee (including renter) thereof, shall be a member. In constructing the provisions of these Articles, "beneficial owner" is defined to include any owner of a lot or tract which directly or indirectly has a derived title from any of the named owners herein, including the named owners herein.
2. Each lot and tract of land described herein is subject to these Articles immediately and upon transfer of ownership to any other person or entity, whether by deed or otherwise, and shall remain subject to these Articles unless reverting back to owner, whether by foreclosure or otherwise. A person who becomes a beneficial owner by purchase from current owner becomes a member upon recordation of the deed or contract for deed, and shall then assuming no initial membership fee has previously been paid for said lot or tract, pay his/her initial membership fee in accordance with paragraph VIII. (A)
3. Membership requires the member to comply with and be bound by these Articles and amendments, and the policies, rules, and regulations at any time adopted by the Association in accordance herewith.
4. Membership runs with and is appurtenant to each described tract or lot owned by a beneficial owner. Each tract or lot owned by a beneficial owner bestows a membership upon that person. A person may possess more than one membership, and a beneficial owner will have as many memberships as the number of described tracts or lots owned.
5. Purchasers deriving ownership from an Association member shall acquire and succeed to his predecessor's rights, duties, privileges and liabilities in and to this Association.

B. Voting Rights.

1. At membership meetings all votes shall be cast in person or by proxy registered with the Secretary. Proxies may be registered by mail prior to any meeting or by presentation to the Secretary at the meeting.
2. The Board of Directors is authorized to establish regulations providing for voting by mail.
3. Each member in good standing shall be entitled to vote on each matter submitted to a vote of the members, provided however, that each member shall be the sole beneficial owner of a lot or tract. Where a lot or tract has two or more owners or renters, only one vote for such property shall be allowed, and such co-owners or co-renters shall designate and register with the Secretary of the Association the name of the owner or renter entitled to cast such vote

4. A member shall have one vote for each membership owned and for which dues are paid current, except, however:
  - a. If the owner has rented the lot or tract to another who is residing thereon, the resident renter shall have the right to vote for that lot or tract.
  - b. Where a lot or tract has more than one individual structure upon it which is used as a residence, the member shall have one vote for each residence. Accordingly, a member may have more votes than memberships. However, no member shall ever have more votes than the number of dues being paid.

## V. MEETINGS OF MEMBERS

- A. Annual Meeting. An annual meeting of the members shall be held for the purpose of hearing reports from all officers and standing committees and for electing directors. The time and place shall be fixed by the directors not later than one month prior to meeting. Members will be notified by mail not less than two weeks prior to the time set for the meeting.
- B. Regular Meetings. In addition to the annual meetings, regular meetings of members shall be had at such time and place as shall be determined by the Board of Directors.
- C. Special Meetings. A special meeting of the members may be called by the Board of Directors. A special meeting of the members must be called within 14 days by the President, or the Board of Directors, if requested by not less than fifty one percent (51%) of the members having voting rights.
- D. Notice of Meetings. Except as may otherwise appear herein, written notice stating the place, day, and hour of any meeting shall be delivered either personally or by mail to each member entitled to vote at such meeting, not less than 10 days before the date of such meeting or at the direction of the Secretary.
- E. Quorum. The members holding fifty one percent (51%) of the votes that may be cast at any meeting shall constitute a quorum at any meeting of the members. In the absence of a quorum, a majority of the members present may adjourn the meeting from time to time without further notice.
- F. Proxies. At any meeting of the members, a member entitled to vote may vote by proxy executed in writing by the member. A member forfeits no rights by appearing by proxy instead of in person. No proxy shall be valid after two months from the date of its execution, unless otherwise provided in the proxy. There is no limit to the maximum number of members who may be represented by proxy at any meeting or upon any vote.
- G. Voting by Mail. Where directors or officers are to be elected by members or where there is an act requiring the vote of the members, such election or vote on such proposed action may be conducted by mail in such manner as the Board of Directors

shall determine.

## VI. BOARD OF DIRECTORS

- A. **General Powers.** The affairs of the Association shall be managed by the Board of Directors, subject to instructions of the members of the Association at a regular meeting, or subject to the approval of the membership expressed by a vote of the membership.
- B. **Number, Tenure, and Qualifications.** The Board shall consist of five, (5) directors. Each director must be a member of the Association. The terms of office shall, except for the initial Board, be three years. The initial Board shall consist of one director with a one year term, one director with a two year term and one director with a term of three years. The determination shall be by lot.
- C. **Regular Meetings.** The board of directors shall meet regularly at least quarterly at a time and place it shall select.
- D. **Special Meetings.** A special meeting of the Board of Directors may be called by or at the request of the President or of any two directors.
- E. **Notices.** Notice of any special meeting of the Board of Directors shall be given by the Secretary at least five days prior to such meeting, by written notice delivered personally or sent by telephone facsimile (fax) equipment, or sent by mail to each director. Any director may waive notice of any meeting. Presence at the meeting constitutes waiver of notice.
- F. **Quorum.** A majority of the Board of Directors shall constitute a quorum for the transaction of business at any meeting of the Board. A majority of the directors present may adjourn the meeting from time to time, and without further notice, if less than a majority of the directors are present.
- G. **Manner of Acting.** The act of majority of the directors present at the meeting at which a quorum is present shall be the act of the Board of Directors, unless the act of a greater number is required by law or by these Articles.
- H. **Vacancies.** Any vacancy occurring in the Board of Directors, and any directorship to be filled by reason of the increase in the number of directors shall be filled by election by the Board of Directors. A director elected to fill a vacancy shall be elected for the unexpired term of his or her predecessor in office.
- I. **Wage or Salary.** No director or officer shall be paid a wage or salary, but shall be entitled to reimbursement of all necessary costs and expenses incurred on the Association's behalf upon presentation of receipts to the Association's treasurer.

## VII. OFFICERS

- A. **Officers.** The officers of the Association shall be a president, a vice president, a secretary and a treasurer.

- B. President. The president shall preside at all meetings of the Association and of the Board of Directors at which he or she is present, shall exercise general supervision of the affairs and activities of the Association and shall serve as a member ex-officio of all standing committees.
- C. Vice-President. The vice-president shall assume the duties of the president during the president's absence.
- D. Secretary. The secretary shall keep the minutes of all of the meetings of the Association and of the Board of Directors, which shall be an accurate and official record of all business transacted. The secretary shall be custodian of all Association records.
- E. Treasurer. The treasurer shall receive all Association funds, keep them in a bank or other savings institution approved by the Board of Directors, and pay out funds only on notice signed by the treasurer and by one other officer.
- F. Vacancies. A vacancy in any office because of death, resignation, removal, disqualification, or otherwise, may be filled by appointment by the Board of Directors for the unexpired portion of the term.
- G. Wage or Salary. No officer shall be paid a wage or salary, but shall be entitled to reimbursement of all necessary costs and expenses incurred on the Association's behalf upon presentation of receipts or vouchers to the Association's treasurer.
- H. One person may hold more than one (1) office at any given time.

#### VIII. FEES, DUES, AND ASSESSMENTS

- A. Initial Membership Fee. Record ownership of a lot, before or after resubdivision, without payment of an admission fee, shall establish the owner as a member of the Association. The initial membership fee shall be due and payable as soon as the equitable or legal title is recorded. Initial membership fee and dues shall be paid for each additional tract or lot and shall be due and payable upon recording title or a contract for deed or short form thereof.

B. Annual Dues. The annual dues shall be as follows:

1. A member who owns one improved lot or tract shall pay one dues of four hundred dollars (\$400.00).
  - a. A member who owns more than one improved lot or tract shall pay one dues of four hundred dollars (\$400.00) per lot or tract.
2. A member who owns unimproved lots or tracts shall pay dues as follows:
  - a. One unimproved lot or tract one hundred dollars (\$100.00).
  - b. Two unimproved lots or tracts fifty dollars (\$50.00) for each lot or tract for a total of one hundred dollars (\$100.00).
  - c. Three or more unimproved lots or tracts thirty dollars (\$30.00) for each lot or tract for a total as follows:
    - 3 lots or tracts ninety dollars (90.00).
    - 4 lots or tracts one hundred twenty dollars (\$120.00).
    - 5 lots or tracts one hundred fifty dollars (\$150.00).

C. Dues Change. Annual dues are subject to being lowered by a majority of the directors. However, the directors may not increase or otherwise modify the obligation to pay dues without approval of two-thirds of the votes entitled to be cast by members present or represented by proxy at a membership meeting called for that purpose.

D. Special Assessments. Special assessment may be levied on members of this association only by a vote of two-thirds of the votes entitled to be cast by members present or represented by proxy at a meeting noticed for such purpose. The procedure for voting on proposed assessments shall be the same as the procedure provided in these Articles for voting on amendments to these Articles.

E. Default in Payment of Dues or Assessments

1. When any member shall be in default in the payment of dues or assessments for a period of thirty (30) days from the date on which such dues or assessments become payable, he or she shall, for purpose of voting, not be considered as a member in good standing. In addition, such member shall be dropped from active membership and placed on the inactive list. Such member shall not be reinstated until he or she has paid dues and assessments in full, and until such time as such member is reinstated, he or she shall have no rights of any kind arising out of membership.
2. In addition to the foregoing, if any member fails to pay his dues or assessments as they become due, on the failure of payment of the dues or assessments after ten (10) days' written notice of such delinquency given by the Association to such member, the amount of the dues or assessments and all future dues or assessments as they become due shall become a lien on such member's lot or tract in favor of the Association, and the Association shall have the right to record a notice of claim of lien, and proceed on such claim in accordance with the provisions of South Dakota law for the foreclosure and enforcement of liens: or,

in the event the Association shall not record a lien, it shall have the right to commence an in personal action against such member for the collection of the dues or assessments in any court of competent jurisdiction.

3. Assignment of Dues. In the event any member whose dues are paid shall, during the year in which such dues are paid, terminate his membership by sale of his lot or tract, the dues paid in advance are automatically deemed assigned to the buyer. Any such buyer acquires the benefit of such paid up dues upon recordation of the transfer of title.

#### IX. FISCAL YEAR

The fiscal year of the Association shall be the calendar year.

#### X. AMENDMENTS

Any proposed amendment to these Articles must be submitted in writing at any meeting of the members. Any proposed amendment shall be discussed at the meeting of the members following the meeting at which the proposed amendment was submitted, and shall be voted on by the members at the date that shall not be earlier than the second meeting following the initial submission of the proposed amendment. Such proposed amendment must be signed by three members, and shall be read to the meeting by the secretary, and shall be printed on ballots distributed to all members by mail or in person.

A proposed amendment shall become effective when approved by a vote of two thirds of the votes entitled to be cast by members present or represented by proxy at a meeting noticed for such purpose.

The undersigned Officers and directors and Members acknowledge they have read the above document entitled:

Prepared by:  
Elaina Parker, President  
Santa Maria Land & Cattle Corp.  
10151 SD Highway 34  
Belle Fourche, SD 57717  
(707) 499-5575

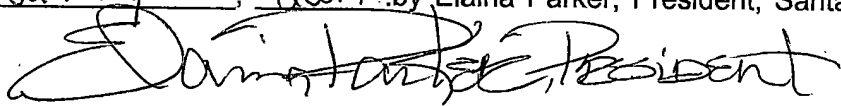
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IN WITNESS WHEREOF, the parties have executed this DECLARATION AND ARTICLES OF BUCKHORN ESTATES HOMEOWNERS ASSOCIATION effective as of the day and year first above written.

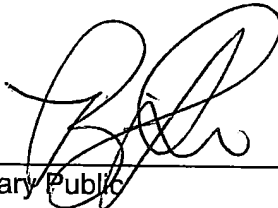
STATE OF California )  
  ) ) ss.  
COUNTY OF Humboldt )

The foregoing Covenant, Conditions, Restrictions, and Reservations for Robinson Subdivision, Butte County, South Dakota was acknowledged before me on

this 23rd day of January, 2024 by Elaina Parker, President, Santa Maria Land & Cattle Corp.



WITNESS my hand and official seal.

  
\_\_\_\_\_  
Notary Public

My commission expires: 8-30-2026