

A Bylaw, to be included in the Moon Shadows On Rush Lake Condominium Association Bylaws for the purpose of accruing and securing a fund to be applied to the eventual necessary replacement of the Association roads, without which could only be paid for through an exceptionally large special assessment, entitled:

“ROAD FUND” at Article II, section 13:

- a. The Association shall maintain a “Road Fund.” The Road Fund shall be deposited and invested with a financial institution pursuant to Bylaw Art. XIV, section 3. The amount earmarked for and deposited into the Road Fund shall be a percentage of dues collected annually, determined by the Board of Directors each year, but shall be a minimum of 13% of the overall dues collected each year.
- b. The monies designated and deposited into the Road Fund, and interest accrued thereon, may only be withdrawn, applied to and/or used as necessary for the safety, aesthetics, functionality and general welfare of the roads of the Association for the following purposes:
 - i. replacing roads and/or large (over 150’ road sections x width of road) road sections;
 - ii. repairing roads only when the Board determines insufficient funds exist in the general funds to cover the cost of such necessary repairs. However, because it the purpose of the Road Fund to be available for the eventual replacement (not merely “repairs”) of all association roads when inevitably necessary, the Board must first apply existing general funds for repairs. If such an expenditure of Road Fund money necessarily occurs, the Board must then recoup such expended funds from the Association members, by assessment or otherwise, to return such funds to the Road Fund;
 - iii. emergency road repairs necessary to prevent imminent danger to life or property. In the event of such withdrawal of funds through this subsection, the Board shall collect and return such funds to the Road Fund as soon as practical from general funds or special assessment.
- c. The monies from the Road Fund shall not be utilized for “road maintenance.” “Road maintenance” used herein means the regularly anticipated annual needs of the roads, such as plowing, cleaning, tarring/patching, repairs to signs, curbs, cracks, drains, etc, which the Board shall include in its annual budget funded by Association dues. The repair of small road sections (less than 150’ in length x the width of road) is considered road maintenance.
- d. In the event the Road Fund balance exceeds the estimated cost to replace Association roads, the excess will be reverted back to the Association general funds and, if necessary, annual dues adjusted accordingly.