



# VILLAGE OF BELCARRA

"Between Forest and Sea"

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## Group Wharfage Society

### CONSTITUTION

1. The name of the 'Group Wharfage Society' is \_\_\_\_\_, hereinafter referred to as the "Society".
2. The purposes of the Society are:
  - (a) to make application for, and to hold, a municipal recreational waterlot sub-licence fronting on the public foreshore of Marine Avenue within the 'Village of Belcarra'; and
  - (b) to construct and operate a wharfage facility on the Society's municipal recreational waterlot sub-licence for the enjoyment of water-oriented recreational activities such as boating and swimming by Belcarra property owners and their immediate families that reside within the municipality, but not carry-on any business activities for profit or gain.

### BYLAWS

The bylaws of the Society are those set-out herein, in numbered clauses, providing for the matters referred to in Part 2, Division 2, Section 11 of the B.C. Societies Act (2015), and other matters pertinent to the purposes of the Society;

#### 1. Interpretation

- 1.1 In these bylaws, unless the context otherwise requires,
  - a) "Societies Act" means the Societies Act (2015) of the Province of British Columbia from time to time in force and all amendments to it;
  - b) "directors" means the directors of the Society for the time being;
  - c) "member" is either an individual or number of individuals who singularly or collectively are identified as the owner or owners of one property within the 'Village of Belcarra' and is identified on any licence agreement with the 'Village of Belcarra' and/or 'Vancouver Fraser Port Authority', and that individual property may only have one membership in a Society;
  - d) "registered address" means the address of the Society as recorded with 'B.C. Registry'; and
  - e) "address" of a member means the member's residential address within the 'Village of Belcarra' as recorded in the register of members with 'B.C. Registry'.
- 1.2 The definitions of the Societies Act on the date these bylaws become effective apply to these bylaws.
- 1.3 Words importing the singular include the plural and *vice versa*; and words importing a male person include a female person and a corporation.

## 2. Membership

- 2.1 The members of the Society are the applicants for incorporation of the Society, and those persons who subsequently have become members, in accordance with these bylaws and, in either case, have not ceased to be members in good standing.
- 2.2 Every member shall uphold the Society constitution and comply with these bylaws.
- 2.3 Every member of the Society must be a Belcarra property owner who has his/her primary residence within the 'Village of Belcarra', and who do not own other property with dock access in the 'Village of Belcarra', notwithstanding extended absences due to illness, vacation or employment.
- 2.4 Every member of the Society can only hold one membership in one 'Group Wharfage Society' at any time, and each individual member property shall have only one voting member in the Society.
- 2.5 Membership in the Society shall consist of a minimum of four (4) property owners representing a minimum of four (4) separate properties within the Village of Belcarra.
- 2.6 Membership in the Society shall consist of a maximum of six (6) property owners representing a maximum of six (6) separate properties within the Village of Belcarra.
- 2.7 If, at any time, the membership is reduced to three voting members or less, the Society shall endeavour to restore the membership to four and shall notify the Village of Belcarra so that the 'Village of Belcarra' can provide Society contact information to resident property owners interested in participating in a 'Group Wharfage Society'. In addition, the Society could advertise via the 'Belcarra Barnacle' and/or at the bus shelters to seek resident property owners interested in participating in a 'Group Wharfage Society'.
- 2.8 The Society must include as a member the owner of the property immediately upland of the municipally-owned lands (Marine Avenue) adjacent to the municipal recreational waterlot sub-licence unless that owner has renounced in writing his/her interest in the Society, or becomes a member not in good standing as per 2.11.
- 2.9 Where the owner of the property immediately upland of the municipally-owned lands (Marine Avenue) ceases to own the property, the purchaser of the upland property shall have the right of first refusal of membership in the Society, and the purchaser or any subsequent owner of the upland property shall have the right of first refusal on any subsequent membership in the Society when its membership decreases below the maximum membership threshold, provided that the primary residence of the upland owner is within the 'Village of Belcarra'.
- 2.10 Subject to bylaw 2.9, a voting member cannot transfer his/her membership in the Society to another property owner of the 'Village of Belcarra' without the majority consent of the other voting members of the Society.
- 2.11 All voting members are in good standing except a member who has failed:
- a) to contribute equally to the capital cost and labour required to construct the wharfage facilities;
  - b) to contribute equally to the annual operating costs of the Society including municipal recreational waterlot sub-licence fees, municipal taxes, insurance premiums and maintenance expenses;

- c) to contribute equally to the labour required for the on-going maintenance and up-keep of the wharfage facilities; or
- d) to pay his/her current annual membership fee or any other subscription or debt due and owing by him/her to the Society, and he/she is not in good standing so long as the debt remains unpaid.

2.12 Any member, including the owner of the property immediately upland of the municipally-owned lands (Marine Avenue), shall cease to be a member of the Society:

- a) by the member delivering his/her resignation in writing to the Secretary of the Society or by mailing or delivering his/her resignation to the registered address of the Society;
- b) on being expelled for reasonable cause;
- c) on not being a member in good standing for one calendar year;
- d) when the primary residence of the member is not within the 'Village of Belcarra'; or
- e) when the member owns other property within the 'Village of Belcarra' that has dock access.

2.13 Expelling of a member:

- a) A member may be expelled for reasonable cause by a special resolution of the voting members passed at a general meeting.
- b) The notice of a special resolution for expulsion shall be accompanied by a brief statement of the reason or reasons for the proposed expulsion.
- c) The person who is the subject of the proposed resolution for expulsion shall be given an opportunity to be heard at the general meeting of the Society before the special resolution is put to a vote.

2.14 The amount of the first annual membership dues shall be determined by the directors and after that, the annual membership dues shall be determined at the annual general meeting of the Society.

2.15 The voting privileges of a member shall be suspended once the member be deemed not in good standing, or does not comply with the membership prerequisites of these bylaws.

2.16 Use of Facilities:

- a) Membership in the Society entitles only the voting member and his/her immediate family to the use of the facilities and assets of the Society.
- b) For the purposes of this section, the immediate family of a member means the spouse, child, parent or other relative of that member who resides in the same home as that member.
- c) Any vessel moored at the wharfage facility must be of a size that the dock can reasonably accommodate, as required by the wharfage construction specifications, the 'Vancouver Fraser Port Authority' head-licence agreement, and/or the municipal recreational waterlot sub-licence agreement.
- d) Any vessel moored at the wharfage facility that is partially owned by anyone other than a member or his/her immediate family shall not have dock privileges other than to get on the vessel to depart, or to dock the vessel, unless the part-owner that is a member of the Society is present, or the part-owner of the vessel has permission from all of the other Society members to use the wharfage facilities.

2.17 Each time the voting membership of the Society changes, the new voting member(s) of the Society shall execute (sign) an Acknowledgement of Receipt of the Constitution and Bylaws of the Society and provide an originally executed copy of the acknowledgement to the 'Village of Belcarra'.

- 2.18 The Society shall have only one category of membership; specifically, a voting member who is a Belcarra property owner having his/her primary residence within the 'Village of Belcarra', who holds an equal interest in the assets of the Society, and who meets the obligations and responsibilities as delineated in bylaw 2.11 in order to maintain his/her membership in good standing.
- 2.19 If a voting member cannot attend a duly convened meeting of the Society, that member may delegate his/her vote in the Society to either a person of the member's immediate family, or another voting member of the Society, by providing a written notice of proxy to the President or Secretary of the Society prior to the meeting.

### 3. Facilities and Assets

- 3.1 The Society shall apply to the 'Village of Belcarra' for a municipal recreational waterlot sub-licence immediately in front of the property of the member who resides on Marine Avenue.
- 3.2 The Society shall ensure that the municipal recreational waterlot sub-licence does not exceed the size and location specified by the 'Village of Belcarra' and the 'Vancouver Fraser Port Authority'.
- 3.3 The Society shall apply to the 'Village of Belcarra' for a permit to access across municipally-owned lands to the municipal recreational waterlot sub-licence held by the Society, and shall include in the application the names and contact information of its members, and residency status of its members, and a notarized copy of this Constitution and Bylaws executed (signed) by all of its members.
- 3.4 The Society shall apply to the 'Village of Belcarra' who will make application to the 'Vancouver Fraser Port Authority' for permission for the Society to construct its wharfage facilities on the municipal recreational waterlot sub-licence held by the Society.
- 3.5 The Society shall apply to the 'Village of Belcarra' and the 'Vancouver Fraser Port Authority' for a permit to build (construct) wharfage facilities on the municipal recreational waterlot sub-licence held by the Society.
- 3.6 The Society shall construct all facilities to the standards and specifications as determined by the 'Vancouver Fraser Port Authority', the 'National Building Code', the building bylaws of the 'Village of Belcarra', and the 'Bedwell Bay Sustainability Plan', and shall ensure that all requisite safety standards are met.
- 3.7 The wharfage facilities constructed by the Society shall not diminish public access to the public beach, and any facilities constructed on the public beach shall not impede pedestrian traffic along the beach.
- 3.8 The Society and its members hereby acknowledge that any access permit issued by the 'Village of Belcarra' does not entitle members of the Society to any rights to parking along Marine Avenue.
- 3.9 The Society shall endeavour to maintain the aesthetic qualities of the Marine Avenue and municipal foreshore areas, and shall give due consideration to aesthetics in all works which are undertaken.

- 3.10 The capital cost and labour of constructing wharfage facilities on the municipal recreational waterlot sub-licence shall be borne equally by the voting members of the Society.
- 3.11 Unless otherwise agreed upon by a consensus of the voting members, the value of the improvements on the municipal recreational waterlot sub-licence shall be the value as determined by the 'B.C. Assessment Authority'.
- 3.12 The voting members of the Society shall hold and own an equal interest in the assets of the Society, including all improvements on the municipal recreational waterlot sub-licence held by the Society.
- 3.13 When a voting member of the Society ceases to be a member, or no longer meets the membership prerequisites of these bylaws, the ex-member is entitled to fair and reasonable compensation for his/her interest in the Society, provided that the ex-member has maintained his/her membership in good standing, and provided that a potential purchaser of the ex-member's interest in the Society can be found who qualifies for membership in the Society.
- 3.14 When a voting member of the Society ceases to be a member, or no longer meets the membership prerequisites of these bylaws, the ex-member finds a potential purchaser for his/her interest in the Society who qualifies for membership in the Society, but the remaining voting members opt not to accept the potential new member, it is the responsibility of the remaining voting members to either find another purchaser of the ex-member's interest in the Society who qualifies for membership or to give the ex-member fair and reasonable compensation for the ex-member's interest in the Society.
- 3.15 When the number of voting members is less than six, and it is the consensus of the existing members to increase the number of voting members, an additional voting member in the Society may be invited to join the Society, provided that the potential new member qualifies for membership in the Society, and contributes an amount agreed to by the existing members.
- 3.16 A member's guests, that is, persons outside his/her immediate family, may use the wharfage facility provided the guests are accompanied by the member. If a member's guests are to use the facility unaccompanied by the member, the rest of the directors must be notified and consent to this arrangement in advance.
- 3.17 A guest's vessel shall not be moored at the dock exceeding 24 hours without the prior notification and consent of the other directors in the Society.
- 3.18 Any damage to the wharfage facility and/or any member's property, resulting from a guest's action or vessel, will be the responsibility of the hosting member of the Society.
- 3.19 All vessels moored at the wharfage facility must be insured by the owner(s) of the vessels.
- 3.20 Each property represented in the Society shall not have more than six guests on the wharfage facility without the prior consent and approval of the directors of the Society.

## 4. Meetings of Members

- 4.1 The Society shall hold an annual general meeting each year for the purpose of electing a President, Secretary and Treasurer, making its requisite annual filings with the 'B.C. Corporate Registrar of Societies', and to make its annual declaration to the municipality that its recreational waterlot sub-licence held by the Society remains in good standing with the 'Village of Belcarra' and the 'Vancouver Fraser Port Authority'.
- 4.2 General meetings of the Society shall be held at the time and place, in accordance with the Societies Act, that the directors decide.
- 4.3 Every general meeting, other than an annual general meeting, is an extraordinary general meeting.
- 4.4 The directors may, when they think fit, convene an extraordinary general meeting. There must be a majority of directors, representing a majority of the member properties, present to convene an extraordinary general meeting.
- 4.5 General meeting notice:
- a) Notice of a general meeting shall specify the place, day and hour of meeting, and, in case of special business, the general nature of that business.
  - b) The omission to give notice of meeting to, or the non-receipt of a notice by, any of the members entitled to receive notice does not invalidate proceedings at that meeting.
- 4.6 The first annual general meeting of the Society shall be held not more than 15 months after the date of incorporation and after that, an annual general meeting shall be held at least once in every calendar year and not more than 15 months after the holding of the last preceding annual general meeting.

## 5. Proceedings at General Meetings

- 5.1 Special Business is:
- a) all business at an extraordinary general meeting except the adoption of rules of order; and
  - b) all business transacted at an annual general meeting, except:
    - i) the adoption of rules of order;
    - ii) the consideration of the financial statements;
    - iii) the report of the directors;
    - iv) the report of the auditor, if any;
    - v) the election of directors;
    - vi) the appointment of the auditor, if required; and
    - vii) the other business that, under these bylaws, ought to be transacted at an annual general meeting, or business which is brought under consideration by the report of the directors issued with the notice convening the meeting.

- 5.2 General Meeting:
- a) No business, other than the election of a chair and the adjournment or termination of the meeting, shall be conducted at a general meeting at a time when a quorum of three (3) voting members is not present.
  - b) If at any time during a general meeting a quorum of three (3) voting members cease to be present, business then in-progress shall be suspended until there is a quorum present or until the meeting is adjourned or terminated.
  - c) A quorum is three (3) voting members present or a greater number that the members may determine at a general meeting.
- 5.3 If within 30 minutes from the appointed time for a general meeting a quorum of three (3) voting members is not present, the meeting, if convened on the requisition of members, shall be terminated; but in any other case, it shall stand adjourned, and if, at the adjourned meeting, a quorum of three (3) voting members is not present within 30 minutes from the appointed time for the meeting but two (2) voting members are present, those two (2) voting members present will be considered to constitute a quorum.
- 5.4 Subject to bylaw 5.5, the President of the Society, the Secretary, or in the absence of both, one of the other directors present shall preside as chair of a general meeting.
- 5.5 If at a general meeting the President, the Secretary, or other director is not present within 15 minutes after the appointed time for holding the meeting, the members present shall choose one of their number to be chair.
- 5.6 If at a general meeting the president and all the other directors present are unwilling to act as chair, the members present shall choose one of their number to be chair.
- 5.6 General meeting adjournment:
- a) A general meeting may be adjourned from time to time and from place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.
  - b) When a meeting is adjourned for 10 days or more, notice of the adjourned meeting shall be given as in the case of the original meeting.
  - c) Except as provided in this bylaw, it is not necessary to give notice of an adjournment or of the business to be transacted at an adjourned general meeting.
- 5.7 No resolution proposed at a meeting need be seconded, and the chair of a meeting may move or propose a resolution.
- 5.8 Voting:
- a) A voting member in good standing present at a meeting of members is entitled to one vote.
  - b) voting is by show of hands.
  - c) Voting by proxy is permitted.
  - d) In case of an equality of votes, the chair shall not have a casting or second vote in addition to the vote to which he may be entitled as a member and the proposed resolution shall not pass.

## 6. Directors and Officers

- 6.1 The officers of the Society shall consist of a President, Secretary and Treasurer.
- 6.2 The number of directors shall be four (4) or a greater number determined from time to time at a general meeting.
- 6.3 The President and Secretary and two or more voting members shall be the directors of the Society.
- 6.4 A majority of the directors may exercise all the powers and do all the acts and things that the Society may exercise and do, which are not by these bylaws or by statute or otherwise lawfully directed or required to be exercised or done by the Society in general meeting, but subject, nevertheless to:
- a) all laws affecting the Society;
  - b) these bylaws; and
  - c) rules, not being inconsistent with these bylaws, which are made from time to time by the Society in general meeting.
- 6.5 No rule, made by the Society in general meeting, invalidates a prior act of the directors that would have been valid if that rule had not been made.
- 6.6 Election of Society directors and officers:
- a) The directors shall retire from office at each annual general meeting when their successors shall be elected.
  - b) Separate elections shall be held for each office to be filled.
  - c) An election may be by acclamation, otherwise it shall be by ballot.
  - d) If no successor is elected, the person previously elected or appointed continues to hold office.
  - e) Directors may at any time, and from time to time, appoint a member as a director to fill a vacancy in the directors.
  - f) A director so appointed holds office only until the conclusion of the next following annual general meeting of the society, but is eligible for re-election at the meeting.
  - g) If a director resigns his/her office or otherwise ceases to hold office, the remaining directors shall appoint a member to take the place of the former director.
  - h) No act or proceeding of the directors is invalid only by reason of there being less than the prescribed number of directors in office.
- 6.7 The voting members may by special resolution remove a director before the expiration of his/her term of office, and may elect a successor to complete the term of office.
- 6.8 No director shall be remunerated for being or acting as a director, but a director shall be reimbursed for all expenses necessarily and reasonably incurred while engaged in the affairs of the Society.

## 7. Proceedings of Directors

- 7.1 The directors may meet together at the places they think fit to dispatch business, adjourn and otherwise regulate their meetings and proceedings, according to these bylaws.
- 7.2 The directors may from time to time fix the quorum necessary to transact business, and unless so fixed, the quorum shall be a majority of the directors then in office.



- 7.3 The President shall chair all meetings of the directors, but if at a meeting the president is not present within 30 minutes after the time appointed for holding the meeting, the Secretary shall act as chair; but if neither is present the directors present may choose one of their number to be chair at that meeting.
- 7.4 A director may at any time, or the Secretary on the request of a director, convene a meeting of the directors.
- 7.5 For a first meeting of directors held immediately following the appointment or election of a director or directors at an annual or other general meeting of members, or for a meeting of the directors at which a director is appointed to fill a vacancy in the directors, it is not necessary to give notice of the meeting to the newly elected or appointed director or directors for the meeting to be constituted, if a quorum of three (3) voting members is present.
- 7.6 A director who may be absent temporarily from British Columbia may send or deliver to the address of the Society a waiver of notice, which may be by letter or electronic mail, of any meeting of the directors and may at any time withdraw the waiver, and until the waiver is withdrawn,
- a) no notice of meeting of directors shall be sent to that director; and
  - b) any and all meetings of the directors of the Society, notice of which has not been given to that director shall, if a quorum of the directors is present, be valid and effective.
- 7.7 Voting by directors:
- a) Questions arising at a meeting of the directors and committee of directors shall be decided by a majority of the voting members.
  - b) In case of an equality of votes, the chair does not have a second or casting vote.
- 7.8 No resolution proposed at a meeting of directors, or committee of directors, need be seconded and the chair of a meeting may move or propose a resolution.
- 7.9 A resolution in writing, signed by all the directors and placed with the minutes of the directors, is as valid and effective as if regularly passed at a meeting of directors.

## 8. Duties of Officers

- 8.1 The President shall preside at all meetings of the Society and of the directors.
- 8.2 The President is the chief executive officer of the Society and shall supervise the other officers in the execution of their duties.
- 8.3 The Secretary shall:
- a) conduct the correspondence of the Society;
  - b) issue notices of meetings of the Society and directors;
  - c) keep minutes of all meetings of the Society and directors;
  - d) have custody of all records and documents of the Society except those required to be kept by the Treasurer;
  - e) have custody of the common seal of the Society; and
  - f) maintain the register of members.

- 8.4 The Treasurer shall:
- a) keep the financial records, including books of account, necessary to comply with the Societies Act; and
  - b) render financial statements to the directors, members and others when required.
- 8.5 The offices of the Secretary and Treasurer may be held by one person who shall be known as the Secretary-Treasurer.
- 8.6 In the absence of the Secretary from a meeting, the directors shall appoint another person to act as Secretary at the meeting.

## 9. Borrowing

- 9.1 The officers and directors shall not have borrowing powers without a special resolution of the voting members of the Society.

## 10. Notice of Meetings

- 10.1 A notice shall be delivered in writing to a member either in person, by electronic mail, or by regular Canada Post mail to his/her registered address.
- 10.2 A notice sent by regular mail or electronic mail shall be deemed to have been given on the seventh (7<sup>th</sup>) day following that on which the notice is posted or e-mailed, and in providing that notice has been given it is sufficient to prove the notice was properly addressed and put in a Canadian post office receptacle or properly emailed.
- 10.3 Notice of a general meeting:
- a) notice of a general meeting shall be given to every member shown on the register of members on the day notice is given; and
  - b) no other person is entitled to receive a notice of general meeting.

## 11. Bylaws

- 11.1 On being admitted to membership, each member is entitled to, and the Society shall provide, without charge, a copy of the 'Constitution and Bylaws' of the Society.
- 11.2 These bylaws shall not be altered or added to except by special resolution after obtaining permission from the elected Council for the 'Village of Belcarra'.

## 12. Operation of the Society

- 12.1 The voting members of the Society shall elect at its annual general meeting each year, a President, Secretary and Treasurer who will be responsible for the administration of the Society.

- 12.2 The Society and its members shall endeavour to make decisions by consensus of its voting members, but where consensus cannot be reached, a two-thirds majority vote will be required to effect decisions.
- 12.3 On an annual basis, and within 60 days of the Society's annual general meeting, the Society shall submit to the Village of Belcarra': a copy of the Society's annual report as filed with 'B.C. Registry of Societies' confirming the Society is in good standing; proof of the minimum liability insurance required by the municipality; and the names, contact information, and residency status of its current members.
- 12.4 The Society and its members shall maintain the municipal recreational waterlot sub-licence in good standing by complying with the requirements of these bylaws, ensuring payment of all annual municipal sub-licence fees, annual 'Highway Encroachment Agreement' (HEA) fees, annual municipal taxes, and by complying with all requirements established by the 'Vancouver Fraser Port Authority'.
- 12.5 The Society and its members shall assume full financial and legal responsibility for the wharfage facilities which it constructs and operates, and the Society shall maintain a minimum of liability insurance for the wharfage facilities as determined from time-to-time by the 'Village of Belcarra', and which includes the 'Village of Belcarra', the 'Vancouver Fraser Port Authority', and 'Her Majesty the Queen in the Right of Canada' as additional named insureds.
- 12.6 The Society and its members shall assume full financial and legal responsibility for the maintenance of its wharfage facilities including access across municipal lands, and shall ensure that the same are maintained in a manner cognizant of both safety standards and aesthetics, and the municipal recreational waterlot sub-licence document(s).
- 12.7 The Society and its members shall ensure that marine-oriented businesses, such as moorage rentals, boat chartering, and ship brokerage activities, do not occur on its wharfage facilities.
- 12.8 The Society and its members shall ensure that any signing related to its wharfage facilities be restricted to placement on the improvements, e.g. the gate, on the municipal recreational waterlot sub-licence, and that signs will not be situated on municipally-owned lands.
- 12.9 The Society and its members shall ensure that the general peace and tranquillity of the Marine Avenue area is not disturbed, and that noise which may result from use of the facilities will be kept reasonable and considerate of the residents along Marine Avenue.
- 12.10 The Society and its members hereby acknowledge that parking along Marine Avenue is problematic, inadequate at best, and unavailable in many locations, and therefore agree that:
- a) Membership in a 'Group Wharfage Society' does not provide either "parking privileges" or "entitlement to park" along Marine Avenue;
  - b) parking along Marine Avenue is only available on a "first come, first served" basis;
  - c) when legal parking is unavailable, group wharf members and their guests shall be restricted to temporary on-loading and off-loading of equipment and/or personal effects; and
  - d) all members, their families, and their guests, shall be made aware of these parking restrictions.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, at Belcarra, British Columbia.

<b>Applicants for Incorporation (Full Name &amp; Resident Address)</b>	<b>Witnesses (Full Name &amp; Resident Address)</b>
Signature: _____ Name: _____ Address: _____ Email: _____	Signature: _____ Name: _____ Address: _____ Email: _____
Signature: _____ Name: _____ Address: _____ Email: _____	Signature: _____ Name: _____ Address: _____ Email: _____
Signature: _____ Name: _____ Address: _____ Email: _____	Signature: _____ Name: _____ Address: _____ Email: _____
Signature: _____ Name: _____ Address: _____ Email: _____	Signature: _____ Name: _____ Address: _____ Email: _____
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