

ORIGINAL

AMENDMENT OF
BY-LAWS OF THE HARWICK-BRIDGEPORT SUBDIVISION

KNOW ALL MEN BY THESE PRESENTS that this Amendment of By-laws entered into on this 28th day of March, 2005, by the Board Members of the Harwick-Bridgeport Homeowners' Association, (hereinafter referred to as the "Declarant"), for itself, its successors and assigns:

WITNESSETH:

WHEREAS, the Board of Directors of the Harwick-Bridgeport Homeowners' Association have duly called for a special meeting to amend the By-laws of the said Association; and, at the said special all Board Members were present as evidenced by their signatures shown below.

WHEREAS, the original By-laws in this matter were not recorded but the power and right to extend, remove, modify or change the said By-laws was transferred from the original Declarant, Shugart Management, Inc., to K. Todd Isenhour in a document dated the 17th day of August, 2004, and recorded with the Forsyth County Register of Deeds Office, on the 25th day of August, 2004, in Book 2499 at Page 543; and, the power and right to extend, remove, modify or change the said By-laws was transferred from the said successor Declarant, K. Todd Isenhour, to The Harwick-Bridgeport Homeowners' Association, through its Board of Directors, in a document dated the 2nd day of September, 2004, and recorded with the Forsyth County Register of Deeds Office, on the 7th day of September, in Book 2502 at Page 4079;

WHEREAS, the said K. Todd Isenhour appointed the following Board Members of the Harwick-Bridgeport Homeowners' Association: President, Tina Robinson; Vice--president, Maryann Hites; Secretary-Treasurer, Wanda Eller; and two (2) additional general Board members, Margaret Ingle and Bhagu Panchal; said appointments were pursuant to an Appointment recorded in Book 2488 at page 1857, in the Forsyth County Register of Deeds Office, on July 16, 2004.

WHEREAS, the Declarant now desires to modify said original By-laws as shown hereinbelow;

NOW, THEREFORE, Declarant hereby amends the original By-laws as follows:

ARTICLE TWO - DEFINITIONS

Section 1, Plan of Ownership: This provision shall be substituted as follows:

"The real properties located in the County of Forsyth, and State of North Carolina, as shown on the maps described in various documents recorded with

the Register of Deeds Office of Forsyth County, North Carolina, including but not limited to, the original Declaration of Covenants, dated the 12th day of July, 1995, recorded in Deed Book 1865, at Page 1607, Forsyth County Registry, and as amended on the 28th day of March, 2005, and recorded with the said Forsyth County Register of Deeds on the 12th day of April, 2005, in Book 2556, Page 1481, and has been subdivided into Lots and Common Properties in accordance with the said maps, creating a system of ownership of the Lots, and assessments for the maintenance and operation of the common properties in accordance with the said Declaration and Amended Declaration.”

Sections 4(d), 4(f), 4(g) and 4(n): These definitions shall mean and collectively refer to the Declarant [Board of Directors of the Harwick-Bridgeport Homeowners’ Association], in accordance with the Amended Covenants, recorded in Book 2556, at Page 1481, at the Forsyth County Register of Deeds Office, on April 12, 2005.

Section 4(f): This provision shall be substituted as follows:

“**Common Properties**’ shall mean and refer to that portion of the Property (as hereinafter defined) described on the maps described in various documents recorded with the Register of Deeds Office of Forsyth County, North Carolina, including but not limited to, the original Declaration of Covenants, dated the 12th day of July, 1995, recorded in Deed Book 1865, at Page 1607, Forsyth County Registry, and as amended on the 28th day of March, 2005, and recorded with the said Forsyth County Register of Deeds on the 12th day of April, 2005, in Book 2556, at Page 1481, and the improvements located on such properties, together with any and all other real property hereinafter acquired by the Declarant Association.”

ARTICLE THREE - MEMBERSHIP CLASSIFICATION

Section 1. Membership Classes shall be substituted as follows:

“Section 1. Membership Class. The Association shall have one (1) membership class: **“The Association shall have one (1) membership class, Class A, and this class shall consist of all of the owners of the lots. Each Class A member, or lot owner, shall be a member entitled to one (1) vote for each Lot owned; provided, however, when more than one (1) person or entity holds an interest in a given Lot, all such persons shall be members, and the vote for such Lot shall be as provided in Article Five, Section 3 of these By-laws.”**

Section 2, Second paragraph shall be substituted as follows:

“**The amount of the general assessment for the period through December, 2005, shall be Two Hundred and Fifty Dollars (\$250.00) per Lot, which shall be due and payable on a prorated basis by an Owner upon the sale or transfer of any kind of a Lot to a new or different owner of the lot.”**

Section 3. Maximum Annual Assessment. This provision shall be substituted as follows:

“Commencing January 1, 2005, the maximum annual assessment shall be established by the Board, and unless otherwise provided in the Declaration or these By-laws, may be increased by the Board without approval of the members by an amount not to exceed ten percent (10%) of the maximum assessment of the previous year. The maximum assessment may be increased without limit by a vote of fifty-one percent (51%) of the votes of members who are eligible to vote, in person or by proxy, at a meeting duly called for this purpose; but if at the said duly called meeting, fifty-one percent (51%) of the required members are not present in person or by proxy, then the Board shall call for a second meeting for such purpose and at this second duly called meeting, the maximum assessment may be increased without limit by a vote of thirty percent (30%) of the required members.”

Section 4. Special Assessments for Capital Improvements. This provision shall be substituted as follows:

“In addition to the annual assessments authorized above, the Association may levy, in any calendar year, a special assessment against Lots for such reasons as are provided in the Articles, the Declaration or these By-laws. Either the Board of the Members may levy and impose special assessments upon a majority vote; provided, however, with respect to the Members, the special assessment may only be levied and imposed by no less than thirty percent (30%) of the Members eligible to vote. The purposes for which special assessments may be levied include, but are not limited to, providing funds to pay the Common Expenses in excess of the general assessment fund then on hand to pay same and providing a fund for capital improvements and extraordinary expenses. Payment of any special assessment is due within thirty (30) days from the date of such billing. Any Owner late in paying such bill be personally liable for, and such owner’s Lot will be subject to a lien for, penalties, late charges, attorneys fees, court costs, sheriff costs, and any other expenses incurred in the collection of said bill. “

Section 5. Date of Commencement of Annual Assessments: This provision shall be changed from “January 1” of each year to **“March 1”** of each year.

ARTICLE FOUR - PURPOSES AND POWERS

Section 3: Mergers and Consolidations: The “sixty-seven percent” assent of this provision shall be **changed to “fifty-one percent (51%).”**

Section 4: Mortgages: Other Indebtedness. The “vote of sixty-seven percent (67%)” of this provision shall be **changed to “fifty-one percent (51%).”**

ARTICLE FIVE - MEMBERS

Section 2. Voting. This provision shall be substituted as follows:

“Voting shall be in accordance with the Declaration; if at the first duly called meeting, the presence of members or of proxies entitled to cast forty percent (40%) of all the votes of the members shall constitute a quorum; but if the quorum is not present, another meeting may be duly called, but the quorum at the second meeting shall be constituted by thirty percent (30%); the votes cast by the said quorum shall be binding upon all Owners for all purposes, except when a higher percentage is required by these By-laws, the Declaration, or by law.”

Section 6. Special Meetings. The “twenty-five percent (25%)” shall be changed to **“thirty percent (30%) of the aggregate of Members.”**

Section 12. Quorum. This provision shall be substituted as follows:

“Except as otherwise provided herein, at any meeting of Members, thirty percent (30%) of the Members present and eligible to vote shall constitute a quorum.”

ARTICLE SIX - BOARD OF DIRECTORS

Section 1. Function, Number and Qualification. This provision shall be substituted as follows:

“The affairs of the Common Properties and appurtenant duties of the Lots shall be operated by the Association which, in turn, shall be governed by a Board of Directors (to be not less than three (3) in number) who need not be Members. Pursuant to an Appointment recorded on July 16, 2004, in Book 2488 at Page 1857, the current Board of Directors are as follows: President - Tina Robinson; Vice President - Maryann Hites; Secretary-treasurer - Wanda Eller; General Board Member - Margaret Ingle; and, General Board Member - Bhagu Panchal; further the said five (5) Board Members have been duly appointed for a period of three (3) years, beginning July 15, 2004.

This said initial Board of Directors and all subsequent Board of Directors shall consist of five (5) Directors who shall hold office until the election of their successors. Each of the Directors shall have one vote. Beginning with the annual meeting of Members to be held in March, 2007, the Members may elect a new Board of Directors, to serve for a term of three (3) years. In the event of any increase or decrease in the number of Directors, the additional or eliminated directorships shall be so classified or chosen so that all classes of Directors shall remain or become as nearly equal in number as possible.”

Section 4. Removal of Directors. The term “majority” in this provision shall be changed to **“thirty percent (30%) of all Owners.”**

Section 15. Fiscal Affairs. The amount "one-fourth of the membership" shall be changed to "thirty percent (30%) of the membership;"

ARTICLE EIGHT - OPERATION OF THE PROPERTY

Section 9. Additions, Alternations or Improvements by the Board. The amount of "Ten Thousand and 00/100 Dollars (\$10,000.00)" as used in this provision shall be changed to "Five Thousand and 00/100 Dollars (\$5,000.00).

ARTICLE SIXTEEN - AMENDMENTS TO BY-LAWS

Section 1(b): The amount "Fifty-one percent (51%)" shall be changed to read "thirty percent (30%)."

This the 28th day of March, 2005.

Harwick-Bridgeport Homeowners' Association

By: Tina Robinson
Tina Robinson, President

By: Maryann Hites
Maryann Hites, Vice President

By: Wanda Eller
Wanda Eller, Secretary-treasurer

By: Margaret S. Ingle
Margaret Ingle, General Board Member

By: Bhagu Panchal
Bhagu Panchal, General Board Member

This is certify that Tina Robinson, Maryann Hites, Wanda Eller, Margaret Ingle and Bhagu Panchal each personally swore to and subscribed before me the foregoing Amendments to the By-laws of the Harwick-Bridgeport Homeowners' Association. This the 28th day of March, 2005.

Kristi S. Mason
Notary Public

My Commission Expires: March 10, 2008



