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Jackson County, NC  
Joe Hamilton Register of Deeds  
BK 1804 PG 852-856

Prepared By & Return To:

Heather C. Baker (ms) - 2009 H 236  
Coward, Hicks & Siler, P.A.  
705 West Main Street  
Sylva, NC 28779

**AMENDED BYLAWS  
OF  
RIVERBEND ON THE TUCKASEGEE  
HOMEOWNERS ASSOCIATION, INC.**

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RIVERBEND ON THE TUCKASEGEE HOMEOWNERS' ASSOCIATION, INC.**

**ARTICLE I  
Name and Location**

The name of the corporation is Riverbend on the Tuckasegee Homeowners' Association, Inc., hereinafter referred to as the "Association". The principal office of the corporation is located at 295 Chickamauga Circle, Sylva, North Carolina, 28779, Jackson County, or at such other place as may be designated by the Board of Directors.

**ARTICLE II  
Purpose of this Amendment**

The purpose of this Amendment is to amend certain articles within the original By-Laws dated May 25, 2004.

**ARTICLE III  
Amendments**

Therefore the following articles, paragraphs and sections are amended as follows:

1. Article III - Meeting of Members, Section 1 - Annual Meetings is hereby amended to read:

X **The first annual meeting of the members shall be held within one year from the date of incorporation of the Association, and each subsequent regular annual meeting of the members shall be held on the second Friday after the July 4<sup>th</sup> holiday, each year thereafter at 3:00 o'clock, P.M.**

2. Article III - Meeting of Members, Section 3 - Notice of Meetings is hereby amended to read:

**Written or printed notice stating the place, day and hour of the meeting and, in case of a special meeting, the purpose or purposes for which the meeting is called, shall be given by, or at the direction of, the secretary or person authorized to call the meeting, by mailing a copy of such notice, postage prepaid, at least fifteen (15) days before such meeting to each member entitled to vote thereat, addressed to the member's 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 the case of a special meeting, the purpose of the meeting.**

3. Article VII - Power and Duties of the Board of Directors, Section 1 - Powers, Subsection (c) is hereby amended to read as follows:

**exercise all powers, duties and authority vested in or delegated, by Chapter 47F, Planned Community Act, of the North Carolina General Statutes, and not reserved to the membership by other provisions of these By-Laws, the Articles of Incorporation, or the Conditions, Restrictions and Stipulations;**

4. Article VIII - Officers and their Duties, Section 4 - Special Appointments is hereby amended to read as follows:

**The Board may elect such other officers as the affairs of the Association may require. The Board also reserves the right to request assistance from prior Board members as the affairs of the Association may require.**

5. Article VIII - Officers and their Duties, Section 8 - Duties, Subsection (e) - Treasurer is hereby amended to read as follows:

**The Treasurer shall receive and deposit in appropriate bank accounts all monies of the Association and shall disburse the funds as directed by resolution of the Board of Directors; shall sign all checks and promissory notes of the Association; keep proper books of account; cause an annual audit of the Association books to be made by an independent public accountant at the completion of each fiscal year at the expense of the member who requests the audit; and shall prepare an annual budget and a statement of income and expenditures to be presented to the membership at its regular annual meeting, and deliver a copy of each to the members. The Treasurer shall issue certificates indicating the payment or non-payment of assessment on specified lots.**

6. Article XI - Assessments, is hereby amended to read as follows:

**As more fully provided in the Conditions, Restrictions and Stipulations and Rules and Regulations, each member is obligated to pay to the Association annual and special assessments which are secured by a continuing lien upon the property on which the assessment is made. Any assessments which are not paid when due shall be delinquent. If the assessment is not paid within thirty (30) days after the due date, the assessment shall bear interest from the date delinquency at the rate of ten percent (10%) 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 in the same manner that Deed of Trust may be foreclosed under Power of Sale under Chapter 45 of the North Carolina General Statutes, or its successors; and interest, costs, and reasonable attorney's fees of any such action shall be added to the amount of each assessment. No owner may waive or otherwise escape liability for the assessments provided for herein by nonuse of the Common Area or abandonment of his or her lot.**



7. Article XIII - Amendments, Section 1, is hereby amended to read as follows:

**The By-Laws may be amended or revised, at a regular or special meeting of the members, by a vote of a majority of a quorum of members present in person.**

All other remaining Articles, Sections and Subsections of the By-Laws dated May 25, 2004, for Riverbend on the Tuckasegee Homeowners' Association, Inc., shall remain in full force and effect and are incorporated herein by reference.

This the 27 day of May, 2009.

Riverbend on the Tuckasegee  
Homeowners' Association, Inc.

By:

Susan E. Brown  
President

Attest:

Susan E. Brown  
Secretary

STATE OF NORTH CAROLINA  
COUNTY OF Jackson

I, Kristi L. Smith, Notary Public for the aforesaid State and County, do hereby certify that Susan Brown, personally appeared before me this day and acknowledged that he/she is Secretary of Riverbend on the Tuckasegee Homeowners' Association, Inc., a Corporation that by authority duly given and as the act of the members of the Association, the foregoing instrument was signed in its name by the President and attested by himself/herself as Secretary. The Amended By-Laws were duly adopted and approved at a special meeting at which all members were notified and a majority voted in the affirmative.

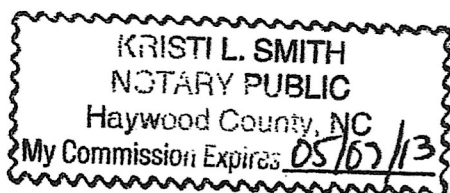
WITNESS my hand and official seal this the 27<sup>th</sup> day of May, 2009.

My Commission Expires:

05/07/13

Kristi L. Smith  
Notary Public

Kristi L. Smith  
Printed Name of Notary Public



Certification

I, the undersigned, do hereby certify, that I am the duly elected and acting Secretary of the Riverbend on the Tuckasegee Homeowners' Association, Inc., a non-profit, North Carolina Corporation and that the foregoing Amended By-Laws of "Riverbend Estates" as duly adopted at the special meeting of the association.

IN WITNESS WHEREOF, I have hereunto subscribed my hand for said Association this  
the 27 day of May, 2009

S Brown  
Secretary