



HUNTER'S RIDGE OWNERS ASSOCIATION, INC.
HAYWOOD COUNTY, NORTH CAROLINA
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June 21, 2014

HROA Bylaws

Dear Hunter's Ridge Owner,

Please find enclosed the Hunter's Ridge Owners Association Bylaws.

This document constitutes the Bylaws of the Association, as duly amended and adopted by the Membership on May 26, 2014 and May 31, 2014. Those Bylaws provides a comprehensive set of governing rules, intended to be a useful "guidebook" to each Hunter's Ridge Owner.

It is recommended that you keep those Bylaws with your Declaration of Restrictive Covenants; and inform new owners and realtor agents if you sell your property.

HROA Board

BYLAWS OF THE HUNTER’S RIDGE OWNERS ASSOCIATION, INC.

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BYLAWS OF THE HUNTER'S RIDGE OWNERS ASSOCIATION, INC.

ARTICLE I ASSOCIATION

- Section 1** The name of the Association is the Hunter's Ridge Owners Association, Inc. (HROA)
- Section 2** The purpose of the HROA is to conduct the business and duties as required by the Declaration of Restrictive Covenants and North Carolina Statutes 47-F and 55-A.
- Section 3** The registered address, mailing address, official website domain name and email address of the Association can be found in HROA correspondence.

ARTICLE II DEFINITIONS

"Assessment" means the fees paid by Association Members for use exclusively for promoting the recreation, health, safety, and welfare of the Owners and is limited to those cost obligations associated with the maintenance and upkeep of the common areas, conduct of Association business, fulfillment of legal obligations, and similar items as deemed appropriate by the Board.

"Association" refers to the Hunter's Ridge Owners Association, Inc.

"Board of Directors" means those Owners elected and/or appointed and who are vested with the management of the HROA. "Directors" and "Officers" are synonymous.

"Common Area" shall mean any real property owned by the Association for the common use of the Owners. In addition, "Common Area" shall include right of way and easements used in common within the subdivision, even though the title to the roadways might be in the names of others.

"Covenants" refer to the Restrictive Covenants, effective November 7, 1995, registered with the Haywood County Register of Deeds, Deed Book 450, page 395, and subsequent amendments to those Restrictive Covenants.

"Due Date" refers to the date that assessments are due.

"Lot" shall mean any numbered plot of land shown upon any current recorded subdivision map of the Property, with the exception of any Common Area.

"Mail" shall mean the U.S. Mail, commercial postal delivery, hand delivery or electronic means.

"Owner" refers to the record owner, whether one or more persons or entities, of a fee simple title to any lot which is part of the Hunter's Ridge Subdivision, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation. The term "Member" is synonymous with Owner.

"Property" shall mean the real property of Hunter's Ridge Subdivision and such additions as may be brought within the jurisdiction of the Association.

"Proxy Form" is a document which authorizes an Owner's representative to vote for that Owner. The proxy form may give the proxy holder specific instructions or may allow the proxy holder to determine how to vote or take action.

“Record Date” means the date established on which the association determines the identity of its Members for meeting notification and their voting eligibility for a given meeting.

“Road Maintenance” shall mean improvement and maintenance of subdivision roads including, but not limited to, road surface repair, paving, drainage ditch maintenance, right-of-way shrub and brush cutting, snow removal, and other related administrative costs incurred in these endeavors.

ARTICLE III MEMBERSHIP AND MEMBER REPONSIBILITIES

- Section 1** Each Owner of record of a lot shall be a Member of the Association. Membership is dependent on, and may not be separated from, Ownership of a lot. A Member may vote for any purpose, be eligible to be elected to the Board of Directors and serve on a Committee, provided their assessment or any financial obligation has been paid, or whose scheduled payment is not more than 30 days overdue.
- Section 2** Members are subject to the provisions set forth in these bylaws. The acquisition, lease or rental of any Lot, or the act of occupancy of a Lot will signify that these bylaws are accepted and approved and will be complied with.
- Section 3** Owners are obligated to pay the Association annual and special assessments which are secured by a continuing lien upon the property on which the assessment is made.
- Section 4** Members must keep the Association advised, in writing, as to their correct mailing address. The notification shall be in writing and shall include the mailing address and/or email address the member wants the Association to use for notifications.
- Section 5** Membership in the Association shall automatically terminate upon sale or conveyance of Ownership interest. No rights, interests, or privileges of membership may be transferred or inherited, nor may they be exercised after Membership ceases.
- Section 6** Members are responsible to submit a request for architectural approval to the association for any building, fence, wall or other structure to be constructed on their property. The form must be accompanied by the plans and specifications which show the type of structure, dimensions, materials and location of the structure. No construction may start until approval by the association or until 30 days have elapsed since submittal of the request without association approval or disapproval.
- Section 7** Members are legally responsible for any common areas damage resulting from construction of a structure or alteration of topography to their property.

ARTICLE IV MEMBERSHIP MEETINGS

Section 1 Annual and Regular Association Meetings

- a. An annual meeting of the Association shall be held at a location within Haywood County, North Carolina within the first six month of each year. Directors are normally elected at the annual meeting.
- b. In addition to annual meetings, regular meetings may be called by the Board of Directors to ratify budgets, receive reports, and transact other business, as needed.

Section 2 Special Meetings

- a. Special meetings of the Association may be called by the President, a majority of the Board, or upon written request of Lot Owners having ten percent (10%) of the votes in the Association.
- b. A special meeting may be called for any special assessment, which is in addition to or supplemental to the normal annual assessment, and for other purposes as determined by the Board of Directors or requesting Members.
- c. The only matters which may be voted upon at a special meeting are those matters that are described in the meeting notice.

Section 3 Notice of Meetings

- a. Notice of each annual or regular meeting, which states its date, time, location, and purpose, shall be mailed by the Secretary to the last recorded mail or e-mail address of each Member, no fewer than 10, or, if notice is mailed by other than first class, registered or certified mail, no fewer than 30, nor more than 60 days before the meeting date. The notice should also be published on the Association's website.
- b. For any special meeting, Members should be notified by mail not less than thirty (30) days or more than sixty (60) days prior to the date of the meeting. If conditions which caused the calling of the special meeting warrant, the Board may decrease the notification to not less than fourteen (14) days.
- c. The Board shall provide the Membership with a meeting notice within thirty (30) days of the Board adopting a proposed budget. The notice shall include a copy of the budget summary, the assessment established by the budget and a statement that a quorum is not required to ratify the proposed budget.
- d. The record date for establishing the record names and addresses of Lot Owners entitled to vote at any meeting shall be sixty (60) days prior to the date of any such meeting. In the event that the sixtieth (60) day falls on a weekend or holiday, the preceding weekday shall be the record date.
- e. The Secretary shall make a list of Owners entitled to vote or be elected with their addresses and number of votes within two (2) days of sending the notice. The list shall be current as of the Record Date and be available for review by the Owners before and during the meeting.

Section 4 Quorums

- a. At any meeting, except for Board meetings and meetings called for the question of a special assessment, a quorum will exist if at least thirty five percent (35 %) of the Owners are present or represented by proxy. If a quorum is not present, another meeting may be called. The quorum requirement for the subsequent meetings shall be reduced to twenty five percent (25%) of the Owners present or represented by proxy.
- b. A meeting called to discuss and vote on a special assessment shall be considered to have a quorum if at least sixty percent (60%) of the Owners are present or represented by proxy. If a quorum is not present, subsequent meetings may be called with a quorum requirement of thirty percent (30%) of the Owners present or represented by proxy. Subsequent meetings shall be held no more than sixty (60) days following the called preceding meeting.
- c. Any meeting called for the express purpose of ratifying a budget does not require a quorum. The budget may be approved by simple majority of vote from Members present or represented by proxy.

Section 5 Conduct of Meetings

- a. The President presides over meetings of the Association and the Secretary shall keep the minutes of the meetings and record resolutions adopted at the meetings and proceedings occurring at such meetings. The President may appoint a parliamentarian at any meeting of the Association.
- b. Annual, regular and special meetings will be conducted using Robert's Rules of Order Newly Revised as a basis and guideline, except where they conflict with N.C. Statutes.
- c. The Director presiding over the meeting shall determine if a meeting quorum is present, and is responsible for setting the date of a subsequent meeting if a quorum is not present.
- d. Owners present at a duly called meeting (one at which a quorum is present or represented) may continue to do business until adjourned, notwithstanding the departure of enough Members resulting in less than a quorum present at the meeting.

Section 6 Voting

- a. Members shall be entitled to vote at any Membership meeting if they meet the requirements of ARTICLE III, Section 1.
- b. One vote may be cast for each lot owned by a Member. Fractional votes by multiple Owners of a single lot shall not be allowed.
- c. Unless otherwise specified in these bylaws, all issues put to a vote at a duly called meeting require a simple majority of votes cast by Members present or by proxy.
- d. Owners may vote in person or by proxy. Voting shall be by yea or nay, raised hand or standing. Written ballot voting at annual, regular or special meetings may be used with the consent of the Board.
- e. The assent of two-thirds (2/3) of the votes cast by the Members present or represented by proxy is required to pass a special assessment.

Section 7 Proxies

- a. At membership meetings, a Member may vote in person or by proxy. Proxy holders must be verified to be present at the meeting for the proxy form to be valid.
- b. All proxies shall be in writing, dated, signed and received by the secretary prior to the beginning of the meeting.
- c. Every proxy shall be revocable and automatically expire upon adjournment of the meeting for which filed.

ARTICLE V BOARD OF DIRECTORS

Section 1 Responsibility of the Board of Directors

- a. The affairs of the Association shall be managed by a minimum three (3) and a maximum of five (5) Directors. Directors individually and collectively shall discharge their duties in good faith, with the care an ordinarily prudent person, in a like position, would exercise under similar circumstances, and in a manner the Director reasonably believes to be in the best interests of the Association.

- b. The board is responsible for directing the association business in accordance with North Carolina law, the Restrictive Covenants and the Bylaws.
- c. The Board may act in all instances on behalf of the Association and may exercise all powers, duties and authorities vested in or delegated to the Association, except any reserved to Members.
- d. The Board has the power to establish committees, whether specifically covered under these bylaws or not, to investigate matters, formulate plans and act in the common interest of the Association.
- e. The Board shall not make application for loans, buy, sell, or trade real estate on behalf of the Association without the approval of two-thirds (2/3) of the Owners.
- f. In the case where there is an insufficient number of members running for election to the Board or where through removal or resignation the total number of Directors is less than five, the Board will be considered properly constituted with at least three (3) Members.

Section 2 Duties of the Board of Directors

- a. To enforce the provisions of the covenants and to establish, maintain and enforce the bylaws of the Association.
- b. To manage, maintain, and make improvements to the Association's common areas in such manner as to keep them in good condition.
- c. Prepare and adopt an annual proposed budget which establishes the amount of the annual assessment against each lot.
- d. Send written notice of assessment to every owner at least thirty (30) days before the end of the calendar year.
- e. Establish and collect assessments.
- f. File liens and foreclosures against any property for which Assessments are not paid.
- g. Procure and maintain adequate general liability insurance, including Directors coverage, on behalf of the Association.
- h. Provide for architectural control as provided for in these bylaws.
- i. Establish policies for the Association.
- j. Ensure the necessary income tax returns and forms are filed for the Association.
- k. Inform new owners of the Associations Covenants, Bylaws and Policies.
- l. Carry out all other duties and responsibilities assigned to the Association.
- m. Directors shall deliver all Association documents in their possession upon leaving office.

Section 3 Meetings of Directors

- a. Meetings of the Board of Directors shall be held at the Board's discretion, as directed by the President or upon the written request of at least two (2) Members of the Board.
- b. The Board shall meet at least once each quarter of the calendar year to conduct Association business, and to allow for the attendance of members when requested in advance.
- c. Directors leaving office should attend the first board meeting held after their leaving office to brief their replacements on current plans and unfinished business or projects.
- d. A simple majority constitutes a quorum at all Board meetings, provided an authorized Director is present to preside over the meeting.
- e. A majority of vote, while a quorum is present, constitutes the decision of the Board of Directors, unless otherwise specified in these bylaws.
- f. Neither the Board nor any individual Director may delegate any power to other person(s).
- g. Board meetings will be conducted in an informal manner using the Order of Business found in Robert's Rules of Order Newly Revised as a guide.
- h. The Secretary shall keep the minutes of the meetings and record all resolutions adopted at the meetings and proceedings occurring at the meetings.
- i. The Directors have the right to take any action in the absence of a meeting which they could take at a meeting by obtaining the written or electronic approval of all the Directors. Action taken is effective when the last director signs or electronically signs the consent, unless the consent specifies a different effective date.
- j. Any action approved in paragraph i. above shall have the same effect as though taken at a meeting of the Directors and filed with the minutes of the Board. Electronic and written approvals shall be filed with the minutes.

Section 4 Nominations

- a. A Nominating Committee composed of a minimum of three (3) members shall be appointed by the Board of Directors no later than 60 days prior to each annual meeting.
- b. The Committee shall provide a report to the Board on their nominations which shall be presented at the membership election meeting.
- c. Nominations will be allowed to be made from the floor at the annual meeting. These nominees must meet the eligibility and qualification requirements of these bylaws.

Section 5 Term of Office

- a. Each Director shall be elected for a term of two (2) years.

- b. The terms of office for Board of Directors shall be staggered with the President, Treasurer and Board Member-at Large elected on even numbered years and the Vice-President and Secretary being elected on odd numbered years.
- c. The term of office of each Director begins upon adjournment of the annual meeting in which their election was held and ends upon adjournment of the annual meeting, in which a successor has been elected, two years hence. However, a Director may continue to serve until their successor is elected or appointed.

Section 6 Elections

- a. Prior to the Annual Meeting and the election of Directors, the name(s) of persons to be considered as a nominee by the Nominations Committee shall be provided to the Members in the Notice for the Annual Meeting.
- b. The Board shall be elected by the Association Members upon a majority vote of a quorum, present in person or by proxy, or appointed by the Board when a vacancy occurs on the Board.

Section 7 Designation, Qualifications and Duties of Directors

- a. The Directors of the Association shall be the President (who shall also serve as Chairman of the Board of Directors), the Vice President, the Secretary, the Treasurer and the Member at Large.
- b. A Director must be a Member of the Association. A Director must not be a party in any legal proceeding against the Association or its Directors and cannot be a co-owner of any Lot with another Director.
- c. Directors must be acquainted with the Association's governing documents (Covenants, Bylaws and Policies, North Carolina General Statutes 55A and 47F and Roberts Rules of Order Newly Revised).
- d. A Director may resign by delivering written notice to the Board of Directors. Unless otherwise specified, such resignation shall take effect upon the receipt of the resignation.
- e. The members present or represented and entitled to vote at any membership meeting of the Association may remove any Member of the Board with or without cause, by majority of vote, provided a quorum is present.
- f. A vacancy in any office may be filled by appointment by the Board of Directors.
- g. In the event of a vacancy on the Board, the Board can select one Board member to fill that vacant position, and the selected member can hold two positions. The President or Vice President may not hold two positions. A Director with multiple offices may cast only one vote.
- h. No Director or committee member shall receive compensation for service rendered to the Association in these positions, with the exception of the reimbursement of reasonable, ordinary and necessary expenses incurred in serving as a Director or committee member.

Section 8 Liability of the Board of Directors

- a. Neither the Board of Directors, nor any Member thereof, shall be liable to the Association or to any Member for any damage, loss, or prejudice suffered or claimed on account of any action or failure to act of the Association, its Board of Directors, or any Member of its Board of Directors provided that the Board Member has, in accordance with the actual knowledge possessed by him, acted in good faith.

- b. Directors and Committee Members shall not be liable to the Association or to any Owner for any mistake of judgment, negligence or otherwise, except for their own individual willful misconduct or bad faith. Directors shall have no personal liability with respect to any contract made by them on behalf of the Association. No Owner shall be liable for the contract or tort liability of the Association by reason of Ownership or Membership therein. Every agreement made by the Board shall, if obtainable, provide that the Directors are acting only as agents for the Association and shall have no personal liability hereunder.
- c. The Association shall have the power to purchase and maintain insurance on behalf of any person who is, or was, a Director of the Board against any liability asserted against such person and incurred by such person in any such capacity or arising out of such person's status as such, whether or not the Association would have the power to indemnify such person against such liability.
- d. The Association shall indemnify any Director to the maximum extent permitted by N.C.G.S. §§ 55A-8-51, 55A-8-52, 55A-8-54, 55A-8-55 and 55A-8-56. In addition, the Association shall indemnify any Board Member against liability and expenses in any proceeding (including without limitation a proceeding brought by or on behalf of the Association itself) arising out of their status as such or their activities and any of the foregoing capacities; provided, however, that the Association shall not indemnify or agree to indemnify a person against liability or expenses the person may incur on account of his activities which were at the time taken, known or believed by the person to be clearly in conflict with the best interest of the Association or if the person received an improper personal benefit. In addition, any Director shall be entitled to reasonable costs, expenses and attorney's fees in connection with the enforcement of rights to indemnification granted in these Bylaws."

Section 9 Responsibilities of the President

- a. Preside at meetings of the Board and the Association.
- b. Determine if a quorum is present at meetings.
- c. Assure policies of the Association are carried out.
- d. Sign written instruments and contracts approved by the Board.
- e. Ensure the examination of the Association's financial books of the preceding fiscal year on an annual basis.
- f. Sign checks for the disbursement of Association funds, as directed by the Board.

Section 10 Responsibilities of the Vice-President

- a. Act in place of the President in the event of the President's absence, inability to act, or when requested by the President.
- b. Sign checks for the disbursement of Association funds, in the Treasurer's absence or incapacitation, as directed by the Board.

Section 11 Responsibilities of the Secretary

- a. Record the minutes of membership meetings of the Association;

- b. Serve as custodian of the Association's files and records, except for those files which are financial in nature, maintains a roster of all Members of the Association, and originates correspondence with Members from the Board and the Association.
- c. Prepare, execute, certify, and record applicable amendments on behalf of the Association.
- d. May preside over Board meetings in the absence of the President and Vice-President.
- e. Collects and records Proxies prior to meetings.

Section 12 Responsibilities of the Treasurer

- a. Receive and deposit all monies of the Association in depository account(s) to the credit of the Association and disburses such funds, as directed by the Board.
- b. Maintain financial documents related to assessments, income, assets, cash receipts, invoices, expenditures, insurance and liabilities.
- c. Signs checks and financial notes of the Association provided that such checks and notes are also signed by either the President or Vice-President.
- d. Keeps a ledger of bank accounts and ensures that bank's required signature cards are current.
- e. Prepares the annual budget and keeps the Board apprised of budget compliance.
- f. Responsible for the development of an annual income and expense statement, and balance sheet. Makes the statement available to all Owners within seventy-five (75) days after the end of the fiscal year.
- g. Ensure that monies received for special assessments are used solely for the purpose(s) approved by the Membership, and shall maintain strict accounting of the special assessment monies.
- h. Transfer all special assessment monies remaining, after specified goal(s) are met, to the general fund.

Section 13 Responsibilities of the Member-at-Large

- a. Serve as an omnibus representative for the Owners;
- b. Provide assistance to the President and Board for special projects or undertakings.
- c. Serve as the Chairperson for the Architectural Control Committee.

ARTICLE VI COMMITTEES

Section 1 GENERAL

- a. Committees appointed by the Board shall have a minimum of three members, one of which may be a Board Member.
- b. Committees serve at the discretion of the Board and receive guidance from the Board.

- c. Committees shall keep records of their meetings, documents relating to the actions they take, proposals by contractors and other documents pertaining to their function. Receipts and expense statements shall be maintained and turned over to the Treasurer.

Section 2 Architectural Control Committee.

- a. The Board shall appoint an Architectural Control Committee. The Committee Chairperson shall be the Board Member-at Large.
- b. The committee shall function in the role of receiving and reviewing requests from Members for construction of any building, fence, wall or other structure affecting the harmony of external design, location and relationship to surrounding structures.
- c. The committee shall have an Architectural Control Committee Request (ACC Request) form available for use upon request by members.
- d. If the construction will affect or involve roads impact, drainage, erosion, or addition of a new driveway, the road committee should be consulted.
- e. Approval or denial of requests shall be decided by the committee or forwarded to the Board for decision.
- f. Architectural control shall not exceed those controls implied or specified by these Bylaws
- g. The architectural control committee shall report to the Board requests and actions taken by them within twenty (20) days of receipt of the ACC Form from a Member.
- h. The Board and architectural control committee shall approve or disapprove all requests in writing within 30 days of a written submission for approval. Failure to notify the applicant of the disposition of the ACC Request Form submitted by the Member within the 30 days will be deemed as an approval.
- i. The committee shall record minutes of their meetings and maintain copies of ACC Requests and pertinent plans and records associated with the ACC Request. These minutes and records should be turned over to the Secretary annually.

Section 3 Audit Committee

- a. The Board shall appoint an Audit Committee each year.
- b. The audit committee shall verify the accuracy and acceptability of the financial records to include receipts for expenditures, deposits and expenditures of bank statements versus the deposits and expenditures of the financial ledger, the records associated with special assessments regarding expenditures and income.
- c. Any questions or possible discrepancies in the audit shall be made known to the Treasurer as soon as practicable.
- d. The audit committee shall report the audit results to the Board.
- e. The committee's report to the Board shall constitute their minutes and will contain the Associations name, the committee's name and names of the committee Members, the date of the report, the audit findings and any recommendations by the committee. The report shall be signed by each committee member.

Section 4 Communication Committee

- a. The Board shall appoint a Communications Committee, with one of its Members as the Committee Chairperson.
- b. The Communication Committee will oversee the website administration and the publication of newsletters to members.
- c. The content of the website shall be approved by the Board of Directors prior to publication.

Section 5 Nomination Committee

- a. The Board shall appoint a nomination committee prior to an election. Board Members will not be on the nominations committee.
- b. The committee shall seek volunteers who are interested in serving on the Board in a position to be elected. They shall consider these Members for position on the Board based on Membership, financial debts to the Association, relationship with the endeavors and actions of the Association and eligibility of the requirements stated in these bylaws.
- c. The committee shall report to the Board within no less than thirty (30) days prior to the election meeting, of its slate of nominees for office and of all Members who agreed to serve on the Board.
- d. The committee shall report their slate of nominees to the Membership during the annual meeting.
- e. The committee's report to the Board shall constitute their minutes and will contain the Association's name, the committee's name and names of the committee Members, the date of the report, the names and positions for the nominees and the names and positions of others who volunteered to serve.

Section 6 Road Committee

- a. The Board will appoint a Road Committee. Board members may be appointed to the committee.
- b. The Committee is charged with the management and oversight of the maintenance and improvement of common areas.
- c. The Committee assists the Board in managing, maintaining, and improving any common area, in such a manner as to keep them in good condition.
- d. The Committee develops plans, scope of work, costs and options to submit to the Board for approval and use in budget development. Plans approved by the Board, shall be provided to the Membership for use in the budget ratification process. The Committee has authority to request quotes for road projects and to review and recommend the payment of bills.
- e. The Committee oversees ongoing work.
- f. The Committee shall not expend funds or execute contracts on behalf of the Association without Board approval.

Section 1 Purpose

Assessments levied by the Association shall be used exclusively to promote the recreation, health, safety, and welfare of the Owners and is limited to those costs associated with the maintenance and upkeep of any common areas and access to and through the properties, the conduct of Association business, and the fulfillment of legal obligations.

Section 2 Assessment Determination

- a. Assessments shall be set by the Board in a manner consistent with these bylaws, and according to budgeted needs.
- b. The Board shall levy assessments equally on each and every lot in the Association.
- c. The Board is empowered to take such legal steps, as needed, to collect assessments due to the Association.

Section 3 Annual and Special Assessments

- a. The Board shall set the annual assessment at least thirty (30) days prior to the end of the calendar year. The due date shall be February 1 of the assessment year. Assessments shall be considered delinquent thirty (30) days after the due date; unless an approved scheduled payment option has been taken by the owner. For a scheduled payment option delinquency will be considered thirty days (30) after a payment is due.
- b. Special assessments may only be approved and be applicable for the year specified and for defraying, in whole or in part, the cost of capital improvement upon the Common Area, including fixtures and personal property related to the project.
- c. The annual assessment shall not exceed the assessment of the preceding year by more than twenty-five dollars (\$25.00) unless approved by at least four of the five Board Members.
- d. Each owner shall be notified by mail of their assessment, the owner's total assessment, the due date for payment of the assessment, the delinquent date, and the address to which the assessment is to be mailed.
- e. The Board may establish scheduled payment options for assessment payments. Owners who chose a scheduled payment option, in writing, shall be notified of the schedule, to include the date(s) that scheduled assessment payments are due and when unpaid assessments are considered delinquent.
- f. The Board shall collect annual assessments from persons who are not Members, but who are bound by a legal agreement.
- g. Assessments which are not fully paid within thirty (30) days after the due date will be considered delinquent. Any assessment or portion thereof which is delinquent shall bear interest from the due date at the rate of eight percent (8%) per annum.

- h. Any assessment levied against a Lot remaining unpaid for a period of thirty (30) days or longer shall constitute a lien on that lot when a claim of lien is filed of record in the Office of the Clerk of Superior Court of Haywood County, North Carolina in the manner provided by N.C.G.S. § 47F-3-116. No lien for unpaid assessments shall be foreclosed upon until such assessment has remained unpaid for at least ninety (90) days past the due date and foreclosure has been approved by the Board against a specific Lot.
- i. Although the Board may seek to foreclose a lien for unpaid assessments, the Board shall also have the authority to seek any other available legal remedy.
- j. The event the Association undertakes legal action of any kind, including foreclosure of a lien or otherwise, it shall be entitled to its reasonable attorney's fees and costs associated with such legal action to the maximum extent permitted by law.
- k. Special assessments shall be spent as approved by the Membership, or the Membership given the right to vote on changes in purpose.
- l. The Association shall not be liable to nor shall it return any assessment monies to any owner who sells, transfers, or otherwise disposes of their lot.

ARTICLE VIII RECORDS

Section 1 Maintenance of Records

The following Association records shall be maintained as indicated:

- a. The articles of incorporation or restated articles of incorporation and all amendments to them, which are currently in effect, shall be maintained as permanent records;
- b. The current bylaws and all prior amendments or revisions to them are permanent records;
- c. Resolutions adopted by the Members or Board relating to the number or classification of directors, to the characteristics, qualifications, rights, limitations, and obligations of Members are permanent records;
- d. The minutes or records of all Membership meetings, Board meetings, Committee meetings and records of all actions taken by the Members without a meeting are permanent records;
- e. All written communications to Members generally within the past three years;
- f. The financial statements, if any, that would have been furnished or would have been required to be furnished to a Member under demand under N.C.G.S. § 55A-16-20 during the past three (3) years;
- g. A list of the names and business or home addresses of the Association's current Directors;
- h. Appropriate accounting records, including bank account statements, receipts and invoices, bank account transaction lists, cash receipts, expenditures and assets and liabilities for the past seven (7) years;
- i. A record of the Association's Members, in a form that permits preparation of a list of the names and addresses of all members, in alphabetical order by class, showing the number of lots owned by each member and the votes each Member is entitled to cast;
- j. Election results, nomination committee report, proxies, written ballots and teller reports for the past three years;

- k. Tax records, which include Internal Revenue Filings and forms are to be maintained for tax purposes only and kept for the past seven (7) years;

Section 2 Availability of Records for Viewing and Copying

- a. The Secretary shall make the records listed in Section 1a through g above available for inspection and copying upon the Association receiving written notice of the demand at least five (5) days before the date on which the Member wishes to inspect and copy.
- b. A Member may inspect and copy the records identified in Section 1, paragraphs h through j only if: (1) the Member's demand is made in good faith and for a proper purpose; (2) the Member describes with reasonable particularity the purpose and the records the Member desires to inspect; and (3) the records are directly connected with this purpose. Documents are for the member use only and cannot be disseminated to the public.
- c. A Director shall be present at the viewing of the requested documents and shall not allow other documents to be viewed.
- d. If requested documents need to be or marked up or redacted, it shall be done on copies and the copies provided to the requester.
- e. Original records shall not be left in the possession of the requester.
- f. The Association may impose a reasonable charge, covering the costs of labor and material, for producing for inspection or copying any records provided to the Member.

ARTICLE IX POLICIES

Section 1 The Board may issue policies to carry out the intent of the bylaws as it deems advisable.

Section 2 Any policy, or change thereto, which affects the general Membership, shall be mailed, e-mailed, personally given to the Owners, and/or published on the Association website at least-fourteen (14) days prior to implementation.

ARTICLE X BYLAWS AND AMENDMENTS

Revisions and/or amendment to these bylaws are to be presented to the Board for comment and response and must be ratified by the membership at a regular or special meeting of the Association, called for that purpose, at which a quorum is present, by a simple majority vote of the members present or represented by proxy. Such meeting must be scheduled in accordance with ARTICLE IV Section 3 of the bylaws. Unless otherwise specified or altered by vote, an amendment of the bylaws shall become effective upon adjournment of the meeting at which it is adopted.

CERTIFICATION

I, the undersigned, do hereby certify that, on the 31th day of May 2014, I am the duly elected and acting President of HUNTER'S RIDGE OWNERS ASSOCIATION, Inc., a North Carolina Nonprofit Corporation, and, that the foregoing constitutes the Bylaws of the Association, as duly approved by the Membership pursuant to the Association Minutes, dated April 26, 2014 and May 31, 2014.

IN WITNESS WHEREOF, I have hereunto subscribed my name on behalf of said Association on the 31th day of May 2014.


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