

AMENDMENT TO THE BY-LAWS OF
BIRCH CREEK HOMEOWNERS' ASSOCIATION, INC.

THIS AMENDMENT TO THE BY-LAWS OF BIRCH CREEK HOMEOWNERS' ASSOCIATION, INC. (hereinafter referred to as the "Amendment"), made pursuant to Chapter 47A of the North Carolina General Statutes and made this 7th day of November, 1992;

WITNESSETH:

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THAT WHEREAS, Birch Creek Condominium was established by the submission of certain real property located in Wilmington, New Hanover County, North Carolina, by and through that DECLARATION OF CONDOMINIUM recorded in Book 1203 at page 1317 of the New Hanover County Registry; and

WHEREAS, the BIRCH CREEK HOMEOWNERS' ASSOCIATION, INC. (hereinafter referred to as the "Association") is a non-profit corporation duly organized pursuant to Chapter 55A of the North Carolina General Statutes to administer the operation and management of Birch Creek Condominium; said Association having been incorporated on 14 May 1982 with the Department of the Secretary of State of North Carolina and recorded in the New Hanover County Register of Deeds in Book 1203 at Page 1309 on 9 June 1982; and

WHEREAS, the Association adopted By-Laws, same having been duly adopted at the Organizational Meeting of the Board of Directors of the Association, with a copy of said By-Laws having been attached as Exhibit "C" to the Declaration referred to above; and

WHEREAS, ARTICLE XXIII in the By-Laws referred to above provided for a process of amendment of said By-Laws whereby any such amendment(s) shall not become operative until set forth in an Amendment duly recorded in the Office of the Register of Deeds of New Hanover County; that, in fact, the Amendment to said By-Laws as set forth below was proposed and approved in accordance with said ARTICLE XXIII and that the Association intends to render the amendments set forth below operative and, therefore, is now recording same in the Office of the Register of Deeds of New Hanover County; and

Jeffrey Keeter

WHEREAS, the Amendment ¹⁶²⁷ proposed ~~and~~ approved in accordance with said ARTICLE XXIII were first proposed and adopted by the Board of Directors and, thereafter, transmitted to the President who, pursuant to the Amendment to ARTICLE XXIII of the By-Laws, dated November 5, 1988, and recorded on November 15, 1988, in Book 1437 at Page 298, suggested that the proposed Amendment be placed on the agenda of the Association's next regularly scheduled Annual Meeting of the membership to be held on 7 November 1992. The Board of Directors agreed and authorized the President's suggestion in writing. The Secretary then gave to each member written notice of said Annual Meeting, such notice reciting the proposed Amendment in reasonably detailed form. Said notice was mailed not less than twenty (20) days of the date scheduled for the meeting; and

WHEREAS, at said Annual Meeting, after a quorum was certified and the Meeting called to order, a Motion was made and duly seconded for the adoption of the proposed Amendment and, after the question was called, the proposed Amendment was adopted by an affirmative vote of eighty-four in favor of the Amendment, one vote against the Amendment and no votes abstaining.

NOW, THEREFORE, the By-Laws of BIRCH CREEK HOMEOWNERS' ASSOCIATION, INC. are hereby amended by adding to ARTICLE III a new paragraph which shall be designated and shall read as follows:

"L. Minutes of Annual Meeting: The Minutes of the Annual Meeting shall be approved by the incoming Board of Directors and the outgoing Secretary. Upon approval thereof and within forty-five (45) days following the Annual Meeting, the approved Annual Minutes shall be distributed to all the membership in good standing."

Pursuant to the authority vested in the undersigned by the By-Laws of Birch Creek Homeowners' Association, Inc. and as authorized and directed by the affirmative vote of a majority of the members of Birch Creek Homeowners' Association, Inc., the undersigned has prepared and shall file this Amendment in the office of the Register of Deeds of New Hanover County, North Carolina, so as to give affect to the Amendment as adopted.

IN WITNESS WHEREOF, this Amendment to the By-Laws is signed by the President and attested and seal affixed by the Secretary of Birch Creek Homeowners' Association, Inc., the day and year first above written.



BIRCH CREEK HOMEOWNERS' ASSOCIATION, INC.

By: Robert A. Markey President

ATTESTED:
By: Brenda G. McDonald
Secretary

BOOK
1637

PAGE
0876

STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

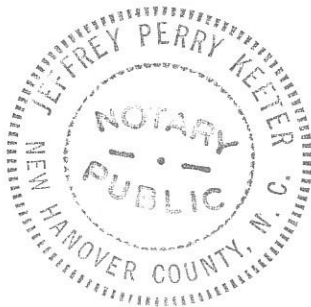
I, JEFFREY PERRY KEETER, a Notary Public in and for the State and County aforesaid, hereby certify that BRENDA G. McDONALD personally appeared before me this day and acknowledged that he/she is Secretary of BIRCH CREEK HOMEOWNERS' ASSOCIATION, INC., a North Carolina Corporation, and that by authority duly given and as the act of the Corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by its Secretary.

Witness my hand and notarial stamp or seal, this the 22nd day of DECEMBER, 1992.

Jeffrey Perry Keeter
NOTARY PUBLIC

My commission expires:

6/21/97



STATE OF NORTH CAROLINA

New Hanover County

The Foregoing / Annexed Certificate(s) of

Jeffrey Perry Keeter

Notary (Notaries) Public is / are certified to be correct.

This the 23 day of DEC. 19 92

Mary Sue Oots, Register of deeds

by Linda P. Alton
Deputy / Assistant

GEORGE ROUNTREE, JR.
(1904 - 1979)
GEORGE ROUNTREE, III
J. HAROLD SEAGLE
JEFFREY P. KEETER
CHARLES M. LINEBERRY, JR.
GEORGE K. FREEMAN, JR.

ROUNTREE & SEAGLE
ATTORNEYS AT LAW
2419 MARKET STREET
WILMINGTON, NORTH CAROLINA 28403

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ROUNTREE UQ

December 23, 1992

ROSEANNA COLLINS CASHWELL

Birch Creek Homeowners Association, Inc.
c/o Brock, Padgett & Chandler
1202 Floral Parkway
Wilmington, North Carolina 28403

ATTENTION: Mr. Bob Marbry

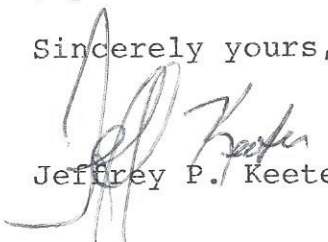
Re: Birch Creek Homeowners Association, Inc.
Amendment to By-Laws
Our File No. 1241.000

Dear Mr. Marbry:

Enclosed is the original AMENDMENT TO THE BY-LAWS OF BIRCH CREEK HOMEOWNERS ASSOCIATION, INC. which was recorded in Book 1637 at Page 874 in the Office of the Register of Deeds of New Hanover County on 23 December 1992. This original document should be placed with the By-Laws of the Homeowners Association. I have kept a photocopy of the recorded instrument for my file.

If you have any questions, please call me.

Sincerely yours,


Jeffrey P. Keeter

JPK/jg
enclosure