

Prepared by and return to: Brian S. Edlin, P.O. Box 10669, Raleigh, NC 27605

STATE OF NORTH CAROLINA
COUNTY OF WAKE

**AMENDMENT TO BYLAWS FOR
WHITE OAK CREEK HOMEOWNERS
ASSOCIATION, INC.**

This Amendment to Bylaws for White Oak Creek Homeowners Association, Inc. ("the Association") is made this _____ day of _____, 2020, by the White Oak Creek Homeowners Association, Inc.;

WITNESSETH:

WHEREAS, the Declarant Toll NC II, LLC, has previously recorded in Book 16284, Page 616 of the Wake County Register of Deeds, that certain Declaration of Covenants, Conditions, Restrictions, Easements, Charges and Liens for White Oak Creek, as amended (the "Declaration"); and

WHEREAS, the White Oak Creek Homeowners Association, Inc. ("the Association") was incorporated on or about 23 July 2015 with the North Carolina Secretary of State;

WHEREAS, the Bylaws for the Association were enacted on or about 15 December 2015 and call for a minimum of three (3) Directors after the Declarant Control Period has expired;

WHEREAS, Article XII, Section 2 of the Bylaws allows the Bylaws to be amended by a majority of the Board or by two-thirds (2/3) of the votes cast at a meeting of the Members of the Association;

WHEREAS, there are two Neighborhoods in White Oak Creek as defined in Article I, Section 23 of the Declaration – "Regency at White Oak Creek" and "Enclave at White Oak Creek";

WHEREAS, the requisite Members and the Board desire to amend the Bylaws to ensure Enclave at White Oak Creek Owners have a fair opportunity to serve on the Board, if sufficient interest exists from Enclave at White Oak Creek Owners;

NOW, THEREFORE, the undersigned does hereby declare that the Bylaws for White Oak Creek Homeowners Association, Inc. be amended as follows:

1. To amend Article V, Section 2 of the Bylaws by deleting that section in its entirety and in lieu thereof, replacing with the following:

“Section 2. Number, Term and Qualification. The number of Directors of the Association shall be one (1) until the first annual meeting after the end of the Declarant Control Period (as defined in the Declaration), at which time the number of Directors shall be increased to a minimum of three (3), at least one (1) of whom shall be an Owner from the Enclave at White Oak Creek Neighborhood. At such meeting, the Members shall elect one (1) Director to serve a term of one year, one (1) Director to serve a term of two years, and one (1) Director to serve a term of three years. At all times, the number of Directors should be an odd number. If the number of Directors is increased to five (5), seven (7) or nine (9), the number of Directors who shall be an Owner from the Enclave at White Oak Creek Neighborhood shall increase to two (2), three (3), or four (4), respectively. Provided, however, if there is no Owner (s) from the Enclave at White Oak Creek Neighborhood able and willing to serve on the Board to fulfill these requirements, then the minimum requirements for there to be an Owner from the Enclave at White Oak Creek Neighborhood shall be deemed waived.

At each annual meeting thereafter, the Members shall elect the number of Directors needed to fill the vacancy or vacancies created by the Director(s) whose term(s) is (are) expiring, to serve for a term of three years (except in the case of the initial election of a Director, in which case the term of that Director may be shortened to provide for the staggering set forth in this Article, or in the case of the filling of a vacancy, in which case the Director elected to fill the vacancy shall be elected for the unexpired term of the Director whose vacancy is being filled).

The term of the office of the Directors shall be staggered so that, except for an election to fill a vacancy or to fill a newly-created directorship, the term of not less than one (1) Director shall expire at each annual meeting. Each Director shall hold office until his death, resignation, retirement, removal or disqualification, or until his successor is elected and qualified. Directors need not be Members of the Association.

The Members of the Association may, by a majority of the votes cast at any duly called annual or special meeting of the Members at which a quorum is present, increase or decrease the number of Directors of the Association; provided, however, that the number of Directors shall not be increased to more than nine (9) or decreased to less than three (3) without amendment of these Bylaws of the Association.”

2. To amend Article V, Section 6 by deleting these sections in their entirety and in lieu thereof, replacing them with the following:

“Section 6. Vacancies. Subject to the requirements of Article V, Section 1 above for Enclave at White Oak Creek Neighborhood representation, a vacancy occurring in the Board of Directors may be filled by the selection by the remaining Directors of a successor, who shall serve for the unexpired term of his predecessor. Subject to the requirements of Article V, Section 1 above for Enclave at White Oak Creek Neighborhood representation, the Members may elect a Director at any time to fill any vacancy not filled by the Directors.”

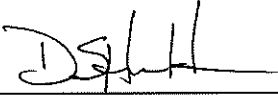
3. This amendment shall be effective upon recordation in the Office of the Wake County Registry.

4. Except as amended hereinabove, the remaining portions of the Bylaws are hereby restated and re-acknowledged.

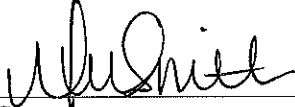
CERTIFICATION OF VALIDITY OF AMENDMENT TO THE
BYLAWS FOR WHITE OAK CREEK HOMEOWNERS ASSOCIATION, INC.

By authority of its Board of Directors, the undersigned hereby certify that the foregoing instrument has been duly approved by the requisite number of Members and the Board and is, therefore, a valid amendment to the existing Bylaws for the White Oak Creek Homeowners Association, Inc.

WHITE OAK CREEK HOMEOWNERS
ASSOCIATION, INC.

By: 
President

ATTEST:


Secretary

STATE OF NORTH CAROLINA

ACKNOWLEDGMENT

COUNTY OF WAKE

I, Cathleen M. Lucido a Notary Public of the County and State aforesaid, certify that Michele Smith, personally came before me this day and acknowledged that he/she is Secretary/Assistant Secretary of White Oak Creek Homeowners Association, Inc., a North Carolina non-profit 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 and attested by Michele Smith as its Secretary/Assistant Secretary.

Witness my hand and official stamp or seal, this 13 day of May, 2020.

My commission expires:

6-16-2023

Notary Public:

