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WAKE COUNTY, NC 279
LAURA M RIDDICK
REGISTER OF DEEDS
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**BYLAWS
OF
WYNSTONE HOMEOWNERS ASSOCIATION, INC.**

**APPROVED BY VOTE OF THE GENERAL MEMBERSHIP:
4/21/2007**

RTN TO Box 20 BECKER LAW OFFICES

**WYNSTONE HOMEOWNERS ASSOCIATION, INC. BYLAWS
APPROVED BY VOTE OF THE GENERAL MEMBERSHIP: 4/21/2007**

April 21, 2007

**BYLAWS
OF
WYNSTONE HOMEOWNERS ASSOCIATION, INC.**

**ARTICLE I
NAME AND OBJECTIVES**

Section 1-The name of this Association shall be "Wynstone Homeowners Association, Incorporated", a perpetual non-profit corporation incorporated in the State of North Carolina on April 1, 2002, and located in southern Wake County, North Carolina. These Bylaws supersede all previous versions, including the March 19, 2003 version.

Section 2-The general objective of this Association shall be to provide for the control, general improvement, and maintenance of the subdivision community, known as The Wynstone Subdivision, for the personal benefits of the members, their families and guests.

Section 3-The specific objective of the Association shall be to administer and to enforce compliance with the subdivision covenants, conditions, and restrictions as set forth in the subdivision's Protective Covenants, for the benefits of the individual members and of the subdivision in general; and for the purposes of maintaining property values and home resale values for the homeowners, and for the subdivision community as a whole.

Section 4-The Association may take such actions and measures as it deems necessary to accomplish the above objectives, provided they are consistent with the Protective Covenants, these Bylaws, and the laws and regulations of the State of North Carolina and of Wake County.

**ARTICLE II
DEFINITIONS AND TERMS**

"Association" and "WHA" shall mean the Wynstone Homeowners Association, Inc.

"Current Year" shall mean the present fiscal year commencing April 1.

"Directors" and "Board of Directors" shall mean those members of the Association who are elected by the membership to conduct and administer the Association's business and to enforce the subdivision's Protective Covenants.

"Lot Owner" and "Lot Owners" means those individuals or entities who are listed on the Wake County Tax Records as the owner of a lot in the Subdivision.

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"Members" and "Membership" means collectively those individuals or organizations who are members of the Wynstone Homeowners Association, Inc. and who own a house located in the subdivision.

"Officers" means those individuals who are members of the Association and who are elected by the membership and/or appointed by the Directors to assist the Directors in conducting the Association's business.

"Protective Covenants" means the covenants, conditions, and restrictions of the Association and of the Subdivision as recorded with the Wake County Register of Deeds in Book of Maps 1995, pages 31 and 32, and as may be amended and re-recorded from time to time with the Register of Deeds of Wake County.

"Wynstone Subdivision" means that area defined on the map recorded in Book of Maps 1995, pages 31 and 32, in the Wake County Register of Deeds office, consisting of lots 1 through 43, or as may be amended and re-recorded thereafter.

**ARTICLE III
ASSOCIATION OFFICES**

The principal office of the corporation in the State of North Carolina shall be located at 4036 Stone Summit Lane, Raleigh, NC. 27603. The corporation may have such other offices as the Board of Directors may designate or as the business of the corporation may require.

**ARTICLE IV
MEMBERSHIP**

Section 1-Membership shall be open to all home owners indicated in Article II.

Section 2-Membership in the WHA becomes effective upon home ownership and payment of dues.

Section 3-All WHA members shall have equal rights and privileges.

Section 4-Members may be expelled from participation in the Association for action detrimental to the common good. However, such expulsion does not remove the member from compliance with the subdivision Protective Covenants. Removal from participation shall require an affirmative vote by at least two-thirds of the members present at a meeting of the Association.

Section 5-Members may be expelled from participation in the Association for failure to pay annual dues, after a 3-month grace period from the date dues were due, and upon thirty (30) days written notice. The Board of Directors may, by a majority vote of the Directors, excuse or defer the dues payment. Reinstatement for non-payment of dues shall become effective upon payment of all outstanding dues amounts and any reinstatement fees.

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Section 6-Each member of the Association will be a member of the Corporation.

Section 7-Sale of a member's property in the Wynstone Subdivision will automatically cancel membership in the WHA, without refund of any paid dues. The new homeowner shall be subject to dues at the beginning of the next fiscal year, unless the former homeowner was not current with his dues payment. In this case, the new homeowner shall be subject to pro-rated dues for the remainder of the current fiscal year.

Section 8-Property owners owning more than one dwelling unit within the subdivision shall be assessed dues for each dwelling unit. They will also have one vote in the WHA for each dwelling unit owned, subject to Article II of these Bylaws.

Section 9-Members of the WHA in good standing are entitled to one whole vote per dwelling unit owned. Husband and wife, co-owners or joint-owners of a dwelling unit, may not subdivide their allotted vote.

**ARTICLE V
MEETINGS OF THE MEMBERSHIP**

Section 1-The annual general membership meeting shall be held in April, at which time the election of Officers and Directors, and approval of the annual budget shall take place. The newly elected Officers and Directors will take office May 1.

Section 2-Meetings of the general WHA membership or of the Directors may be called by the Board of Directors or by the President upon a minimum of seven (7) calendar days advance notice to the membership or Directors, as applicable. This notice shall include the purpose of the meeting being called, and if so determined by the Directors, shall include information to acquaint the members with the subject of the meeting.

Section 3-A quorum of the WHA general membership shall consist of not less than ten (10) members in good standing, representing at least ten (10) individual homes.

Section 4-A quorum of the Board of Directors shall consist of a simple majority of the Directors.

**ARTICLE VI
OFFICERS**

Section 1-The officers of the WHA consist of President, Secretary, Treasurer, and five (5) Directors. The officers shall serve for a term of one year or until their successors are elected. The President shall preside over all meetings of the general WHA membership, and shall be Chairman of the Board of Directors. When absent from meetings, the President shall name one of the Directors to preside in his stead. The President shall have the tie-breaking vote at any meeting of the Directors or of the membership should there be a tie in the voting.

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Section 2-The President and Board of Directors may appoint additional officers of the WHA at their discretion. The term of these officers shall expire at the end of the current fiscal year unless their term is extended by vote of the general membership.

Section 3-Vacancies of the Officers or Directors shall be filled by the Directors for the unexpired portion of the term.

Section 4-The Officers and Directors of the Association are not to be held personally liable for any such acts of the Association members that result in injury to the person of fellow members or of their guests, or to their real or personal property. In addition, such Officers and Directors shall not be liable for any personal injuries to any person or persons as a result of failure of the membership to provide sufficient monies for the proper repair and maintenance of the properties.

Section 5-No members of the Association shall purport to have authority to act in behalf of or bind this Association to any legal obligations or liability except as provided in the Bylaws or by resolution of the Board of Directors.

Section 6-The Directors, by majority vote plus one, may remove any officer or agent appointed by the Directors whenever in their judgment the best interests of the corporation would be served thereby.

Section 7- A Director or Officer may resign at any time by giving written notice to the President or to the Board of Directors. Unless otherwise specified in the notice, the resignation shall take effect upon receipt thereof, and the acceptance of the resignation shall not be necessary to make it effective.

Section 8-Any or all Directors may be removed for cause by a two-thirds vote of the members present at a meeting of the Association.

Section 9-The number of the Directors may be adjusted at any time upon recommendation by the Board of Directors to the members, with a majority vote of the members present at a meeting. A change in the number of Directors does not require modification of these Bylaws according to the requirements of Article X below.

Section 10-All Directors and Officers shall serve without compensation.

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**ARTICLE VII
DUTIES OF OFFICERS**

Section 1- The President shall be the principal executive officer of the corporation and, subject to the control of the Directors, shall supervise and control the business and affairs of the corporation. He shall, when present, preside at all meetings of the members and of the Directors. He may sign, with the Secretary or any other proper officer of the corporation thereunto authorized by the Directors any deeds, mortgages, bonds, contracts, or other instruments which the Directors have authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the Directors or by these Bylaws to some other officer or agent of the corporation, or shall be required by law to be otherwise signed or executed; and in general shall perform all duties incident to the office of President and such other duties as may be prescribed by the Directors. He shall be custodian of the corporate records and of the seal of the corporation.

Section 2- The Secretary shall keep the minutes of the membership and of the Directors' meetings, see that all notices are duly given in accordance with the provisions of the Bylaws as required, and keep a register of the post office address of each member.

Section 3- The Treasurer shall have charge and custody and be responsible for all funds of the corporation, sign and have President sign all checks for expenses above \$200, receive and give receipts for monies due and payable to the corporation, and deposit all such monies within ten (10) days in the name of the corporation in such banks as shall be selected by the Board of Directors. He shall submit an accounting of income and expenses to the Directors periodically, and prepare an annual budget for the Directors review prior to the annual meeting.

Section 4- The Board of Directors shall manage the business and affairs of the corporation. The Directors shall in all cases act as a Board, and they may adopt such rules and regulations for the conduct of their meeting and the management of the corporation, as they may deem proper, not inconsistent with these Bylaws and the laws of this State.

**ARTICLE VIII
COMMITTEES**

Section 1-The Board of Directors may, as the occasion requires, appoint committees for various purposes. Such committees shall consist of no less than two persons.

Section 2-Standing Committees-The Board of Directors may appoint an Architectural Committee and a Landscape Committee for the purpose of reviewing and approving home and lot improvements as required by the Protective Covenants, and in accordance with the provisions of these covenants. These committees shall consist of at least three (3) members. When no committee is appointed, the Board of Directors and President shall serve as the committee in their stead.

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**ARTICLE IX
ASSESSMENTS**

Section 1-Each home owner shall be assessed annual dues for the payment of Association expenses. The Board of Directors will determine the annual assessment of home owners with the approval of the majority of members present at the annual general membership meeting. Annual dues for the current year shall be due and payable on May 1. Annual dues are non-refundable. Only members who have paid their dues are entitled to vote at any meeting. The lot owner, upon acquiring title, shall automatically become a member of the Association and shall remain a Member until such time as his ownership of such lot ceases for any reason, at which time his membership in the Association shall automatically cease. Each lot owner of any lot by acceptance of a deed therefor, whether or not it shall be so expressed in such deed, is deemed to covenant, and agree to pay to the Association homeowner's assessments. No owner may waiver or otherwise escape liability for the assessments provided for herein by nonuse of the Common Area or abandonment of his lot.

Section 2-Any assessments that are not paid within thirty (30) days of when due shall be delinquent. The assessment shall bear late fees and interest from the date of delinquency, and the Corporation may bring action at law against the owner personally obligated to pay the same or foreclose the lien against the property, and interest, costs, and reasonable attorney's fees as allowed by law of any such action shall be added to the amount of such assessment. The amount of the late charge shall be the greater of (a) Twenty Dollars (\$20.00), or (b) ten percent (10%) of the delinquent amount. The interest rate shall be Eight Percent (8%).

Section 3-The Corporation reserves the right to directly file an action in a court of law or equity against an owner to halt a violation of the covenants or restrictions.

**ARTICLE X
AMENDMENTS AND CHANGES TO THESE BYLAWS**

Section 1-These Bylaws may be altered, amended or repealed only at a meeting of the Association membership, provided notice has been duly given of the proposed amendments at least thirty days before such a meeting. Passage shall require the approval of three-quarters of those present at the meeting.

Section 2-Any changes duly made to these Bylaws shall be filed with the Office of the Secretary of State of North Carolina within sixty (60) days after such changes have been approved.

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**ARTICLE XI
DISSOLUTION OF THE CORPORATION**

Section 1-The Association may be dissolved at any time by a two-thirds vote of the membership in good standing. Verified mailed votes shall be counted. Every reasonable effort should be made by the officers to contact all members. Should a member or members be unavailable after every reasonable effort to contact them fails within a month's period, then the remaining votes may be considered the complete vote without participation of those members.

Sections 2-Upon dissolution of the Association, and after all bills have been paid and all monies received, the remaining balance, if any, shall be equally divided and paid to the current members in good standing.

**ARTICLE XII
PRESUMPTION OF ASSENT**

Any Director, Officer, or member who is present at a meeting at which action on any corporate or WHA matter is taken shall be presumed to have assented to the action taken unless his dissent shall be entered in the minutes of the meeting or unless he shall file his written dissent to such action with the person acting as the Secretary of the meeting before the adjournment.

**ARTICLE XIII
WAIVER OF NOTICE**

Unless otherwise provided by law, whenever any notice is required to be given to any member or Director of the corporation under the provisions of these Bylaws or under the provisions of the Articles of Incorporation, a waiver thereof in writing, signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

**ARTICLE XIV
FISCAL YEAR**

The fiscal year of the Corporation shall begin on the 1st day of April each year.

**ARTICLE XV
ORGANIZATION**

In order to effectively conduct the business of the Association, the following hierarchy shall be observed: Board of Directors, President, Treasurer, Secretary, other Officers and Committees.

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**ARTICLE XVI
GENDER SPECIFIC LANGUAGE**

The use of the masculine herein when referring to any person shall be construed to also include the feminine and the neuter.

- END -

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**WYNSTONE HOMEOWNERS ASSOCIATION, INC. BYLAWS
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CERTIFICATION

I, the undersigned, do hereby certify that I am the duly elected and acting president of the Wynstone Homeowners Association, Inc., a North Carolina non-profit corporation, and, that the foregoing Bylaws constitute the original Bylaws of said corporation as duly amended at a meeting of its homeowner members thereof, held on the 21st day of April, 2007.

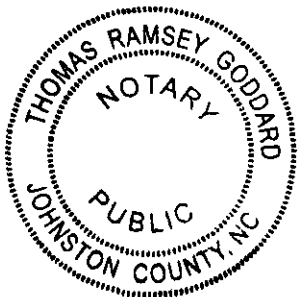
IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of said Corporation, the 19 day of October, 2007.

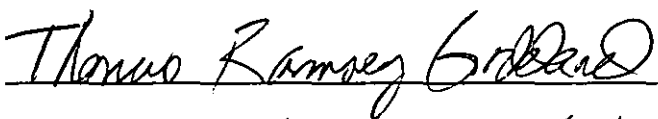

Richard Mineo, President

State of North Carolina

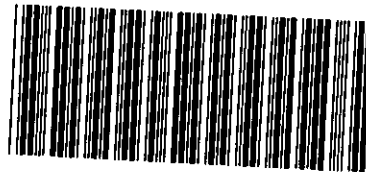
County of Wake

I, the undersigned Notary Public of the county and state aforesaid, do hereby certify that Richard Mineo, president of the Wynstone Homeowners Association, Inc., personally appeared before me this day and acknowledged the due execution of the foregoing instrument on behalf of and as a duly authorized act of the Association. Witness my hand and official stamp, this ____ day of October, 2007.




Notary Public - Thomas Ramsey Goddard
(Name)

My Commission Expires: 12-10-08



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**Wake County Register of Deeds
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Register of Deeds**

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