# BYLAWS
# OF
# CREEKSIDE SUBDIVISION HOMEOWNERS ASSOCIATION, INC.

## ARTICLE I
## NAME AND LOCATION

The name of the corporation is Creekside Subdivision Homeowners Association, Inc. (the "Association"). The principal office of the Association shall be located at 4700 Homewoood Court, Raleigh, Wake County, North Carolina (the present management company of the Association), but the meetings of Members and Directors may be held at such places within Wake County, North Carolina as may be designated by the Board of Directors.

## ARTICLE II
## DEFINITIONS

Section 1. "Declaration" shall mean that certain instrument, entitled "Protective Covenants, of Creekside Subdivision," recorded at Book 16301, Page 1895 Wake County, North Carolina, Registry, and all amendments thereto.

Section 2. Each term defined in the Declaration shall have the same meaning, as set forth therein, in these Bylaws. In the event of a conflict, these Bylaws shall govern.

## ARTICLE III
## MEETING OF MEMBERS

Section 1. Annual Meeting. The first annual meeting of the Members shall be held within twelve (12) months after incorporation of the Association, and each subsequent annual meeting of the Members shall be held at a date and time determined by the Board of Directors, for the purpose of transacting any business authorized to be transacted by the Members.

Section 2. Special Meetings. Special meetings of the Members may be called at any time by the Association's president or by the Board of Directors, or upon written request of the Members who are entitled to vote one-fourth (1/4) of all of the votes of the membership.

Section 3. Notice of Meetings. Written notice of each meeting of the Members 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, not less than ten (10) days nor more than sixty (60) days, unless otherwise stated in the Declaration or Articles, 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. Proof of such mailing shall be given by the affidavit of the person giving the notice. Notice of the meeting may be waived, before or after the meeting, by vote of all Members of the Association.

Section 4. Quorum. The presence at meeting of Members entitled to cast, or of proxies entitled to cast, one tenth (l/10) of the vote of each class of Members shall constitute a quorum for any action except as otherwise provided in the Articles, the Declaration, or these Bylaws. If, however, such quorum shall not be present or represented at any meeting, the Members entitled to vote thereat shall have the power to adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum, as aforesaid, shall be present or be represented. The joinder of a Member in the action shall constitute the presence of such Member for the purpose of determining a quorum.

Section 5. Proxies. At all meetings of Members, each Member may vote in person or by proxy. All proxies shall be in writing and filed with the secretary of the Association. Every proxy shall be revocable and shall automatically cease upon conveyance by the Member of his Lot.

Section 6. Order. The order of business at the annual Members' meetings, and, as far as practical at all other Members' meetings, shall be:

a) Calling of the roll and certifying of proxies.
b) Proof of notice of meeting or waiver of notice.
c) Reading and disposal of any unapproved minutes.
d) Old business.
e) New business.
f) Adjournment.

## ARTICLE IV
## SELECTION AND TERM OF OFFICE OF BOARD OF DIRECTORS

Section 1. Number. Initially, the Board shall consist of five (5) directors, who must be Members of the Association.

Section 2. Term of Office. At the first annual meeting, the Members shall elect two (2) directors for a term of three (3) years, two (2) directors for a term of two (2) years, and one (1) director for a term of one (1) year. At each annual meeting thereafter, the Members shall elect directors for the terms expiring that year for a term of three (3) years to accomplish staggered terms for such directors.

Section 3. Removal. Any director may be removed from the Board, with or without cause, by a majority vote of the Members of the Association. In the event of the death, resignation or removal of a director, his successor shall be selected by the remaining Members of the Board and shall serve for the unexpired term of his predecessor.

Section 4. Compensation. No director shall receive compensation for any service he may render to the Association, however, any director shall be reimbursed for his actual expenses incurred in the performance of his duties.

Section 5. Action Taken Without Meeting. The directors shall have the right to take any action in the absence of a meeting which they could take at a meeting by obtaining the written approval of all the directors. Any action so approved shall have the same effect as though taken at a meeting of the directors.

## ARTICLE V
## NOMINATION AND ELECTION OF DIRECTORS

Section 1. Nomination. Nomination for election to the Board of Directors shall be made in writing to the Association Secretary or his/her designee prior to the annual meeting. Nominations may also be made from the floor at the annual meeting.

Section 2. Election. Election to the Board of Directors shall be by written ballot. At such election the Member; or their proxy may cast, in respect to each vacancy, as many votes as they are entitled to exercise under the provisions of the Declaration. The person(s) receiving the largest number of votes shall be elected. Cumulative voting and fractional voting shall not be permitted.

## ARTICLE VI
## MEETINGS OF DIRECTORS

Section 1. Annual Meeting. The annual meeting of the Board of Directors shall be held immediately after, and at the same place as, the annual meeting of Members.

Section 2. Special Meetings. Special meetings of the Board of Directors shall be held when called by the president of the Association, or by any two directors, after not less than three (3) days prior notice to each other director.

Section 3. Quorum. A majority of the number of directors shall constitute a quorum for the transaction of business. Every act or decision done or made by a majority of the directors present, at a duly held meeting at which a quorum is present, shall be regarded as the act of the Board.

## ARTICLE VII
## POWERS AND DUTIES OF THE BOARD OF DIRECTORS

Section 1. Powers. The Board of Directors shall have power to:

(a) Adopt, formulate, amend and publish rules and regulations governing the use of the Common Area, the Lots, and any facilities and improvements thereon, and the personal conduct of the Members and their guests thereon, and to establish penalties for the infraction thereof;

(b) Suspend the voting rights and right to use the Common Area of a Member during any period in which such Member shall be in default in the payment of any Assessment levied by the Association. Such rights may also be suspended after notice and hearing, for a period not to exceed sixty (60) days, for infraction of published rules and regulations. Suspension shall not restrict the right to use private streets and parking spaces as allotted in the Declaration.

(c) Exercise for the Association all powers, duties and authority vested in or delegated to the Association and not reserved to the Members by other provisions of these Bylaws, the Articles or the Declaration;

(d) Declare the office of a member of the Board of Directors to be vacant in the event such member shall be absent from three (3) consecutive meetings of the Board of Directors;

(e) Foreclose the lien against any Lot for which the Assessments are not paid within thirty (30) days after their due date and bring an action at law against the Owner personally obligated to pay the same;

(f) Employ a manager, an independent contractor, or such other persons as deemed necessary, and prescribe their duties; and

(g) Exercise such other powers as are conferred upon the Association by the Articles, the Declaration, the Bylaws or the North Carolina Non Profit Corporation Act, N.C.G.S. §55A-1-1-01, *et seq*.

Section 2. Duties. It shall be the duty of the Board of Directors to:

(a) Cause to be kept a complete record of all its acts and affairs and to present a statement thereof to the Members at the annual meeting of the Members, or at any special meeting, when such statement is requested in writing by one-fourth (1/4) of the Members who are entitled to vote;

(b) Supervise all officers, agents and employees of the Association, and see that their duties are properly performed;

(c) fix, levy and collect assessments as set forth in the Declaration;

(d) Upon demand, and for a reasonable charge, furnish a certificate signed by an officer of the Association setting forth whether the Assessment on a Lot has been paid. A properly executed certificate of the Association, as to the status of Assessments on a Lot, shall be binding upon the Association as of the date of its issuance, as provided in the Declaration;

(e) Procure and maintain such casualty, hazard and liability insurance, as necessary;

(f) Cause the Common Area to be maintained and repaired;

(g) Pay any taxes, assessments, license fees or governmental charges, levied or imposed against any property, real or personal, owned by the Association; Perform all other duties imposed by the Articles, the Declaration and these Bylaws.

(h) enforce the terms and conditions in the Declaration.

## ARTICLE VIII
## OFFICERS AND THEIR DUTIES

Section 1. Enumeration of Offices. The officers of the Association shall be a president, secretary, and treasurer, all of whom shall be Members of the Board of Directors, and such other officers as the Board may elect from time to time.

Section 2. Election of Officers. The initial officers of the Association shall be:

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| Kala Linder | President |
| Bryan Angolia | Vice President |
| Joshua Cubbison | Secretary |
| Caitlin Shields | Treasurer |
| Jackie Fredieu | At-Large |

each of whom shall serve until the first annual meeting of the Board of Directors. Thereafter, the election of officers shall take place at the annual meeting of the Board of Directors.

Section 3. Term. Subject to the provisions of Section 2 of this Article, each officer of the Association shall be elected annually by the Board and each shall hold office for one (1) year unless he shall sooner resign, or shall be removed, or otherwise shall be disqualified to serve.

Section 4. Special Appointments. The Board may elect such other officers as the affairs of the Association may require, each of whom shall hold office for such period, have such authority, and perform such duties as the Board may, from time to time, determine.

Section 5. Resignation and Removal. Any officer may be removed from office, with or without cause, by the Board. Any officer may resign at any time by giving written notice to the Board, the president or the secretary. Such resignation shall take effect on the date of receipt of such notice or at any later time specified therein, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

Section 6. Vacancies. A vacancy in any office shall be filled by appointment by the Board. The officer appointed to such vacancy shall serve for the remainder of the term of the officer he replaces.

Section 7. Multiple offices. The offices of president and secretary may be held by the same person.

Section 8. Duties. The duties of the officers are as follows:

### President

The president shall preside at all meetings of the Board of Directors, see that orders and resolutions of the Board are carried out, sign all leases, mortgages, deeds of trust, deeds and other written instruments, co-sign all checks and promissory notes, and exercise and discharge such other duties as may be required of him by the Board.

### Secretary

The secretary shall record the votes and keep the minutes of all meetings and proceedings of the Board and of the Members, keep the corporate seal of the Association and affix it on all papers requiring said seal, serve notice of meetings of the Board and of the Members, keep current records showing the Members and their addresses, and perform such other duties as required by the Board.

### Treasurer

The treasurer shall receive and deposit in appropriate bank accounts all monies of the Association and shall disburse such funds as directed by resolution of the Board of Directors, co-sign all checks and promissory notes of the Association, keep proper books of account, where directed by the Board, cause an annual audit of the Association's books to be made by a certified independent public accountant at the completion of each fiscal year, and prepare an annual budget and a statement of income and expenditures.

## ARTICLE IX
## COMMITTEES

The Board of Directors may appoint such committees as deemed appropriate in carrying out its purposes.

## ARTICLE X
## BOOKS AND RECORDS

The books, records and papers of the Association, including the Articles, Bylaws and Declaration, shall, at all times during reasonable business hours, be available for inspection by any Member or his designee, at the principal office of the Association, where copies may be purchased at a reasonable cost.

## ARTICLE XI
## FISCAL MATTERS AND ASSESSMENTS

As more fully provided in the Declaration, each Member is obligated to pay to the Association annual and special Assessments which are secured by a continuing lien upon the Lot against which the Assessment is made.

## ARTICLE XII
## AMENDMENTS

Section 1. Amendment. These Bylaws may be amended, at a regular or special meeting of the Members, by a vote of a majority of a quorum of Members present in person or by proxy.

Section 2. Conflict. In the case of any conflict between the Articles and these Bylaws, the Articles shall control; and, in the case of a conflict between the Declaration and these Bylaws, the Declaration shall control.

## ARTICLE XIII
## MISCELLANEOUS

Section 1. Fiscal Year. The fiscal year of the Association shall be the calendar year.

Section 2. Gender and Grammar. The singular, wherever used herein, shall be construed to mean the plural when applicable, and the necessary grammatical changes required to make the provisions hereof apply, either to the Association or other entities or to individuals, men or women, shall, in all cases, be assumed as though in each case fully expressed.

## CERTIFICATION

**I,** the undersigned, do hereby certify:

THAT I am the acting Secretary of Creekside Subdivision Homeowners Association, Inc, a North Carolina non-profit corporation, and,

THAT the foregoing Bylaws constitute the original Bylaws of the Association as, duly adopted at a meeting of the Board of Directors thereof, held on the 6th day of November, 2023.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of said Association this 6th day of November, 2023.



(Seal)

Sworn to and subscribed before me this the 6 day of November, 2023.

Notary Public Signature
My Commission Expires: 02-24-2025