

BYLAWS OF
ASHE PLANTATION HOME OWNER'S ASSOCIATION

ARTICLE 1: NAME

The name Ashe Plantation Home Owner's Association shall hereinafter be referred to as the "Association"

ARTICLE II: DEFINITIONS

- Section 1. "Association" shall mean and refer to Ashe Plantation Home Owner's Association, its successors and assigns.
- Section 2. "Properties" shall mean and refer to that certain real property described in the Restriction Agreement and such additions thereto as may hereafter be brought within the jurisdiction of the Association.
- Section 3. "Lot" shall mean and refer to any plot of land shown upon any recorded subdivision map of the Properties.
- Section 4. "Member" shall mean and refer to every owner occupant who holds membership in the Association.
- Section 5. "Owner occupant" shall mean and refer to the record owner occupant, whether one or more persons, of the free simple title to any lot which is part of the Properties, but excluding those having such interest merely as security for the performance of an obligation.
- Section 6 "Restrictive Agreement Covenants shall mean and refer to the Restrictive Agreement Covenants applicable to the Properties recorded in the Office of the Register of Deeds of Mecklenburg County, North Carolina.

ARTICLE III: MEMBERSHIP

- Section I Required to produce for the Association a photocopy of the page(s) of his deed(s) which contains the name of the member and the Lot(s) owned by such member.
- Section 2. During any period in which a member shall be in default in the payment of any annual dues levied by the Association, the voting rights and the right to hold office of such member may be suspended by the Board of Directors until such assessment has been paid.

ARTICLE IV: BOARD OF DIRECTORS

- Section 1. The affairs of the Association shall be managed by a Board of Directors. Four of these directors will be directly elected by the members.. The President, Vice President, Secretary and Treasurer of the Association shall be the officers of the Association, will serve on the Board of Directors and will be elected in accordance with Article X Section 2. All members of the Board of Directors must be members of the Association. Other Directors shall be appointed by the elected Board.
- Section 2. 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 death, resignation or removal of a director, his successor shall be selected by the remaining members of the Board and shall serve for the un-expired term of his predecessor.
- Section 3. No director shall receive compensation for any service he may render to the Association in the capacity of director. However, any director may be reimbursed for his actual expenses incurred in the performance of his duties.
- Section 4. The directors shall have the right to take any action in the absence of a board meeting which they could take at a board 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: MEETINGS OF DIRECTORS

- Section I Regular meetings of the Board of Directors shall be held at least quarterly, at such place and hour as may be fixed from time to time by resolution of the board.
- Section 2 Special meeting 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 notice to each director.
- Section 3. A majority of the directors shall constitute a quorum for the transaction of business. Every act or decision done or made by a majority of the directors present shall be regarded as an act of the board.

ARTICLE VI: NOMINATION AND ELECTION OF DIRECTORS

- Section 1. Nomination for election to the Board of Directors shall be made by a Nominating Committee. Nominations may also be made from the floor at the annual meeting. The Nominating Committee shall consist of a Chairperson, who shall be a member of the Board of Directors, and two or more members of the Association. The Nominating Committee shall be appointed by the

Board of Directors prior to each annual meeting of the members, to serve from the close of such annual meeting until the close of the next annual meeting and such appointment shall be announced at each annual meeting. The Nominating Committee shall make as many nominations for election to the Board of Directors as it shall in its discretion determine. But not less than the number of vacancies that are to be filled. Such nominations must be made from among members.

Section 2 The members or their proxies may cast, in respect to each vacancy, as many votes as they are entitled to exercise. The persons receiving the largest number of votes shall be elected. Cumulative voting is not permitted.

ARTICLE VII: POWERS & DUTIES OF THE BOARD OF DIRECTORS

Section 1

The Board of Directors shall have power:

- a) To exercise for the Association all powers, duties and authority vested in or delegated to this Association not reserved to the membership by other provisions of these Bylaws or of the Restrictive Covenants
- b) To 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 regular meetings of the Board of Directors.

It shall be the duty of the Board of Directors:

- a) To 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 by any member who is entitled to vote.
- b) To supervise all officers of this Association and to see that their duties are properly performed.
- c) To recommend adjustment in annual dues and submit to members at semi-annual meetings for their approval.

ARTICLE VIII: COMMITTEES

The Board of Directors shall appoint a Restrictive Covenants Committee to assist in the development of revision to, interpretation of and enforcement of the Restrictive Covenants Agreement. In addition, the Board shall appoint other Committees as deemed appropriate in carrying out its purposes, including but not limited to:

1. A Social Committee which shall advise the Board of Directors on all matters

pertaining to the Social programs and activities of the Association and shall perform such other functions as the Board, in its discretion, determines.

2. A Landscape and Maintenance Committee which shall advise the Board of Directors on all matters pertaining to the maintenance, repair or improvement of the Properties, and shall perform such other functions as the Board, in its discretion, determines.
3. A Publicity Committee which shall inform the members of all activities and functions of the Association and shall, after consulting with the Board of Directors, make such public releases and announcements as are in the best interest of the Association.
4. A Safety and Security Committee which shall track and inform the board and its members of general safety and security of the neighborhood. They shall interface with local police and other agencies to maintain and enhance safety and security of the membership

Section 2 It shall be the duty of each committee to receive complaints from members on any matter involving Association functions, duties and activities within its field of responsibility. It shall dispose of such complaints as it deems appropriate or refer them to such other committee, director or officer of the Association as is further concerned with the matter presented.

ARTICLE IX: MEETINGS OF MEMBERS

Section I A minimum of one annual meeting of the members shall be held on the second Tuesday of September of each year, and at such place as is fixed by the Board of Directors. Any other meeting of the members shall be held at a time and place fixed by the Board of Directors.

Section 2 Special meeting of the members may be called at any time by the President or by the Board of Directors, upon written request of one-fourth (1/4) of the members. (or)

Section 3. 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 publishing a meeting notice in the newsletter, posting of signs in the neighborhood or mailing a copy of such notice at least 15 days before such meeting to each member entitled to vote, 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-

Section 4. The presence at the meeting of members entitled to cast, or of proxies

entitled to cast, on-fourth (1/4) of the votes of the membership shall constitute a quorum.

Section 5 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. Every proxy shall be revocable and shall automatically cease upon conveyance by the member of his Lot.

ARTICLE X: OFFICERS AND THEIR DUTIES

Section I Officers. The Officers of this Association shall be a President, Vice President Secretary and a Treasurer, who shall also be members of the Board of Directors, and such other officers as the Board may from time to time by resolution create. Each officer shall be elected to a two year term

Section 2. Election of Officers. Two officers of this Association shall be elected annually by the members and each shall hold office for two (2) years unless he shall sooner resign, or shall be removed, or otherwise disqualified to serve. The position of President and Treasurer shall be elected in even years and the Vice President and Secretary Shall be elected in odd numbered years.

Section 3. Special Appointments. The Board may elect such 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 4 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 date as specified therein, and unless other specified therein, the acceptance of such resignation shall not be necessary to make it effective.

Section 5. Vacancies. A vacancy in any office may be filled in the manner prescribed for regular election. The officer elected to such vacancy shall serve for the remainder of the term of the office he replaces.

Section 6. Multiple offices. No person shall simultaneously hold more than one or any of the other offices except in the case of special offices created pursuant to Section 4 of this Article.

Section 7 Duties -The duties of the officers are as follows:

- a) The President shall preside at all meetings of the Board of Directors and all meetings of the members; shall see that orders and resolutions of the Board are carried out. The President shall also serve and the Leader of

the Restrictive Covenants Committee.

- b) The Vice President shall act in the place and stead of the President in the event of his absence, inability or refusal to act, and shall exercise and discharge such other duties as may be required of him by the Board. The Vice President shall provide for the maintenance and distribution of a membership directory which shall be revised and distributed annually, The Vice President shall also serve as the Leader of the Bylaws review committee.
- c) The Secretary shall record the votes and keep the minutes of all meetings and proceedings of the Board and of the members; serve notice of meetings of the Board and of the members; and with the Treasurer shall keep appropriate current records showing the members of the Association together with their addresses.
- d) 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; shall sign all checks of the Association; keep proper books of account; and shall prepare an annual budget and a statement of income and expenditures to be presented to the membership at its regular annual meeting, and deliver a copy of each to the members; and shall perform such other duties as required by the Board.

ARTICLE XI: ASSOCIATION DUES

- Section 1. The fiscal year of the Association shall be the calendar year.
- Section 2. Dues shall be payable no later than January 31st of each year. One year's dues will be submitted with all applications for membership. Dues amounts for new residents shall be prorated for the current year. Prorating shall mean the number of full months until the end of the year times the current monthly rate of the annual dues
- Section 3. An adjustment in annual dues can be recommended by the Board of Directors and submitted to members at a membership meeting for their approval. Any such adjustment shall have the assent of two-thirds (2/3) of the votes of each member who is voting in person or by proxy at the annual meeting.
- Section 4. Members who have not paid current dues will not be eligible to vote on Association business or to hold an Association office.
- Section 5. In the event the Association shall cease existence, all dues on deposit shall be reimbursed to all current members in equal amounts. This distribution shall take place after all bills or obligations of the association are provided for

and as subject to all applicable law.

ARTICLE XII: AMENDMENTS

Section 1. These Bylaws may be amended at the annual meeting of members, or at a special meeting called for that purpose, by an affirmative vote of two-thirds (2/3) majority of a quorum of members present in person or by proxy.

ARTICLE XIII: PARLIAMENTARY AUTHORITY

Section 1. The rules contained in the current edition of "Robert's Rules of Order Newly Revised" shall govern the Association in all cases to which these Bylaws and any special rules or order the Association may adopt.