

STATE OF NORTH CAROLINA

COUNTY OF CARTERET

AMENDMENT TO THE BYLAWS
OF
BRANDYWINE OWNERS' ASSOCIATION, INC.

The Directors of BRANDYWINE OWNERS' ASSOCIATION, INC. (the "Association"), hereby adopt the following amendment to the Association's Bylaws pursuant to Article III, Section 5 thereof.

STATEMENT OF EXPLANATION

The Board of Directors of the Association adopted an amendment to the Bylaws on December 27, 2005 with respect to a new Section 6, Article VIII captioned "Enforcement/Collection of Dues on Assessments and Compliance with Covenants." This amendment was based on the version of the North Carolina Planned Community Act in effect at that time. Such Act has been subsequently amended and the Board of Directors of the Association chooses to amend the Association's By-Laws to promote consistency with the Act, particularly G.S. 47F-3-107.1 and the sections referenced therein. The Board of Directors does hereby amend the Bylaws of the Association by deleting the amendment dated December 27, 2005 and including in its stead a revised Section 6, Article VIII, which reads as follows:

Section 6. Enforcement/Collection of Dues and Assessments and Compliance with Covenants

- a. A "late payment" fee may be imposed on any and all delinquent accounts for dues and assessments not to exceed the greater of \$20.00 per month or ten percent (10%) of any assessment installment unpaid and remaining unpaid for 30 days. Additionally, after sixty (60) days from billing, interest will be assessed on any past due common expense assessment or installment thereof at the rate of eighteen percent (18%) per year. Any and all collection charges, attorneys fees and court costs for past due accounts will be added to any monies due the Association. Proper legal procedures will be commenced in a timely fashion to assure all financial obligations due to the Association are collected.
- b. A lot owner is subject to a fine as provided in North Carolina General Statutes Sections 47F-3-102(12) and 47F-3-107.1 for such owner's violation of the Association's declaration, bylaws, rules or regulations. A hearing shall be held before the Board of Directors to determine if a lot owner should be fined. The lot owner charged with a violation shall be given notice of the charge, the opportunity to be heard and to present evidence, and notice of the decision. If it is decided by the Board of Directors that a fine should be imposed, a fine not to exceed one hundred dollars (\$100) may be imposed for the violation and without

further hearing, for each day more than five (5) days after the decision that the violation continues. Such fines shall be assessments secured by liens as provided by North Carolina General Statute 47F-3-116. As used in this section the violation of the Association's declaration, bylaws, rules or regulations by owner's family members, guests, or tenants shall be deemed a violation by the owner.

This amendment is effective upon adoption.

Enacted on Motion of Board Member Howard Weckerle, seconded by Board Member Jerry Barnes, and carried on a vote of 5 in favor and 0 against, on the 1 day of July 2009.

BRANDYWINE OWNERS' ASSOCIATION, INC.

(corporate seal)

By: Janiece Wall
President

Attest:

Mike Kelly
Secretary