

STATE OF NORTH CAROLINA

COUNTY OF CARTERET

AMENDMENT TO THE BY-LAWS

OF

BRANDYWINE OWNERS ASSOCIATION, INC.

The undersigned, being the duly elected Directors of the above named Corporation, pursuant to a resolution duly adopted this date by the Board of Directors of said Corporation, and pursuant to Article III, Section 5 of the By-Laws of Brandywine Owners Association, Inc, does herein amend the By-Laws of the Corporation;

WITESSETH:

WHEREAS, the then existing Board of Directors of Brandywine Owners Association, Inc., amended the By-Laws of the Corporation on December 2, 1996; and

WHEREAS, the North Carolina Planned Community Act (1998-199, s. 1.), as amended in 2004, contains numerous provisions that specifically apply to all planned communities created in this state before January 1, 1999;

NOW, THEREFORE, pursuant to said Act, the Board of Directors of Brandywine Owners Association, Inc., do hereby amend the aforesaid By-Laws by deleting the amendment dated December 2, 1996 and including, in its stead, a new Section 6, Article VIII: Enforcement / Collection of Dues and Assessments and Compliance with Covenants, as follows:

1. A "late payment" fee may be imposed for any and all delinquent accounts for dues and assessments. After 60 days from billing, interest will be assessed on any pastdue common expense assessment or installment thereof not to exceed eighteen percent (18%) per year. Additionally, 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 commence in a timely fashion to assure all financial obligations due the Corporation are collected.

2. A penalty of up to \$150.00 per day may be imposed on any lot owner or homeowner for non-compliance of covenants as reported by the Architectural Control Committee ("ACC") on all properties within its jurisdiction. If a violation of the covenants exists the ACC will send the owner(s) a written notice stating the

violation and giving the owner a certain amount of time to correct the violation after which time a penalty of up to \$150.00 per day may be imposed. An owner shall have the right to appeal a notice of non-compliance of covenants by notifying the Board of Directors of the Corporation ("Board"), in writing within seven days (7) after receipt of the notice of

the violation. The Board will schedule a hearing within fourteen days (14) after receipt of the notice of appeal. At the hearing the owner will be given an opportunity to be heard and to present evidence in defense of the owners actions. The Board will send the owner notice of its decision, in writing, within seven days (7) of the appeal hearing. If the Board agrees that a violation does exist a fine may be imposed for the violation for each day after the decision that the violation occurs. Such fine shall be an assessment secured by liens and collected pursuant to G. S. 47F-3-116.

THIS AMENDMENT, to the By-Laws of Brandywine Owners Association, Inc., was adopted by the Board of Directors of said Corporation on this 27th day of December, 2005.

BRANDYWINE OWNERS ASSOCIATION, INC.

By: *Gary Stakes*

Gary Stakes, President

By: *Kurt Braun*

Kurt Braun, Vice President

By: *Joe Arnoult*

Joe Arnoult, Treasurer

By: *Beverly Funke*

Beverly Funke, Secretary

By: *Amy Haskins*

Amy Haskins, Committee Coordinator