

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 Bylaws of the Association, pursuant to Article VIII, Section 3 thereof.

STATEMENT OF EXPLANATION

On July 1, 2009, the Board of Directors of the Association adopted an amendment to Article VIII, Section 6 of the Bylaws of the Association. The Board of Directors does hereby amend the Bylaws of the Association by deleting the amendment dated July 1, 2009 and Article VIII, Section 6, and including in its stead a revised Article VIII, Section 6, which reads as follows:

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

- Invoices for annual Association dues shall be issued by the Association to the members on or before March 31 of the relevant calendar year. 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 thirty (30) days. Additionally, after forty-five (45) days from billing, interest may be assessed on any past due common expense assessment or installment thereof at the rate of eighteen percent (18%) per year. Proper legal procedures may be commenced to assure all financial obligations due to the Association are collected. Any and all collection charges, reasonable attorneys' fees, and court costs incurred by the Association in the collection of past due accounts will be added to any monies due the Association to the extent allowed under North Carolina law.
- A lot owner is subject to a fine as provided in North Carolina General Statutes §§ 47F-3-102(12) and 47F-3-107.1 for such owner's violation of the Association's Declaration, Bylaws, and/or Rules or Regulations, all as may be amended from time-to-time (the "Governing Documents"). 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. A hearing shall be held before the Board of Directors to determine if a lot owner is in violation of the Governing Documents. If it is decided by the Board of Directors that a fine should be imposed for a violation of the Governing Documents, a fine not to exceed one hundred dollars (\$100.00) 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 Governing Documents by an owner's family members, guests, or tenants may be deemed a violation by the owner.

This amendment is effective upon adoption.

Enacted on Motion of Board Member Bucky Coop seconded by Board Member Ann O'Conor and carried on a vote of 5 of votes in favor and 0 against, on the 30 day of October, 2012.

BRANDYWINE OWNERS' ASSOCIATION, INC.

(corporate seal)

By: Janiece Wall  
Janiece Wall, President

Attest:

Secretary

William [Signature]

