



Doc ID: 011221410008 Type: CRP
Recorded: 05/01/2012 at 10:59:10 AM
Fee Amt: \$26.00 Page 1 of 8
Pitt County, NC
Deborah T Barrington REG OF DEEDS

BK **2966** PG **863-870**

Prepared By: Gregory K. James, PA, 315 S. Evans St., Greenville, NC 27858
Return to: Edmonson Construction Company of Greenville, LLC
2625 Charles Blvd., Greenville, NC 27858

STATE OF NORTH CAROLINA

COUNTY OF PITT

**BY-LAWS
OF
AUGUSTA TRAILS NEIGHBORHOOD HOMEOWNER'S ASSOCIATION, INC.**

**ARTICLE I
NAME AND LOCATION**

That the name of the Corporation is AUGUSTA TRAILS NEIGHBORHOOD HOMEOWNER'S ASSOCIATION, INC., hereafter referred to as "Association". The principal office of the corporation shall be located in Pitt County, North Carolina, but meetings of members and directors may be held at such places with the State of North Carolina, County of Pitt, as may be designated by the Board of Directors.

**ARTICLE II
TERMINOLOGY**

Section 1: "Association" shall mean and refer to AUGUSTA TRAILS NEIGHBORHOOD HOMEOWNER'S ASSOCIATION, INC., its successors and assigns.

Section 2: "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of fee simple title to any lot which is a part of the properties, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

Section 3: "Properties" shall mean and refer to that certain real property located in the various Section and Additions to Augusta Trails Subdivision established prior to Augusta Trails Subdivision, Section Four, Phase One.

Section 4: "Common Area" shall mean all real property (including the improvements thereto) owned by the Association for the use of enjoyment of the owners, including roads and rights of way in said subdivision.

Section 5: "Lot" shall mean and refer to any plot of land shown upon any recorded subdivision map of the properties with the exception of the Common Area.

Section 6: "Mortgagee" shall mean and refer to persons, firms or corporations holding a recorded lien appearing of record in Pitt County Registry against any lot as defined in Section 5 thereof.

Section 7: "Member" shall mean and refer to every person or entity who holds membership, as a lot Owner, in the Association. Membership is open only to lot owners, but is strictly voluntary in nature.

ARTICLE III MEETINGS OF MEMBERS

Section 1: Annual Meetings. There annual meeting of the members shall be held with one (1) year from the date of incorporation of the Association, or at a date set by the Board of Directors. Each subsequent regular annual meeting of the members shall be held on the same day and the same month of each year thereafter, at the hour at time determined. If the day for the annual meeting of members is a legal holiday, the meeting will be held at the same hour on the first day following which is not a legal holiday . Membership shall be appurtenant to and may not be separated from ownership of any Lot which is subject to assessment. Every member shall be subject to the By-Laws of the Association, whether currently of record or to be recorded in the Pitt County Register of Deeds Office.

Section 2: Special Meetings. Special meetings of the members may be called at any time by the 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 the votes of the membership.

Section 3: Notice of Meeting: Written notice of each meetings of the members shall be given by, or at the directions of, the Secretary or person authorized to cal the meeting by mailing a copy of such notice, postage prepaid, at least 10 days, but not more than 50 days before such meetings 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.

Section 4: Quorum. The presence at the meeting of members entitled to cast, or of proxies entitled to cast one-tenth (1/10) of the votes of each class of membership shall constitute a quorum for any action except as otherwise provided in the Articles of Incorporation, or these By-Laws. If however, such quorum shall not be present or represented at any meeting, the members entitled to vote thereat shall have 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.

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

ARTICLE IV BOARD OF DIRECTORS

Section 1: Number. The affairs of this Association shall be managed by a Board of at least two (2) Directors, who must be members of the Association, plus the President and Secretary-Treasurer of the Association.

Section 2: Term of Office. At the first annual meeting the members shall elect at least two (2) Directors to serve a three (3) year term. At the end of said term or the resignation of any Director, the members will elect replacement Director(s) to complete the existing term or to serve the new term.

Section 3: Removal. Any Director may be removed from the Board, with or without cause, by a majority vote of the member 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 unexpired term of this predecessor.

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

Section 5: Action Taken Without a 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 through taken at a meeting of the Directors.

ARTICLE V NOMINATION AND ELECTION OF DIRECTORS

Section 1: Nomination and Election. Nominations to the Board of Directors shall be made verbally at the annual meeting or at any specially called meetings for the purpose of filling the term of any Directors who resigns. Election to the Board of Directors shall be by secret ballot at the annual meeting. At such election the members may cast, in respect to each vacancy, as many votes as they are entitled to exercise under the provision of the Declaration. The persons receiving the largest number of votes shall be elected.

ARTICLE VI MEETING OF DIRECTORS

Section 1. Regular Meetings. In addition to the annual meeting as set forth herein, regular meetings of the Board of Directors shall be held at least once a year without notice at such place and hour as may be fixed from time to time by resolution of the Board. Should said meeting fall upon a legal Holiday, then that meeting shall be held at the same time on the next day which is not a legal Holiday.

Section 2: Special Meetings. Special meetings of the Board 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.

Section 3: Quorum. A majority of the Board 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) exercise for the Association all powers, duties and authority vested in or delegated to this Association and not reserved to the membership by other provisions of these Bylaws and the Articles of Incorporation.

(b) declare the office of a member of the Board of Directors to be vacant in the event such member shall be absent from two (2) consecutive regular meetings of the Board of Directors.

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 corporate 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 this Association, and see that their duties are properly performed;
- (c) as pertains to assessment, to:
 - (1) fix the amount of the annual assessment against each lot at least thirty (30) days in advance of each annual assessment period;
 - (2) send written notice of each assessment to every owner subject thereto at least thirty (30) days in advance of each annual assessment period;
 - (3) to determine for what type of matters assessments will be imposed.
- (d) issue, or to cause an appropriate officer to issue, upon demand by any person, a certificate setting forth whether or not any assessment has been paid. A reasonable charge may be made by the Board of the Issuance of these certificates. If a certificate states an assessment has been paid, such certificates shall be conclusive evidence of such payment;
- (e) cause the common area, common lighting and any other items designated by the members to be maintained.

ARTICLE VIII OFFICERS AND THEIR DUTIES

Section 1. Enumeration of Officers. The officers of this Association shall be a President, who shall at all times be a member of the Board of Directors, a Secretary/Treasurer, and such other officers as the Board may from time to time by resolution create.

Section 2. Election of Officers. The election officers shall take place at the first meeting of the Board of Directors following each annual meeting of the members.

Section 3. Term. The officers of this Association shall be elected annually by the Board and each shall hold office for one (1) year or until his successor is elected and qualified, unless he shall sooner resign, or shall be removed or otherwise disqualified to server.

Section 4. Special Appointment. The Board may elect such officers as the affairs of the Association may require, each of whom shall hold office for such period, having 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 office may resign at anytime giving written notice to the Directors, the President of the Secretary. Such resignation shall take effect on the date of receipt of such notice or at any later times 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 may be filled by appointment by the Board. The officer appointed to such vacancy shall serve for the remainder of the term of the officer be replaced.

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

President

- (a) The President shall preside at all meetings of the Board of Directors; shall see that orders and resolutions of the Board are carried out; shall sign all leases, mortgages, deeds and other written instruments and shall co-sign all checks and promissory notes.

Secretary/Treasurer

- (b) The Secretary/Treasurer 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 of the Association together with their addresses, and shall perform such other duties as required by the Board. The Secretary/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 and promissory notes of the Association; keep proper books of account; cause an annual audit of the Association

books to be made by a Public Accountant at the completion of each fiscal year; and shall prepare an annual budget and statement of income and expenditures to be presented to the membership at its annual meeting, and deliver a copy to each member.

ARTICLE XI BOOKS AND RECORDS

The books, records and papers of the Association shall at all times, during reasonable hours, be subject to inspection by any member or a mortgages of any member. The Articles of Incorporation and Bylaws of the Association shall be available for inspection by any member at the principal office of the Association, where copies may be purchased at a reasonable cost.

ARTICLE XII AMENDMENTS

Section 1: 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: In the case of any conflict between the Articles of Incorporation and these Bylaws, the Articles shall control.

ARTICLE XIII MISCELLANEOUS

The fiscal year of the Association shall begin on January 1st and end on the December 31st of every year, except that the first fiscal year shall begin in the date of incorporation.

IN WITNESS WHEREOF, we being the incorporator and the initial directors of the AUGUSTA TRAILS NEIGHBORHOOD HOMEOWNER'S ASSOCIATION, INC. have hereunto set our hands and seals, the this the 20 day of APRIL, 2012.

AUGUSTA TRAILS NEIGHBORHOOD HOMEOWNER'S ASSOCIATION, INC

By: [Signature]
Don H. Edmonson, Initial Director

[Signature]
Nancy Edmonson, Initial Director

[Signature]
Gregory R. James, Incorporator

STATE OF NORTH CAROLINA

COUNTY OF PITT

I, Tabitha L. Carter, a Notary Public for said State and County, do hereby certify that Don H. Edmonson, Nancy Edmonson and Gregory K. James personally appeared before me this day and acknowledged the due execution of the foregoing Bylaws of AUGUSTA TRAILS NEIGHBORHOOD HOMEOWNER'S ASSOCIATION, INC., a North Carolina corporation, and being authorized to do so, executed the foregoing on behalf of the company.

Witness my hand and official stamp or seal, this 20 day of April, 2012.

[Signature]
Notary Public

My Commission Expires: Aug 12, 2012

