

**BY-LAWS OF
BETHEL CREEK HOMEOWNERS ASSOCIATION, INC.**

ARTICLE I

The name of the corporation is BETHEL CREEK HOMEOWNERS ASSOCIATION, INC., hereinafter referred to as the "Association". The principal office of the corporation shall be located at such place as the Board of Directors may fix from time to time. Meetings of members and directors may be held at such places within the State of North Carolina, County of Perquimans, or by electronic means or any other means as may be designated by the Board of Directors.

ARTICLE II
DEFINITIONS

Section 1. "Association" shall mean and refer to BETHEL CREEK HOMEOWNERS ASSOCIATION, INC., a North Carolina Nonprofit Corporation pursuant to Chapter 55A of the N.C. General Statutes.

Section 2. "Common Area" shall mean all property owned by the Association, or such other property which the Association may hold subject to the provisions of the Declarations. Common Areas shall be defined and bounded on the plat(s) as "Common Areas" or "Open Space". Common Areas shall specifically include, but shall not be limited to:

- (a) All water lines and sewer lines which serve the Properties and are located outside of any public street right-of-way or any utility easement (excluding those lines serving a single Lot); and
- (b) All storm drainage pipes and any detention pond which serve the Properties that

are located outside of any public street right-of-way, (excluding those pipes serving a single Lot); and

- (c) Open space identified on recording plats.

Section 3. "Common Expense" shall mean and include:

- (a) All sums lawfully assessed by the Association against its members;
- (b) Expenses of the COMMON AREA and administration, maintenance, repair, or replacement of the Common Areas;
- (c) Expenses declared to be COMMON EXPENSES by the provisions of the Declaration or these By-Laws;
- (d) Hazard, liability, or such other insurance premiums as the Declaration or the By-Laws may require the Association to purchase;
- (e) Ad valorem taxes and public assessment charges lawfully levied against COMMON AREAS;
- (f) Expenses agreed by the members to be COMMON EXPENSES of the Association;
- (g) Utilities used in connection with the COMMON AREAS.

Section 4. "Declarant" shall mean and refer to BETHEL CREEK HOMEOWNERS ASSOCIATION, INC.

Section 5. "Declaration" shall mean and refer to the Declaration of Covenants, Conditions and Restrictions for Bethel Creek Subdivision applicable to the Properties recorded in the Office of the Register of Deeds, Perquimans County, North Carolina.

Section 6. "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. Lots shall be used to construct detached single-family dwellings.

Section 7. "Member" shall mean and refer to those persons entitled to membership as provided in the Declaration.

Section 8. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of the 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. Despite the number of owners, each Lot is entitled to only one vote.

Section 9. "Board" shall mean and refer to the elected Board of Directors.

Section 10. "Properties" shall mean and refer to that certain real property described in the Declaration of Covenants, Conditions and Restrictions for Bethel Creek Subdivision, and such additions thereto as may hereafter be brought within the jurisdiction of the Association.

Section 11. "Act" shall mean and refer to Chapter 47F, North Carolina Planned Community Act.

Section 12. "Chapter 55A" shall mean and refer to Chapter 55A, North Carolina Nonprofit Corporation Act.

ARTICLE III

MEMBERSHIP: MEMBERS' MEETINGS AND VOTING

Section 1. Meetings of Members. Meetings of members shall be governed by Section 47F-3-108 of the Act. The Annual meeting shall be in November. There shall be a budget meeting in December.

Section 2. Quorum. Quorums shall be governed by §47F-3-109 of the Act and Chapter 55A, §55A-7-22 of the North Carolina Nonprofit Corporation Act. A quorum is present throughout any meeting of the association if persons entitled to cast twenty percent (20%) of the votes which may be cast for election of the executive board are present in person or by proxy at the beginning of the meeting. In the event business cannot be conducted at any meeting because a quorum is not present, that meeting may be adjourned to a later date by the affirmative vote of a majority of those present in person or by proxy. The quorum requirement at the next meeting shall be one-half of the quorum requirement applicable to the meeting adjourned for lack of a quorum. This

provision shall continue to reduce the quorum by fifty percent (50%) from that required at the previous meeting, as previously reduced, until such time as a quorum is present and business can be conducted.

Section 3. Proxies. Proxies shall be governed by §47F-3-110 of the Act and Chapter 55A of the North Carolina Nonprofit Corporation Act. All proxies shall be in writing and filed with the secretary.

Section 4. Voting. Unless otherwise expressly provided the affirmative vote of a majority of the votes cast is the act of the members. Fractional and Cumulative voting are not permitted.

Section 5. Action Without a Meeting. At the discretion of the Board of Directors, any action that may be taken at any annual, regular or special meeting of members may be taken without a meeting by written ballots or electronic voting in accordance with 55A, §55A-7-08.

ARTICLE IV BOARD OF DIRECTORS

Section 1. Number. The affairs of this Association shall be managed in accordance with all Sections of the Act and by a Board of (3) three directors, who must be members of the Association.

Section 2. Term of Office. At the first annual meeting after the passage of these By-Laws the members shall elect three (3) directors' terms of one (1) year, two (2) years and three (3) years. In all subsequent years the members shall elect one (1) director for three (3) years. Said directors shall remain in office until their successors have been duly elected and qualified.

Section 3. Removal. 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 unexpired term of his predecessor.

Section 4. Compensation. Compensation shall be governed by the §47F-3-118 (3) of the Act.

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 any 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

NOMINATION AND ELECTION OF BOARD OF DIRECTORS

Section 1. Nomination. Nomination for election to the Board 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 Chairman, who shall be a member of the Board, and two (2) or more members of the Association. The Nominating Committee shall be appointed by the Board at least 60 days prior to the annual meeting of members where a Board member is to be elected. Such nominations are to be made from among members.

Section 2. Election. Election to the Board shall be by secret written ballot.

Section 3. Absence of Nominees. In the event the Nominating Committee fails to present nominees, and no nominations are made from the floor, the members shall, before the adjournment of the annual meeting, vote on the termination of the association in

accordance with §47F-2-118 of the Act. If the vote fails to pass, the existing Board shall have the authority to retain the services of a Receiver to manage the affairs of the Association.

ARTICLE VI MEETINGS OF DIRECTORS

Section 1. Meetings. Meetings of the Board shall be governed by §47F-3-108 of the Act and held at least quarterly. Meetings shall be open to members and notice shall be given as specified in the Act.

Section 2. Quorum. A majority of the number 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 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 By-Laws, the Act, the Articles of Incorporation, or the Declaration, including §47F-3-102 of the Act.

(b) Adopt, amend and publish rules and regulations governing the use of the Common Area and facilities, and the personal conduct of the members and their guests thereon, and to establish penalties for the infraction thereof.

(c) Suspend the voting rights and right to use the recreational facilities of a member as specified in §47F-3-107.1 of the Act.

(d) Declare the office of a member of the Board to be vacant in the event such member shall be absent from three (3) consecutive regular meetings of the Board.

(e) Delegate the management of the association's activities to any person or persons, management company or committee – provided that the activities and affairs of the association shall be overseen and all corporate powers shall be exercised under the direction of the Board.

Section 2. Duties. It shall be the duty of the Board to:

- (a) Comply with Chapter 55A, Standards of Conduct.
- (b) Cause to be kept a complete record of all its acts and corporate affairs and to present them as suggested or required in the Act.
- (c) Supervise all officers, agents, contractors, and employees of this Association, and to see that their duties are properly performed.
- (d) As more fully provided in the Declaration, to:
 - (1) Fix assessments as provided for §47F-3-115 of the Act. Assessments shall be billed after the budget is approved, invoiced January 1st and due March 1st - unless paid under a payment plan approved by the Board.
 - (2) Send written notice of each assessment to every Owner.
 - (3) Lien or foreclose against any property for which assessments are not paid or bring an action at law against the owner personally obligated to pay the same as described in the Act.
 - (4) Issue, or to cause an appropriate officer to issue, upon demand by any person, a statement setting forth whether or not any assessment has been paid. A reasonable charge may be made by the Board for the issuance of this statement. If a statement certificate indicates an assessment has been paid, such statement shall be conclusive evidence of such payment.

- (5) Procure and maintain liability and hazard insurance on property owned by the Association as set forth in the Declaration and the Act.
- (6) Cause all officers or employees having fiscal responsibilities to be bonded, as it may deem appropriate.
- (7) Cause the Common Area to be maintained.
- (8) Pay ad valorem taxes and public assessments levied against the Common Areas.

ARTICLE VIII
OFFICERS AND THEIR DUTIES

Section 1. Enumeration of Offices. The officers of this Association shall be a President, a Secretary and a Treasurer.

Section 2. Special Appointments. The Board may appoint such other non-voting 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 3. Resignation and Removal. Any officer of the Association may be removed from office with or without cause by the Board. Any officer may resign at any time 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 time specified therein, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

Section 4. 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 office he replaces.

Section 5. Duties. In addition to the duties listed below, all Officers must comply with all laws of North Carolina, specifically the Act and Chapter 55A, including §55A-8-42.

President

The President shall preside at all meetings of the Board; shall see that orders and resolutions of the Board are carried out; shall sign all leases, mortgages, deeds and other written instruments and may co-sign all checks and promissory notes as he/she may deem appropriate.

Secretary

The Secretary shall record the votes and keep 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; keep appropriate current records showing the members of the Association together with their addresses, and shall perform such other duties as required by the Board.

Treasurer

The Treasurer shall receive and deposit in appropriate bank accounts all monies of the Association and shall disburse the funds as directed by resolution of the Board; shall sign all checks and promissory notes 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, and deliver a copy of each to the members. The Treasurer shall issue statements indicating the payment or non-payment of assessments on specified lots.

ARTICLE IX
COMMITTEES

The Board shall appoint an Architectural Control Committee, as provided in the Declaration, and a Nominating Committee, as provided in these By-Laws. In addition, the Board shall appoint other committees as deemed appropriate in carrying out its purpose.

ARTICLE X
ASSESSMENTS

As more fully provided in the Declaration and §47F-3-115 of the Act, each member is obligated to pay to the Association annual and special assessments. Unpaid sums can be collected by liens including, but not limited to, the approved statutory method for collecting same via filing claims of lien and enforcing same by sale of the member's property after appropriate notice and other due process steps as referenced in §47F-3-116 of the Act. No Owner may waive or otherwise escape liability for the assessments provided for herein by nonuse of the Common Area or abandonment of his lot.

ARTICLE XI
AMENDMENTS

Section 1. These By-Laws may be amended, at a meeting of the members, by a vote of a majority of votes entitled to be cast or sixty-seven percent (67%) of the votes cast.

Section 2. The Declarations may be amended as specified in §47F-2-117 of the Act.

Section 3. In the event of any conflict between any governing documents and the terms and provisions of NC state laws, including the Act and 55A, the law shall prevail. In

the event of any conflict between the Articles of Incorporation and the Declaration, the Declaration shall prevail. In the event of any conflict between these By-Laws and the Articles or Declaration, the Articles or Declaration shall prevail. In the event of any conflict between the operating rules and these By-Laws, Articles, or Declaration, the By-Laws, Articles or Declaration shall prevail.

ARTICLE XII
MISCELLANEOUS

The fiscal year of the Association shall begin on the first day of January and end on the 31st day of December of every year.

CERTIFICATION

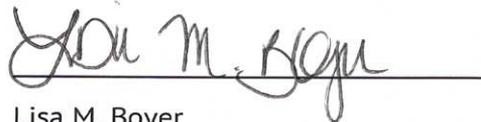
I, the undersigned, do hereby certify:

That I am the duly elected and acting secretary of the BETHEL CREEK HOMEOWNERS ASSOCIATION, INC., a non-profit, North Carolina Corporation, and,

That the foregoing By-Laws constitute the By-Laws of said Association, as duly adopted at a meeting of the Association, held on the 21st day of MAY, 2025.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of said Association this 8th day of June, 2025.





Lisa M. Boyer
Secretary