

Gina Phemegeer



2019002448

AVERY CO, NC FEE \$26.00
PRESENTED & RECORDED:

06-20-2019 08:06:50 AM

RENEE DELLINGER
REGISTER OF DEEDS
BY: CHERYL GARLAND
DEPUTY

BK: RE 532

PG: 9-11

**FIFTH AMENDMENT
TO
BYLAWS OF
CROOKED CREEK PROPERTY OWNERS ASSOCIATION**

THIS AMENDMENT, made this 18 day of April, 2019 by the **CROOKED CREEK PROPERTY OWNERS ASSOCIATION**, a North Carolina unincorporated Property Owners Association, (the "Association"), pursuant to the provisions of Chapter 47F of the North Carolina General Statutes, entitled "North Carolina Planned Community Act" as follows:

WITNESSETH:

WHEREAS, the Crooked Creek Property Owners Association is the duly constituted association of property owners for Crooked Creek Development as provided for in the Declaration of Restrictions, Covenants, and Conditions for Crooked Creek Development as recorded in Book 252 at Page 674, Avery County Registry and any amendments thereto; and

WHEREAS, the By-Laws of the Association, as amended from time to time, provide that said By-laws may be amended by a majority vote of the owners, and;

WHEREAS, by written ballot, the amendment to the By-Laws set forth herein was duly approved by the affirmative vote of Members of the Association (Owners) representing not less than fifty percent (50%) of the total number of votes allocated to all Lots as provided in the By-Laws; and

WHEREAS, said By-Laws provide that any such amendment shall not become operative until recorded.

NOW, THEREFORE, the Association and its Owners and Members do hereby amend the By-Laws as follows:

Article 9, SUSPENSION AND DISMISSAL, is amended by adding a new Section 9.3 containing the following language:

9.3. **Fines and Penalties.** Fines and Penalties (suspension of privileges and services) are subject to applicable amendments of the North Carolina Planned Community Act. In the event that a violation of the terms and conditions set forth in the Crooked Creek Development Documents (CCDD), as amended from time to time, is suspected, then the Secretary of the Board of Directors shall send a notice (by electronic means or otherwise) to the Owner who is alleged to have committed (or allowed) the violation and setting out the nature of the alleged violation and requesting the Owner respond to the claimed violation within fifteen (15) days of the date of the Notice of Violation. If the Owner and the Board are not able to satisfactorily resolve the alleged violation by agreement, then the Secretary of the Board shall send a Notice of Hearing to the Owner (said notice shall be in writing and sent to the Owner's last known address and may, in addition, be sent electronically). The Notice of Hearing shall set forth the nature of the alleged violation, the date and time of the hearing, how said hearing is to be conducted (by telephonic or other electronic means) and state that the Owner shall have the right to appear and present testimony or evidence as to the alleged violation at said hearing. The Board of Directors or an adjudicatory panel appointed by the Board and in compliance with NC 47F-3-107, shall determine if a violation has occurred and if so, the fine (up to \$100 per day, per violation) or penalty (suspension of all privileges and services) to be imposed and the duration of said fines or penalties. The President of the Association shall promptly notify the Owner of the decision. Any fines or penalties imposed will be enforced in accord with North Carolina law and the Crooked Creek Development Documents.

IN WITNESS WHEREOF, CROOKED CREEK PROPERTY OWNERS ASSOCIATION has caused this instrument to be signed in its name by its duly authorized *President* and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written and said *President* does hereby certify compliance with the amendment procedures set forth in Article 11 of the By-Laws and the North Carolina Planned Community Act.

CROOKED CREEK PROPERTY OWNERS ASSOCIATION

By Richard S. Mather (Seal)
Richard S. Mather, President

Attested by:

Frank A. Wimbush (Seal)
Frank A. Wimbush, Secretary

State of Florida

County of Brevard

I, Heather A. Taylor, a Notary Public for the aforesaid state and county, do hereby certify that Richard S. Mather, President, personally came before me this day and acknowledged that he is President of CROOKED CREEK PROPERTY OWNERS ASSOCIATION, and acknowledged, on behalf of CROOKED CREEK PROPERTY OWNERS ASSOCIATION, the due execution of the foregoing instrument.

Witness my hand and official seal, this the 24 day of May, 2019.



Heather A. Taylor
Notary Public

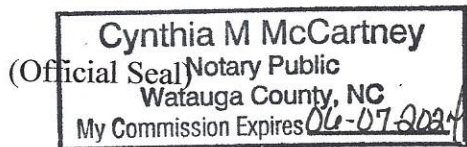
My commission expires June 14, 2020.

State of North Carolina

County of Avery

I, Cynthia M. McCartney, a Notary Public for the aforesaid County and State, do hereby certify that Frank A. Wimbush, personally came before me this day and acknowledged that he is Secretary of CROOKED CREEK PROPERTY OWNERS ASSOCIATION, a North Carolina unincorporated association, and that by the authority duly given and as the act of the association, the foregoing instrument was signed in its name by its President, sealed with its association seal and attested by himself as Secretary.

Witness my hand and official seal, this the 7th day of June, 2019.



Cynthia M. McCartney
Notary Public

My commission expires 06-07, 2021.