

FILED in SWAIN County,
on Jul 08 2002 at 03:48:38 PM
by Genevieve Lindsay
Register of Deeds
BOOK 228 PAGE 872

STATE OF NORTH CAROLINA
COUNTY OF SWAIN
Each of the foregoing certification, or certificates, namely of
Tatiana Carter
a notary or Notaries Public of the County and State de-
signated is certified to be correct and filed for registration
on the 9th day of July, 2002, in book 228
at page 872 at 3:48 PM
GENEVIEVE LINDSAY, REGISTER OF DEEDS
BY: Alicia W. Burkland
Assistant

NORTH CAROLINA
SWAIN COUNTY

FIRST AMENDMENT TO BY-LAWS
OF
BRUSH CREEK PROPERTIES HOMEOWNERS ASSOCIATION, INC.

THIS AMENDMENT TO BY-LAWS OF BRUSH CREEK PROPERTIES HOMEOWNERS ASSOCIATION, INC. is made this the 7th day of June, 2002, by BRUSH CREEK PROPERTIES HOMEOWNERS ASSOCIATION, INC., a North Carolina non-profit corporation.

WITNESSETH:

WHEREAS, the By-Laws of Brush Creek Properties Homeowners Association, Inc. executed and recorded in the Office of the Register of Deeds for Swain County, North Carolina, in Book 214 at page 707, and

WHEREAS, the By-Laws for Brush Creek Properties provides that they may be amended by Brush Creek Properties Homeowners Association, Inc., and

WHEREAS all of the Directors of the Brush Creek Home Owner's Association, Inc., having met in a duly called regularly scheduled board of directors' meeting on the 16th day of March 2002, and a quorum being present, and by the power vested in them to amend those By-Laws, and having amended those By-Laws by resolution adopted unanimously as recorded in the Minutes of the meeting, do hereby declare that the By-Laws of the Association are hereby amended as is shown on the attached Exhibits 1 thru 5.

IN WITNESS WHEREOF, the Association has caused this instrument to be executed by its Board of Directors, the day and year first above written.

BRUSH CREEK PROPERTIES HOMEOWNERS
ASSOCIATION, INC.

By: Wayne Abernathy
Wayne Abernathy, Director

By: Wynnette Cheek
Wynnette Cheek, Director

By: Buddy Simpson
Buddy Simpson, Director

STATE OF GA
COUNTY OF Fulton

I, Patricia Lester, a Notary Public for said County and State, do hereby certify that WAYNE ABERNATHY, Director of Brush Creek Properties Homeowners Association, Inc. personally appeared before me this day and acknowledged the due execution by them of the foregoing instrument, for the purposes therein expressed.

WITNESS my hand and Notarial Seal, this the 7th day of June, 2002.
My Commission Expires: Patricia Lester
NOTARY PUBLIC



STATE OF GA
COUNTY OF Fulton

I, Patricia Lester, a Notary Public for said County and State, do hereby certify that WYNETTE CHEEK, Director of Brush Creek Properties Homeowners Association, Inc. personally appeared before me this day and acknowledged the due execution by them of the foregoing instrument, for the purposes therein expressed.

WITNESS my hand and Notarial Seal, this the 7th day of June, 2002.
My Commission Expires: Patricia Lester
NOTARY PUBLIC



STATE OF GA
COUNTY OF Fulton

I, Patricia Lester, a Notary Public for said County and State, do hereby certify that BUDDY STINSON, Director of Brush Creek Properties Homeowners Association, Inc. personally appeared before me this day and acknowledged the due execution by them of the foregoing instrument, for the purposes therein expressed.

WITNESS my hand and Notarial Seal, this the 7th day of June, 2002.
My Commission Expires: Patricia Lester
NOTARY PUBLIC

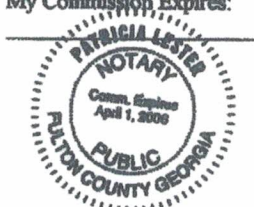


Exhibit 1

North Carolina
Swain County

Amendment 2002-01 to By-Laws Of Brush Creek Properties Homeowners Association, Inc.

The Amendment(s) and Modification(s) to those By-Laws are as follows:

Article I, Section 1, of the By-Laws Of Brush Creek Properties Homeowners Association, Inc. shall be amended to read as follows:

"Section 1. Principal office. The principal office of the Association shall be located at c/o Coward, Hicks, & Siler, P.A., 705 West Main St., Sylva, NC 28779."

Board Of Directors Vote

	Yes	No	Not Present	Signature	Date
Wayne Abernathy	<u>W</u>	---	---	<u>Wayne Abernathy</u>	<u>3/16/02</u>
Wynnette Cheek	<u>W</u>	---	---	<u>Wynnette Cheek</u>	<u>3/16/02</u>
Buddy Stinson	<u>B</u>	---	---	<u>Buddy Stinson</u>	<u>3/16/02</u>

North Carolina
Swain County

Amendment 2002-02 to By-Laws Of Brush Creek Properties Homeowners Association, Inc.

The Amendment(s) and Modification(s) to those By-Laws are as follows:

Article III, Section 2, of the By-Laws Of Brush Creek Properties Homeowners Association, Inc. shall be amended to read as follows:

"Section 2. Annual Meetings. The annual meeting shall be held each year, usually in the month of June, at a time, date, and place designated by the Board of the Directors in the notice of the meeting, for the purposes of electing directors of the Association and for the transaction of any other business that may be properly brought before the meeting."

Board Of Directors Vote

	Yes	No	Not Present	Signature	Date
Wayne Abernathy	✓	—	—	<i>Wayne Abernathy</i>	3/16/02
Wynnette Cheek	<i>wch</i>	—	—	<i>Wynnette Cheek</i>	3/16/02
Buddy Stinson	✓	—	—	<i>Buddy Stinson</i>	3/16/02

North Carolina
Swain County

Amendment 2002-04 to By-Laws Of Brush Creek Properties Homeowners Association, Inc.

The Amendment(s) and Modification(s) to those By-Laws are as follows:

Article III, Section 9, of the By-Laws Of Brush Creek Properties Homeowners Association, Inc. shall be amended to read as follows:

"Section 9. Voting of Members. Each lot, or subdivided lot, within the Development that is subject to assessment shall be entitled to one vote, and the owner or owners of that lot shall be entitled to cast a vote appurtenant to that lot. To be eligible to vote, an owner or owners shall be current on their Association dues and assessments, having paid all billed annual dues and assessments.

Except in the election of directors as governed by the provisions of Section 3 of Article IV, the vote of a majority of the members voting on any matter at a meeting of members at which a quorum is present shall be the act of the members on that matter, unless the vote of a greater number is required by law or by the articles or by-laws of this association."

Board Of Directors Vote

	Yes	No	Not Present	Date	
Wayne Abernathy	✓	—	—	3/16/02	Wayne Abernathy
Wynnette Check	wch	—	—	3/16/02	Wynnette Check
Buddy Stinson	✓	—	—	3/16/02	Buddy Stinson

North Carolina
Swain County

Amendment 2002-03 to By-Laws Of Brush Creek Properties Homeowners Association, Inc.

The Amendment(s) and Modification(s) to those By-Laws are as follows:

Article IV, Section 2, of the By-Laws Of Brush Creek Properties Homeowners Association, Inc. shall be amended to read as follows:

"Section 2. Number, term and qualifications. The number of directors constituting the Board of Directors shall be three. Each director shall hold office for a term of three years from the date of his election or until his death, resignation, retirement, removal, disqualification, or his successor is elected and qualified; whichever comes first. Directors can serve more than one elected term. Directors need not be residents of the State of North but must be a member of the Association or the spouse of a member of the Association."

Board Of Directors Vote

	Yes	No	Not Present	Signature	Date
Wayne Abernathy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>Wayne Abernathy</i>	3/16/02
Wynette Cheek	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>Wynette Cheek</i>	3/16/02
Buddy Stinson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>Buddy Stinson</i>	3/16/02

North Carolina
Swain County

Amendment 2002-05 to By-Laws Of Brush Creek Properties Homeowners Association, Inc.

The Amendment(s) and Modification(s) to those By-Laws are as follows:

Article VI, Section 2, of the By-Laws Of Brush Creek Properties Homeowners Association, Inc. shall be amended to read as follows:

"Section 2. Election and term. The officers of the association shall be elected by the Board of Directors and shall hold office for a term of three years from the date of his election or until his death, resignation, retirement, removal, disqualification, or his successor is elected and qualified; whichever comes first. Officers can serve more than one elected term. Officers need not be residents of the State of North Carolina but must be a member of the Association or the spouse of a member of the Association."

Board Of Directors Vote

	Yes	No	Not Present	Date	
Wayne Abernathy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3/16/02	Wayne Abernathy
Wynnette Check	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3/16/02	Wynnette Check
Buddy Stinson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3/16/02	Buddy Stinson