

5  
26



FOR REGISTRATION REGISTER OF DEEDS  
REBECCA T CHRISTIAN  
NEW HANOVER COUNTY, NC  
2003 AUG 14 03:47 43 PM  
BK 3955 PG 623-628 FEE \$26 00

INSTRUMENT # 2003052405

1

**BY-LAWS  
OF  
CAROLINA SANDS OWNERS ASSOCIATION  
A CORPORATION NOT FOR PROFIT UNDER THE  
LAWS OF THE STATE OF NORTH CAROLINA**

**ARTICLE I  
IDENTITY**

- a These are the By-laws of Carolina Sands Owners Association, a nonprofit corporation under the laws of the state of North Carolina, the Articles of Incorporation of which were filed in the office of the Secretary of State on November 19, 1982 Carolina Sands Owners Association, hereinafter called "Carolina Sands Homeowners Association," or "Association," has been organized for the purpose of administering the operation and management of that mandatory association of owners of residential lots located within that development of real property situated within the Town of Carolina Beach, County of New Hanover, State of North Carolina known as "Carolina Sands " The maps of Sections 1 and 2 of Carolina Sands are recorded in Map Book 21 at pages 13 and 14 in the office of the Registrar of Deeds of New Hanover County, North Carolina, reference to which is hereby made for a particular description
- b All members of the Carolina Sands Homeowners Association are subject to the provisions of these By-laws, the Articles of Incorporation of the Carolina Sands Owners Association, and the Amended and Restated Declaration of Restrictions of Carolina Sands, Sections 1 and 2
- c The original office of the Association was 501 N Lake Park Boulevard, Carolina Beach, New Hanover County, North Carolina 28428 The present address of the Association is 926 Riptide Lane, Carolina Beach, North Carolina 28428
- d The fiscal year of the Association shall be the calendar year

**ARTICLE II  
MEMBERSHIP, VOTING QUORUMS, and PROXIES**

- a The qualifications of members, the manner of their admission to membership and the termination of such membership, and voting rights of the members shall be as set forth in Article VI of the Articles of Incorporation of Carolina Sands Owners Association dated November 19, 1982
- b Except where otherwise required under the provisions of the Articles of Incorporation of the Carolina Sands Owners Association, these By-laws, or the Amended and Restated Declaration of Restrictions of Carolina Sands,

RETURNED TO *Neal Barnes*

- Section 1 and 2, quorums shall be recognized in accordance with the provisions of the North Carolina Planned Community Act (47F-3-109)
- c Votes may be cast in person or by proxy The proxy shall be valid only for the particular meeting thereon and must be and must be in writing and filed with the Association Secretary before the appointed time of the meeting
  - d Votes of a lot with multiple owners shall be counted in accordance with the provisions of the North Carolina Planned Community Act (47F-3-110)

**ARTICLE III**  
**ANNUAL MEETING, SPECIAL MEETINGS, AND BOARD MEETINGS**

- a The Annual Membership Meeting shall be held at 2 00 PM on the third Sunday in January each year The meeting will be held in the clubhouse located at 926 Riptide Lane, Carolina Beach, North Carolina unless membership is notified otherwise
- b The order of business at the Annual Membership Meeting shall be
  - 1 Call to Order
  - 2 Quorum
  - 3 Reading and Approving last year's minutes
  - 4 Reports of Officers
  - 5 Reports of Committees
  - 6 Old Business
  - 7 New business
  - 8 Election results
  - 9 Open forum
  - 10 Adjournment
- c Special Meetings of the Membership can be held in accordance with the provisions of the North Carolina Planned Community Act (47F-3-108)
- d Regularly scheduled Executive Board meetings shall be held the second Sunday of each month except in May May's meeting is the third Sunday These meetings will be open to the membership and will be held at the clubhouse at 926 Riptide Lane, Carolina Beach, North Carolina and will begin at 7 30 PM

**ARTICLE IV**  
**EXECUTIVE BOARD OF DIRECTORS**

- a The Executive Board of Directors shall consist of five (5) persons and each will be a member of the Carolina Sands Homeowners Association
- b The term of office for each Director is two (2) years with three (3) Directors being elected one year and two (2) Directors elected the following year
- c Each newly elected Executive Board of Directors shall have an organizational meeting within ten days of their election in which they will elect a President, Vice-President, Secretary, and Treasurer

- d Executive Board Members may be removed in accordance with the provisions of the North Carolina Planned Community Act (47F-3-103(b) )
- e The Executive Board may unilaterally fill vacancies in its membership for the unexpired portion of any term
- f The Executive Board may act in all instances on behalf of the Association on accordance with the provisions of the North Carolina Planned Community Act (47F-3-103)
- g The powers of the Association are detailed in Article V of the Articles of Incorporation of Carolina Sands Owners Association dated November 19, 1982 and in the North Carolina Planned Community Act (47F-3-102)
- h The President and Secretary may prepare, execute, certify, and record amendments to the Declaration, By-laws, and Articles of Incorporation of the Association
- i No Director shall receive any compensation from the Association for acting as such

#### ARTICLE V OFFICERS

- a The executive officers of the Carolina Sands Homeowners Association shall be a President, a Vice-President, a Treasurer, and a Secretary All will be Association members and can hold only one office unless there are less than four members on the Executive Board In no case can the President hold any other office
- b The President shall be the chief executive officer of the Association He shall have all the powers and duties which are usually vested in the office of the president of any incorporated association He shall be the presiding officer of all Association meetings
- c The Vice-President shall, in the absence of the President, exercise the powers and perform the duties as President He shall generally assist the President and exercise such other powers and perform such other duties as shall be prescribed by the Executive Board
- d The Secretary shall keep the minutes of all proceedings of the Executive Board and the Members He shall attend to the giving and serving of all notices to the members and Executive Board, and such other notices as required by law He shall keep the records of the Association, except those of the Treasurer, and shall perform all other duties incident to the office of secretary of an association and as may be required by the Executive Board or the President
- e The Treasurer shall have custody of all the property of the Association, including funds, deeds, securities and evidence of indebtedness He shall keep, or supervise the keeping of, the assessment rolls and accounts of members He shall keep the books of the Association in accordance with good accounting practices and shall perform all other duties incident to the office of treasurer of an association and as may be required by the Executive Board or the President
- f No officer shall receive any compensation from the Association for acting as such
- g All officers shall serve at the pleasure of the Executive Board of Directors and any officer may be removed from office at any time, with or without cause, by a majority

vote of the entire Executive Board. However, elected Board members may not remove an elected member from the Executive Board. There is a distinction between being a Board member and an officer of the Board.

ARTICLE VI  
FISCAL MANAGEMENT

- a The Executive Board of Directors shall adopt a budget for each calendar year which shall contain estimates of revenues and expenses of the Association.
- b Copies of the adopted budget and financial statements will be given to members at the Annual Membership Meeting.
- c Assessments against each lot shall be assessed and administered in accordance with the provisions the Amended and Restated Declaration of Restrictions of Carolina Sands, Sections 1 and 2 and the North Carolina Planned Community Act (47F-3-115) and (47F-3 116).
- d The depository of the Association shall be such bank or banks as shall be designated from time to time by the Executive Board of Directors in which all the moneys of the Association shall be deposited. Withdrawals of moneys from such accounts shall be only by checks signed by such persons as are authorized by the Executive Board of Directors.

ARTICLE VII  
PARLIAMENTARY RULES

Robert's Rules of Order shall govern the conduct of corporate proceedings when not in conflict with the Articles of Incorporation of Carolina Sands Owners Association dated November 19, 1982, these By-laws, the Amended and Restated Declaration of Restrictions of Carolina Sands, Section 1 and 2, or the Statutes of the State of North Carolina.

ARTICLE VIII  
AMENDMENTS TO BY-LAWS

- a Amendments to these By-laws may be proposed by a majority vote of the Executive Board or by majority vote of a quorum of members at the Annual Membership Meeting, Special Meetings of Members, or any meeting of the Executive Board of Directors.
- b These By-laws may be amended by vote of the owners of 2/3 of the lots or their submitted proxies. If a proxy is not submitted, and the owner is not present when the vote is taken, the Executive Board of Directors shall have the right to cast the absent

owner's vote along with the majority of members represented either in person or by proxy

ARTICLE IX  
TERMINATION OF THE CAROLINA SANDS OWNERS ASSOCIATION

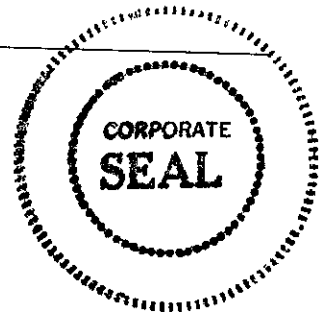
The Carolina Sands Owners Association can be terminated only in accordance with the provisions of the North Carolina Planned Community Act (47F-2-118)

IN WITNESS WHEREOF, the Carolina Sands Homeowner's Association has caused this instrument to be executed by its President and Secretary, this 8 day of August, 2003

CAROLINA SANDS HOMEOWNERS ASSOCIATION

John McQuade  
President John McQuade

Attest to Ronald Barnello  
Secretary Ronald Barnello



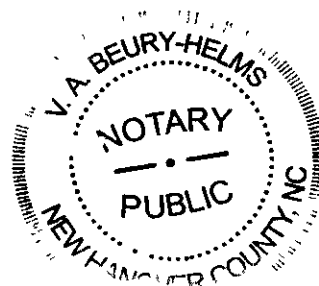
STATE OF NORTH CAROLINA  
COUNTY OF NEW HANOVER

I, the undersigned, a Notary Public in and fore the County and State aforesaid, hereby certify that Ronald Barnello personally appeared before me and acknowledged that he is Secretary of Carolina Sands Homeowners Association, a corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by him as its Secretary.

Witness my hand and official seal, this the 8th day of August, 2003.

Notary Public  
Notary Public

My Commission Expires: 8/5/04





REBECCA T CHRISTIAN  
REGISTER OF DEEDS, NEW HANOVER  
216 NORTH SECOND STREET

WILMINGTON, NC 28401

\*\*\*\*\*

Filed For Registration: 08/14/2003 03 47:43 PM  
Book RE 3955 Page 623-628  
Document No.. 2003052405  
BY LAWS 6 PGS \$26.00

Recorder. LIESEL WARD

\*\*\*\*\*

State of North Carolina, County of New Hanover

The foregoing certificate of V A BEURY HELMS Notary is certified to be correct. This 14TH of August 2003  
REBECCA T. CHRISTIAN , REGISTER OF DEEDS

By. Liesel Ward  
Deputy/Assistant Register of Deeds

\*\*\*\*\*

YELLOW PROBATE SHEET IS A VITAL PART OF YOUR RECORDED DOCUMENT.  
PLEASE RETAIN WITH ORIGINAL DOCUMENT AND SUBMIT FOR RE-RECORDING.

**\*2003052405\***

2003052405