

3



FOR REGISTRATION REGISTER OF DEEDS
REBECCA T CHRISTIAN
NEW HANOVER COUNTY, NC
2003 JAN 27 04:12:42 PM
BK 3619 PG 71-74 FEE \$20 00

INSTRUMENT # 2003004201

**SECOND AMENDMENT TO THE DECLARATION OF CONDOMINIUM FOR
HARBOR OAKS, PHASE ONE AMENDING THE BY-LAWS OF
HARBOR ISLAND HOMEOWNERS ASSOCIATION, INC.**

PREPARED BY MURCHISON, TAYLOR & GIBSON, PLLC

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

THIS SECOND AMENDMENT TO THE DECLARATION OF CONDOMINIUM FOR HARBOR OAKS, PHASE ONE AMENDING THE BY-LAWS OF HARBOR ISLAND HOMEOWNERS ASSOCIATION, INC (this "Second Amendment") is made as of the 21st day of January, 2003, by Harbor Oaks Homeowners Association, Inc (the "Association") on behalf of all Unit Owners of Units within Harbor Oaks, a condominium established and described by the "DECLARATION CREATING UNIT OWNERSHIP OF PROPERTY UNDER THE PROVISIONS OF CHAPTER 47A OF THE GENERAL STATUTES OF THE STATE OF NORTH CAROLINA, HARBOR OAKS, PHASE ONE," recorded in Book 1229, at Page 821 in the Office of the Register of Deeds of New Hanover County, North Carolina (the "Declaration")

RECITALS

WHEREAS, the By-Laws of the Association, which are recorded in Book 1229 at Page 866 in the Office of the Register of Deeds of New Hanover County, North Carolina (the "Registry"), and which were previously modified as provided in those certain Amendments to By-Laws recorded in Book 1455 at Page 9 in the Registry (as amended from time to time, the "By-Laws"), provide in Paragraph 8 thereof a procedure by which amendments to the By-Laws may be proposed and adopted,

WHEREAS, the Board of Directors of the Association, by an affirmative vote satisfying the requirements of Paragraph 8 A of the By-Laws, proposed certain amendments to the By-Laws,

WHEREAS, pursuant to Paragraph 8 B of the By-Laws, said amendments were submitted to a vote of the members of the Association at a special meeting duly noticed and held on November 2, 2002 (the "Special Meeting"), and

RETURNED TO MTEG

WHEREAS, the required votes of the Board of Directors and the membership in favor of certain amendments having been obtained at the Special Meeting as provided in Paragraph 8 C of the By-Laws;

NOW, THEREFORE, this Second Amendment is being recorded by the Association to give record notice that the By-Laws have been, and the same hereby are, duly amended as follows

- 1 Paragraph 4 D of the By-Laws is hereby deleted in its entirety and replaced with the following text

“D Regular meetings of the Board of Directors may be held at such time and place as shall be determined from time to time by a majority of the Directors Notice of regular meetings shall be given to each Director, personally or by mail, telephone or electronic media, at least three (3) days prior to the day named for such meeting, unless notice is waived Regular meetings will be open to the membership, but the Board may close any meeting to discuss legal and other sensitive issues (provided that the requirements of this sentence shall not apply to special meetings of the Board) The membership will be informed of the dates of the regular meetings scheduled ”

- 2 Paragraph 4 E of the By-Laws is hereby deleted in its entirety and replaced with the following text:

“E Special meetings of the Directors may be called by the President, and must be called by the Secretary at the written request of one-third (1/3) of the votes of the Board Not less than three (3) days’ notice of a meeting shall be given to each Director, personally or by mail, telephone or electronic media, which notice shall state the time, place and purpose of the meeting.”

- 3 Paragraph 6.B(11) of the By-Laws is hereby deleted in its entirety and replaced with the following text

“(11) Proposed assessments against each member and his unit

Copies of the proposed budget and proposed assessments shall be transmitted to each member fourteen (14) days prior to the annual meeting in the year preceding the proposed budget year. If the budget is subsequently amended before the assessments are made, a copy of the amended budget shall be furnished each member concerned. Delivery of a copy of any budget or amended budget to each member shall not affect the liability of any member for any such assessments, nor shall delivery of a copy of such budget or amended budget be considered as a condition precedent to the effectiveness of said budget and assessments levied pursuant thereto, and nothing herein

contained shall be construed as restricting the right of the Board of Directors, at any time in their sole discretion, to levy any additional assessments in the event that the budget originally adopted shall appear to be insufficient to pay costs and expenses of operation and management, or in the event of emergencies. The use for all assessments, regular and special, shall be specified. All disbursements will be itemized in a disbursement report ”

3 Paragraph 6 D of the By-Laws is hereby deleted in its entirety and replaced with the following text

“D An audit of the accounts of the Association shall be made annually by a certified public accountant, and a copy of the report shall be furnished to each member not later than April 15 of the year following the year for which the report is made. All records of the Association shall be open for inspection, supervised by a designee of the Board, by any owner ”

The undersigned President and Secretary of the Association hereby certify on behalf of the Association that the foregoing is a true and correct copy of amendments to the By-Laws duly adopted and approved by the Association at the Special Meeting Accordingly, such officers do hereby record this Second Amendment in the Public Records of New Hanover County, North Carolina in accordance with the requirements of Paragraph 8 C of such By-Laws

HARBOR OAKS HOMEOWNERS ASSOCIATION, INC

By Joseph Carney
President


ATTEST
Charles F Bell
Secretary

STATE OF NORTH CAROLINA
COUNTY OF New Hanover

I, Judith E. Anderson, a Notary Public in and for said County and State, do hereby certify that Joseph Carney, President of Harbor Oaks Homeowners Association, Inc , personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this the 27th day of January, 2003

My Commission Expires:
3-30-2003

Judith E. Anderson
Notary Public




REBECCA T. CHRISTIAN
REGISTER OF DEEDS, NEW HANOVER
JUDICIAL BUILDING
316 PRINCESS STREET
WILMINGTON, NC 28401

Filed For Registration: 01/27/2003 04:12:42 PM
Book: RE 3619 Page: 71-74
Document No. 2003004201
AMD DECL 4 PGS \$20.00

Recorder: JACQUELINE NELSON

State of North Carolina, County of New Hanover

The foregoing certificate of JUDITH E ANDERSON Notary is certified to be correct. This 27TH of January 2003

REBECCA T. CHRISTIAN, REGISTER OF DEEDS

By: 
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.

2003004201

2003004201

