

By-Laws of Middle Creek HOA, Johnston County, Inc.

Established, May 23, 2013

Article I. Name

The name of the association shall be Middle Creek Home Owner Association and shall also be known as Middle Creek Landing HOA.

Article II. Purpose

The purpose of the association shall be to promote a better community for residents through group action. We aim to improve and beautify our neighborhood and community relationships.

Article III. Boundaries

The organization shall serve the residents that live in the area covered in Article I: Properties Subject to This Declaration in accordance with the Declaration of Restrictive Covenants and Homeowners' Association Middle Creek Landing Subdivision.

Article IV. Membership

Section 1: Who Can Join: Every person who is record owner of a fee or undivided fee interest in any lot which is subject to assessment by the Association, including contract sellers, but excluding persons who hold an interest merely as security for the performance of any obligations, shall be a member of Middle Creek HOA, Johnston County Inc.

Section 2: Voting Membership: Only persons who have paid the annual dues in full may vote on association business. Each address may have only one vote per residence. Voting members must be at least 18 years of age or older.

Section 3: Member in Good Standing: All persons who have meet the requirements as specified in the Declaration of Restrictive Covenants and Homeowners' Association Middle Creek Landing Subdivision to join the association, adhered to the associations regulations and have paid their dues in full will be considered members in good standing.

Article V. Dues

Section 1: Why Collect Dues: All members will be asked to pay dues annually. Dues are not voluntary. Only members in good standing may vote on association business. Dues are collected for the sole purpose of carrying out the mission of the association.

Section 2: Amount of Dues: The amount of the dues will be determined annually and included in the budget, approved by the board and announced thirty (30) days prior to the annual meeting

Section 3: Payment of Dues: Annual dues are to be paid by February 28 each year. New members will be asked to pay for the full year in which they join, regardless of when they join. If this causes a hardship on the member, dues may be prorated.

Section 4: Who Pays Dues: Dues are collected from all members who are 18 years of age or older. Each lot owner must pay dues and therefore be able to vote on association business.

Article VI. Meetings

Section 1: Time and Place of Meetings: The Association will meet at least once annually at a time and place that is convenient to the largest number of members. Meeting dates and times should be consistent and moved or rescheduled only as a last resort. When circumstances allow, members shall be notified at least 7 days in advance of all cancelled meetings.

Section 2: Special Meetings: Special Meetings of the membership may be called by the Executive Committee with a 7-day notice.

Section 3: Committee Meetings: The Executive Committee and/or other committees of the association may meet at other times to conduct the business of the association.

Section 4: Annual Meeting: The Association will hold an annual meeting in each year. The officers will be elected at that meeting. Anyone is allowed to attend this meeting but only members in good standing (see Article IV) are allowed to vote at this meeting. The annual budget will be presented at the annual meeting.

Section 5: Nominations: Nominations will be accepted from the floor at the Annual meeting.

Article VII. Officers

Section 1: Officers: The officers shall be President, Vice President, Secretary, Treasurer and any other officers agreed upon and voted on by the Executive Board.

Section 2: Elections: These offices shall be elected from the Executive Board Membership. A roll call, voice or secret ballot election may be used. If the officers are not elected at the annual meeting the current officers hold office until an election can be held. All officers must be members in good standing and are expected to remain current on their dues throughout their term.

Section 3: Terms: The terms for all offices shall be as specified in the Declaration of Restrictive Covenants and Homeowners' Association Middle Creek Landing Subdivision, Article VIII: Term, Section 3.

Section 4: Vacancies: A vacancy in any office because of death, resignation, or otherwise is to be filled by a person suggested by the Executive Board.

Articles VIII: Officers Duties

Section 1: President: The President shall be the principal executive officer of the Association and shall generally supervise the business and affairs of the Association. He/She shall preside over all Executive Board meetings voluntary member of all other standing and ad-hoc committees. He/She presides over the annual and regularly scheduled meetings of the association. The President may represent the Association at other meetings in the community as needed.

Section 2: Vice President: The Vice President shall assist the President when necessary, by attending committee meetings or other community meetings on behalf of the association. The Vice President performs the duties of the President in the event the President is unable to fulfill his/her responsibilities. He/She presides over meetings if the President is unable to attend. The Vice President is responsible for always having a copy of the most up to date by-laws and any other Association policies and procedures at all meetings and to clarify questions about these documents if they arise. The Vice President may also be called upon to assist the other officers in their duties, such as assuring association records are filed and organized.

Section 3: Secretary: The Secretary shall keep the minutes of all regularly scheduled meetings as well as all Executive Board meetings. The Secretary shall also be responsible for keeping accurate records of all Association business, including but not limited to, all minutes, meeting notices, correspondence, copies of financial reports, copies of up to date by-laws, articles of incorporation paperwork, copies of all newsletters, copies of all requests for funds generated by the association and any other historical document that pertains to the ongoing business of the association. The Secretary will pass this information on to the next Secretary at the end of his/her term.

Section 4: Treasurer: The Treasurer shall be responsible for all funds of the Association. He/She shall receive and issue receipts for monies due and payable to the Association from any source and deposit all monies in the name of the Association in the financial institution selected by the Executive Board. The Treasurer will prepare accurate and timely financial reports to be presented to all members at every regularly scheduled membership meeting and Executive Board meetings. The Treasurer is responsible for assuring all bank statements and other Association records are kept neatly filed and safe. The Treasurer is responsible for assuring all residents are aware of the amount of the annual dues. The Treasurer is accountable for all expenditures of the Association and must keep good records, including receipts, to back up every transaction. Each check of the association shall be signed by two signatures. Treasurer shall prepare the check for signatures, and two other officers will sign the checks. The Treasurer shall sign checks as a last resort.

Article IX. Executive Board

Section 1: Executive Board Membership: The President, Vice President, Secretary, Treasurer and other elected board members make up the members of the Executive Board.

Section 2: Executive Board Responsibilities: The Executive Board shall manage the day-to-day operations of the association. The Executive Board is responsible for setting the agenda of the regularly scheduled meetings, arranging the annual meeting, establishing committees and appointing committee chairs.

Section 3: Executive Board Meetings: Executive Board members may meet outside of regular association meeting times. The Executive Board should hold regularly scheduled meetings at least bi-annually.

Section 4: Executive Board Quorum: There must be at least fifty percent (50%) of the Executive Board members present in order for the Executive Board to conduct any business.

Article X Committees

Section 1: Committee Chairs: President assigns the Committee Chairs as needed

Section 2: Committee Members: Committee Chairs are responsible for assigning members to their respective committees.

Section 3: Standing Committee and Ad Hoc (as needed) Committees: Both Standing and Ad Hoc Committees may be utilized to address neighborhood business.

Article XI. Voting

Section 1: Majority Vote Rules: All Association business is transacted using a voting system called Majority Vote, which means the winning candidate or resolution received at least one more vote than the next candidate or resolution on the ballot.

Section 2: Must be Paid Member: In order to vote on association business you must be a dues paying member in good standing.

Article XII: Quorum

Section 1: Definition of Quorum: A quorum is the minimum number of persons required to be present before association business can be voted on.

Section 2: Quorum at Membership Meetings. The Association requires that at least ten percent (10%) of the members who are in good standing with the association be present at any regularly scheduled or annual meeting in order for votes to take place or business to transact.

Section 3: Quorum at Executive Board Meetings: The Association requires that at least fifty percent (50%) of the Executive Board members be present at an Executive Board meeting in order to transact business.

Section 4: Quorum for Other Committees: There is no quorum responsibility for other Association committees.

Article XIII. By-Law Amendments / Alterations and Rules of Assembly

These by-laws may be altered or amended by an affirmative vote of 75% of the membership present at any regular or special membership meeting provided that notice to amend was given at least 10 days prior to the meeting and the intent to vote on by-laws is placed on the notice. Outside of these by-laws, Roberts Rules of Order Newly Revised is the standard by which this organization transacts business.

By-laws approved: _____
Date Signature of President

Middle Creek HOA, Johnston County, Inc. Executive Board

C. Michael Riles, President

Brandon Farish, Vice-President

Sara McClure, Secretary

Scott Baker, Treasurer

Gale Cass, Board Member

Don Franks, Board Member

Justin Vause, Board Member