

FILED
SWAIN COUNTY NC
DIANA WILLIAMSON KIRKLAND
REGISTER OF DEEDS

FILED Mar 15, 2012
AT 01:07:06 pm
BOOK 00400
START PAGE 0439
END PAGE 0442
INSTRUMENT # 00440
EXCISE TAX (None)

Please return to BCPHOA, 4632 Buckline Drive, Dunwoody, Ga. 30338

STATE OF NORTH CAROLINA
COUNTY OF SWAIN

Ref: Deed Book 214, Page 707
Deed Book 258, Page 672

SECOND AMENDMENT TO THE BY LAWS OF
BRUSH CREEK PROPERTIES HOMEOWNERS ASSOCIATION, INC.

This *First Amendment to the By Laws of Brush Creek Properties Homeowners Association, Inc.* is made this the 15th day of March, 2012 by Brush Creek Properties Homeowners Association, Inc., a North Carolina Nonprofit Corporation.

WITNESSETH:

WHEREAS, the By Laws of Brush Creek Properties Homeowners Association, Inc., a North Carolina Nonprofit Corporation, are recorded at Deed Book 214, Page 707, in the Swain County, North Carolina Registry, and

WHEREAS, the Original By Laws has been previously amended by that *First Amendment to By-Laws of Brush Creek Properties Homeowners Association, Inc.* (hereinafter called the First Amendment), recorded in Deed Book 258 at Page 672 in the Swain County, North Carolina Registry, which is hereby incorporated as reference, and

WHEREAS, pursuant to Article IX General Provisions of the By Laws (said Article having not been changed by the First Amendment), the Original By Laws may be amended by the affirmative vote of a majority of the Board of Directors, and

WHEREAS, all of the Directors of the Brush Creek Home Owners Association, Inc., having met in a duly called regularly scheduled Board of Directors meeting on the 16th day of January 2012, and a quorum being present, and by the power vested in them to amend those By Laws, the affirmative vote of a majority of the Directors were cast in favor of this *Second Amendment to the By Laws of Brush Creek Properties Homeowners Association, Inc.*

NOW THEREFORE, the Original By Laws, as amended by the First Amendment, is hereby amended as follows:

Article I, Section 1 shall read:

Section 1. Principal office. The principle office of Brush Creek Properties Homeowners Association shall be located at 4632 Buckline Drive, Dunwoody, Ga. 30338

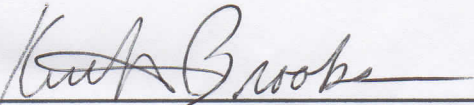
Article IV, Board of Directors, Section 2, is hereby stricken in its entirety and replaced with the following new Article IV, Section 2;

Section 2. Number, term and qualification: The 2013 regularly scheduled election of Directors shall be termed an 'initial' election. The number of directors constituting the Board of Directors shall be three, and shall serve staggered terms. The Person receiving the most votes will serve an initial term of three (3) years, the Person receiving the next highest amount of votes will serve an initial term of two (2) years, and the third Person elected will serve an initial term of one (1) year. After these initial terms are served, each subsequent term of office will be for three (3) years. In the event of two or more persons receiving the same number of votes, the current Board of Directors shall determine the initial staggered terms by vote of the Directors. Directors must be members of the Association but need not be residents of the State of North Carolina.

RESOLUTION OF THE BOARD OF DIRECTORS

We, the undersigned Directors of Brush Creek Property Owners Association, Inc. hereby attest that at a duly held meeting of the Board of Directors the majority of the affirmative votes were cast in favor of this *Second Amendment to the By Laws of Brush Creek Properties Homeowners Association, Inc.*

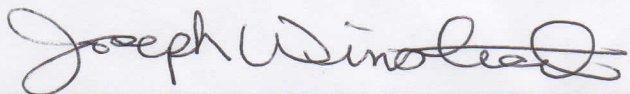
BY:



Keith Brooks - Director - Brush Creek Property Owners Association, Inc.



Malinda Williford - Director - Brush Creek Property Owners Association, Inc.




Joseph Winstead - Director - Brush Creek Property Owners Association, Inc.

(CORPORATE SEAL)



ATTEST:



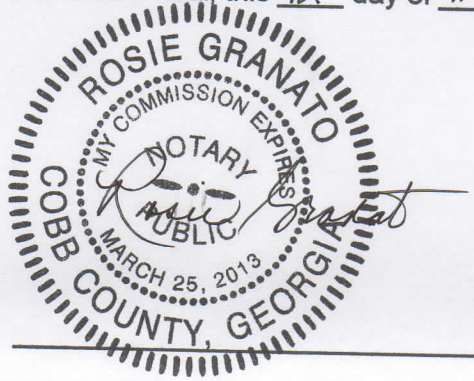
Elizabeth Ann Brooks - Secretary - Brush Creek Property Owners Association, Inc.

STATE OF GeorgiaCOUNTY OF Cobb

I, ROSIE GRANATO, a Notary Public for said County and State,
certify that Elizabeth Ann Brooks personally came before me this day and acknowledged
that she
is Secretary of Brush Creek Property Association, Inc. and that by authority duly given
and as the act of the Corporation, the foregoing instrument was signed in its name by its
Board of Directors, sealed with its corporate seal, and attested by herself as its
Secretary.

Witness my hand and official seal, this 12 day of MARCH, 2012.

(Seal)



Notary Public: _____

My Commission Expires: 3-25-13