

ARCARO DRIVE HOMEOWNERS ASSOCIATION

BY-LAWS

ARTICLE I. PURPOSES

Section 1. The purposes of this non-profit corporation shall be:

- (a) The management, maintenance and upkeep of the roadways, sewage system and water system in Churchill Downs, a Planned Unit Development, Phase 1 and any additional Phases;
- (b) The maintenance and upkeep of any and all common recreation facilities located in Churchill Downs, a Planned Unit Development, Phase 1 and any additional Phases;
- (c) To exercise all power and authority vested in said Association for the purpose of promoting the health, education and welfare of the Association members.

Section 2. This corporation shall be a non-profit, non-political, non-sectarian organization.

ARTICLE II. OFFICES

Section 1. Principal Office: The principal office of the corporation shall be located at 303 East Bessemer Avenue, Greensboro, North Carolina, 27401.

Section 2. Registered Office: The registered office of the corporation shall be as required by law and shall be maintained as provided in the Articles of Incorporation.

Section 3. Other Offices: The corporation may have offices at such other places, either within or without the State of North Carolina, as the Board of Directors may from time to time determine, or as the affairs of the corporation may require.

ARTICLE III. MEMBERSHIP

The membership of the corporation shall be as determined by the Articles of Incorporation and the Declaration of Covenants, Conditions and Restrictions and shall encompass each and every owner of every lot in said subdivision, with said membership being appurtenant to and not separable from said lot ownership, with said classes and members are as established in the Articles of Incorporation and the Declaration of Covenants, Conditions and Restrictions.

ARTICLE IV. MEETINGS

Section 1. Place of Meetings: All meetings of the members shall be held at the principal office of the corporation or at such other place as shall be designated in the notice of the meeting or agreed upon by a majority of the members entitled to vote thereat.

Section 2. Annual Meetings: Annual meetings of the members shall be held on the 15th day of March of each year, if not a legal holiday, but if a legal holiday, then on the next day following not a legal holiday, for the purpose of electing Directors of the corporation and for the transaction of such other business as may be properly brought before the meeting.

Section 3. Substitute Annual Meeting: If the annual meeting shall not be held on the day designated by these By-Laws, a substitute annual meeting may be called in accordance with the provisions of Section 4 of this Article. A meeting so called shall be designated and treated for all purposes as the annual meeting.

Section 4. Special Meetings: Special meetings may be called by the President or upon written application of not less than 25% of the voting members made to the Secretary, who shall mail notices to all members not less than one week prior to the meeting stating the purpose of the meeting.

Section 5. Notice of Meetings: Written or printed notice stating the time and place of the meeting shall be delivered not less than fifteen nor more than sixty days before the date thereof, either personally or by mail, by or at the direction of the President, the Secretary or other persons calling the meeting, to each member of record entitled to vote at such meeting. In the case of an annual or substitute annual meeting, the notice of meeting need not specifically state the business to be transacted thereat unless it is a matter, other than the election of Directors, on which the vote of the members is expressly required by the provisions of the North Carolina Business Corporation Act. In the case of a special meeting, the notice of meeting shall specifically state the purpose or purposes for which the meeting is called. When a meeting is adjourned for thirty days or more, notice of the adjourned meeting shall be given as in the case of an original meeting. When a meeting is adjourned for less than thirty days in any one adjournment, it is not necessary to give any notice of the adjourned meeting other than by announcement at the meeting at which the adjournment is taken.

Section 6. Quorum: A majority of the voting members represented either in person or by proxy shall constitute a quorum at meetings of the members. If no quorum is present at a meeting, no business shall be transacted and the meeting shall be adjourned. The members at a meeting at which a quorum is present

may continue to do business until adjournment, notwithstanding the withdrawal of members such as to leave less than a quorum. These By-Laws shall also be subject to the quorum requirements of the Declaration of Covenants, Conditions and Restrictions.

Section 7. Informal Action by Members: Any action which may be taken at a meeting of the members may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the members who are entitled to vote upon such action at a meeting, and filed with the Secretary of the corporation to be kept in the corporate Minute Book.

ARTICLE V. DIRECTORS

Section 1. General Powers and Numbers: The business and affairs of the corporation shall be managed by the Board of Directors which shall consist of not less than three in number. Each Director shall hold office until his death, resignation, retirement, removal or his successor is elected and qualified. Directors need not be members of the corporation.

Section 2. Election of Directors: The Directors to serve for the initial year shall be as shown in the Articles of Incorporation. Thereafter, the Directors shall be elected in accordance with the provisions of the Articles of Incorporation and shall be elected at the annual meeting; in the event there is a vacancy, such vacancy shall be filled by a special meeting of the members to be called by the President within thirty days after such vacancy on the Board of Directors occurs.

Section 3. Removal: Directors may be removed from office with or without cause by a vote of the majority of the members at an election of Directors. If any Directors are so removed, new Directors may be elected at the same meeting.

Section 4. Chairman: There shall be a Chairman of the Board of Directors elected by the Directors from their number at any meeting of the Board. The Chairman shall preside at all meetings of the Board of Directors and perform such other duties as may be directed by the Board.

Section 5. Compensation: The Board of Directors shall not be compensated, but may be reimbursed for expenses incurred in attending regular and special meetings of the Board and reimbursed for other expenses incurred in rendering on behalf of the Association.

ARTICLE VI. MEETINGS OF DIRECTORS

Section 1. Regular Meetings: A regular meeting of the Board of Directors shall be held at least quarterly.

Section 2. Special Meetings: Special meetings of the Board of Directors may be called by or at the request of the President or any two Directors.

Section 3. Notice of Meetings: Regular meetings of the Board of Directors may be held without notice. The person or persons calling a special meeting of the Board of Directors shall, at least two days before the meeting, give notice thereof by any usual means of communication. The notice, place and date of any special meeting of the Board of Directors may be waived by written consent of all of the Directors.

Section 4. Quorum: A majority of the Directors fixed by these By-Laws shall constitute a quorum which shall be necessary for the transaction of business at any meeting of the Board of Directors.

Section 5. Informal Action by the Directors: Action taken by a majority of the Directors without a meeting is nevertheless Board Action if written consent to the action in question is signed by all of the Directors and filed in the Minutes of the proceedings of the Board when done before or after the actions are taken.

ARTICLE VII. OFFICERS

Section 1. Number: The officers of the corporation shall consist of a President, Vice-President and Secretary/Treasurer and such other officers as the Board of Directors may from time to time elect. Any two or more offices may be held by the same person except the offices of President and Secretary and all officers shall be selected from and be members of the Board of Directors.

Section 2. Election and Term: The officers of the corporation shall be elected by the Board of Directors. Such election may be held at any regular or special meeting of the Board. Each officer shall hold office until his death, resignation, retirement, removal or his successor is elected and qualified.

Section 3. Removal: Any officer or agent elected or appointed by the Board of Directors may be removed by the Board with or without cause.

Section 4. Compensation: The officers of the corporation shall serve without compensation.

Section 5. President: The President shall be the principal executive officer of the corporation, subject, however, to the control of the Board of Directors, and shall supervise and control the management of the corporation in accordance with these By-Laws. He shall sign, with any other proper officer, any deeds, mortgages, bonds, contracts or other instruments which may

lawfully executed on behalf of the corporation, except where required or permitted by law to be otherwise signed and executed except where the signing and execution thereof shall be delegated by the Board of Directors to some other officer or agent; and, in general, he shall perform all duties incident to the office of President and such other duties as may be prescribed by the Board of Directors from time to time.

Section 6. Vice-President: The Vice-President shall, in the absence or disability of the President, perform the duties and exercise the powers of that office. In addition, the Vice-President shall perform such other duties and have such other powers as the Board of Directors shall prescribe.

Section 7. Secretary/Treasurer: The Secretary shall keep accurate records of the acts and proceedings of all meetings of the members and Directors and give notices required by law and by the By-Laws. He shall be in charge of the corporate books and records and shall affix the corporate seal to any lawfully executed instrument requiring said seal. He shall also have charge of the membership books and shall sign such instruments as may be required by his signature and in general shall perform all duties incident to the office of the Secretary and such other duties as may be assigned from time to time by the President or the Board of Directors, together with having such duties as Treasurer as keeping full and accurate accounts of the finances of the corporation and in general performing all duties incident to the office of the Treasurer and such other duties as may be assigned from time to time by the President or the Board of Directors.

Section 8. Assistant Secretaries and Treasurers: Assistant Secretaries and Treasurers shall, in the absence or disability of the Secretary or Treasurer, perform the duties and exercise the powers of those offices.

ARTICLE VIII. GENERAL PROVISIONS

Section 1. Check: All checks, drafts and other orders for payment issued in the name of the corporation shall be signed by such officer or officers, agent or agents, of the corporation and in such manner as shall from time to time be determined by resolution of the Board of Directors.

Section 2. Amendments: These By-Laws may be amended or repealed and new By-Laws made or adopted by an affirmative vote of the majority of the Directors then holding office at any regular or special meeting of the Board of Directors.



U.S. Department of Housing and Urban Development
Greensboro Office, Region IV
415 North Edgeworth Street
Greensboro, North Carolina 27401-2107

September 19, 1989

K & S Investments
303 E. Bessemer Avenue
Greensboro, NC 27705

Ladies and Gentlemen:

SUBJECT: HUD File No. 8287
Churchill Downs, Phase 1
Greensboro, North Carolina

This will acknowledge receipt of exhibits which show acceptable completion of a part of the above referenced subdivision.

It will now be in order to submit documents for insurance for lots 1-12; 36-50 as shown on plat recorded in Book 91, Page 81, Guilford County, North Carolina, provided all other commitment conditions are satisfied.

A copy of subdivision compliance inspection report is enclosed.

Sincerely,

Howard B. Alexander
Chief
Architectural, Engineering
and Cost Branch

Enclosure

cc:
Veterans Administration
Farmers Home Administration

JILDER

- a. ☐ Report not left at site.
b. Highest moisture content of lumber: %
c. ☐ Report not official without reviewer's sig.

FHA CASE NO.

8287

PORT...GEE'S NAME AND ADDRESS

S&S Investments
303 E. Bessemer Ave.
Greensboro, NC 27402

PROPERTY ADDRESS

Churchill Downs
Greensboro, NC

Other Initials Final Date of Inspection
9/14/89

I - INSPECTION OF ON-SITE IMPROVEMENTS REVEALS:

- Conditions at site indicate that construction ☐ was, ☐ was not begun prior to date of approval for mortgage insurance shown on commitment. (Applies to initial report on new construction)
- ☐ Builder other than named in application.
☐ Unable to make inspection.
☐ Cannot locate property; ☐ House locked; ☐ Admittance refused.
☐ House furnished Mortgagee or his representative not present.
☐ FHA approved exhibits not available at site.
☐ Individual Water supply system; ☐ Individual Sewage disposal system
☐ No noncompliance.
☐ Needs Health Department approval for acceptance. (See III below.)
☐ Correction essential as explained below.
☐ Correction required by report no. not acceptably completed.
☐ Repairs required by commitment not acceptably completed.

8. ☐ Correction essential as explained below:
a. ☐ will examine at next inspection.
b. ☐ Do not conceal until reinspected.
9. ☐ No noncompliance observed.
10. ☐ Acceptable variations as described below.
11. ☐ Extensive noncompliance:
a. ☐ Variations from approved exhibits. (See IV below.)
b. ☐ Unacceptable construction. (See IV below.)
12. ☐ On-site improvements acceptably completed subject to receipt of certification that mortgagee's inspection reveals satisfactory completion of all items listed below.
13. ☐ On-site improvements acceptably completed except items listed below, completion of which is delayed by conditions beyond control. (See IV b.)
14. ☐ On-site improvements acceptably completed.

II - INSPECTION OF OFF-SITE IMPROVEMENTS REVEALS:

- ☐ Correction essential as explained below.
☐ Completion essential as explained below.

17. Off site improvements

- ☐ Completion assured by escrow agreement
☐ Completion assured by governing authority
☐ Acceptably completed.

Explanation of
items checked:

Construction requiring field inspection complete for lots 1-12 and 36-50

NOTE: The approach from the pavement at Church Street to the new R/W line is gravel.

CERTIFICATION: I certify that I have carefully inspected this property on this date. I have no personal interest, present or prospective, in the property, applicant, or proceeds of the mortgage. To the best of my knowledge I have reported all noncompliance, work requiring correction, and unacceptable work.

(Signed)

David Elliott

Insr

III - SPECIFIC CONDITIONS NOT REQUIRING FIELD INSPECTION

3. ☐ Correction Essential as noted.
1. ☐ Incomplete items as noted.
2. ☐ Acceptable Compliance with all specific conditions not requiring field inspection.
☐ None

TYPE OF STATEMENT REQUIRED

NOT RECEIVED RET. AS UNACCEP. ACCEP. AB

Prefabricator's Certificate required by related Engineering Bulletin.

Form Ind. water Ind. sewage
2573 Supply system disposal system

Termite soil treatment guarantee.

APPROVED

As modified by me

(Date)

9/18/89

(Signed)

Howard S. Churner

Chief Architect

☐ Director

IV - TO MORTGAGEE: When signed below, refer to statement on reverse side corresponding to designation checked.

A. NONCOMPLIANCE

☐ Variations from exhibits

(b) Unacceptable construction

☐ Preliminary construction

B. COMPLIANCE

Conditional commitment subject to inspection before issuance of

Firm Commitment.

C. COMPLIANCE Incomplete items. Mortgagee's

Assurance of Completion may be submitted.

for completion

not later than

D. FINAL ACCEPTANCE

Closing papers may

be submitted.

Date

9/18/89

(Signed)

Howard S. Churner

Director
Housing Division

☒ Deputy