**Recommended changes for:**

**Declaration of Covenants Conditions and Restrictions**

**For Hampton Place Subdivision**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Exhibit A**

**Exhibit B**

**Articles of Incorporation of**

**HAMPTON PLACEPROPERTY OWNERS ASSOCIATION,INC.**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Exhibit C**

**BYLAWS of**

**Hampton Place Property owners Association, INC**

**ARTICLES UNDER CONSIDERATION:**

**Article V: Covenant for Maintenance Assessments**

* **(5.5) Maximum Annual Assessments**  Change: shall be $480.00 per Lot. Add; (d) Lot Owner has the option of paying quarterly assessment being due no later than January 31st, April 30th, July 31st, October 31st.

**Article VI: Use Restrictions**

* **(6.2)** Add **(V) Commercial enterprises** Commercial businesses are not allowed per R4 zoning regulations per Mecklenburg County codes. There shall not be any advertising of businesses within the subdivision or turning any lot into a business venture. Air Bnb’s are restricted to register with the HOA, Bed-n-Breakfast are regulated by Mecklenburg county and North Carolina Laws. Lease and rental properties must register with the secretary of the HOA Board and sign a special proxy yearly upon paying their assessment.

**No recommendation for:**

**Exhibit A**

**Exhibit B**

**or Article of Incorporation**

**EXHIBIT C**

**BYLAWS**

**FOR**

**HAMPTON PLACE PROPERTY OWNERS ASSOCIATION, INC.**

**ARTICLE 3: Meetings of Members**

* **Section 3.1**  Change to: **Bi-annual Meetings** Regular Members meeting shall be held on Last Tuesday in January 7:00 pm and first Tuesday in June 7:00 pm. If the day is a holiday, the meeting shall be held on the first day following, which is not a legal holiday.
* **Section 3.5** Class of Lot and Voting Rights. (B) (ii) Add: Shall end on 13 April 2006 afterwards this Class B shall no longer exist.
* **Section 3.6 Quorum** The first such meeting called for purpose of taking action, the presence of Members or proxies entitled to cast votes, 60% shall constitute a quorum. If the required quorum is not present, another meeting will be called subjected to the same notice requirements as set forth above Sec. 3.4. The required quorum at the subsequent meeting shall be one half (1/2) required for a quorum. Subsequent meeting held to take action shall be held more than sixty (60) days following the first called meeting.

A Members who have had voting rights suspended Article IV (4.3) and have not cured the default shall not count against quorum requirements, absentee owners who have filed proxy with the secretary of the board and assessment paid shall count towards the quorum in good standing. Proxy will be required upon closing or the first day of conversion the property to a rental or lease status.

**Article 4**

**Board of directors**

* Section 4.1. The business and affairs of **HAMPTON PLACE PROPERTY** **OWNERS INC**. shall be managed by Hampton Place Home Owners Association Board seven members, hereby, shall be known as: Hampton Place Home Owners Board, Hampton Place HOA Board, Hampton Place Board of Directors. A Board of seven directors shall be elected as described in Section 4.5.
* Section 4.2 REMOVE as written.
* Section 4.2. Hampton Place Property Owners INC. shall provide for the preservation of values and attractiveness of real property in Hampton Place. Assign the powers of managing and maintaining the common area administering and enforcing the covenants and restrictions contained herein. Collect and disburse the assessment and charges created in order to sufficiently preserve, protect, and enhance the values and amenities in Hampton Place to ensure residents enjoyment of rights privileges and easements in the common area.
* Sections 4.3, 4.4 Shall have the following text inserted:

**4.3 a.** The Chairman shall be a member of the Board of Directors but shall have no voting rights on the committee. His/her responsibility is to ensure the committee is following the Bylaws of the association. To ensure that time restraints for preparing ballots are kept. To ensure all applicants are vetted properly. To ensure any nomination from the floor during members meetings are considered in the election process.

**4.3 b.** The term of the committee shall serve for one year following annual elections. They will certify a quorum is met and, all votes and proxies are legally counted and recorded with the secretary of the Board.

**4.4 a.** Elections; the committee shall determine and validate openings to be filled. The committee shall prepare a written ballot to be used during the election. The committee will count members votes in person or by proxy and once all votes are cast will certify the duly elected Board members. In the event, there is a tie; the committee will make recommendations on how to proceed to the membership. There shall not be any cumulative voting. The decision of the committee is final.

* Section 4.5.Term of Office Each Hampton Place Board of Director shall be elected for a term of office which is three years. Each director shall hold office until his successor is voted in and qualified, or until his resignation, retirement, or removal, disqualification, or his/her death.

Election of Officers on the HOA Board shall be the first meeting after the Members election meeting pursuant to section 7.2 the term shall be pursuant to section 7.3.

**Article 5**

**MEETING OF DIRECTORS**

* Section 5.5. Chairman A Chairman of the HOA Board of Directors shall be the President and shall preside over all HOA Board meetings. The Vice President shall serve as Chairman in the event there is a vacancy in the office of the Presidency. In the event, the Vice Presidency is vacant the HOA Board shall elect from the Board a Chairman, to serve until a new president is elected.

**Article 6**

**POWERS and DUTIES of the BOARD of DIRECTORS**

* Section 6.2 . (a) Cause to be kept a complete record of all its acts and corporate affairs and to present a statement thereof to the Members at the annual meeting of the Members, or at any special meeting when such statement is requested in writing by Members entitled to one vote per lot, five days in advance of such meeting.

**ARTICLE 7**

**OFFICERS and their DUTIES**

* Section 7.1 **Officer:** Officer of the Association shall be: President, Vice-President Secretary, and Treasure. After they are elected shall be known as executive Board members, the President shall chair any executive Board meeting. The three other Board members shall be Committee Chairpersons they will chair the: Landscaping Committee, Architectural Committee, and Violations Committee. The Board may by resolution of the Nomination Committee (ref.sec4.4 and 4.4a.) create more openings but, it shall be an odd number.
* Section 7.2 **Election of Officers.** The election of officer of the Homeowner Association Board shall take place on the first meeting after annual members meeting and elections.
* Section 7.3 **Term:** Each officer of the Association shall be elected for a term of one fiscal years with a six-month transitional period to train newly elected Board members. A Board member shall hold office until their resignation, retirement, removal, disqualification, death, or his successor is elected and qualifies.
* Section 7.7 **Multiple offices:** No person of the Executive Board shall simultaneously hold any other office. Except in the case of special committee chairpersons of special offices created pursuant to Section 7.4.
* **Section: 7.9**

**(a) President:** This office is the authority on the rules and laws that govern the Homeowners Association Board (HOA), it handles procedural duties, and serve as the spokesperson for all business matters. The president is the principal executive officer.

* Schedule, attend, and run board and annual meetings.
* Establish and approve meeting agendas.
* Serve as the main point of contact for management partners.
* Sign association documents and affix seal where required.
* Call for discussions and votes as per Robert’s Rules of order.
* The president will chair the executive committee.
* The President shall see that the orders and resolutions of the board are carried out.
* Co-sign all check and promissory notes, per proper procedures.

**(b) Vice-President:** Act as a substitute for the president should he or, she be unavailable for whatever reason. In cases of the president’s absence, shall preform all duties listed under the duties of the President. Shall follow lawful instructions from the President, other responsibilities include:

* Co-signing checks as required,
* Signing of contracts, leases, and other legal documents.
* Overseeing and managing pool committee.
* Shall liaise with committees to guide and direct their goals.
* Liaise with the Board and companies and vendors.

**(c) Secretary:** Homeowner association (HOA) secretary is the recordkeeper. It is crucial that all records are collected, organized, and stored properly. HOA secretary shall keep minutes of all meetings and record all votes. They shall keep and or record all report from committees brough before the board. They will work with the President in formulating an agenda for all meetings. They shall affix the corporate seal on documents requiring said seal, other duties include:

* Ensure compliance with Covenants Conditions and Restrictions.
* Receive non-billing correspondence from selected vendors disseminate and process to the HOA Board.
* Keep on file address of the members of the Association.
* Send out notices of meetings and keep the community updated.
* Secretary may delegate responsibilities.

**(d) Treasure:** The HOA treasurer is responsible for all things related to finance, from collecting dues to paying invoices. They are also in charge of bookkeeping, creating financial reports, and budgeting report for the upcoming year. They shall disburse such funds as directed by resolution of the HOA Board. They shall require all signatures are in proper compliance and sign all checks and promissory notes of the Association. Shall recommend audit when call for by the board or Treasure, as necessary. Shall prepare an annual budget statement of income and expenditures to be presented to the membership at its regular annual meetings, provide a copy to each member. Other Duties include:

* Maintain a petty cash fund and reimburse expenses as receipts are submitted and not in advance of the expense being incurred, keep records, and make report at all Board meetings.
* Work with the Board or committee in developing an annual budget.
* Prepare Chart of account report on miscellaneous spending when requested.
* Make recommendations to the board of over expenditures.
* May establish an audit committee to keep in compliance.
* Treasure may delegate responsibilities as may be necessary.

**Article 12**

**AMENDMENTS**

Section 12.1. These Bylaws maybe amended, at regular or special meeting of the members by a vote of at least two thirds (2/3) of all votes present at a duly held meeting of the Members at which a quorum is present in person or by proxy. Except that the Federal Housing Administration or the Veterans Administration shall have right to appeal any amendment that conflict with State, Federal, or local ordinances.

Notwithstanding anything in this Section 12.1 Hampton Place Property Owners INC. may at its option amend these Bylaws without obtaining the consent or approval or any other person or entity if such amendment is necessary to cause these Bylaws to comply with the requirements of the FHA,VA, Federal National Mortgage Association, or similar agency.

In summary the current CC&R and Bylaws is, in itself four certified and registered documents that make up the hold rule of order. To effectively make amendments to this document we have to achieve a two thirds (2/3) quorum vote for the Bylaws, 75% for the Covenants Conditions and Restrictions it is how ever suggested we use a signed ballot for record keeping purposes.

Under Article VIII (c) No amendment shall become effective until the instrument evidencing such change has been filed of record in the Mecklenburg County Public Registry.

A review from the attorney on file with Home Owners Property Association, they will advise on current legislation and how to applies to changes in the document in our area. If there is any conflict we will have to default to state or federal laws.

This is not only the last solution, but also important to have and work within committees to develop codes of order, or Board resolution clauses within our documents as long as it is applied equally with precedence.

The CC&R Committee that worked on these recommendations gave input and researched Mecklenburg County Codes, State laws, Statues, compared other HOA documents and evaluated issues involving our community. I personally would like to thank them for their time and ideals.

Thank you,

Joseph Anderson

CC&R Committee Chairman