

Return after recording to:

Reference: Book 127, Page 69  
Book 424, Page 295  
Book 440, Page 252  
Book 537, Page 454

STATE OF NORTH CAROLINA  
COUNTY OF MITCHELL

SECOND AMENDMENT TO THE BYLAWS, AS PART OF THE AMENDED AND  
RESTATED DECLARATION OF COVENANTS, CONDITIONS AND  
RESTRICTIONS FOR SWISS VILLAGE, ATTACHED AS EXHIBIT "B"

This Second Amendment to the Bylaws, as part of the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Swiss Village, attached as Exhibit "B" ("Bylaws") is made this the 5<sup>th</sup> day of, NOVEMBER, 2021 by the Swiss Village Property Owners Association, Inc., ("Association").

WITNESSETH

WHEREAS, Swiss Village, Inc. executed and recorded Covenants and Restrictions for the development commonly known as Swiss Village located in Mitchell and McDowell Counties, North Carolina, which Covenants and Restrictions are recorded in Book 127, Page 69 of the Mitchell County Registry and Book 171, Page 163 at the McDowell County Registry, as amended

by Amendment to Covenants and Restrictions recorded in Book 221, Page 544 of the McDowell County Registry (the "Original Declaration"); and

WHEREAS, the Association recorded an Amendment of Covenants and Restrictions at Book 424, Page 295, Mitchell County Registry and Book 842, Page 398 of the McDowell County Registry; and

WHEREAS, the Association recorded an amended and Restated Declaration of Covenants, Conditions and Restrictions for Swiss Village at Book 440 at Page 252 of the Mitchell County Registry and Book 876, Page 737 of the McDowell County Registry (the "Amended and Restated Declaration") which included as Exhibit "B", the Amended and Restated Bylaws for the Association; and

WHEREAS, the Association recorded the First Amendment to the Bylaws, as Part of the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Swiss Village, Attached as Exhibit "B" at Book 537, Page 454, of the Mitchell County Registry and Book 1105, Page 369 of the McDowell County Registry; and

WHEREAS, Swiss Village is a planned community and is governed by the North Carolina Planned Community Act (NCGS 47F-1-101 et seq.) ("Planned Community Act"); and

WHEREAS, Article 12 of the Amended and Restated Bylaws for Swiss Village Property Owners Association provides that the Bylaws may be amended at any time and from time-time by affirmative vote, or written agreement of Owners holding sixty-seven percent (67%) of votes appurtenant to the Lots and House which are subject to Bylaws.

WHEREAS, The Association, at a duly held meeting of the lot owners of lost to which at least sixty-seven percent (67%) of the votes in the Association allocated agreed to submit and to adopt the attached Second Amendment to the Bylaws, attached as Exhibit "B" as part of the Amended and Restated Declaration of Covenants, Conditions and Restrictions in accordance with and as permitted by the act.

NOW, THEREFORE, the Association by and through its owner-members amends the Bylaws by deleting the following paragraph contained in Article 7, Section 7.7 (e):

(e) The Treasure shall receive and deposit in appropriate bank accounts all monies of the Association and shall disburse such funds as directed by resolution of the Board of Directors. The Treasurer or the Treasurer's designees shall co-sign all checks of the Association with one (1) other officer of the Association, shall keep property books of account, and shall prepare an annual budget and a statement of income and expenditures to

be presented to the Membership at its regular annual meeting, and deliver a copy of each to the Members. The Treasurer shall be bonded.

And replacing the deleted paragraph with the following paragraph:

(e) The Treasurer shall keep proper record of all funds received and dispersed on behalf of the Association on a timely basis. All funds dispersed will be done so after proper authorization by the Board of Directors and in compliance with internal controls set by the Board. Internal controls must address the following processes: segregation of duties, controls over handling of funds, proper financial reports, and regular director reviews. Internal controls will be disclosed by the incoming Board to the members no later than September 30 of each year. All funds received from Members will be promptly cleared against invoiced assessments. The Treasurer in consultation with the Board of Directors, and pursuant to the requirements of N.C. Gen. Stat. § 47F-3-103(c) will produce an annual budget and allocation of annual assessment for each Member. The Treasurer shall distribute to each Member a copy of the annual budget for the coming fiscal year along with a financial statement for the past year. After ratification of the budget by the members, the Treasurer will mail or electronically deliver assessment invoices to each member within the prescribed times set forth in the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Swiss Village. The Treasurer shall be bonded.

[Rest of Page left intentionally blank]

IN WITNESS WHEREOF, the undersigned officers of the Swiss Village Property Owners Association, Inc. hereby certify that the attached Second Amendment to the Bylaws, as part of the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Swiss Village, attached as Exhibit "B" was duly adopted by the Association and its membership in accordance with and pursuant to the Bylaws, the Declaration of the Swiss Village Property Owners Association, Inc., and North Carolina law.

This 5<sup>th</sup> day of, NOVEMBER, 2021.

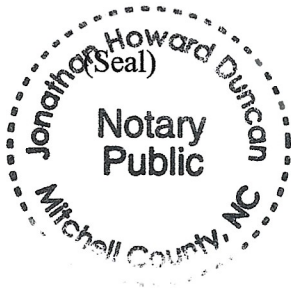
Swiss Village Property Owners, Inc.

By: Sandra Westlye

Sandra Westlye, President

Attest By: Leigh Gray

Leigh Gray, Secretary  
LG



STATE OF NORTH CAROLINA

COUNTY OF Mitchell

I, Jonathan Howard Duvce Notary Public for said County and State, certify that Leigh Gray personally came before me this day and acknowledged she is the Secretary of the Swiss Village Property Owners 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 President, sealed with its corporate seal, and attested by herself as its Secretary.

Witness my hand and seal, this the 5th day of November, 2021.

Return after recording to:

Reference: Book 171, Page 63  
Book 221, Page 544  
Book 824, Page 398  
Book 876, Page 737  
Book 1105, Page 369

STATE OF NORTH CAROLINA  
COUNTY OF MCDOWELL

SECOND AMENDMENT TO THE BYLAWS, AS PART OF THE AMENDED AND  
RESTATED DECLARATION OF COVENANTS, CONDITIONS AND  
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[Rest of Page left intentionally blank]

IN WITNESS WHEREOF, the undersigned officers of the Swiss Village Property Owners Association, Inc. hereby certify that the attached Second Amendment to the Bylaws, as part of the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Swiss Village, attached as Exhibit "B" was duly adopted by the Association and its membership in accordance with and pursuant to the Bylaws, the Declaration of the Swiss Village Property Owners Association, Inc., and North Carolina law.

This 5<sup>th</sup> day of, NOVEMBER, 2021.

Swiss Village Property Owners, Inc.

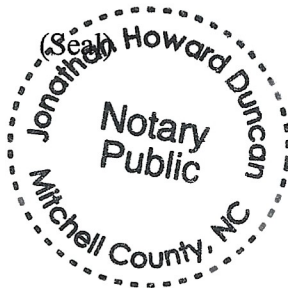
By: Sandra Westlye

Sandra Westlye, President

Attest By: Leigh Gray

Leigh Gray, Secretary

*LH*



STATE OF NORTH CAROLINA

COUNTY OF Mitchell

I, Jonathan Howard Duncan Notary Public for said County and State, certify that Leigh Gray personally came before me this day and acknowledged she is the Secretary of the Swiss Village Property Owners 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 President, sealed with its corporate seal, and attested by herself as its Secretary.

Witness my hand and seal, this the 5th day of November, 2021.