\* *DISCLAIMER* – The following list of by-laws has been retyped using the original hard copy and should not be referenced as the official version. Those interested in obtaining an official copy of the covenants or the by-laws should pursue them through the proper channels.

\**NOTE* - The blue underline words are to be used as summary of the list for quick reference. They are not included in the official bylaws.

**BY-LAWS OF CREEKSIDE VILLAGE HOMEOWNERS ASSOCIATION, INC. – ADOPTED FEBRUARY 24, 2004**

**ARTICLE J – Architectural Control and Architectural Restrictions**

1. Committee Members The Architectural Control Committee (“Committee”) shall be comprised of four (4) persons. Any natural person may serve as a member of the committee. Until December 31, 2009, declarant shall have the right to appoint and remove the four (4) committee members with or without cause. After such date, the board of directors of corporation shall have the right to appoint and remove members of the committee with or without cause.
2. Exterior Alterations & Submission Rules for Approval Except as provided in paragraph 7 of this article J, before any structure, fence, building, wall or addition to any of same shall be commenced, erected, or maintained upon any lot and before any alteration (including painting) of the exterior portion of any structure located upon any lot in the subdivision shall be commenced (except as shall be undertaken by the corporation itself), the party desiring to make such changes or erections shall submit and have approved by the committee (hereinafter call “committee”), plans and specifications detailing the changes and erections. The plans and specifications must show the structure, kind, shape, height, materials, color, and locations of the change or erection. Two (2) complete sets of committee applications forms, finial plans, and specifications for any and all proposed improvements, shall be (1) hand delivered to the committee, or (2) mailed certified or registered mail with return receipt requested to the committee. The committee shall approve or disapprove such plans within forty (40) days of receipt thereof. One set of plans and specifications and detail with the approval or disapproval of the committee shall be returned to the party submitting them and the other copy shall be retained by the committee for its permanent files. Until December 31, 2006, the address of the committee is 507 Jimmies Creek Drive, New Bern, NC 28562. After, such date, the address is the address of the corporation.
3. Committee Approval Regulations The committee shall make its decision approving or disapproving the plans by taking into consideration the nature of the subdivision, the aesthetics of the proposed changes or alterations, the harmony of the proposed change or erection with the architectural style of neighboring building, color schemes, durability of construction, relative cost, and protection of the investment of the owners of other lots in the subdivision. Submission of incomplete or inaccurate plans and specifications may result in disapproval. The decisions of the committee shall be final and not subject to appeal or review.
4. Lack of Consent If the committee fails either to approve or disapprove any plans so submitted within forty (40) days of their submissions, the plans will be deemed approved. If a court action challenging the lack of approval is not brought before a certificate of occupancy has been issued by the City of New Bern for the improvement, the plans will be deemed approved.
5. Defect Responsibility Neither the committee nor any agent of the declarant shall be responsible in any way for any defects in any plans or specifications submitted, revised or approved in accordance with the foregoing provisions nor any structural or other defect in any work done according to such plans and specifications.
6. Succeeding Purchaser The requirements of this article shall not constitute a lien or encumbrance on any lot on which construction is complete, and any subsequent purchaser thereof for value without notice thereof is in no way affected by the failure of his predecessors in title to comply with the terms thereof.
7. Original Construction The provisions of this article shall not apply to original construction on a lot by declarant and no such approval shall be required for original construction by declarant.
8. Initial Members The initial members of the committee shall be Robert E Dunn, Robert E Dunn, Jr, Jefferey Dunn and Mary Manning.