\* *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 I – Property Rights of Lot Owners, Cross-Easements, and Exceptions and Reservations by Declarant**

1. Common Areas Use Every owner of a lot within the subdivision as an appurtenance to such lot shall have a perpetual easement over and upon the common areas within the subdivision for each and every purpose or use to which such common areas were intended as determined by their type, or for which such common areas generally are used. Such easement shall be appurtenant to and shall pass with the title to every lot located within the subdivision, whether or not specifically included in a deed thereto, subject to the following provisions:

**A** Make Rules The corporation shall have the right to make reasonable rules and regulations respecting the use of same.

**B** Street Parking The corporation may make reasonable rules respecting parking on the streets of the subdivision.

**C** Transfer Property Title The corporation shall have the right to dedicate or transfer fee simple title to all or any of the common area to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed to by the members. No such dedication, sale, or transfer signed by two-thirds (2/3) of each class of members has been recorded.

**D** Vote on Transfer The corporation shall have the right to mortgage, pledge, deed in trust, hypothecate, sell, or convey all or any part of the common areas; provided, however, no such action may occur until an instrument agreeing to such action signed by two-thirds (2/3) of each class of members has been recorded.

1. Utility Use The corporation hereinafter may grant easements for utility purposes for the benefit of the subdivision and the lots now or hereafter located therein, over, under, along and through any common areas located within the subdivision.
2. Right to Use Any owner may delegate, in accordance with the bylaws, his right of enjoyment to the common areas and facilities to the members of his family, his tenants, or contract purchasers who reside on the property.
3. Utilities & Drainage Easements for the installation and maintenance of utilities and drainage facilities are as shown on the recorded plat. Those easements are reserved by declarant for the purposes of benefitting this subdivision and its other property in the area. Except as otherwise provided herein, no structure, planting, or other material shall be placed or permitted to remain within these easements which may interfere with the installation and maintenance of utilities, which may change the direction of flow of drainage channels in the easements. Declarant specifically reserves the right to grant any public utility, municipality or other property owner similar nonexclusive easement rights in said utility and drainage easements shown on the foresaid plat and reserved herein.
4. Utility Electricity The declarant reserves the right to subject the lots in the subdivision to a contract with the City of New Bern Utility Department or any other public utility or municipality for electricity and lighting to the lot, including the installation of underground electric cables, which contract may require and initial payment and/or continuing monthly payments to the City of New Bern Utility Department or any other municipality or public utility by the lot owner of each lot. Such expense, including both initial and continuing monthly payments, shall be an individual cost to be borne by each individual lot owner and is not covered by the general assessments.
5. Street Lights The declarant reserves the right to subject the lots in the subdivision to a contract with the City of New Bern Utility Department or any other public utility or municipality for street lights for the common areas which contract may require and initial payment and/or continuing monthly payments to the City of New Bern Utility Department or any other public utility or municipality. Such expense is included in the general assessments.
6. Annexation Additional residential property and common areas may be annexed into the subdivision and the corporation with the consent of two-thirds (2/3) of each class of members. Annexation of additional property shall be accomplished by recording provisions of this declaration by reference. The additional land shall be deemed annexed to the subdivision and under the jurisdiction of the corporation on the date of the recordation of the declaration of annexation. The declaration of annexation shall be duly executed by the declarant.
7. Annexation Approval As long as there is a Class B membership, the following actions will require the prior approval of the Federal Housing Administration or the Veterans Administration: annexation of additional properties, dedication of common areas, and amendment of this declaration.
8. Easements Rights Each owner of any lot within the subdivision, as an appurtenance to such lot, have and is hereby conveyed a perpetual, nonexclusive right of way and easement for the purposes of ingress, egress and regress to and from said lot over, through and across the streets and roads shown on the subdivision plat and/or described herein.
9. Future Construction The owner of each lot, by acceptance of a deed there to, and the corporation by acceptance of a deed for the common areas, grants to the declarant, its successors and assigns, and declarant hereby reserves perpetual nonexclusive general access and utility easements located over, along and through the streets and roads, utility lines, water lines and sewage lines presently existing, shown on the aforesaid plat or hereafter constructed. Such easements are nonexclusive and are for the purposes of to such additional areas as may be later developed and subdivided by declarant, whether or not such area is annexed into this subdivision. In its sole, unfettered discretion, declarant may grant similar nonexclusive easement rights to various parties as it deems necessary and proper.
10. Permanent Common Areas The common areas shall remain common areas in perpetuity, and not action of the corporation shall eliminate any portion of the common areas unless such action id specifically authorized in writing by the City of New Bern.