

BOOK 1468
PAGES 436 - 439

Iredell County, NC
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No 9999-00162283 1 of 4 pages
Brenda D. Bell, Register of Deeds

FIRST AMENDMENT
TO
BYLAWS
OF
WINDEMERE ISLAND PROPERTY OWNERS ASSOCIATION, INC.
A Non-Profit Corporation
under the Laws of the
State of North Carolina

4.

KNOW ALL MEN BY THESE PRESENTS, that this First Amendment to ByLaws is made and entered into as of the 4th day of May, 2002, by the WINDEMERE ISLAND PROPERTY OWNERS ASSOCIATION, INC., a Non-Profit Corporation under the Laws of the State of North Carolina;

WITNESSETH:

WHEREAS, the Board of Directors of the WINDEMERE ISLAND PROPERTY OWNERS ASSOCIATION, INC., have scheduled their regular meetings on a quarterly basis and the absence of a member of the Board of Directors for three consecutive regular meetings would be detrimental performance and duties of the Board of Directors, the Members of the Association are desirous of modifying ARTICLE VI, POWERS AND DUTIES OF THE BOARD OF DIRECTORS, Section 1. Powers. (d) to allow for a lower number of absences;

WHEREAS, pursuant to Article XII, Amendments, Section 1., ByLaws of Windemere Island Property Owners Association, Inc., Members at a regular meeting of the Members, by a vote of at least two-thirds (2/3rds) of all votes present at a duly held meeting of the Members at which a quorum was present in person or by proxy, are expressly authorized and consented to the First Amendment hereinafter set forth;

NOW, THEREFORE, in consideration of the premises herein contained, the ByLaws are hereby amended as follows: ARTICLE VI, POWERS AND DUTIES OF THE BOARD OF DIRECTORS, Section 1. Powers. (d) is hereby amended to read: "May declare the office of a member of the Board of Directors to be

vacant in the event such member shall be absent from two (2) consecutive regular meetings of the Board of Directors."

IN WITNESS WHEREOF, the undersigned has caused this First Amendment to the ByLaws to be executed effective as of the 4th day of May, 2002.

WINDEMERE ISLAND PROPERTY OWNERS ASSOCIATION, INC., a Non-Profit Corporation under the Laws Of the State of North Carolina

By: Terry C. Bibleheimer
Terry C. Bibleheimer, President

ATTEST:

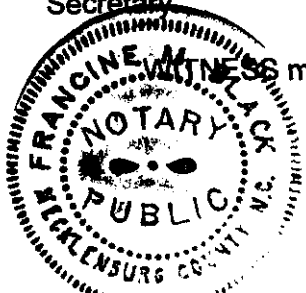
Marsha P. Bibleheimer
Marsha P. Bibleheimer, Secretary

(CORPORATE SEAL)

STATE OF NORTH CAROLINA :
: SS
COUNTY OF MECKLENBURG :

I, the undersigned, a Notary Public of the County and State aforesaid, do hereby certify that TERRY C. BIBLEHEIMER personally came before me this day and acknowledged that he is President of the WINDEMERE ISLAND PROPERTY OWNERS ASSOCIATION, INC., a Non-Profit Corporation under the Laws of the State of North Carolina; and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by himself as its President, ~~sealed with its corporate seal~~ and attested by its Secretary

WITNESS my hand and official seal this the 31st day of July, 2002.



My Commission Expires July 30, 2007

Francine M. Black
Notary Public

My Commission Expires: _____

NORTH CAROLINA
IREDELL COUNTY

THE CERTIFICATE OF:
Francine M. Black
IS CERTIFIED TO BE CORRECT.

BRENDA D. BELL, REGISTER OF DEEDS
BY: Joseph Bell
ASST./DEPUTY

November 4, 2001

Exhibit A

LOT 16 VIOLATION OF RESTRICTIVE COVENANTS
AGREEMENT

Mr. Richard Dursi
Merelli Resources LLC
8495 Keeler Road
Rome, NY 13440

Re: Lot 16, Windemere Island

Dear Mr. Dursi:

Based on your request, the Board of Directors of Windemere Island Property Owners Association, Inc., will agree to allow restoration earthwork and landscaping to correct covenant violation due to the lack of completion of the residence on your lot. Obviously, berms with cypresses planted all in a row along the top of the berms are not the appropriate answer to conceal the wall. Not only will the cypresses not survive, but also the look is anything but natural. You offered to work with the association to come up with an agreeable plan. Please send detailed descriptions of the proposed work.

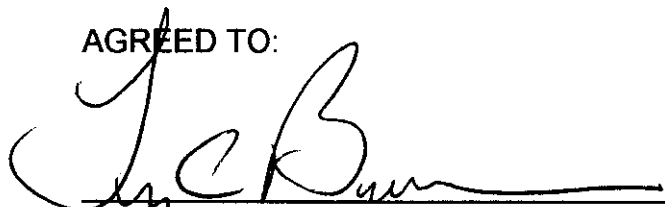
This work should include berms, mulch, groundcover, low growing natural plants or other vegetation typical of the other unimproved lots on the island. Materials such as low growing juniper, grasses and vines (not kudzu) are examples of acceptable planting material. It must prevent erosion, remain in place, look as natural as possible and be irrigated, if necessary, to support growth and survival of vegetation. When the work is completed, the silt fencing and construction signage at the waterline should be removed. The work must be complete by December 15, 2001, and must conceal the concrete wall from all views from the water and street.

We have all agreed that this letter represents our continuing effort to arrive at a temporary agreement concerning your property. Your property, as all the property on Windemere Island, is subject to the covenants, conditions and restrictions recorded for Windemere Island. Our signatures at the bottom of this letter memorialize our agreement that our present efforts to work with the incomplete construction on your property are temporary measures. All of our past agreements concerning these measures will expire by March 1, 2004, and you will then be bound to the regular obligations set forth in the recorded Declaration of Covenants, Conditions and Restrictions Windemere Island.

Mr. Richard Dursi
Merelli Resources, LLC
November 4, 2001
Page Two

As I am sure you will agree, it is to everyone's best interest that values on the island increase. Abandoned construction is not only an eyesore but raises questions to potential buyers and other lot owners, which are detrimental to all our interests.

AGREED TO:



TERRY C. BIBLEHEIMER, President of the
Windemere Island Property Owners Association

11/4/01
Date



RICHARD DURSI, for the Owners of
Lot 16, Windemere Island

11/19/01
Date

cc: Bo Davis
Dale Miller
Dave Seitz
Suzanne Van Gundy
WPOA