

**1<sup>ST</sup> AMENDMENT TO  
FIRST AMENDED AND RESTATED BYLAWS OF PANTHER CREEK  
ASSOCIATION OF HOMEOWNERS, INC.**

This 1st Amendment to the First Amended and Restated Bylaws of Panther Creek Association of Homeowners, Inc. is effective as of the 31st day of October, 2009, by the Panther Creek Association of Homeowners, Inc. (the "Association").

**WITNESSETH:**

**WHEREAS**, Article XVI, Section 16.01 of the First Amended and Restated Bylaws of Panther Creek Association of Homeowners, Inc. (the "Bylaws") provides that the Bylaws may be amended at a regular or special meeting of the members; and

**WHEREAS**, Article III, Section 3.07 of the Bylaws provides that when a quorum is present at any meeting, the vote of the holders of fifty-one percent (51%) of the members represented at the meeting, present in person or represented by proxy, shall decide any question brought before such meeting; and

**WHEREAS**, on the 31<sup>st</sup> day of October, 2009, a regular meeting of the members of the Association (the "Meeting") was held in accordance with the Bylaws of the Association and at such Meeting, certain amendments to the Bylaws were proposed to the Members to be considered and voted upon; and

**WHEREAS**, the amendments to the Bylaws, as set forth hereinafter with specificity, were approved by the holders of at least fifty-one percent (51%) of the members present or represented at the Meeting.

**NOW, THEREFORE**, the Bylaws of the Association are hereby amended as follows:

(a) Section 10.01 of Article X of the Bylaws is hereby amended and shall read, in its entirety, as follows:

**10.01 The Board shall not impose sanctions as that term is defined in Article 4.22 (i), or infringe upon any other rights of a member or other occupant for violations of rules unless and until the following procedure is followed:**

(a) **Demand.** Written demand to cease and desist from an alleged violation shall be served upon the alleged violator specifying:

- (i) the alleged violation;
- (ii) the action required to abate the violation; and
- (iii) a time period, not less than ten (10) days, during which the violation may be abated without further sanction if such violation is a continuing one, or a statement that any further violation of the same rule may result in the imposition of a sanction after notice and hearing if the violation is not continuing.

If the same rule is violated again by the same Owner within a twelve (12) month period, the Board will not be required to give notice under this Section 10.01(a), but instead the Board may immediately begin notification under Section 10.01(b) below.

(b) **Notice Before Enforcement Action.** Except as provided under Section 10.02 hereof, before the Association may i) suspend an Owner's right to use a common area, ii) file suit against an Owner, other than a suit to collect regular or special assessments or foreclose under an Association's lien, iii) charge an Owner for property damage, or iv) levy a fine for a violation of the restrictions, Bylaws or rules of this Association, the Association must give written notice to the Owner in question by certified mail, return receipt requested. The notice shall contain the following:

- (i) the nature of the alleged violation or the basis for any proposed suspension action, charge or fine;
- (ii) the amount due to the Association and/or the proposed sanction to be imposed;
- (iii) a time period, not less than ten (10) days, during which the violation may be abated without further action unless the owner was given notice under this section to cure a similar violation within the prior six (6) months;
- (iv) notice to Owner of the right to submit a written request for hearing to discuss and verify facts and resolve the matter at issue before the Covenants Control Committee, or if none, before the Board. The Owner will be advised that it may request a hearing on or before the 30th day after the date Owner receives notice and, thereafter, such hearing will be held no later than the 30th day after the Board receives notice of the Owner's request for a hearing. The owner will be advised that if the hearing is held before the Covenants Control Committee, the owner has a right to appeal the committee's decision to the Board by written notice to the Board;
- (v) notice that the hearing will be postponed one time if requested by either the Board or the Owner for a period of not more than ten (10) days. Additional postponements may be granted only upon the agreement of both parties; and
- (vi) in the event Owner does not request a hearing by or before the 30th day, then the Board will impose the fine and/or sanction identified in this Section 10.01 (b).

(c) **Hearing.** The hearing shall be held in executive session pursuant to this notice affording the alleged violating member a reasonable opportunity to be heard. Prior to the effectiveness of any sanction hereunder, proof of notice and the invitation to be heard shall be placed in the minutes of the meeting. Such

**proof shall be deemed adequate if a copy of the notice, together with a statement of the date and manner of delivery, is entered by the officer, Director, or agent who delivered such notice. The minutes of the meeting shall contain a written statement of the results of the hearing and the sanction, if any imposed.**

**(d) Appeal. Following a hearing before the Covenants Control Committee, the violator shall have the right to appeal the decision to the Board of Directors. To perfect this right, a written notice of appeal must be received by the Manager, President, or Secretary of the Association within thirty (30) days after the hearing date. To the extent any appeal causes the Association to incur expense, the violating member shall be required to pay any and all expenses including attorney's fees incurred by the Association in connection with an unsuccessful appeal. Any sanctions or costs which are levied or charged against a violating member may be enforced equally against that member's lot in the same manner as unpaid dues.**

EXECUTED to be effective as of the 31<sup>st</sup> day of October, 2009.

PANTHER CREEK ASSOCIATION OF  
HOMEOWNERS, INC.

By: \_\_\_\_\_  
Cliff Sosamon, Secretary

**CERTIFICATION OF AMENDMENT TO BYLAWS**

I, William Woodard, the duly elected President of the Panther Creek Association of Homeowners, Inc., hereby certify:

This 1st Amendment to the First Amended and Restated Bylaws of the Panther Creek Association of Homeowners, Inc. was approved pursuant to the requirements set forth in Article XVI, Section 16.01 of the First Amended and Restated Bylaws, at the annual meeting of the members of the Association held on October 31, 2009, at which a quorum was present, and that the same does now constitute a portion of the First Amended and Restated Bylaws of Panther Creek Association of Homeowners, Inc.

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William Woodard, President