

**TULL'S BAY COLONY  
PROPERTY OWNERS ASSOCIATION  
BY-LAWS**

REVISED 04/2019

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**ARTICLE I – DEFINITION**

**SECTION 1:** The association shall mean and refer to Tull's Bay Colony Property Owners Association, a non-profit corporation organized and existing under the laws of the state of North Carolina.

**SECTION 2: "The Properties"** shall mean and refer to that real estate development known as Tull's Bay Colony near Tull's Creek Road in Moyock Township, Currituck County, North Carolina, as described and delineated according to the plat prepared by L.T. Liverman, Register of Deeds for Currituck County, North Carolina.

**SECTION 3: "Common Properties"** shall refer to parks, boat ramp, playgrounds, swimming pool, streets, footways, including building, structures, and personal properties incident thereto and for the common benefit and enjoyment of the residents within the properties including properties deeded to the Association. This is by the North West River Development Company or otherwise acquired by the Association.

**ARTICLE II – LOCATION**

**SECTION 1:** The principal office of the Association shall be located at Tull's Bay Colony Community Center, 1351 Tull's Creek Road, Moyock, North Carolina.

**ARTICLE III – MEETINGS**

**SECTION 1:** Tull's Bay colony Association Board of Directors shall hold monthly meetings. All board meetings shall be held on the third Tuesday of each month starting at 7:00 pm. The president must contact all members of the association 7 days prior to a change of meeting date or time.

**ARTICLE IV – MEMBERSHIP**

**SECTION 1:** All owner of record, deed or contract of lot owners in Tull's Bay Colony are members of the association and such member is entitled to one vote at all meetings of the association. A member may vote in person or may vote by proxy executed in writing by the member or the duly authorized attorney-in-fact. No proxy shall be valid after eleven months. From the date of its execution unless they said proxy shall provide otherwise.

**SECTION 2:** The annual meeting of voting members shall be held on the second Saturday in April, every year at the principal office of the association at Tull's Bay Colony Community Center, 1351 Tull's Creek Road, Moyock North Carolina or at such other places, within Currituck County of North Carolina. This may be designated in the notice of the meeting or as agreed upon the majority of the voting members entitled to vote. The purpose is to elect four Executive Board members (President, Vice President, Secretary, and Treasurer) and four Board members, (Community Center Director, Waterway, Building & Grounds Director, Planning Director, and Media Director).

**SECTION 3:** A special meeting of the members may be called by the full Board of Directors by mailing notices to each member at their known address 14 days prior to each meeting

**ARTICLE V - PROPERTY RIGHTS AND RIGHTS OF ENJOYMENT OF COMMON PROPERTIES**

**SECTION 1:** All pets must be on a leash on common properties and owner must clean up after their pet.

**SECTION 2:** Each member, whose assessments are in good standing, shall be entitled to the use of all common properties and facilities as provided by the deed of dedication.

**SECTION 3:** Any member, whose assessments are in good standing, may delegate their rights to all common properties and facilities to a member of their immediate family (son, daughter, stepson or stepdaughter that are living with them). Tenants who reside thereon under a lease hold interest for a term of 6 months or more must pay dues in addition to the lot owner's payment of dues, and then may use the facilities according to the rules and regulations of the Association. Such member shall notify the Secretary in writing of the name of any such person and or the relationship of the member to such person. The rights and privileges of such person are subject to suspension to the same extent as those of the member. Member's whose assessments are not in good standing, are not eligible to extend the rights and privileges option to their tenants until the member has re-established their good standing status.

#### **ARTICLE VI – ASSOCIATION PURPOSES POWERS**

**SECTION 1:** The Association has been organized for the following purposes as set forth in

**SECTION 2:** To promise the health, safety and welfare of the residents and prospective residents within Tull's Bay Colony near Tull's Creek in Moyock Township, Currituck County, North Carolina, hereafter to as "The Properties", and for this purpose to: a) own, acquire, build, operate, and maintain recreation parks, playgrounds, swimming pool, commons, footways, including hereinafter referred to as "The Common Properties and Facilities"; b) provide exterior maintenance for the lots within the properties, not yet built upon; c) maintain unkempt lands or trees; d) supplement municipal services; e) fix assessments or charges to be levied against the properties; f) enforce any and all covenants, restrictions and agreements applicable to the properties; g) pay taxes, if any, on the common properties and facilities; and h) insofar as permitted by law, to do any other thing that, in the opinion of the Board of Directors, will promote the common benefit and enjoyment of the residents of "The Properties".

#### **ARTICLE VII – BOARD OF DIRECTORS**

**SECTION 1:** The affairs of the Association shall be managed by a Board of Directors.

**SECTION 2:** The Board of Directors shall have the power to fill all vacancies on the Board until the next annual meeting of the members of the Association. The Executive Board of Directors shall have the power to elect or appoint all committees; to employ agents, clerks and workman, to prescribe their duties; to dismiss with cause any elected or appointed Officer or agent without previous notice' and generally to control and manager "The Properties" for the benefit of the Association.

**SECTION 3:** The Board of Directors shall as soon as practicable prepare and adopt suitable rules and regulations governing the use the "The Common Properties" and facilities and the personal conduct of members using "The Common Properties". The Board of Directors may provide for the use of such facilities by quests may use "The Common Properties". Said rules and regulations shall be made known to the members in such fashion as the Directors determine to be proper.

**SECTION 4:** Meetings of the Board of Directors may be called by the President or by any two Directors by giving 48 hour notice personally to each Director or in lieu thereof by mailing notice to each Director at their knows address 7 days prior to such meeting.

#### **ARTICLE VIII – DIRECTORS**

**SECTION 1:** The Executive Board of Directors shall serve three (3) years terms and other Board members; Community Center Director, Waterway, Building & Grounds Director shall serve two (2) year terms and Planning Director, Media Director shall serve one (1) year term. The Board of Directors shall fill all vacancies occurring among the Directors.

**SECTION 2:** No Board of Member of the association shall receive any compensation in the way of salary but reasonable compensation may be paid for services rendered by a Director to or for the association affecting one or more of its purpose.

#### **ARTICLE IX – DUTIES OF BOARD DIRECTORS**

**SECTION 1:** The President shall preside at all meetings of the Board of Directors. The President shall see that all orders and resolutions of the Board of Directors are carried out. The President shall execute all conveyances, contracts and agreements authorized by the Board of Directors. The President will see that all the Officers, agents and any employees of the Association perform their duties and shall perform such other duties that are assigned by the Board of Directors.

**SECTION 2:** The Vice – President shall preside at all meetings of the Board of Directors. The duties are; carry out all duties in the absence of the President.

**SECTION 3:** The Secretary shall preside at all meetings of the Board of Directors. The Duties are; record all meeting minutes and voting results in a book to be kept for the purpose of record and shall be the custodian of the common seal and attest the same when affixed by order of the Board of Directors.

**SECTION 4:** The Treasurer shall preside at all meetings of the Board of Directors. The Treasurer shall receive and hold all monies of the Association, endorse and collect all checks, keep full and accurate accounts of receipts from assessments, other sources and disbursements of the Association rendering the full account of funds at each meeting and prepare books for an annual audit by association Accountant. The Treasurer shall be bonded set by the Board of Directors and paid for by the Association.

**SECTION 5:** The Community Center Director shall preside at all meetings of the Board Directors. The duties are to schedule the use of the Community Center.

**SECTION 6:** The Waterways, Building & Grounds Director shall preside at all meeting of the Board of Directors. The duties are to keep waterways clean, Community Center and related buildings maintained and grounds cut and clean from trash.

**SECTION 7:** The Planning Director shall preside at all meetings of the Board of Directors. The duties are to plan all events (fund raising, parties, etc.) that pertain to Tull’s Bay Colony Property Owners Association.

**SECTION 8:** The Media Director shall preside at all meetings. The duties are to communicate via approved media outlets for the benefit of Tull’s Bay Colony Property Owners.

**SECTION 9:** In case of an emergency The Board of Directors may in the absence of a Director delegate his/her duties to any other Director for a time to be determined by the Board Members.

#### **ARTICLE X – CONTRACTS, LOANS AND DEPOSITS**

**SECTION 1:** Executive Board of Directors may authorize any Director, agent or agents to enter into any contract execute and deliver any instrument on behalf of the Association and such authorize shall be confined to specific instances.

**SECTION 2:** No loans shall be contracted on behalf of the Association and no evidences of indebtedness shall be issued in its name unless authorized by a resolution of the Board of Directors. Such authority must be confined to specific instances.

**SECTION 3:** All checks, drafts or other orders for the payment of money issued in the name of the Association shall be signed by two (2) Officers (President and Treasurer) of the Association.

**SECTION 4:** All funds of the Association not otherwise engaged shall be deposited to the credit of the Association in such depositories as the Board of Directors shall direct.

#### **ARTICLE XI - AMENDMENTS**

**SECTION 1:** Amendments to the By-Laws can be made by two-thirds of the members present or represented by proxy at a regular meeting assembled, either annual or special, the purpose of the meeting with the proposed amendment must be stated in the call.

**SECTION 2:** The Executive Board Directors will appoint committees, that have a Board Member as the chairperson and as many homeowners as feasible, to do research, feasibility studies, and make recommendations back to the Board of Directors. If a substantial cost be would incurred by the Association (greater than 15% of the Approved Annual Budget, the Board of Directors would bring the recommendation to the Association (property owners) for a vote. If substantial cost are incurred outside the control of the Assertion and Board of Directors (i.e. Law suits, etc.) the Board of Directors will provide details of the cost in the Treasurer's report.

#### **ARTICLE XII – LAWS**

**SECTION 1:** The association shall be governed by the laws of the State of North Carolina known as the “Non-Profit Corporation Act” as set forth in CHAPTER 55A of the General Statutes of North Carolina, which statutes are by reference made a part of the By-Laws of this association as if herein copied word for word.

There are three (3) attached documents to these By-Laws:

1. A two (2) page form document revised 03/2019 titled “TULL’S BAY COLONY COMMUNITY CENTER RENTAL AND POLICY AGREEMENT”
2. A one (1) page document revised 03/2019 titled “TULL’S BAY COLONY GROUNDS AND BOAT RAMP/LAUNCH RULES”
3. A one (1) page form document created 03/2019 titled “TULL’S BAY COLONY KEYS & FEES FOR ACCESS TO BOAT RAMP/LAUNCH”

These By-Laws are under the guidelines of Robert Rules of Order.

The following Officers of the sitting Board of Directors certify, by affixing their signatures and date below that the attached By-Laws have been approved by the Association members, and that 2/3 majority vote was obtained from the Association members who voted by ballot/hand at the general meeting or a special meeting called by the Board of Directors for the purpose of amending by By-Laws.

Robert DeCastillix  
President of the Board Name

  
President of the Board Signature

04/13/2019  
Date

MICHAEL D. TRIPLETT  
Vice-President of the Board Name

  
Vice-President of the Board Signature

4/13/19  
Date

Gabrielle DeCastillia  
Secretary of the Board Name

  
Secretary of the Board Signature

4/13/19  
Date

Fay Lindsay  
Treasurer of the Board Name

  
Treasurer of the Board Signature

4/13/19  
Date