

BK 49561 PG 0201

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GWINNETT COUNTY GA

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TOM LAWLER, CLERK

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STATE OF GEORGIA
COUNTY OF GWINNETT

Cross Reference: Deed Book 29055
Page 108

AMENDMENT TO BY-LAWS OF THE RIVER CLUB COMMUNITY ASSOCIATION, INC.

THIS AMENDMENT TO THE BY-LAWS OF THE RIVER CLUB COMMUNITY ASSOCIATION, INC. (herein the "Amendment") is made and entered into as of this 22nd day of June, 2009.

WHEREAS, on September 25, 2002, Founder executed that certain Community Charter for the River Club, which was recorded on October 4, 2002 in Deed Book 29055, Page 108, et. seq., in the Office of the Clerk of the Superior Court of Gwinnett County, Georgia, as amended or supplemented (the "Charter"); and

WHEREAS, Exhibit D of the Charter is the By-Laws of The River Club Community Association, Inc.; and

WHEREAS, Article 10, Section 10.06(b) of the By-Laws authorizes the amendment of the By-Laws by the affirmative vote or written consent, or any combination thereof, of Owners entitled to cast at least 67% of the total votes in the Association, and the consent of the Founder Member, if one exists; and

WHEREAS, this Amendment was adopted by the requisite members and the Founder Member;

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NOW, THEREFORE, Article 9 of the By-Laws is amended by adding the following Section 9.4:

9.4 Sanctions for violations of Chapter 5 of the Charter and Design Guidelines

Except as provided in Section (c), Article 9, Sections 9.1, 9.2, and 9.3 shall not apply to violations of Chapter 5 of the Charter, or violations of the Design Guidelines. All such violations shall be subject to the following:

(a) The Board or its designee shall present the alleged violator a written demand ("Notice"), by certified mail, to cease and desist from the alleged violation. The Notice shall specify the alleged violation, the action required to abate the violation, and a time period during which the violation may be abated without sanction.

(b) If the Owner fails to abate the violation within the prescribed time or if the Owner violates the same restriction during the 12 month period from the date of the Notice, the Board shall have the authority to assess fines as follows:

- (i) Sanction for failure to obtain written approval.

In the event an Owner commences any architectural change prior to obtaining the written approval of the Design Review Committee as required by Chapter 5 of the Charter, the Board or its designee shall send a letter, by certified mail, to the Owner informing him/her that a fine in the amount of \$50.00 per day shall be imposed until the Owner applies for and obtains the written approval of the Design Review Committee.

- (ii) Sanction for failure to remove an unapproved Improvement.

In the event an Owner fails to remove an unapproved Improvement in accordance with the Notice during the time in which the violation could be abated without sanction, unless an appeal of the disapproval of its application has been requested in accordance with Chapter 5, Section 5.3 (c) of the Charter, the Board or its designee shall send a letter to the Owner, by certified mail, informing her/him that a fine of \$50.00 per day shall be imposed until the violation is cured. In the event the Owner has filed an appeal, no fine shall be imposed until the appeal has been heard and a decision rendered. If the appeal is denied, the fine shall commence on the date of the notice of the decision.

The imposition of a fine pursuant to this section shall be in addition to, and not in lieu of, the Board taking the actions authorized in Chapter 5, Section 8.4(b), or commencing legal action.

(c) Notwithstanding the provisions of Sections (a) and (b), if the Board determines an Owner's violation of any provision of Chapter 5 of the Charter or any provision of the Design Guidelines does or could create a danger to the health, safety, or welfare of any person or another person's property, then the Board may impose a fine and take action to abate the hazardous condition and shall not be required to provide the Notice prior to acting. The Board shall, within five (5) days of the date on which it abated the violation or imposed a fine, notify the Owner, in a letter sent by certified mail, of the action taken to abate the hazardous condition and the amount of the fine. The Owner shall be entitled to a hearing and appeal in accordance with Article 9, Section 9.2 and 9.3.

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IN WITNESS WHEREOF, the undersigned officers of The River Club Community Association, Inc. hereby certify that the above amendment to the By-Laws was duly adopted by the requisite majority of the Membership. This amendment will become effective as of the date listed below.

This 22nd day of June, 2009.

THE RIVER CLUB COMMUNITY ASSOCIATION, INC.

By:

John A. Brown
President

Attest

Nancy B. Hall
Secretary

[CORPORATE SEAL]



Sworn to and subscribed to before me this 22nd day of June, 2009.

Arden
Witness

Kandice A. Hundle
Notary Public

[NOTARY SEAL]

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