

GAINES CREEK OF GREEN ISLAND HOMEOWNERS ASSOCIATION, INC.

BYLAWS

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GAINES CREEK OF GREEN ISLAND HOMEOWNERS ASSOCIATION, INC.

BYLAWS

ARTICLE I

NAME AND PRINCIPAL OFFICE

Section 1.1 Name. The name of the Association is "Gaines Creek of Green Island Homeowners Association, Inc." (hereinafter referred to as the "Association").

Section 1.2 Principal Office. The principal office of the Association shall be located at 6001 River Road, Suite 100, Columbus, Georgia, until otherwise designated by the Board, but meetings of Members and directors may be held at such other places within the State of Georgia as may be designated by the Board.

ARTICLE II

DEFINITIONS

Unless otherwise set forth herein, the terms used in these Bylaws shall have the same meanings ascribed to such terms as set forth in the Declaration of Covenants, Conditions, Restrictions and Easements for Gaines Creek of Green Island, which has been prepared and is to be executed by The Jordan Company with respect to a new development known as "Gaines Creek of Green Island", and is to be executed by the duly authorized officers of the Association and filed for record in the Office of the Clerk of the Superior Court of Muscogee County, Georgia, as such Declaration may be amended from time to time hereafter.

ARTICLE III

ASSOCIATION: MEMBERSHIP, MEETINGS, QUORUM, VOTING, PROXIES

Section 3.1 Membership. The Association shall have two (2) classes of membership, Class "A" and Class "B", as more fully set forth in the Declaration, the terms of which pertaining to membership are specifically incorporated herein by reference.

Section 3.2 Place of Meetings. Meetings of the Association shall be held at the principal office of the Association or at such other place convenient to the Members as may be designated by the Board.

Section 3.3 Annual Meetings. The annual meeting of the Members shall be held not later than four (4) months after the end of the fiscal year of the Association, on a date, which is not a legal holiday, as shall be established and designated by the Board,

or by the President in the event the Board fails to establish a date for such meeting. If no such date is established by the Board or the President, the annual meeting shall be held on the fourth Tuesday in April or on the next succeeding business day, if the fourth Tuesday in April is a legal holiday. The Members shall at each such annual meeting elect a Board of Directors for the ensuing year in the manner provided in Article IV hereinbelow, and shall have authority to transact any and all other business which may be brought before the Members at such meeting.

Section 3.4 Special Meetings. Special meetings of the Members may be called by the President at any time and shall be called by the President when so requested in writing by a majority of the Board or by ten percent (10%) or more of the Class "A" Membership. The notice of any special meeting shall state the date, time and place of such meeting and the purpose or purposes thereof. No business shall be transacted at a special meeting except as stated in the written notice thereof.

Section 3.5 Notice of Meetings. Unless waived, written notice stating the date, time and place of any meeting of the Association shall be delivered, either personally or by first-class mail (postage prepaid), to each Member of the Association, not less than ten (10) nor more than fifty (50) days before the date of such meeting, by or at the direction of the President or the Secretary or other persons calling the meeting.

In the case of any special meeting or when required by statute or these Bylaws, the purpose or purposes for which the meeting is called shall be stated in the notice. No business shall be transacted at a special meeting except as stated in such notice.

Each Member shall register his address with the Association. Any notice of a meeting, if mailed, shall be deemed to be delivered when deposited in the United States Mail addressed to the Member at his address registered with the Association, with first-class postage thereon prepaid.

Section 3.6 Waiver of Notice. Waiver of notice of a meeting of the Members shall be deemed the equivalent of proper notice. Any Member may, in writing, waive notice of any meeting of the Members, either before or after such meeting. Attendance of a Member at a meeting, either in person or by proxy, shall be deemed (a) a waiver by such Member of notice of the date, time and place thereof, and a waiver of any and all objections to the place or time of the meeting or to the manner in which it has been called or convened, except when a Member attends solely for the purpose of stating, at the beginning of the meeting, any such objection or objections to the holding of the meeting or the transaction of business at such meeting, and (b) a waiver by such Member of any objection to consideration of a particular matter at the meeting that is not within the purpose or purposes described in the meeting

notice, unless the Member objects to considering the matter when it is presented.

Section 3.7 Adjournment of Meetings. If any meeting of the Association cannot be held because a quorum is not present, a majority of the Members who are present at such meeting may adjourn the meeting to a time not less than five (5) nor more than thirty (30) days from the time the original meeting was called. At the reconvened meeting, if a quorum is present, any business which might have been transacted at the meeting originally called may be transacted. If a time and place for reconvening the meeting is not fixed by those in attendance at the original meeting or if for any reason a new date is fixed for reconvening the meeting after adjournment, notice of the time and place for reconvening the meeting shall be given to Members in the manner prescribed for meetings of the Members.

Section 3.8 Quorum. Except as otherwise provided in the Declaration, a quorum at any meeting of Members, whether annual or special, shall consist of the presence at such meeting, in person or by proxy, of Members entitled to cast one-tenth (1/10) of the votes of each Class of Membership. No business shall be transacted at any meeting unless a quorum is present.

Section 3.9 Voting. The voting rights of Members shall be as set forth in the Declaration, and such voting rights provisions are specifically incorporated herein by reference.

Except as otherwise provided in the Articles of Incorporation of the Association, or in the Declaration, or in these Bylaws, a majority of the votes entitled to be cast by all Members present at a meeting shall be necessary and sufficient to decide and act upon any question which shall come before the meeting.

Where any Member is a group or entity other than one individual person, the vote on behalf of such Member shall be exercised as those persons determine among themselves and designate in a proxy instrument duly executed by or on behalf of such Member and delivered to the Secretary of the Association prior to a meeting.

Section 3.10 Action without a Meeting. Any action required by law to be taken at a meeting of the Members, or any action which may be taken at a meeting of the Members, may be taken without a meeting if written consent setting forth the action so taken is signed by all of the Members entitled to vote with respect to the subject matter thereof. Such consent shall have the same force and effect as a unanimous vote of the Members and shall be filed with the Secretary and recorded in the minute book of the Association.

ARTICLE IV

BOARD OF DIRECTORS: NUMBERS, POWERS, MEETINGS

Section 4.1 Composition and Number. (a) The affairs of the Association shall be managed by a Board of Directors, each of whom shall have one (1) vote. Except with respect to directors appointed by the Declarant, the directors shall be Members or spouses of such Members; provided, however, no person and his or her spouse may serve on the Board at the same time. In the case of a Member which is a corporation, partnership or other entity, the person designated in writing to the Secretary of the Association as the representative of such corporation, partnership or other entity shall be eligible to serve as a director.

(b) The initial Board of Directors shall consist of three (3) directors, who shall be appointed by the incorporator of the Association on behalf of the Declarant and who need not be Members of the Association. The Board of Directors shall have not less than three (3) nor more than nine (9) directors; provided that once the control of the Association passes to the Class "A" Members as provided in the Declaration, the Board shall be comprised of not less than five (5) directors.

Section 4.2 Directors During Class "B" Control. (a) The Board of Directors shall be selected and appointed by the Class "B" Member acting in its sole discretion and shall serve at the pleasure of the Class "B" Member until fifteen (15) days after the first of the following events shall occur:

(i) The expiration of twenty (20) years after the date of the recording of the Declaration; or

(ii) The surrender by the Class "B" Member of the authority to appoint and remove directors and officers by an express amendment to the Declaration, executed and recorded by the Class "B" Member.

(b) During the period in which the Class "B" Member has the authority to appoint and remove directors and officers of the Association, the Class "B" Member shall have the authority acting in its sole discretion to select and appoint additional directors to serve on the Board from the Class "A" Membership. Any director so appointed shall serve for a term which is the shorter of one (1) year, or the period until the next annual meeting of the Association. Any such director shall thereafter be elected by a majority vote of the Class "A" Members of the Association entitled to vote thereon, to serve for one (1) year terms.

Section 4.3 Term of Office. At the first annual meeting of the Association after control of the Association has passed to the Class "A" Membership, the Members shall elect a Board which shall

be composed of not less than five (5) directors who shall be elected for the following terms of office. The Members shall elect three (3) directors each to serve for an initial term of two (2) years, and two (2) directors each to serve for an initial term of one (1) year. Successor directors shall be elected for two (2) year terms, and shall hold office until their successors shall have been elected. The maximum number of directors may be increased by amendment to these Bylaws.

Section 4.4 Removal. (a) Once the control of the Association has passed to the Class "A" Members as provided in the Declaration, any director may be removed from the Board, with or without cause, by a majority vote of the Members of the Association. In the event of death, resignation or removal of a director, his successor shall be elected by the remaining directors and shall serve for the unexpired term of his predecessor.

(b) Prior to the time at which control of the Association has passed to the Class "A" Members as provided in the Declaration, any director appointed pursuant to Section 4.2(b) may be removed from the Board, with or without cause, by a majority vote of the Members of the Association entitled to vote, other than the Class "B" Member. In the event of death, resignation or removal of any director appointed pursuant to Section 4.2(b), his successor shall be elected by majority vote of the Class "A" Members at a special meeting of the Members called for such purpose, and such successor director shall serve for the unexpired term of his predecessor.

Section 4.5 Compensation. No director shall receive compensation for any services he may render to the Association. However, any director may be reimbursed for his actual expenses incurred in the performance of his duties as a director.

Section 4.6 Action without a Meeting. Any action required by law to be taken at a meeting of the directors, or any action which may be taken at a meeting of the directors, may be taken without a meeting if written consent setting forth the action so taken is signed by all of the directors. Such consent shall have the same force and effect as a unanimous vote of the directors and shall be filed with the Secretary and recorded in the minute book of the Association.

Section 4.7 Nomination. Nominations for elected members to the Board shall be made by a Nominating Committee. Nominations may also be made from the floor at the annual meeting. The Nominating Committee shall consist of a Chairman, who shall be a member of the Board, and two or more Members of the Association. The Nominating Committee shall be appointed by the Board prior to each annual meeting of the Members, to serve from the close of such annual meeting until the close of the next annual meeting and such appointment shall be announced at each annual meeting. The Nominating Committee shall make as many nominations for election to

the Board as it shall in its discretion determine, but not less than the number of vacancies that are to be filled.

Section 4.8 Election. Election to the Board shall be conducted by voice vote or by show of hands, unless any Member entitled to vote demands a vote by written ballot prior to voting for the election of such directors. At any election of directors, each Member entitled to vote shall be entitled to cast, or their proxies may cast, in respect to each vacancy to be filled, as many votes as they are entitled to exercise under the provisions of the Declaration. The persons receiving the largest number of votes shall be elected. Cumulative voting shall not be permitted. Directors may be elected to serve any number of consecutive terms.

Section 4.9 Regular Meetings. Regular meetings of the Board may be held without notice at such time and place as shall be determined from time to time by resolution of a majority of the directors, but at least one (1) such meeting shall be held during each fiscal year of the Association, and once control of the Association has passed to the Class "A" Members as provided in the Declaration, at least four (4) such meetings shall be held during each fiscal year of the Association, with at least one (1) meeting per quarter.

Section 4.10 Special Meetings. Special meetings of the Board shall be held at such time and place as shall be designated in the call of such meeting. Special meetings of the Board may be called by the President at any time, in his discretion, and shall be called by the President whenever so requested in writing by a majority of the directors.

Section 4.11 Notice of Directors' Meetings; Waiver. Notice of any special meeting of the Board shall be given by the President or the Secretary to each director, not less than three (3) days before the date on which such meeting is to convene. Such notice may be given by personal delivery or by mail, telegram or cablegram, addressed to him at his address shown in the records of the Association. It shall not be necessary for notices of special meetings of the Board to state the purpose of or the business to be conducted at such meetings. Such notice may be waived in writing by a director, either before or after the meeting. Attendance of a director at any special meeting shall be deemed a waiver by such director of notice of the date, time and place thereof, and a waiver of any and all objections to the place or time of the meeting or to the manner in which it has been called or convened, except where a director attends solely for the purpose of stating, at the beginning of the meeting (or promptly upon his arrival), any such objection or objections to the holding of the meeting or the transaction of business at such meeting and does not thereafter vote for or assent to action taken at the meeting.

Section 4.12 Quorum. A quorum at any meeting of the Board shall consist of a majority of the members of the Board. Unless otherwise provided in the Articles of Incorporation, or in these Bylaws, or in the Declaration, a majority of those present at any meeting at which a quorum is present may decide any questions which may come before the meeting. A meeting at which a quorum is initially present may continue to transact business, notwithstanding the withdrawal of directors, if any action taken is approved by at least a majority of the required quorum for that meeting. If any meeting of the Board cannot be held because a quorum is not present, a majority of the directors who are present at such meeting may adjourn the meeting to a time not less than five (5) nor more than thirty (30) days from the date the original meeting was called. At the reconvened meeting, if a quorum is present, any business which may have been transacted at the meeting originally called may be transacted without further notice.

Section 4.13 Powers. The Board shall have power to:

(a) adopt and publish rules and regulations governing the use of the Common Property, and the personal conduct of the Members and their guests thereon, and establish penalties for the infraction or violation thereof;

(b) suspend the voting rights and right to use of the Common Property of a Member during any period in which such Member shall be in default in the payment of any assessment levied by the Association or shall be subject to the Right of Abatement as provided in the Declaration; and suspend such rights of a Member after (i) written notice thereof and the reasons therefor, given not less than fifteen (15) days prior to such suspension, and (ii) an opportunity for the Member to be heard at a hearing of the Board not less than five (5) days before the date of such suspension, for infraction or violation of published rules and regulations, for a period not to exceed sixty (60) days after the cure or termination of such infraction or violation;

(c) exercise for and on behalf of the Association all powers, duties and authority necessary for the conduct and administration of the Association's affairs, vested in or delegated to the Association and not reserved to the membership by other provisions of these Bylaws, the Articles of Incorporation, or the Declaration;

(d) declare the office of a member of the Board to be vacant in the event such member shall be absent from three (3) consecutive regular meetings of the Board; and

(e) employ such managers, independent contractors, or such other employees and agents as they deem necessary, and to prescribe their duties and establish and pay compensation for their services.

Section 4.14 Duties. It shall be the duty of the Board to:

(a) cause to be kept a complete record of all its acts and proceedings and to present a statement thereof to the Members at the annual meeting of the Members, or at any special meeting when such statement is requested in writing by one-fourth (1/4) of the Class "A" Members who are entitled to vote;

(b) supervise all officers, agents and employees of the Association, and to see that their duties are properly performed;

(c) as more fully provided in the Declaration,
to:

(1) fix the amount of the annual assessment against each Lot at least thirty (30) days in advance of each annual assessment period;

(2) send written notice of each assessment to every Owner subject thereto at least thirty (30) days in advance of each annual assessment period; and

(3) foreclose the lien against any property for which assessments are not paid within thirty (30) days after due date or to bring an action at law against the Owner personally obligated to pay the same;

(d) issue, or to cause an appropriate officer to issue, upon demand by any person, a certificate setting forth whether or not any assessment has been paid; a reasonable charge may be made by the Board for the issuance of these certificates; and if a certificate states an assessment has been paid, such certificate shall be conclusive evidence of such payment;

(e) procure and maintain adequate insurance on property owned by the Association, as provided in Article X of the Declaration;

(f) cause all officers or employees having fiscal responsibilities to be bonded, as it may deem appropriate;

(g) cause the Common Property to be maintained; and

(h) maintain any and all landscaping treatments previously installed by the Declarant, to the extent that such landscaping maintenance is permitted by the Consolidated Government of Columbus, Georgia.

ARTICLE V

OFFICERS

Section 5.1 Officers. The officers of the Association shall consist of a President, a Secretary and a Treasurer. The Board may, in its discretion, elect or appoint such other officers, including one or more Vice Presidents, one or more Assistant Vice Presidents, one or more Assistant Secretaries, and one or more Assistant Treasurers, as it shall deem desirable, such officers to have the authority and perform the duties prescribed from time to time by the Board. Any two (2) or more offices may be held by the same person, except the offices of President and Secretary.

Section 5.2 Election of Officers. The election of officers shall take place at the first meeting of the Board of Directors following each annual meeting of the Members.

Section 5.3 Term of Office. The officers of the Association shall be elected annually by the Board and each shall hold office for one (1) year until his successor is elected and qualified, or until his earlier resignation, removal from office or death.

Section 5.4 Resignation and Removal. Any officer may be removed from office with or without cause by the Board. Any officer may resign at any time by giving written notice to the Board, the President or the Secretary. Such resignation shall take effect on the date of receipt of such notice or at any later time specified therein, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

Section 5.5 Vacancies. A vacancy in any office may be filled by appointment by the Board. The officer appointed to such vacancy shall serve for the unexpired portion of the term of his predecessor in office.

Section 5.6 Duties. The duties of the officers are as follows:

President

The President shall be the chief executive officer of the Association and shall have the general supervision of the business of the Association. The President shall preside at all meetings of the Board and shall see that all orders and resolutions of the Board are carried into effect. The President shall perform such other duties as may be prescribed or delegated to him from time to time by the Board. The President shall have all the general powers and duties which are incident to the office of the president of an association organized under the Georgia Nonprofit Corporation Code.

Vice President

The Vice President shall perform the duties of, and act for and in the place of, the President in the event of the sickness, disability or absence of said President or the failure of said President to act for any reason, and in such event shall be vested with and shall exercise all the powers and authority of the office of President. The Vice President shall exercise and discharge such other duties as may be prescribed for such office from time to time by the Board. If the Association has more than one Vice President, the one so designated by the Board shall act in lieu of the President.

Secretary

The Secretary shall record the votes and keep the minutes of all meetings and proceedings of the Board and of the Members; keep the corporate seal of the Association and affix it on all papers requiring said seal; serve notice of meetings of the Board and of the Members; keep appropriate current records showing the Members of the Association together with their addresses, and shall perform such other duties as may be prescribed for such office from time to time by the Board.

Treasurer

The Treasurer shall keep, or cause to be kept, the financial books and records of the Association, and shall faithfully account for its funds. The Treasurer shall have primary responsibility for the preparation of the annual budget and a statement of income and expenditures to be presented to the Members at the Association's annual meeting. The Treasurer shall make such reports as may be necessary to keep the President and the Board fully informed at all times as to the financial condition of the Association, and shall perform such other duties as may be prescribed for such office from time to time by the Board.

Section 5.7 Authority to Execute Documents. All agreements, contracts, deeds, leases and other documents and instruments of the Association shall be executed on behalf of the Association by two (2) officers consisting of the President, or a Vice President, and the Secretary, or any Assistant Secretary, of the Association. Once control of the Association has passed to the Class "A" Members as provided in the Declaration, checks of the Association shall be executed on behalf of the Association by two (2) officers consisting of the President, or a Vice President, and the Treasurer, the Secretary, or any Assistant Secretary of the Association.

ARTICLE VI

SEAL

Section 6.1 Corporate Seal. The corporate seal of the Association shall contain the following words, to-wit:

"Gaines Creek of Green Island
Homeowners Association, Inc.
Seal
Georgia 1995"

and the seal in such form is hereby adopted as the corporate seal of the Association.

ARTICLE VII

MISCELLANEOUS

Section 7.1 The Declaration. All provisions contained in the Declaration with regard to rights, powers and duties of the Association, the Members thereof (including, without limitation, classes of Members and qualifications and rights of the Members of each class), and the Board of Directors thereof, are hereby incorporated into these Bylaws by this reference, with the same effect as if such provisions were fully set forth herein.

Section 7.2 Committees. The Board shall appoint an Architectural Review Committee, as provided in the Declaration, and a Nominating Committee, as provided in these Bylaws. In addition, the Board of Directors shall appoint such other committees as deemed appropriate in carrying out its duties, powers and purposes.

Section 7.3 Books and Records. The Declaration, the Articles of Incorporation and Bylaws of the Association, the minutes of the meetings of the Members, the Board and committees, and the other books of account and books and records of the Association shall be made available for inspection at the office of the Association by any Member, any mortgagee or by a Member's duly appointed representative, at any reasonable time during normal business hours and for a purpose reasonably related to such Member's interest as a Member.

Section 7.4 Indemnification. The Association shall indemnify every officer, director and committee member under the circumstances described in and to the extent permitted under the Declaration.

Section 7.5 Fiscal Year. The fiscal year of the Association shall be determined by resolution of the Board. In the absence of such a resolution, the fiscal year shall be the calendar year.

Section 7.6 Parliamentary Rules. Except as may be modified by Board resolution, Robert's Rules of Order (current edition) shall govern the conduct of all Association proceedings, when not in conflict with Georgia law, the Articles of Incorporation, the Declaration, or these Bylaws.

Section 7.7 Conflicts. If there are conflicts or inconsistencies between the provisions of Georgia law, the Articles of Incorporation, the Declaration, and these Bylaws, then the provisions of Georgia law, the Declaration, the Articles of Incorporation, and the Bylaws (in that order) shall prevail.

Section 7.8 Notices. Unless otherwise specified in the Declaration or the Bylaws, all notices, demands, bills, statements or other communications required or permitted to be sent under the Declaration or these Bylaws shall be in writing and shall be deemed to have been duly given if delivered personally or if sent by first class mail, postage prepaid:

(a) if to a Member, at the address which the Member has designated in writing and filed with the Secretary or, if no such address has been designated, at the last known address of the Member; or

(b) if to the Association or the Board of Directors, at the principal office of the Association, if any, or at such other address as shall be designated by notice in writing to the Members.

If there are multiple Owners of a single Lot, notice to one (1) shall be deemed notice to all.

Section 7.9 Amendment. The provisions of the Declaration applicable to amendment of that instrument shall apply to any amendment to these Bylaws.

Section 7.10 Fining Procedure. The Board shall not impose a fine (a late charge shall not constitute a fine) 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 fine, if the violation is not continuing. The Board or its designee may demand immediate abatement in such circumstances which, in the Board's determination, pose a danger to safety or property.

(b) Notices. Within twelve (12) months of such demand, if the violation continues past the period allowed in the demand for abatement without penalty, or if the same rule is subsequently violated, the Board may, upon notice, impose a fine. The notice shall state:

- (i) the nature of the alleged violation;
- (ii) that the alleged violator may, within ten (10) days from the date of the notice, request a hearing regarding the fine;
- (iii) that any statement, evidence and witnesses may be produced by the alleged violator at the hearing; and
- (iv) that all rights to have the fine reconsidered are waived if a hearing is not requested within ten (10) days of the date of the notice.

(c) Hearing. If a hearing is requested, it shall be held before the Board in executive session, and the alleged violator shall be given a reasonable opportunity to be heard. The minutes of the meeting shall contain a written statement of the results of the hearing.

CERTIFICATION OF BYLAWS

I, William J. Dawahare, Secretary of Gaines Creek of Green Island Homeowners Association, Inc., a Georgia nonprofit corporation, do hereby certify that the foregoing bylaws are a true and complete copy of the bylaws of this corporation as submitted to and adopted by the Board of Directors of this corporation at its organizational meeting held on September 18, 1995.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of this corporation, this 18th day of September, 1995.



Secretary
Gaines Creek of Green Island
Homeowners Association, Inc.

