Declaration or Bylaws? Who decides, and why it matters to your money

Albemarle Plantation has two kinds of rulebooks. Owners vote on one. Only the Board votes on the other. Where a promise is written decides who can take it away.

OWNERS DECIDE

The Master Declaration

WHAT IT IS

The recorded covenants for every lot, filed at the Perquimans County Register of Deeds (2013 version: Book 410, Page 747). It runs with the land: it binds every owner, every buyer and every future Board.

WHO APPROVES CHANGES

The owners: 67% of all 1,092 lots

for the vote this fall. Not voting counts as no.

WHERE IT RANKS

Above the Bylaws. The draft itself says the Declaration "shall take precedence over conflicting provisions in the Articles of Incorporation or the Bylaws" (Article Thirteen, Section 3).

Watch for: the draft keeps a Board power to amend the Declaration "at any time without prior notice and without the consent of any person or entity," limited only by the "basic plan of development" (Article Thirteen, Section 5).

BOARD DECIDES

The Bylaws

WHAT THEY ARE

The Association's operating rules: the Board, elections, meetings, officers, and powers like borrowing. APPI, the amenity company, has its own Bylaws too.

WHO APPROVES CHANGES

The Board alone: two-thirds of the Board

(revised Bylaws, Article Twelve). Owners do not vote. APPI's Bylaws: two-thirds of the APPI Board, which is the same Board.

WHERE THEY RANK

Below the Declaration. They cannot conflict with it.

Watch for: the revised Bylaws let the Board borrow up to $1,000,000 in total without a member vote. Asked what happens to them if the Declaration fails, the Board's presenter said: "We would look to keep those in place."

WHO OUTRANKS WHOM

1. State law	2. Declaration	3. Bylaws	4. Policies
Chapters 47F and 55A. Applies no matter what our documents say, where the law reaches.	Recorded. Changed by owners' vote.	Changed by the Board. (The Articles of Incorporation sit just above them.)	Set and changed by the Board at any meeting.

Example: the $2,760 you get back when you sell

In 2012 owners paid an amenity assessment to buy the amenities: $2,760 per home and $2,200 per lot, paid back when you sell. The 2025 audit shows **$1,858,960** still owed to owners (Note 12).

Today: in the Declaration

The refund promise is written into the recorded 2013 Declaration (Article Five, Section 6). Taking it out means changing the document owners vote on.

→

The draft: deleted

The October 15 draft removes the promise, and the redline does not mark the deletion. If you read only the marked changes, you would not know it was gone.

→

After: only a policy

At the October 24 session the Board said: "you still get your money back. It's a policy." A policy, or a bylaw, can be changed by the Board alone, at any meeting, with no owner vote.

If you want a promise to last, it has to be **in the Declaration**, where only owners can take it away. Ask for the refund to be written back in: **apnc47f.com/menu.html**

Sources: recorded 2013 Declaration (Bk 410 Pg 747), Art. Five Sec. 6; October 15, 2026 draft, Art. Thirteen Secs. 3 and 5; revised APPOA Bylaws Art. Twelve and Art. Two Sec. 2(m); revised APPI Bylaws Art. Eight; Board letter, Oct. 15, 2026; 2025 audit, Note 12; Board informational session, Oct. 24, 2026. Every source and quote is on apnc47f.com. One owner's review of public documents; not legal advice.