

**HORRY COUNTY REGISTER OF DEEDS
TRANSMITTAL SHEET**

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**TO BE FILED WITH EACH INSTRUMENT PRESENTED ELECTRONICALLY FOR RECORDING.
HORRY COUNTY REGISTER OF DEEDS, 1301 SECOND AVENUE POST OFFICE BOX 470 , CONWAY,
SOUTH CAROLINA 29526**

DOCUMENT TYPE OF INSTRUMENT BEING FILED: Amendment Deed Book

DATE OF INSTRUMENT: 03/07/2019

DOCUMENT SHALL BE RETURNED TO:

NAME: Moore, Johnson & Saraniti Law Firm, P.A.

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Related Document(s): book **2293** , page **275**

PURCHASE PRICE / MORTGAGE AMOUNT: \$

BRIEF PROPERTY DESCRIPTION: BYLAWS FOR WOODCREEK PROPERTY OWNERS ASSOCIATION INC

TAX MAP NUMBER (TMS #) 000-00-00-000 / PIN NUMBER:

GRANTOR / MORTGAGOR / OBLIGOR / MARKER (FROM WHO):

FULL BUSINESS NAME

1. **WOODCREEK PROPERTY OWNERS ASSOCIATION INC**

GRANTEE / MORTGAGEE / OBLIGEE (TO WHO):

FULL BUSINESS NAME

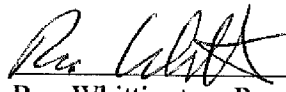
1. **WOODCREEK PROPERTY OWNERS ASSOCIATION INC**

Woodcreek
Property Owners Association Inc.

Legal Description: Woodcreek Property Owners Association Inc.
located off of Dunn Short Cutt Road in Conway, SC

Contact Information: 1039 44th Avenue North Suite 203
Myrtle Beach, SC 29577
843-945-4312

The Bylaws of the above named Association were approved for filing on March 7, 2019.



Ron Whittington, President

**AMENDED BYLAWS OF THE
WOODCREEK PROPERTY OWNERS ASSOCIATION, INC.**

**ARTICLE I
NAME AND LOCATION**

Section 1. Name. The name of the corporation is Woodcreek Property Owners Association, Inc., hereinafter referred to as the "POA" which was created and exists as a nonprofit corporation under the laws of the State of South Carolina.

Section 2. Location. The principal office of the Corporation shall be in the State of South Carolina and shall be located in the County of Horry. Meetings of Members and/or Directors may be held at such places as may be designated by the Board of Directors.

**ARTICLE II
DEFINITIONS**

The capitalized terms used herein shall have the same meaning as the defined terms set out in the Declaration of Protective Covenants, Conditions, Restrictions and Easements for Woodcreek at Conway Subdivision dated August 14, 2000 and recorded August 24, 2000 in the Office of the ROD for Horry County in Book 2293 at Page 0275 (the "Declaration").

**ARTICLE III
PURPOSE AND POWERS OF THE POA**

The purpose of the POA is to manage the affairs of Woodcreek, established pursuant to the terms of the Declaration therefore, filed in the Office of the Register of Deeds for Horry County, South Carolina.

The POA is not organized for profit and no part of the net earnings, if any, shall inure to the benefit of any member or individual person, firm or corporation.

The POA shall have all of the common law and statutory powers of a nonprofit corporation. The POA shall also have all the powers necessary to implement the purposes of the POA and to provide for the general health and welfare of its membership.

**ARTICLE IV
MEETING OF MEMBERS**

Section 1. Annual Meeting. An Annual meeting of the Members shall be held at a time, date and place established by the Board of Directors each year so long as no annual meetings of the Members shall be scheduled on a legal holiday. The purpose of the Annual Meeting

will be: (1) to elect Directors to fill the expired terms on the Woodcreek Board of Directors, (2) to serve as a town forum in which the president and officers report on and answer reasonable questions concerning the activities and financial conditions of the POA, and (3) to consider matters raised consistent with the requirements of the South Carolina Nonprofit Corporation Act, S.C. Code Ann. 33-31-101, hereinafter referred to as the "Act".

Section 2. Special Meetings. Special Meetings of the Members may be called at any time by the President of the Board or by a majority of the Board of Directors or as prescribed under the Act. Only those matters that are within the purpose or purposes described in the meeting notice may be conducted at a special meeting.

Section 3. Notice and Location. Written notice specifying the place, day and hour of the meeting of the Members, and in the case of the special meeting, also specifying the purpose of each meeting and the description of the matter for which the meeting was called, shall be given by any fair and reasonable manner. The mailing of a copy of such notice of a special or annual meeting by first class or registered mail, at least ten (10) days or if notice is mailed by other than first class or registered mail, at least thirty (30) days and not more than sixty (60) days before such date to each Member entitled to vote at the meeting, addressed to the Members' address last appearing on the books of the POA, or supplied by such Member to the POA for the purpose of notice shall be considered fair and reasonable.

Section 4. Waiver of Notice. The notice requirement may be waived by a Member before or after the date and time of the meeting as stated in the notice. The waiver must be in writing, be signed by the Member and be delivered to the POA for inclusion in the minutes of the meeting, except that the attendance of a Member at a meeting waives notice unless the Member at the beginning of the meeting objects to holding the meeting or transacting business at the meeting.

Section 5. Adjournment. If a meeting of Members is adjourned to a different date, time, or place, notice need not be given of the new date, time or place if (1) the new date, time or place is announced at the meeting before adjournment and (2) the record date fixed pursuant to Section 6 of Article V for the adjourned meeting is not changed for the new meeting (either voluntarily by the Board or as required under the Act). Notice shall be considered delivered and effective at the time set out in Section 15.05 of the Declaration.

Section 6. Failure to Hold Meetings. The failure to hold an annual or regular meeting at a time stated in or fixed in accordance with these Bylaws does not affect the validity of a corporate action.

Section 7. Parliamentary Rules. Roberts Rules of Order (latest edition) or such other rules as the Board of Directors may adopt shall govern the conduct of corporate proceedings when

not in conflict with the Declaration, the Articles of Incorporation, these Bylaws or with the statutes of the State of South Carolina.

ARTICLE V MEMBER VOTING

Section 1. Membership. Every person or entity who is a record Owner of a fee or undivided fee interest in any Lot which is subject by the Declaration to assessment by the POA shall be a member of the POA, provided that any such person or entity who holds such interest merely as a security for the performance of an obligation shall not be a member.

Section 2. Voting Rights. Membership in the POA shall entitle the Owner of such Lot to one (1) vote. When more than one person owns an interest (other than a leasehold or security interest) in any Lot, all such persons shall be Members and the voting rights appurtenant to their Lot shall be exercised as they, among themselves, determine, but fractional voting shall not be allowed, and in no event shall more than one (1) vote be cast per Lot. It shall at all times be the responsibility of any Lot Owner, and all Co-owners to keep current with the POA, the names and address of the person authorized to cast the vote assigned to that Lot and to receive notification from the POA as to any meetings which the POA may be required to send. Proof of the authority to receive notice and to vote shall be presented to the POA in the form of a certificate signed by the Owner or all the Co-owners of the Lot. Such certificate shall be deemed valid until revoked by a subsequent certificate.

Section 3. Voting. Each Member entitled to vote may vote in person or by proxy at all meetings of the POA.

Section 4. Proxies. All proxies shall be executed in writing by the Member or by the Member's duly authorized attorney-in-fact and filed with the Secretary. Unless a proxy otherwise states, it shall be deemed to confer the authority to execute consents and waivers and to exercise the right to examine the books and records of the POA. No Proxy shall extend beyond the date of the meeting for which it is given unless such meeting is adjourned to a subsequent date.

Section 5. Quorum. The presence at a meeting of Members entitled to cast, or of proxies entitled to cast, one-tenth (1/10) of the votes of the Membership shall constitute a quorum for any action except as otherwise provided in the Articles of Incorporation, the Declaration, or these Bylaws. So long as a quorum is present at the opening of the meeting, business may be transacted until adjournment, notwithstanding the withdrawal of enough members to leave less than a quorum in attendance. If, however, such quorum shall not be present or represented at any meeting, the Members present, by their majority vote, shall have the power to adjourn the meeting without notice as long as the requirements of Article IV, Section 3 are met. The quorum at the new meeting shall be reduced to five percent (5%) of the Members.

Section 6. Record Date. The Board of Directors shall set the record date for determining the Members entitled to notice of a Members meeting; to vote at a Members meeting; and to exercise any rights in respect to any other lawful action. The record date shall not be more than seventy (70) days before the meeting or action requiring a determination of the Members occurs.

Section 7. Voting Requirements. Unless otherwise required in these Bylaws, the Declaration, the Articles of Incorporation, or the law, provided the requirements for a quorum are met, the affirmative vote of a majority of the votes represented and voting is the act of the Members.

Section 8. Action by Written Ballot. Any action that may be taken at any annual, regular or special meeting of Members may be taken without a meeting if the POA delivers a written ballot to every Member entitled to vote on the matter and the number of votes cast by ballot equals or exceeds the quorum required to be present at a meeting authorizing the action and the number of approvals equals or exceeds the number of votes that would be required to approve the matter at the meeting.

ARTICLE VI BOARD OF DIRECTORS; SELECTION; TERM OF OFFICE

Section 1. Number. The POA shall be governed and its business affairs managed by a Board of five individuals heretofore called Directors. All Directors must be Members of the POA.

Section 2. Term of Office. The members will elect Directors for staggered terms in accordance with Article VII, Section 2 of these Bylaws. The term of any Director shall be automatically extended and shall not expire until the annual meeting at which a successor for that Director is elected.

Section 3. Removal. Any Director(s) elected by the POA may be removed from the Board of Directors, with or without cause, by the affirmative casting of a majority (51%) of all the votes of the POA. Any Director who is a Member and who is not in good standing with the POA or who misses three (3) consecutive Board meetings (unless such absence shall have been excused by the President of the Board of Directors or other person(s) authorized to do so), may be immediately removed from the Board of Directors by the remaining Board members and replaced in accordance with these Bylaws. In the event of death, resignation, or removal of a Director, a successor shall be selected by the remaining Members of the Board of Directors, and shall serve for the unexpired term of his predecessor.

Section 4. Compensation. Compensation of any Director shall require the affirmative casting of a majority (51%) of all the votes of the Membership.

**ARTICLE VII
NOMINATION AND SELECTION OF DIRECTORS**

Section 1. Nomination. Except where Directors are appointed or replaced by the Board of Directors, nomination for election for the Board of Directors shall be made by a Nominating Committee or as specified in guidelines set forth by the Board of Directors. For the purposes of any and all Annual Meetings at least one member of the Nominating Committee shall be a member of the Board of Directors. The Nominating Committee shall be appointed by the Board of Directors. Members of the Nominating Committee shall serve from the close of the annual meeting until the close of the next annual meeting. The Nominating Committee shall make as many nominations for election to the Board of Directors as it shall in its discretion determine, but not less than the number of vacancies that are to be filled.

Section 2. Election. The Members or their proxies may cast, in respect to each vacancy, as many votes as they are entitled to exercise under the provisions of these Bylaws and the Declaration. Cumulative voting, voting more than one (1) time for any Director, is not permitted under any circumstances. The candidates receiving the largest number of votes shall be elected.

**ARTICLE VIII
MEETING OF DIRECTORS**

Section 1. Regular Meetings. Regular meetings of the Board of Directors shall be held quarterly or more frequently, and at dates, times and places determined by a majority (51%) vote of the Board of Directors. Without the approval of all the Directors, no meeting shall fall upon a legal holiday. No notice shall be required for regular meetings. The first meeting of the Board of Directors following each annual meeting shall be held within ten (10) days thereafter.

Section 2. Special Meetings. Special Meetings of the Board of Directors shall be held when called by the Board President or any two (2) Directors, after not less than three (3) day notice is given, either personally, by mail, or by telephone to each Director, unless waived in writing signed by the Director or by attendance of the meeting without objection or participation.

Section 3. Board Meeting Quorum. A majority (51%) of the number of Directors shall constitute a quorum for the transaction of business at a duly held meeting. Every act or decision authorized by a majority (51%) of the Directors when present at a duly held meeting at which a quorum is present shall be regarded as an act of the Board. So long as a quorum is present at the opening of the meeting, business may be transacted until adjournment, notwithstanding the withdrawal of enough members to leave less than a quorum in attendance.

Section 4. Executive Session. The Board may, with approval of a majority of the Board, adjourn a meeting and reconvene in Executive Session to discuss and vote upon personnel matters, litigation in which the POA is or may become involved, confidential member issues and orders of business of a similar nature. The nature of any and all business to be considered in Executive Session will first be announced in open session.

Section 5. Action Taken Without a Meeting. (a) Action required or permitted to be taken at a Board of Directors' meeting may be taken without a meeting if the action is taken by all the members of the board. The action must be evidenced by one or more written consents describing the action taken, signed by each director, and included in the minutes filed with the corporate records reflecting the action taken.

(b) Action taken under this section is effective when the last director signs the consent, unless the consent specified a different effective date.

(c) A consent signed under this section has the effect of a meeting vote and may be described as such in any document.

ARTICLE IX POWERS, DUTIES AND REQUIREMENTS OF THE BOARD OF DIRECTORS

Section 1. Powers. The Board of Directors shall have the power, but not the obligation, to perform such duties of the POA as authorized by the Declaration, to include, but not be limited to:

- (a) Adopt, amend and publish the rules and regulations of the POA;
- (b) Suspend the voting rights and the right to use the Common Property of a Member during any period in which each Member shall be in default in the payment of any Assessment levied by the POA or for any other violation of the Declaration, these Bylaws, or the rules and regulations;
- (c) Exercise for the POA of all the powers, duties, and authority vested in or delegated to the POA 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 of Directors to be vacant in the event such member (i) is absent from three (3) consecutive regular meetings of the Board of Directors unless such absence shall have been excused by the President of the POA or other person(s) authorized to do so, or (ii) is otherwise not in good standing as a Member of the POA, including without limitation failure to pay Assessments when due;
- (e) Employ a manager, an independent contractor, bookkeeper or such other employees as they may deem necessary to prescribe their duties and;
- (f) Levy Assessments and to collect from the Members all costs of collection, including but

not limited to court costs and reasonable attorney fees, for all infractions of the POA's rules and regulations, the Declaration, Articles of Incorporation or these Bylaws;

(g) Delegate, in part or in total, to any employee, agent, director, officer, contractor, manager or other appropriate entity, any power or authority given to the Board of Directors by the Declaration or these Bylaws.

Section 2. Duties. It shall be the responsibility of the Board of Directors to:

(a) Comply with the requirements of the Act regarding Annual Meetings;

(b) Supervise all officers, agents and employees of this POA, and to see that their duties are properly performed;

(c) Perform such other duties as required by the Declaration, the Articles of Incorporation or the Bylaws;

(d) Take legal action where it is deemed prudent and to be in the best interest of the POA by the Board of Directors, including without limitation foreclosure of the lien against any Lot for which Assessments were not paid within thirty (30) days after the due date or to bring an action at law against the Owner or Co-owners personally obligated to pay the same as provided in the Declaration, or both;

(e) Issue, or cause an appropriate officer to issue, upon demand by any person, a certificate setting forth whether or not any assessment has been paid. At all times the POA records with respect to payments made or due shall be deemed correct unless proper documentation to the contrary can be produced. If a certificate states an Assessment has been paid, such certificate shall be conclusive evidence of such payment. A reasonable charge may be made by the Board for the issuance of these certificates;

(f) Procure and maintain liability and hazard insurance on property owned by the POA in amounts established by the Board of Directors in its sole discretion and with insurance companies licensed to do business in South Carolina with a Best Rating of AA or better;

(g) Cause and pay for all officers or employees having fiscal responsibilities to be bonded, if and as it may be deemed appropriate by the Board of Directors;

(h) Cause the Common Property to be maintained.

Section 3. Requirements. No judicial or administrative proceeding shall be commenced or prosecuted by the POA unless approved by a majority vote of the Board. This Section 3 shall not apply, however, to (a) actions brought by the POA to enforce the provisions of the Declaration (including, without limitation, the foreclosure of lien); (b) the imposition and collection of Assessments as provided in Article V of the Declaration; (c) proceedings involving challenges to ad valorem taxation; or (d) counterclaims or cross claims brought by the POA in proceedings instituted against it. This section 3 shall not be amended unless such amendment is approved by the percentage votes and, pursuant to the same procedures, necessary to institute proceedings as provided in the Declaration.

**ARTICLE X
OFFICERS AND THEIR DUTIES**

Section 1. Enumeration of Offices. The offices of this POA shall be a President and Vice President who shall at all times be Members of the Board of Directors, a Secretary and a Treasurer, and such other officers as the Board of Directors from time to time by resolution create. Compensation for the employees of the POA shall be fixed by the Board of Directors of the POA. The Board of Directors may employ a Director as an employee of the POA and may contract with and thereafter compensate that Director for the management of the POA.

Section 2. Appointment of Officers and Terms. All officers of this POA shall be appointed annually by the Board of Directors. Each appointed officer shall hold office for one (1) year unless he shall sooner resign, or shall be removed, or is otherwise disqualified to serve.

Section 3. Special Appointments. The Board of Directors may appoint such other officers as the affairs of the POA may require, each of whom shall hold office for such period, have such authority and perform such duties as the Board of Directors may determine.

Section 4. Resignation and Removal. Any Officer may be removed from office with or without cause by a majority (51%) vote of the Board of Directors. Any Officer may resign at any time giving written notice to the Board of Directors, the President or Secretary. Such resignation shall take effect on the date of receipt of such notice or 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. Vacancies. A vacancy in any office may be filled by appointment by the Board of Directors. The Officer appointed to such vacancy shall serve for the remainder of the term of the Officer he replaces.

Section 6. Multiple Offices. The offices of Secretary and Treasurer may be held by the same person, otherwise no office may be held by the same person during the same time period. No person shall simultaneously hold more than one (1) of any of the other offices except in the case of special offices created pursuant to Section 3 of this Article.

Section 7. Duties. The duties of the Officers are as follows:

(a) **President.** The President shall preside at all meetings of the Board of Directors and the Membership; see that the orders and resolutions of the Board of Directors are carried out; shall sign all leases, mortgages, promissory notes, deeds and other written instruments and shall be authorized, along with the Treasurer and other authorized parties,

to sign on all checking accounts. If any vote of the Board results in a tie, the President shall cast the tie-breaking vote.

(b) **Vice President.** The Vice President shall act in the place and stead of the President in the event of his absence, inability or refusal to act, and shall exercise and discharge such other duties as may be required of him by the Board of Directors.

(c) **Secretary.** The Secretary shall record the votes and keep the minutes of all meetings and proceedings of the Board of Directors and the Members; keep any corporate seal obtained by the POA and affix it on all papers requiring said seal; serve notice of meetings of the Board of Directors and of the Members; keep appropriate current records showing Members of the POA together with their addresses, authenticate the records of the POA and shall perform such other duties as required by the Board.

(d) **Treasurer.** The Treasurer shall receive and deposit in appropriate bank accounts all monies of the POA and shall disburse such funds as directed by Resolution of the Board of Directors; shall sign all checks and promissory notes of the POA; and keep proper books of accounts.

ARTICLE XI COMMITTEES AND ARCHITECTURAL CONTROL AUTHORITY

Section 1. Establishment of Committee and Responsibilities. The Board of Directors shall appoint committees as deemed appropriate in carrying out its purpose, including the establishment of a Nominating Committee as required herein. In addition to the committees appointed by the Board, there may be an appointed or elected committee for any Specific Purpose area (the "Specific Purpose Committee").

ARTICLE XII BOOKS, RECORDS, AND PUBLICATIONS

The books, records, publications, and papers of the POA shall at all times, during reasonable business hours, or other reasonable circumstances, and preferably by appointment, be subject to inspection by any Member. Upon reasonable notice to the POA or its designated manager, preferably by appointment, the Declaration, the Articles of Incorporation and the Bylaws of the POA shall be available for inspection by any Member at the principal office of the POA, where copies of the governing documents addressed in this paragraph may be purchased at a reasonable cost.

Upon written request, and pursuant to the Act, any Member shall be entitled to inspect the latest financial statements and accounting records of the POA.

Copies of the governing documents of the POA may also be made available for download via an Internet website maintained by the POA.

ARTICLE XIII FUNDS AND BONDS

Section 1. Payments and Depositories. All monies collected by the POA shall be treated as the separate property of the POA and such monies may be applied by the said POA to the payment of any of the expense of operating and managing the POA or to the proper undertaking of all acts and duties imposed upon it by virtue of these Bylaws, the Articles of Incorporation and the Declaration. As the monies for any Assessment is paid unto the POA by any Owner or Co-owner of a Lot, the same may be commingled with the monies paid to the POA by the other Owners or Co-owners of Lots. All funds and other assets of the POA, and any increments thereto or profits derived therefrom, or from the leasing or use of the Common Property, shall be held for the benefit of the Members of the POA.

The depository of the POA shall be such bank or other Federally insured depository as shall be designated from time to time by the Board of Directors and in which the monies of the POA shall be deposited. Withdrawal of monies from such accounts shall only be by checks signed by such persons as are authorized by the Board of Directors.

Section 2. Bonds. At the discretion of the Board of Directors, fidelity bonds shall be required on all members of the Board of Directors, the Officers of the POA and any other persons, employees or entities handling or responsible for the funds of the POA. The amounts of such bonds shall be determined by the Directors, but if it is determined that bonds are to be obtained, they shall be at least equal to the amounts to be handled at any point by that person or entity. Unless verification that the bonds have been provided by such person or entity is obtained by or provided for the Board of Directors, the premiums for these bonds shall be paid by the POA as a common expense.

ARTICLE XIV CORPORATE SEAL

The POA may have a seal in circular form having within its circumference the name of the POA.

ARTICLE XV AMENDMENTS

Section 1. These Bylaws may be materially amended only by a unanimous vote of the Board and affirmative vote of fifty-five percent (55%) of the Owners voting, including those Owners voting by absentee ballot. Any amendment must be recorded in the Office of the Register of Deeds for Horry County, South Carolina. Any and all amendments to the Bylaws shall be effective upon recording and required certification to the Office of the Register of Deeds, Horry County, South Carolina. The POA shall at any time and from time to time as it sees fit, have the right to cause this document to be amended to correct any clerical or scrivener's error(s).

Section 2. In the case of any conflict of any Articles of Incorporation and these Bylaws or the rules and regulations of the POA, the Articles shall control, and in the case of any conflict between the Declaration, the rules and regulations, and these Bylaws, the Declaration shall control.

ARTICLE XVI LIABILITY AND INDEMNIFICATION

Section 1. Liability and Indemnification of Board Member. The POA shall indemnify and defend each Board Member and Officer of the POA from any liability claimed or imposed against the Board Member or Officer by reason of position or decision, action or omission as a Board Member or any Officer of the POA if all of the following conditions are satisfied:

(a) Such Board Member or Officer has not acted in bad faith or in reckless disregard of the rights of any person or of the terms of the Declaration or these Bylaws;

(b) Such Board Member or Officer gives the POA adequate notice of the claim or imposition of liability to permit the POA reasonable opportunity to defend against the same;

(c) Such Board Member or Officer cooperates with the POA defending against the liability.

The expense of indemnifying a Board Member or Officer as provided herein shall be a common expense of the POA, including such Board Member or Officer.

ARTICLE XVII MISCELLANEOUS

Section 1. In case of any conflict with the provisions of the South Carolina Nonprofit Corporation laws, such laws shall control. Such laws are incorporated herein by reference as if fully set out herein.

Section 2. Subject to the right of the Board to set or a ruling by the Internal Revenue Service, the fiscal year of the POA shall begin on the first day of January and end on the 31st day of December every year.

Section 3. If any dispute or question arises between Members or between Members and the POA or the Architectural Standards Committee (ASC) relating to the interpretation, performance or non-performance, violation or enforcement of the Woodcreek Documents, such dispute or violation may be subject to a hearing and determination by the Board in accordance with the procedures set forth in these Bylaws. The Member or the ASC may make a written request for a hearing to the President with a copy to any other interested party and the President will place the dispute or interpretation on the agenda for the next Board meeting at which the party or parties will be heard according to the procedure established by the Board, and the Board will deliberate and issue its ruling after the adjournment of the meeting.

ARTICLE XVIII ENFORCEMENT

Section 1. Enforcement. The Board shall have the power to impose reasonable fines, which shall constitute a lien upon the property of the violating Owner, and to suspend an Owner's right to vote or to use the Common Area for violation of any duty imposed under the Declaration, these Bylaws, or any rules and regulations adopted hereunder; provided, however, nothing herein shall authorize the Association or the Board of Directors to limit ingress and egress to or from a Lot. In the event any occupant of a Lot violates the Declaration, Bylaws or a rule or regulation and a fine is imposed, the fine shall not be assessed against the occupant; provided, however, if the fine is not paid by the occupant within the time period set by the Board, the Owner shall pay the fine upon notice from the Association. The failure of the Board to enforce any provision of the Declaration, Bylaws, or any rule or regulation shall not be deemed a waiver of the right of the Board to do so thereafter.

Section 2. Notice. Prior to imposition of any sanction hereunder, except the suspension of voting right for non-payment of Assessments, the Board or its delegate shall serve the alleged violator with written notice describing (I) the nature of the alleged violation, (II) the proposed sanction to be imposed, (III) a period of not less than ten (10) days within which the alleged violator may present a written request to the Board for a hearing; and (IV) a statement that the proposed sanction shall be imposed as contained in the notice unless a challenge is begun with ten (10) days of the notice. If a timely challenge is not made, the sanction stated in the notice shall be imposed.

Section 3. Hearing. If a hearing is requested in a timely manner, the hearing before the Board shall be held in executive session affording the Owner a reasonable opportunity to be heard. Prior to the effectiveness of any sanction hereunder, proof of proper notice 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 notice requirement shall be deemed satisfied if the alleged violator appears at the meeting. The minutes of the meeting shall contain a written statement of the results of the hearing and the sanction, if any, imposed.

Section 4. Additional Enforcement Rights. Notwithstanding anything to the contrary herein contained, the Association, acting through the Board of Directors, may elect to enforce any provision of the Declaration, these Bylaws or the rules and regulations of the Association by self-help (specifically including, but not limited to, the towing of vehicles that are in violation of parking rules and regulations) or by suit at law or in equity to enjoin any violation or to recover monetary damages or both without the necessity of compliance with the procedure set forth above. In any such action, to the maximum extent permissible, the Owner or occupant responsible for the violation of which abatement is sought shall pay all costs, including attorney's fees actually incurred.

WHEREAS, the undersigned members of the Board of Directors of the Association hereby declare, swear and state unequivocally that the agreement of the required parties was lawfully obtained by unanimous vote of the Board and the affirmative vote of fifty-five (55%) percent of the Owners voting including those Owners voting by absentee ballot.

IN WITNESS WHEREOF, the Association by and through the members of the Board of Directors have executed these By-Laws this 7th day of March, 2019.

(signature pages to follow)

