

4/25 R 154



BEAUFORT COUNTY SC - ROD
BK 3930 Pgs 2878-2881
FILE NUM 2020064571
11/04/2020 03:32:27 PM
Recording RCPT# 1001769
RECORDING FEES \$25.00

STATE OF SOUTH CAROLINA)

FIRST AMENDMENT TO THE

BY-LAWS OF THE PADDOCKS AT

COUNTY OF BEAUFORT)

JARVIS CREEK PROPERTY OWNERS'

ASSOCIATION

THIS FIRST AMENDMENT TO THE BY-LAWS OF THE PADDOCKS AT JARVIS CREEK PROPERTY OWNERS' ASSOCIATION ("Amendment"), is made this 2nd day of November, 2020, by THE PADDOCKS ON JARVIS CREEK PROPERTY OWNERS' ASSOCIATION ("Association").

W I T N E S S E T H:

WHEREAS, the Members of the Association are bound by, and subject to, those certain By-Laws of the Paddocks at Jarvis Creek Property Owners' Association ("By-Laws"), as recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Book 2122 at Page 110, and hereby amend the By-Laws, pursuant to Articles 10.01 and 10.02 of the By-Laws, as set forth below.

NOW, THEREFORE, the Association hereby amends the By-Laws as follows.

The following Sections shall be deleted in their entirety and replaced with the Sections below: 3.05, 4.04, 4.05, 5.09, 6.06, 8.01, 14.03 and 15.04.

Section 3.05. Proxies.

Votes may be cast in person or by proxy. All Members may vote and transact business at any meeting of the Association by proxy authorized in writing, provided, however, that proxies shall not be permitted for any action which is subject to a Referendum, in which case the votes of all the Members polled shall be made by specially-provided ballots, either written or electronic.

Section 4.04. Notices.

Except as otherwise provided in the Declaration or these By-Laws, notice of each meeting of the Members shall be given by, or at the direction of, the Secretary or person authorized or qualified to call the meeting at least fourteen (14) days (but not more than thirty (30) days) before such meeting to each Member entitled to vote thereat. Such notice shall be delivered personally, sent by United States mail, postage prepaid, or delivered electronically, via email or other electronic methods, to all owners of record at such address or addresses, whether physical or electronic address(es), as they may have designated, or if no address has been so designated, at the address shown on Beaufort County's website to which property tax records are mailed.

Notice to one (1) of two (2) or more co-owners of a Lot or Dwelling Unit shall constitute notice to all owners. It shall be the obligation of every Member to immediately notify the Secretary of the Association, in writing, of any change to the owner's electronic or mailing address. Such notice shall specify the place, day and hour of the meeting, and in the case of a special meeting, the purpose of the meeting. Evidence of such notice having been given may consist of an Affidavit of Meeting

evidencing that the requisite notice was provided at least fourteen (14) days prior to such meeting.

Section 4.05. Annual Meeting.

At least one annual meeting of the Members shall be held in the month of January each year, if possible, or such other date and time as the Board may determine, for the purpose of electing directors and transacting any other business authorized to be transacted by the Members. At the annual meeting, the Members shall elect new Members of the Board by plurality vote and in accordance with Article V of these By-Laws, and shall transact such other business as may properly be brought before the meeting.

Section 5.09. Regular Meetings.

The Board may establish a schedule of regular Board meetings to be held at such time and place as the Board may designate. Notice of such regular meetings shall nevertheless be given to each Director personally or by first-class mail, telephone, email or other digital or electronic means at least five (5) days prior to the day selected for such meeting. All meetings of the Board, including Special Meetings, shall be open to all Owners and Members.

Section 6.06. The President.

The President shall be the chief executive officer of the Association and shall preside at all meetings of the Members and of the Board. He/she shall have executive powers and general supervision over the affairs of the Association and other officers and shall see that orders and resolutions of the Board are carried out. The President may sign with the Secretary or any other proper officer of the Association, or other agent(s) or agencies as designated by the Board of Directors, any contracts, leases, mortgages, deeds and other written contracts and instruments, and shall perform all of the duties incident to his/her office which may be delegated to him/her from time to time by the Board.

Section 8.01. Violations.

Upon the violation of the Declaration, the Covenants, the By-Laws, or any rules and regulations duly adopted hereunder, including without limitation, the failure to timely pay any assessments, the Board shall have the power (1) to impose reasonable monetary fines, which shall constitute an equitable charge and a continuing lien upon the Lot or Dwelling, (2) to suspend an Owner's right to vote in the Association, or (3) to suspend an Owner's right (and the right of such Owner's family, guests, and tenants and of the Co-Owners of such Owner and their respective families, guests, and tenants) to use any of Recreational Amenities; and the Board shall have the power to impose all or any combination of these sanctions. An Owner shall be subject to the foregoing sanctions in the event of such a violation by such Owner, his family, guests, or tenants or by his Co-Owners or the family, guests, or tenants of his Co-Owners. Any such suspension of rights may be for the duration of the infraction and for any additional period thereafter not to exceed sixty (60) days.

Any violations which are deemed by the Board to be a hazard to public health may be corrected immediately as an emergency matter by the Association, and the cost thereof shall be charged to the Owner as a specific item, which shall be a lien against the said Lot with the same force and effect as if the charge were part of the common expenses.

Section 14.03. Procedure.

Unless an Owner is shown on the books or management accounts of the Association to be more than thirty (30) days delinquent in any payment due the Association, in which case such penalties shall be automatic, the Board shall not impose a fine or suspend the right to vote or to use the Common Property unless and until notice of the violation is given as provided in subsection (1) below. Any such penalties may be effective or commence upon sending of such notice or such later date as may be set forth in such notice, notwithstanding the violator's right to request a hearing before the Board to challenge such penalties under subsection (2) below.

(1) Notice. If any provision of the Declaration, the Covenants, the By- Laws, or any rule or regulation of the Association is violated, the Board shall serve the violator with written notice transmitted personally, sent by United States mail, postage prepaid, or delivered electronically, via email or other electronic methods, to the owner of record at such address or addresses, whether physical or electronic address(es), as the owner may have designated for notifications, or if no address has been so designated, at the address shown on Beaufort County's website to which property tax records are mailed, which shall state: (i) the nature of the alleged violation; (ii) the proposed sanction to be imposed; (iii) a statement that the violator may challenge the fact of the occurrence of a violation, the proposed sanction; or both, by written challenge and written request for a hearing before the Board, which request must be received by the Board within five (5) days of the date of the notice; (iv) the name, address, and telephone number of a person to contact to challenge the proposed action. If a timely challenge is made and the violations cured within ten (10) days of the date of the notice, the Board, in its discretion, may, but is not obligated to waive any sanction or portion thereof. In the event of a continuing violation, each day the violation continues or occurs again constitutes a separate offense; and fines may be imposed on a per diem basis without further notice to the violator.

(2) Hearing. If the alleged violator timely challenges the proposed action, a hearing before the Board shall be held in executive session affording the violator a reasonable opportunity to be heard. The hearing shall be set a reasonable time and date by the Board, and notice of the time, the date and place of the hearing, and an invitation to attend the hearing and produce any statements, evidence, and witnesses shall be sent to the alleged violator. The date shall be not less than ten (10) days from the giving of notice without the consent of the alleged violator. The minutes of the meeting shall contain a written statement of the results of the hearing. This section shall be deemed complied with if a hearing is held and the violator attends and is provided an opportunity to be heard, notwithstanding the fact that the notice requirements contained herein are not technically followed.

(3) Additional Enforcement Rights. Notwithstanding anything to the contrary herein contained, the Association, acting through the Board, may elect to enforce any provisions of the Declaration, the Covenants, the By-Laws, or the Rules and Regulations by self-help which may include, but is not limited to, the towing of vehicles that are in violation of parking rules and regulations. The Association may initiate a legal proceeding to enjoin any

violation or to recover monetary damages or both without the necessity for compliance with the procedures set forth in Section 3 of this Article. In any such action, to the maximum extent permissible, the Owner or Occupant responsible for the violation for which abatement is sought shall pay all costs, including attorney's fees. The Association or its duly authorized agents shall have the power to enter a property or upon any portion of the Common Property to abate or remove, using such force as may be reasonably necessary, and structure, thing, or condition which violates the Declaration, the By-Laws, or the Rules and Regulations. All costs of self-help, including reasonable attorney's fee, shall be assessed against the violating Property Owner.

Section 15.04. Notices.

All notices required by these By-Laws shall be delivered personally, sent by United States mail, postage prepaid, or delivered electronically, via email or other electronic methods, to the Association at the address, physical or electronic, of the President; and to Owners of record at such address or addresses, whether physical or electronic address(es), as the owner may have designated for notifications, or if no address has been so designated, to the address shown on Beaufort County's website to which property tax records are mailed. All notices forwarded to the Association shall be deemed to have been given when mailed or delivered except notice of changes of address which shall be deemed to have been given when received.

This Amendment was duly adopted at a meeting of the members on October 18, 2020.

Bothy S. Leone
Witness

Elaine H. Bowen
Witness/Notary

PADDOCKS ON JARVIS CREEK
PROPERTY OWNERS' ASSOCIATION

By: Ann C. Shippy

Its: PRESIDENT, PADDOCKS POA

I, Elaine H. Bowen, do hereby certify that Ann Shippy, President of Paddocks on Jarvis Creek Property Owners' Association, appeared before me this day below written, and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 2nd day of November, 2020.

Elaine H. Bowen
Notary Public of South Carolina
My Commission Expires: 6/29/26

