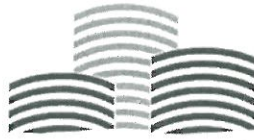


Physical Address:  
4500 Fort Jackson Blvd., Suite 250  
Columbia, South Carolina 29209

Mailing Address:  
Post Office Box 212069  
Columbia, SC 29221

Locations in:  
Mount Pleasant, SC  
Myrtle Beach, SC



McCABE, TROTTER & BEVERLY, P.C.  
COMMUNITY ASSOCIATION AND CONSTRUCTION LAW

[www.mccabetrotter.com](http://www.mccabetrotter.com)  
Phone: (803) 724-5000  
Fax: (803) 724-5001

810Z 6 0 AON

B. Deanne Peele  
Paralegal

[deanne.peele@mccabetrotter.com](mailto:deanne.peele@mccabetrotter.com)

November 2, 2018

Wilson Bruce  
Town & Country  
132 West Cambridge Avenue  
Greenwood, South Carolina 29646

Re: Hunter's Creek Property Owners Association, Inc.  
MTB File No.: 20853.2

Dear Mr. Bruce:

Enclosed you will find the Amended and Restated Bylaws of Hunter's Creek Property Owners Association, Inc. which has now been recorded with Greenwood and Abbeville Counties. You are encouraged to store this original instrument in a secure location.

Should you have questions or concerns, please do not hesitate to contact me.

With warmest, personal regards, I remain,

Sincerely,

B. Deanne Peele  
Paralegal

Enclosures



201800006549  
Filed for Record in  
GREENWOOD COUNTY SC  
CHASTITY COPELAND, COUNTY CLERK  
9/18/2018 11:26:40 AM  
RESTRICTION \$32.00  
County: \$0.00  
State: \$0.00  
PGS: 2568 - 2593  
Bk 1605

NOV 09 2018

STATE OF SOUTH CAROLINA  
COUNTY OF GREENWOOD &  
COUNTY OF ABBEVILLE

AMENDED AND RESTATED BYLAWS OF  
HUNTER'S CREEK PROPERTY OWNERS  
ASSOCIATION, INC. (Original Declarations recorded in  
Greenwood County Deed Books 382 at Page 892 and 393 at  
Page 436 and Abbeville County Deed Book 186 at Page 236)

WHEREAS, THE DECLARATION OF PROTECTIVE COVENANTS, RESTRICTION AND CONDITIONS HUNTER'S CREEK PLANTATION SUBDIVISION GREENWOOD, SOUTH CAROLINA, dated May 28, 1993, and recorded June 16, 1993, in the Office of the Register of Deeds for Greenwood County in Deed Book 381 at Page 892 (the "***Phases A-H Declaration***"); and THE DECLARATION OF PROTECTIVE COVENANTS, RESTRICTION AND CONDITIONS HUNTER'S CREEK PLANTATION SUBDIVISION GREENWOOD, SOUTH CAROLINA, dated July 12, 1994, and recorded July 13, 1994, in the Office of the Register of Deeds for Greenwood County in Deed Book 393 at Page 436, and in the Office of the Register of Deeds for Abbeville County in Deed Book 186 at 236 (the "***Phases K-U Declaration***"), (collectively the "***Declarations***"); and

WHEREAS, The Bylaws of Hunter's Creek Property Owners Association, Inc. were adopted by the Association on December 5, 2001 (the "***Original Bylaws***"); and

WHEREAS, the Original Bylaws were never recorded as it was not required under South Carolina law; and

WHEREAS, the Original Bylaws provide in Article VIII that the Bylaws may be amended by three-fourths affirmative vote of the members present at any duly called membership meeting, but only after the Board of Directors has made a recommendation for such a change and thirty (30) days' notice has been given to the membership prior to any vote and a copy of the proposed Bylaw change has been circulated to the membership for study and review; and

WHEREAS, at a duly convened meeting of the membership held on June 26, 2018, the Association voted to amend and restate the Bylaws.

NOW THEREFORE, the Association declares that the following are the Bylaws of Hunters Creek Property Owners Association, Inc., and in recording complies with S.C. Code Ann. § 27-30-130 (as adopted):

201800006549  
MCABE TROTTER & BEVERLY PC  
PO BOX 212069  
COLUMBIA, SC 29221-9930

FILED  
STATE OF  
SOUTH CAROLINA  
COUNTY OF ABBEVILLE

2018 OCT 24 AM 11:40

RECORDED-BOOK 337  
OF 444 PAGE 289  
EMILY Y MCMAHAN  
CLERK OF COURT

REMAINDER OF PAGE INTENTIONALLY BLANK]

ON 11 MAR 1957 100

Y006-0104908  
4844  
WILSON YOUNG  
1900 70 1831

NOV 09 2018

**AMENDED AND RESTATED BYLAWS OF  
HUNTER'S CREEK PROPERTY OWNERS ASSOCIATION, INC.**

THESE AMENDED AND RESTATED BYLAWS OF HUNTER'S CREEK PROPERTY OWNERS ASSOCIATION, INC. (the "*Amended and Restated Bylaws*") are made on the Execution Date (hereinafter defined) by the **Hunter's Creek Property Owners Association, Inc.**, a South Carolina non-profit corporation (the "*Association*")

WHEREAS, The BYLAWS OF HUNTER'S CREEK PROPERTY OWNERS ASSOCIATION, INC., were adopted by the Association on December 5, 2001 (the "*Original Bylaws*"); and

WHEREAS, Article VIII of the Original Bylaws provides that the Bylaws may be amended by three-fourths affirmative vote of the members present at any duly called membership meeting, but only after the Board of Directors has made a recommendation for such a change and thirty (30) days' notice has been given to the membership prior to any vote and a copy of the proposed Bylaw change has been circulated to the membership for study and review.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that the Association declares the By-Laws amended and restated as follows:

ARTICLE I  
NAME AND LOCATION

These are the Bylaws of the **HUNTER'S CREEK PROPERTY OWNERS ASSOCIATION, INC.**, a South Carolina non-profit corporation (the "*Association*"). The principal office of the Association shall be located at 132 West Cambridge Avenue Greenwood, SC 29646, but

meetings of Members and Directors may be held at such places as may be designated by the Board of Directors from time to time.

## ARTICLE II DEFINITIONS

The Declaration of Protective Covenants, Restrictions and Conditions Hunter's Creek Plantation Subdivision Greenwood, South Carolina, dated May 28, 1993, and recorded June 16, 1993, in the Office of the Register of Deeds for Greenwood County in Deed Book 381 at Page 892 (as amended and supplemented, the "Phases A-H Declaration"); and The Declaration of Protective Covenants, Restrictions and Conditions Hunter's Creek Plantation Subdivision Greenwood, South Carolina, dated July 12, 1994, and recorded July 13, 1994, in the Office of the Register of Deeds for Greenwood County in Deed Book 393 at Page 436, and in the Office of the Register of Deeds for Abbeville County in Deed Book 186 at 236 (as amended and supplemented, the "Phases K-U Declaration"), (collectively the "Declarations"). The Declarations are incorporated herein by this reference and made a part hereof.

The Declarations were amended by The Amendment to The Declaration of Protective Covenants, Restrictions and Conditions Hunter's Creek Plantation Subdivision Greenwood, South Carolina, recorded February 6, 2017, in the Office of the Register of Deeds for Greenwood County in Deed Book 1563 at Page 23 and also recorded in the Office of the Register of Deeds for Abbeville County in Deed Book 328 at Page 1.



ARTICLE III  
PURPOSE AND POWERS OF THE ASSOCIATION

This Association does not contemplate pecuniary gain or profit to the Members thereof, and the specific purposes for which it is formed are to (i) enforce the Declarations, (ii) provide for maintenance, preservation, and architectural control of the Property described in the Declarations, including the residential Lots and Common Areas, and (iii) to promote the health, safety and welfare of the Owners within the Community and any additions thereto as may hereafter be brought within the jurisdiction of the Association, and for this purpose to:

(a) Exercise all of the powers and privileges and to perform, or delegate to an appropriate person or entity the authority to perform, all of the duties and obligations of the Association, including the establishment and amendment of the Regulations of the Association and the use and maintenance of the Common Area, as set forth in the Declarations;

(b) Fix, levy, collect and enforce payment by any lawful means, all Assessments pursuant to the terms of the Declarations; pay all expenses in connection therewith; and pay all office and other expenses incident to the conduct of the business of the Association, including all license fees, taxes, and governmental charges levied or imposed against the Property;

(c) Acquire (by gift, purchase or otherwise), own, hold, improve, build upon, operate, maintain, convey, sell, lease, transfer, or otherwise dispose of real or personal property including, but not limited to the Common Area, as determined advisable by the Board of Directors;

(d) Borrow money, mortgage, pledge, deed in trust, or hypothecate any and all of its real or personal property including, but not limited to the Common Area, as security for money borrowed or debts incurred; provided that any such borrowing of money, mortgage, pledge, deed in trust or hypothecation shall have been approved by the affirmative vote of the holders of not less than a majority of the votes of the Members present or represented at a duly called meeting at which a quorum is present;

(e) Annex additional residential property and Common Area into the Community; provided that any such annexation shall have been approved by the affirmative vote of the holders of not less than a majority of the votes of the Members present or represented at a duly called meeting at which a quorum is present;

(f) Participate in mergers and consolidations with other nonprofit corporations organized for the same or similar purposes; provided that any such merger or consolidation shall have been approved by the affirmative vote of the holders of a majority of the votes of all Members of the Association;

(g) Make, by decision of the Board of Directors, and subject to applicable law, any election of a fiscal year for the Association, as the Board of Directors shall determine from time to time;

(h) Designate, as set forth in these Bylaws and in the Declarations, or by amendment to these Bylaws, Neighborhoods to be under the authority and control of the Association pursuant to voting rights of the Members as established by the Declarations, these Bylaws, as amended, and the Board of Directors.



(i) Have and exercise any and all powers, rights, and privileges which a corporation organized under the South Carolina Nonprofit Corporation Act (S.C. Code Annotated §§ 33-31-101, *et seq.*) (the "Act") may now or hereafter have or exercise, including the right to enter into agreements with other associations and entities for the management and maintenance of the common areas of such associations or entities; and

(j) Maintain liability and hazard insurance on the Property to be procured by and in amounts established by the Board of Directors in its sole discretion and with insurance companies licensed to do business in South Carolina, and to enter into co-insurance or other cost sharing arrangements with other associations within or related to the Property.

#### ARTICLE IV MEMBERSHIP; MEETINGS OF MEMBERS; VOTING

Section 4.1 Membership. The Association shall have one (1) class of membership, as more fully set forth in the Declarations.

Section 4.2 Annual Meetings. Annual meetings 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.

Section 4.3 Special Meetings. Special meetings of the Members may be called at any time by the President or by the Board of Directors, or as otherwise 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 4.4 Notice of Meetings.

(a) Written notice in English specifying the time, date and place of the meeting of the Members and, in the case of a special meeting, the purpose(s) for which the special meeting is 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 mail or registered mail, postage prepaid, 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 meeting date to each Member entitled to vote at the meeting, including the Developer, addressed to the Members' address last appearing on the books of the Association or supplied by such Member to the Association for the purpose of notice shall be considered fair and reasonable.

(b) 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 Association for inclusion in the minutes of the meeting. A Member's attendance at a meeting: (1) waives objection to lack of notice or defective notice of the meeting, unless the Member at the beginning of the meeting objects to holding the meeting or transacting business at the meeting; (2) waives objection to consideration of a particular matter at the meeting that is not within the purpose described in the meeting notice, unless the Member objects to considering the matter when it is presented.

(c) In the event of an emergency requiring the immediate attention of the Members of the Association, the Board of Directors may unanimously vote to call an

emergency meeting by providing the Members who are entitled to vote at such meeting with twenty-four (24) hours' notice.

(d) 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 (i) the new date, time, or place is announced at the meeting before adjournment; and (ii) the record date fixed pursuant to Section 4.10 for the adjourned meeting is not changed for the new meeting (either voluntarily by the Board of Directors or as required under the Act).

Section 4.5 Quorum. The presence at a meeting, whether in person or by proxy, of Members entitled to cast forty percent (40%) of the total votes of the Members of the Association shall constitute a quorum for any action except as otherwise provided in the Articles of Incorporation, the Declarations, or these Bylaws. If a quorum is not present or represented at any duly called and noticed meeting, the Members present at the meeting may, by majority vote, adjourn the meeting without further notice to a new date, time and place and the quorum requirement at such new meeting shall be reduced to twenty percent (20%) of the total votes of the Members of the Association. Nothing herein shall prohibit any such new meeting to be held at a later time on the same date and in the same place as the originally noticed meeting.

Section 4.6 Proxies. Votes may be cast in person or by proxy. All appointments of proxies shall be by written appointment form, signed either personally or by an attorney-in-fact and filed with the Secretary prior to the vote being taken at the meeting in the case of a vote that is taken at a scheduled meeting (or such other time set out on the appointment form or meeting notice) and by the deadline established by the

appropriate notification of a vote to be taken in any other manner. Except as otherwise allowed herein or by written authorization of the Board of Directors of the Association, no appointment form shall confer on the proxy a broader authority than to vote on the matter(s) or at the meeting(s) than is defined on the appointment form. Every proxy shall be revocable at the pleasure of the Owner issuing it, up to the time that the vote for which it was issued is cast. A proxy shall automatically terminate and cease to be effective upon (i) the Member attending any meeting and voting in person, (ii) conveyance by the Member of such Member's Lot, (iii) receipt by the Secretary or other officer or agent authorized to accept proxies of a written notice, signed by the Member, revoking the proxy, or (iv) receipt by the Secretary or other officer or agent authorized to accept proxies of notice of the death of the Member prior to the proxy casting a vote.

Section 4.7 Parliamentary Rules. Robert's Rules of Order (latest edition) shall govern the conduct of corporate proceedings when not in conflict with the Declarations, the Articles of Incorporation, these Bylaws or with the laws of the State of South Carolina.

Section 4.8 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 4.9 Authorization to Vote and Notice by Owner. It shall at all times be the responsibility of any Lot Owner to keep current with the Association, the name and address of the person authorized to cast the vote assigned to that Lot and to receive notification from the Association as to any meetings which the Association may be required

to send. Proof of the authority to receive notice and to vote shall be presented to the Association in the form of a certificate signed by all of the Owners of the Lot. Such certificate shall be deemed valid until revoked by a subsequent certificate.

Section 4.10 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 of 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 4.11 Voting Requirements. Unless otherwise required in these Bylaws, the Declarations, the Articles of Incorporation, the Act or other applicable law, and if a quorum is present, the affirmative vote of the holders of a majority (> 50%) of the votes of the Members present or represented by proxy at a duly called meeting at which a quorum is present or represented by proxy, which affirmative vote also constitutes a majority (> 50%) of the required quorum, is the act of the Members.

Section 4.12 Action by Written or Electronic Ballot.

(a) Any action that may be taken at any annual, regular or special meeting of Members may be taken without a meeting if the Association delivers a written or electronic ballot to every Member entitled to vote on the matter.

(b) A written or electronic ballot shall (i) set forth each proposed action; and (ii) provide an opportunity to vote for or against each proposed action.

(c) Approval by written or electronic ballot pursuant to this section is valid only when 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 a meeting at which the total number of votes cast was the same as the number of votes cast by ballot.

(d) All solicitations for votes by written or electronic ballot shall: (i) indicate the number of responses needed to meet the quorum requirements; (ii) state the percentage of approvals necessary to approve each matter other than election of directors; and (iii) specify the time by which a ballot must be received by the corporation in order to be counted.

Section 4.13 Action by Written Consent. Any action required or permitted to be approved by the Members may be taken without a meeting if the action is approved by Members holding at least eighty percent (80%) of the votes of all Members of the Association. The action must be evidenced by one or more written consents describing the action taken, signed by those Members representing at least eighty percent (80%) of the votes of all Members of the Association, and delivered to the Association for inclusion in the minutes or filing with the corporate records. Written notice of Member approval pursuant to this section must be given to all Members who have not signed the written consent. If written notice is required, Member approval pursuant to this section is effective ten (10) days after the written notice is given.

## ARTICLE V

### BOARD OF DIRECTORS; SELECTION; TERM OF OFFICE



Section 5.1 Number & Types. The affairs of the Association shall be managed by a Board of Directors of not fewer than nine (9) Directors, who shall be Members in good standing with the Association in order to seek election to, or continue to hold a position on, the Board of Directors. Good standing shall be defined as not more than thirty (30) days delinquent in payment of any sum due to the Association, including, but not limited to: regular and special assessments, fines, late fees or other charges and/or in violation of any Covenant, Condition, Restriction, Rule, Regulation or Architectural Guideline promulgated by the Board of Directors or affecting the Association, as determined in the sole discretion of the Board of Directors. One of the nine (9) Directors shall be the Chairman of the Architectural Control Committee, who shall automatically serve on the Board.

Section 5.2 Term of Office. At the first annual meeting after the adoption of these Amended and Restated Bylaws, the Members will elect Directors for staggered terms of three (3) years in accordance with Section 6.2 of these Bylaws. No Director may serve more than three (3) consecutive terms.

Section 5.3 Removal.

(a) Any Director(s) elected by the Members may be removed from the Board of Directors, with or without cause, by the affirmative vote of the holders of a majority of the votes of all Members of the Association.

(b) Any Director(s) who is a Member and who is not in good standing with the Association, or who misses three (3) consecutive Board meetings (unless such absence shall have been excused by the President of the Association or other person(s)

authorized to do so), may be immediately removed from the Board of Directors by the remaining Directors and replaced in accordance with these Bylaws.

(c) In the event of the death, resignation, or removal of a Director, a successor shall be selected by majority vote of the remaining Directors and shall serve for the unexpired term of his predecessor.

Section 5.4 Compensation. There shall be no compensation for Directors.

Section 5.5 Action Taken Without a Meeting. Any action required or permitted to be taken at a meeting of the Board of Directors may be taken without a meeting if the action is taken by unanimous written consent of the Directors. The action must be taken by one or more written consents describing the action taken, signed by each Director, and included in the minutes filed with the corporate records. Any action so approved shall have the same effect as though taken at a meeting of the Directors.

## ARTICLE VI NOMINATION AND ELECTION OF DIRECTORS

Section 6.1 Nomination. Nomination for election for the Board of Directors shall be made by a nominating committee as specified herein. For purposes of the first annual meeting following the adoption of these Amended and Restated Bylaws, the nominating committee, when created, shall consist of a chairman and at least two (2) additional Members of the Association. For purposes of any and all annual meetings other than the first annual meeting, at least one (1) member of the nominating committee shall be a Director. 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 fewer than the number of vacancies that are to be filled. Such nominations may be made only from among Members.

Section 6.2 Election. Unless agreed to otherwise by the affirmative vote of the holders of a majority of the votes present or represented at a duly called meeting at which a quorum is present, election to the Board of Directors shall be by secret ballot. At such 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 Declarations. At the first annual meeting after the adoption of these Amended and Restated Bylaws, four (4) current Directors shall continue to serve for a term of one (1) year and the Members shall elect four (4) Directors to staggered terms as follows: three (3) Directors for a term of two (2) years, and one (1) Director for a term of three (3) years; and at each annual meeting thereafter, the Members shall elect successor Directors for terms of three (3) years. In addition to the foregoing, the Chairman of the Architectural Control Committee shall automatically serve as a Director. 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 or appointed. The nominee(s) receiving the largest number of votes shall be elected. If no nominees are nominated pursuant to these Bylaws, the Director(s) shall be appointed by the current Board of Directors. Cumulative voting (i.e., voting more than one (1) time for any Director), is not permitted under any circumstance.

ARTICLE VII  
MEETINGS OF DIRECTORS

Section 7.1 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 of the Board of Directors. Without the approval of all of the Directors, no meeting shall fall upon a legal holiday. The Board shall provide ten (10) days' notice to Members for regular meetings.

Section 7.2 Special Meetings. Special Meetings of the Board of Directors shall be held when called by the President of the Association or any two (2) Directors, after not less than two (2) days' 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 7.3 Quorum. A majority of the number of Directors shall constitute a quorum for the transaction of business by the Board of Directors. Every act or decision authorized by a majority of the Directors present at a duly held meeting at which a quorum is present shall be regarded as an act of the Board of Directors.

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

Section 8.1 Powers. The Board of Directors shall have the power, but not the obligation, to perform such duties as authorized by the Declarations, to include, but not be limited, to:

- (a) Adopt, amend and publish the Architectural Guidelines for the Community and Regulations of the Association governing (i) the Community, Lots, the

NOV 09 2018

Common Area, as well as any facilities that may be placed or constructed thereon; (ii) the personal conduct of the Members and their guests while within the Property; and (iii) the establishment of Assessments for the infraction thereof;

(b) Suspend the voting rights, the right to use the recreational facilities on the Common Areas, and the services provided by the Association, including without limitation architectural review services, of a Member during any period in which each Member shall be in default in the payment of any Assessment levied by the Association or for any other violation of the Declarations, the Architectural Guidelines, or the Regulations;

(c) Exercise for the Association of all of the powers, duties, and authority vested in, reserved or delegated to the Association and not reserved to the Members by other provisions of these Bylaws, the Articles of Incorporation, or the Declarations;

(d) Declare the office of a Director to be vacant in the event such Director (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 Association or other person(s) authorized to do so, or (ii) is not in good standing as a Member of the Association, including without limitation failure to pay any Assessments when due;

(e) Employ a manager, an independent contractor, Treasurer of the Association or such other employees as they may deem necessary, to prescribe their duties;

(f) Set the annual budget for the Association; provided that if the budget increases more than ten (10%) percent from the prior year, the budget shall have been



approved by the affirmative vote of the holders of not less than a majority of the votes of the Members present or represented at a duly called meeting at which a quorum is present. Additionally,

(g) 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 Association's Regulations, the Architectural Guidelines, the Declarations, Articles of Incorporation and/or these Bylaws;

(h) Grant easements or waivers to or enter into licenses with Lot Owners in the Community with respect to encroachments on the Common Area and other violations of the Declarations, Architectural Guidelines and Regulations; and

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

Section 8.2 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 Association, and to see that their duties are properly performed;

(c) Perform such other duties as required by the Declarations, 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 Association by the Board of Directors, including without limitation foreclosure



of the lien against any Lot for which Assessments are not paid within thirty (30) days after the due date or to bring an action at law against the Owner(s) personally obligated to pay the same as provided in the Declarations, 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 Association 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 (including specifically Director and Officer Insurance) and hazard insurance on property owned by the Association in amounts established by the Board of Directors in its sole discretion and with insurance companies licensed to do business in South Carolina with an A.M. Best rating of AA or better (or an equivalent rating);

(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 Area to be maintained.

(i) Obtain a financial review by a Certified Public Accountant annually and an audit by a Certified Public Accountant every three (3) years;

Section 8.3 Requirements: The Board may, without a vote of the Members, initiate actions or proceedings: (a) to enforce the provisions of or otherwise permitted by the Declarations, these Bylaws, Architectural Guidelines, or Regulations; (b) to challenge property taxation or condemnation proceedings; (c) to defend claims filed against the Association or to assert counterclaims in proceedings instituted against it.

## ARTICLE IX OFFICERS AND THEIR DUTIES

Section 9.1 Enumeration of Officers. The officers of this Association shall be a President and Vice President, who shall be appointed from the then current Directors, a Secretary and a Treasurer, and such other officers as the Board of Directors may from time to time by resolution create.

Section 9.2 Appointment of Officers. All officers shall be appointed by the Board of Directors.

Section 9.3 Term. Officers of the Association shall be appointed annually by the Board of Directors, and each shall hold office for one (1) year unless such officer shall resign, be removed, or otherwise be disqualified to serve.

Section 9.4 Resignation and Removal. Any officer may be removed from office, with or without cause, by a majority vote of the Board of Directors. Any officer may resign at any time giving written notice to the Board of Directors, 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 9.5 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 being replaced.

Section 9.6 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.

Section 9.7 Duties. The duties of the Officers are as follows:

(a) President. The President shall preside at all meetings of the Board of Directors; ensure that the orders and resolutions of the Board of Directors are carried out; may be authorized by the Board of Directors to sign all contracts, leases, mortgages, promissory notes, deeds and other written instruments and shall be authorized, in addition to the Treasurer and any other authorized parties, to sign on all Association checking accounts.

(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 of the Members; keep any corporate seal obtained by the Association 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 Association together with their addresses, authenticate the records of the Association and shall perform such other duties as required by the Board.

(d) Treasurer. The Treasurer shall receive and deposit in appropriate bank accounts all moneys of the Association and shall disburse such funds as directed by resolution of the Board of Directors; if authorized by the Board of Directors to do so, shall sign all checks, promissory notes and other financial instruments of the Association; and keep proper books of accounts.

#### ARTICLE X COMMITTEES

In accordance with the terms of the Declaration, the Board of Directors may appoint committees as deemed appropriate in carrying out its purpose, including the establishment of a nominating committee as provided for herein.

#### ARTICLE XI BOOKS AND RECORDS

The books and records of the Association, required to be made available to the Members by the Act, shall at all times, during reasonable business hours and by appointment, be subject to inspection at the office of the Association and/or copying by an Member upon compliance with the Act. The Association may charge reasonable fees for the time and cost incurred in providing the records for inspection or copies of the books and records. In lieu of inspection and at the option of the Association, it may provide copies of the requested books and records to the Member either electronically or by paper

copies, at the Member's cost.

ARTICLE XII  
FUNDS AND BONDS

Section 12.1 Payments and Depositories. All monies collected by the Association shall be treated as the separate property of the Association and such monies may be applied by the said Association to the payment of any of the expenses of operating and managing the Association, or to the proper undertaking of all acts and duties imposed upon it by virtue of these Bylaws, the Articles of Incorporation and the Declarations. As Assessments are paid to the Association by any Owner of a Lot the same may be commingled with the Assessments paid to the Association by the other Owners of Lots. All funds and other assets of the Association, and any increments thereto or profits derived therefrom, or from the leasing or use of the Common Areas, shall be held for the benefit of the Members of the Association.

The depository of the Association shall be such bank or other federally insured depository institution as shall be designated from time to time by the Board of Directors and in which the funds of the Association shall be deposited. The Board of Directors shall designate multiple depository institutions if necessary to ensure that FDIC depository insurance coverage guarantees all deposited funds of the Association. Withdrawal of funds from such accounts shall only be by checks signed by such persons as are authorized by the Board of Directors with two (2) signatories required for all checks written in excess of \$5,000.

In the event the Board of Directors uses funds collected and held in the

Association's reserve account(s), the Board of Directors shall have the option, in its sole discretion and without notice to the Members, to replenish (in whole or in part) or not to replenish said reserve account(s), however, such expenditures or deposits must be reported to the Members during the annual budget reporting.

Section 12.2 Bonds. At the discretion of the Board of Directors, fidelity bonds may be required on all members of the Board of Directors, the officers of the Association and any other persons, employees or entities handling or responsible for the funds of the Association. 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 Association as a common expense.

### ARTICLE XIII CORPORATE SEAL

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

### ARTICLE XIV AMENDMENTS

Section 14.1 Amendment by Members; Correction of Clerical Errors. Except as otherwise required herein, by the Articles of Incorporation, or by applicable law, these Bylaws may be amended by the affirmative vote of the holders of a majority of



the votes of all of the Members of the Association. Without limiting the foregoing, the Association shall, at any time and from time to time as it sees fit, have the right to cause the Bylaws to be amended to correct any clerical or scrivener's error(s) or to conform to the requirements of the Federal Housing Administration or the Veterans Administration or the Federal National Mortgage Corporation, FHLMC and such other secondary market agencies as the same may be amended from time to time.

Section 14.2 Amendment by Board of Directors. In addition to any other right to amend as set out herein, the Board of Directors may amend and/or restate these Bylaws without the consent of the Owners, their mortgagees, or the Association, only in order to add, subtract, or otherwise modify the number of Directors on the Board.

Section 14.3 Conflict with Articles or Declarations. In the case of any conflict between the Articles of Incorporation and these Bylaws or the Regulations, the Articles of Incorporation shall control; and in the case of any conflict between the Declarations, the Regulations, and these Bylaws, the Declarations shall control.

## ARTICLE XV MISCELLANEOUS

Section 15.1 In case of any conflict with the mandatory provisions of the Act, the mandatory provisions of the Act shall control.

Section 15.2 Subject to the right of the Board of Directors to set such date or to a ruling by the Internal Revenue Service, the fiscal year of the Association shall begin on the 1st day of January and end on the 31st day of December of every year, except that the first fiscal year shall begin on the date of incorporation.

Section 15.3 The Association shall indemnify an individual made a party to a proceeding because the individual is or was a Director or officer against liability incurred in the proceeding if the individual complies with the requirements of the Act and shall pay for or reimburse the reasonable expenses incurred by the Director or officer who is a party to a proceeding in advance of final disposition of the proceeding if the Director or officer complies with the terms of the Act.

Section 15.4 The Board shall interpret the terms of the Bylaws and its interpretation shall be final.

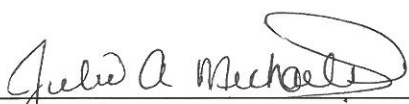
[SIGNATURE PAGE FOLLOWS]

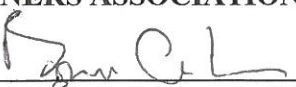
NOV 09 2018

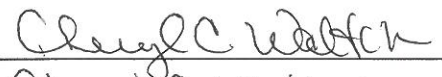
IN WITNESS WHEREOF, the undersigned Officer of the Association has hereunto set his hand and seal on this 2<sup>nd</sup> day of July, 2018, and in doing so acknowledges that the Amendment Provision of the Original Bylaws has been met and that these are the Amended and Restated Bylaws of the Association.

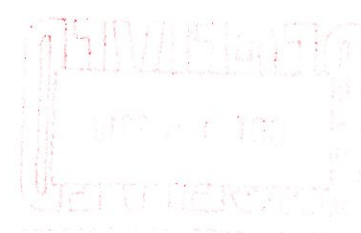
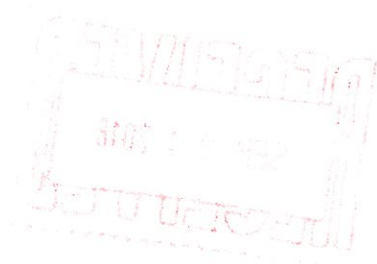
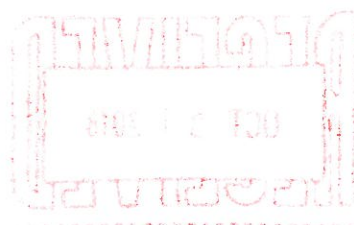
**WITNESSES:**

**HUNTER'S CREEK PROPERTY  
OWNERS ASSOCIATION, INC.**

By:   
Name: Julie A. Michaels

By:  (L.S.)  
Name: Bruce Culbertson  
Title: President

By:   
Name: Cheryl C. Walton



20853.2



DP

20853.2

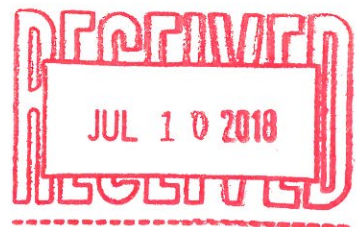


DP



R.O

20853.2



Susmit - R.O

20853.2