

4
10/13

45706

603

STATE OF SOUTH CAROLINA)
) AMENDMENT TO BY-LAWS
COUNTY OF BEAUFORT)

WHEREAS, on or about the 11th day of August, 1981, Evian Horizontal Property Regime filed with the Clerk of Court for Beaufort County, South Carolina, in Book 329 at Page 1687, their Master Deed of Evian Horizontal Property Regime; and

WHEREAS, pursuant to the By-Laws of Evian Horizontal Property Regime, Paragraph 9, AMENDMENTS TO BY-LAWS, Section (c), "In order for such amendment or amendments to become effective, the same must be approved by an affirmative vote of the members owning not less than 51-one (51%) percent of the total value of the property in the Regime (subject to any applicable laws requiring a greater majority)", and

WHEREAS, the Evian Horizontal Property Regime now wishes to amend certain provisions of said By-Laws; and

WHEREAS, at a duly called meeting held for such purpose on July 23, 1996, a ballot was taken and the proposed By-Laws Amendments were passed by a sufficient majority.

AMENDMENT TO BY-LAWS

NOW, THEREFORE, the By-Laws are hereby amended by the addition of the following:

14. RULE ENFORCEMENT PROCEDURES

(a) A unit owner with a complaint on a rules violation shall first contact the property manager with the problem. If a solution of the problem is not reached, a member of the Board of Directors Rule Enforcement Committee will be asked to investigate and seek a solution. If a resolution is not reached, the committee will notify the interested owners in writing to proceed, within 10 days, with the following process:

(b) In order to begin the rules enforcement process, an owner shall state in writing any rule violation about which he or she wishes to complain. The person making the complaint shall be identified in the complaint. The complaint shall be delivered to the Property Manager, a member of the Rule Enforcement Committee, or the Board President.

1. The person making the complaint may be called to testify at all hearings.
2. Upon receipt of the complaint, the board shall

determine if the complaint has validity.

(c) Notice of Violation.

1. If the board concludes the complaint does have validity, it shall send a letter to the alleged violator stating:

a. a description of the alleged violation including the date and approximate time it occurred (if appropriate) and, except in those cases justifying immediate action by the board;

b. a reasonable time period during which the alleged violation may be abated without further sanction;

c. the date and place the hearing will be held if the violation is not abated;

d. an invitation to the owner to provide a statement, evidence or witnesses on his or her behalf; and

e. the maximum sanction that the Board may impose.

2. A copy of this letter may be sent to the original complaining party or any person the board deems appropriate. In the case of nonowner occupied properties, all residents and owners shall be provided copies of all correspondence.

(d) If the alleged violation continues or if requested in writing by the alleged violator, a hearing shall be held.

1. If a hearing is to take place, an invitation shall be sent to the person or persons originating the complaint, inviting them to attend the hearing in order to produce evidence to substantiate their complaint. The board also may call the original complaining party to testify if it chooses to do so.

2. Upon written request to the Regime, not later than ten days prior to the date of the hearing the owners shall be entitled to (a) obtain the names and addresses of witnesses, to the extent known to the association; and (b) inspect and at owner's expense make copies of any statements, writings and investigative reports relative to the case contained in the Regime's records. Nothing in this section, however, shall authorize the inspection or copying of any writing or other thing which is privileged from disclosure by law or otherwise made confidential or protected, such as attorney work product.

3. In order to conduct a hearing, a quorum of the board must be present.

4. The general procedure for the hearing shall

consist of opening statements, by each party, presentation of testimony and evidence, including the cross examination of witnesses by each party, where appropriate, and closing statements by each party.

5. It shall be incumbent upon each board member to make a determination as to whether he or she is able to function in a disinterested and objective manner in considering the matter to be heard. Any board member incapable of objective and disinterested consideration of the matter to be heard shall so inform the President prior to the hearing if possible or at the hearing, and the board member shall be disqualified from all proceedings with regard to the hearing.

6. After all testimony and other evidence has been presented to the board at a hearing, the board shall render its decision within ten days after the hearing. A decision shall be reached by a majority of the board members present. The board shall issue a written decision explaining the reasons for its decision and, if applicable, shall impose a sanction.

7. The owner and tenant, if one exists, shall be notified in writing of the decision of the board.

IN WITNESS WHEREOF, the Evian Horizontal Property Regime has caused these presents to be executed the 27th day of August, 1996.

Signed, sealed and delivered in the presence of:

Rachel R. Thies
Witness
Patricia A. Turner
Notary Public

Nancy A. Kegg
Witness
Sherid D. Thompson
Notary Public

EVIAN HORIZONTAL PROPERTY REGIME:

Douglas R. Almon
Regime President

David J. Russell
Regime Secretary

STATE OF Indiana

PROBATE

COUNTY OF Dearborn

PERSONALLY APPEARED before me, the undersigned witness, who, upon oath, states that s/he saw Evian Horizontal Property Regime, by and through its Regime President sign the within Amended By-Laws, and that s/he with the undersigned Notary Public, witnessed the execution thereof.

Rachel R. This
Witness

SWORN TO before me this

27th day of August, 1996.

Patricia P. Turner
Notary Public for Indiana
My Commission Expires: July 15, 1998

STATE OF SOUTH CAROLINA)

PROBATE

COUNTY OF BEAUFORT)

PERSONALLY APPEARED before me, the undersigned witness, who, upon oath, states that s/he saw Evian Horizontal Property Regime, by and through its Regime Secretary sign the within Amended By-Laws, and that s/he with the undersigned Notary Public, witnessed the execution thereof.

Tracy A. Kage
Witness

SWORN TO before me this

7 day of November, 1996.

Sheryl D. Thompson
Notary Public for South Carolina
My Commission Expires: 5-12-2003

Bullard
FILED 1573
JOHN A. SULLIVAN, JR.
R.M.C.
BEAUFORT COUNTY, S.C. /ML
96 NOV 21 AM 10:57
BK 903 PG 603
FOLDER #

607