

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF BEAUFORT )

AFFIDAVIT TO RECORD

IN RE: Avalon at Indigo Run, HPR

The attached documents are being recorded to comply with the South Carolina Homeowners Association Act, Title 27, Chapter 30, Section 110, et. seq., South Carolina Code of Laws (1976), as amended.

1. Rules & Regs
2. Private Golf Cart Rules

Avalon at Indigo Run, HPR

By: 

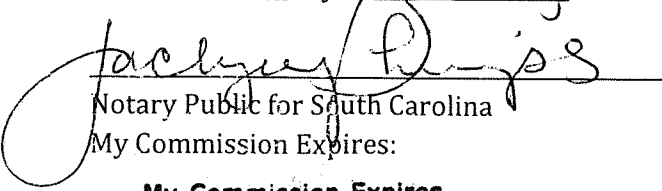
ROBERT GENZLER

(Printed name)

Its: President

SWORN TO BEFORE ME

On this 6<sup>th</sup> Day of February, 2020.

  
Notary Public for South Carolina

My Commission Expires:

**My Commission Expires  
February 4, 2024**

## AVALON AT INDIGO RUN, H P R RULES & REGULATIONS

The Board of Directors of Avalon at Indigo Run under Article 5, Section 4 of the Master Deed and Article VII Section 13 of the By-Laws as amended December 3, 2004, and April 26, 2008, respectively, has been granted the authority to issue Rules and Regulations as a supplement to the Master Deed and By-Laws concerning the use and enjoyment of the community.

It is important to note that the Rules and Regulations apply to all owners, residents, lessees or guests. Owners may be subject to fines or other actions if the Rules and Regulations are violated by lessees or guests.

1. General Rules and Regulations - No Villa Owner, Resident, or Lessee of the Property shall:
  - a) Operate any business which requires the storage of materials on the Common Property nor which results in customers entering the Common Property to utilize the services or secure the products of a resident.
  - b) Post any advertisements, signs, or posters of any kind except as authorized by the Board.
  - c) Hang garments, towels, rugs, or similar objects from the windows or from any of the facades of the Property or use any window treatment with any color other than neutral.
  - d) Dust rugs, mops or similar objects from the windows or clean rugs or similar objects by beating on any part of the exterior of the building of the Property.
  - e) Litter or throw trash or garbage outside of acceptable trash receptacles at each Villa.
  - f) Permit anyone to feed alligators, fish or allow children to play in the area of the holding ponds.
  - g) Install wiring for electrical or telephone installations, television, satellite, or radio antennae, air conditioning, vents, or any other object which may protrude through the walls or the roof of a villa without the approval of the Board.
  - h) Make any change (other than minor landscaping enhancements) to the exterior of a villa or the grounds of a villa without the written approval of the Board or the Association as specified in the By-Laws. See Appendix A.
  - i) Create noise in any form that will unreasonably disturb the tranquility of other residents.
  - j) Act so as to unreasonably interfere with the peace and enjoyment of residents of the other Villas in the Association property.
  - k) Allow any recreational equipment such as basketball goals, soccer nets, bicycles, balls, bats, etc. to be stored or left anywhere; on the Common Property other than in the confines of a villa or a villa's garage when not in use.
  - l) Violate any federal, state, county or Ideal regulation which may directly or indirectly impact the well-being of the residents of Avalon at Indigo Run.

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- m) Violate the posted rules and regulations for the pool area.
- n) Cause damage to Common Property gates or equipment.
- o) Vandalize any property within the confines of Avalon.

2. Villa Use and Occupancy

- a) All Villas shall be utilized as single family private dwellings for the Villa Owners and members of their immediate families, social guests, lessees and invitees. No short term leases (less than six months) are allowed. No more than six unrelated persons are allowed to reside in a Villa.
  - i) The Association Manager is to be notified of the names, addresses, and telephone numbers of all lessees and the period for which the villa will be rented.
  - ii) Lessees are subject to the same Rules and Regulations as owners.
  - iii) Owners should ensure that Lessees are given copies of the applicable Rules and Regulations.

3. Domestic Animals

- a) Residents are allowed to keep up to three domestic animals.
- b) Dogs must be under leash control at all times when on Common Property. Exceptions may be granted by the Board when an electric fence has been authorized and is installed and operating.
- c) No other animals, livestock or poultry may be kept on the Property.
- d) Owners of animals are responsible for the immediate removal of all pet waste from all areas of the Common Property.
- e) Unruly animals causing a disturbance or creating a nuisance may be ordered to be removed from Association property with three (3) days written notice from the Board. The Board may also require the removal of any animal when the resident does not follow the rules for domestic animals.
- f) At no time may a doghouse be placed on Common Property nor may any animal be chained or fenced on Common Property.

4. Motor Vehicles

- a) Must be operated safely and in accordance with posted speed limits and stop signs.
- b) May only be operated in the Common Area by licensed drivers.
- c) Motorcycles or mopeds may only be operated using the most direct access to public Streets. Motorcycles and mopeds must be kept in garages overnight.
- d) No one shall repair or restore any vehicle of any kind upon any portion of the Common Areas, except (i) Within enclosed garages, or (ii) For emergency repairs, and then only to the extent necessary to enable the movement thereof to a proper repair facility.
- e) Only duly licensed, registered and operational vehicles may be kept on the Property.
- f) Vehicles discharging oil or other liquids are not allowed.
- g) The Property Manager will be advised as to the make and license plate number of all vehicles registered to residents of the Common Property. All vehicles must be parked within the garage or parking drive of a Villa. Garage doors should be closed when the garage area is not in use.
  - i) Parking on the street is allowed only on a short term temporary basis and is not allowed to block other driveways, conflict with the flow of normal traffic, or obstruct mail boxes.

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ii) No vehicle may be parked on any landscape area. Villa residents are responsible to ensure that guests do not park on any part of the landscape areas.

h) No boats, trailers, recreational vehicles, campers or similar vehicles may be parked within the community. Contractors are allowed to park their trailers while performing repair or maintenance work but only during the time that such work is being performed. The Association Manager may allow one-time 24-hour exceptions to this rule for "exceptional circumstances". The Association Manager will issue a twenty-four hour permit which must be displayed on the vehicle.

i) All residents of Avalon possessing motor vehicles are required to obtain and display vehicle identification stickers which must be requested from the Association Manager. The Association Manager has been instructed to issue a maximum of four stickers per villa.

5. Golf Cart

a) Golf carts are permitted at Avalon as long as owner signs policy form. Contact Association Manager to obtain policy form.

6. Payment of Common Expenses

a) The due date for payment of Common Expenses is the 1st day of each month.

b) Preprinted payment vouchers are issued each year specifying the amount to be paid.

c) Common Expenses not paid by the 5<sup>th</sup> day of each month are "Past Due"

i) The Board will assess a late payment fee and interest charges on any amounts "Past Due."

ii) The Board will take action to protect the interest of the Association on accounts "Past Due" for more than 90 days.

(1) The Board may record a lien on any Villa for which the Common Expenses are more than 90 days "Past Due."

(2) The Board may seek to foreclose on any Villa for which the Common Expenses are more than 180 days "Past Due."

## Appendix A

### EXPLANATION OF RULES AND REGULATIONS SECTION 1.h

All the land within the boundaries of Avalon at Indigo Run is owned by the Association. This is specified in the Master Deed Article 3 Section 3.3.1 (i). This means that no changes may be made in any form to any Common Element unless it is authorized. This issue is addressed in the By-Laws in Article VII Section 9 (b). This Article states that the Board may approve minor additions to landscaping. The Board has approved the planting of annual flowers and plants in borders and beds adjacent to the villas and in beds on the grounds or villas without further permission. Any other alteration of the existing landscape of the Common Elements requires the permission of the Property Manager.

The Board has also approved the installation of white full view storm doors for those Villa Owners wishing to install them. The models approved are Anderson HD 2000 V Groove and Larson (Charleston and Marquee). Villa Owners should check with the Property Manager before installing any other model.

Villa owners wishing to make proposals for any other changes to the Common Elements must submit a request in writing to the Property Manager. Such request must include detailed drawings of the proposed changes. The Property Manager will discuss the changes with the Board and the Board will make a determination as to whether the proposal needs to be submitted to the Association for approval. No alterations should take place unless the Villa Owner receives written notification that the change is approved. If the proposal is required to be submitted to the Association, it must receive the approval of 2/3 of the Villa Owners. It may take 60 to 90 days to receive such approval.

If alterations are undertaken without written approval of the Board the Villa Owner may be required to remove any alterations at their own expense. If the Villa Owner fails to remove the alterations as specified. The Board may contract to have the alterations removed and bill the Villa Owner.

## Appendix B Violation Procedure

### 1) Notice

A notice of a violation of a provision of (he Amended Master Deed, By-Laws, or Rules and Regulations shall be filed with the Property Manager. The notification should be in writing and signed by the party making the complaint. Any additional information which can support the complaint should be included. Complainants can request that their identity be kept confidential. Only members of the Association (Villa Owners) may make complaints. Villa Owners are reminded that they are responsible for tenants and guests and that Villa Owners will be responsible for resolving all matters relating to a complaint including receiving notices and the payment of any fines. The Association Manager and the Board are under no obligation to deal directly with a tenant or guest.

The Association Manager and members of the Board of Directors or any committee established by the Board to enforce the relevant provisions may initiate the complaint procedure outside of these procedures in their respective roles of enforcing the Amended Master Deed, By-Laws and Rules and Regulations.

Where a Villa Owner or tenant observes an action by someone in the properties which may violate civil or criminal law, the Villa Owner should first contact local law enforcement officials before following the Violation Procedure.

### 2) Action by Association Manager

If the Association Manager determines that a violation has occurred based on the complaint a meeting with the Villa Owner against whom the complaint was made should be scheduled. In the event that the Villa Owner does not reside in the local area, a telephone conversation will suffice.

The Association Manager should attempt an amicable disposition of the matter satisfactory to the Association and the Villa Owner.

If the Association Manager is not able to resolve the matter, the Association Manager will send a letter advising the owner of the violation and the action necessary by the Association owner to cure the violation. Failure to cure the violation may result in the imposition of a fine. The letter will provide a period of time, where appropriate, for the Association owner to cure the violation.

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### 3) Appeals process

- a) Within 30 days of a notice of a fine, an owner wishing to appeal the fine shall deliver to the Property Manager, in writing by certified mail, notice of the owner's decision to appeal. The appeal must provide all pertinent facts that they wish to be considered and if desired, they may request an appearance before the Board to present an oral argument.
- b) If the owner requests no personal presentation, the Board shall render a decision on the appeal within 30 days from the receipt of the appeal referred to in a) above.
- c) If the owner requests a personal presentation, the Board shall be under no obligation to grant such a hearing and will inform the owner of its decision under b) above. If the Board decides to grant a hearing, the Board president shall schedule a hearing within 30 days of the request or at the earliest date that at least 2/3 of the members of the Board can be present. The Board must advise the owner requesting a personal presentation of the scheduled date of the presentation within 15 days of having received the appeal. All presentations shall be limited to 15 minutes.
- d) The president of the Board may designate any other Board member to perform the duties of the president as enumerated above if the president is unable to fulfill those duties.
- e) The decision of the Board regarding the appeal will be final and shall not be subject to any further appeal whatsoever.

## Appendix C

## Schedule of Fines

Section	Violation Type	First	Second	Third	Additional
1.a	Business Operation	Notification	\$50	\$100	\$100/Day
1.b	Signs, Posters	Notification	\$50	\$100	\$100/Day
1.c-1.g	Miscellaneous	Notification	\$50	\$100	\$100/Day
1.h	Unauthorized Modifications		<u>See Appendix A</u>		
1.i-1.j	Noise and Disturbance	Notification	\$100	\$100	\$100
1.k	Leave Equipment on Common Property	Notification	\$50	\$100	\$100
1.l	Law Violation	Notification	\$100	\$200	\$200
1.m	Pool Regulations	Notification	\$100	\$100	\$100
1.n	Damage to Common Elements	\$100	\$200	\$300	\$300
1	Vandalize Property	\$500	\$1,000	\$1,500	\$1,500
2	Villa Use and Occupancy	Notification	\$100	\$200	\$200
3	Domestic Animals	Notification	\$100	\$100	\$100
4	Motor Vehicles	Notification	\$100	\$100	\$100

<sup>1</sup>All Fines are In Addition to Actual Cost of Repairs.



# **AVALON AT INDIGO RUN, H P R**

## **Private Golf Cart Rules**

**Adopted by Board: February 6, 2020**

1. Private golf carts are allowed in the Community only if the owner first obtains a permit from the Association and the golf cart and its use and operation comply with these Rules at all times. Golf cart permits are issued at IMC Resort Services, Inc. Any use of a privately owned golf cart outside the Community is beyond the scope of these Rules and is the exclusive responsibility of the owner.
2. Permission to operate a privately owned golf cart within the Community is a non-transferable and non-assignable personal privilege and is available only to Occupants of the Community.
3. An Identification number and decal will be issued for the cart when the application, release of liability, and proof of liability insurance are received and approved by management. The identification number and decal shall be placed on the front left side of the golf cart in clear view.
4. Golf carts may be operated from sunset to sunrise if equipped with, at a minimum, headlights, break lights, turn signals, and a windshield. Otherwise, carts may only be operated from sunrise to sunset.
5. All privately owned golf carts must be in good working condition.
6. Within the Community, all carts must stay on the designated roadways. Golf carts shall not be driven in private yards or between villas.
7. Golf carts must be stored on the owner's property, in the owner's garage or out of view from the street.
8. Occupants with privately owned golf carts are required to ensure that their private golf carts are restricted to driver who will operate the cart in a safe, prudent manner and in accordance with all governmental regulations. Each operator of a golf cart must be at least fifteen (15) years of age and be eligible to obtain a valid automobile driver's license.
9. Cart operators must obey all traffic signs and all driver rules outlined in the South Carolina Drivers Handbook. Please be courteous to pedestrians.

- 10.** Operation of a golf cart is at the risk of the operator. Cart operators shall be held fully responsible for any and all damages that are caused by the use or misuse of the golf cart by the Occupant or their guests, and the Occupant or guest shall reimburse Avalon, HPR for any and all damages the Community may sustain by reason of use or misuse. As a condition to the issuance of a permit to operate a private golf cart in the Community, the owner of the golf cart will be required to sign a release of liability in form required by the Association.
- 11.** Residents are responsible to provide proof annually that the operation of the golf cart is covered by a resident-owned liability insurance policy with policy limits in such amounts as may be acceptable to the Association.
- 12.** None of the Association, Avalon, HPR or any of their respective directors, officers, members, partners, employees, agents or representatives shall be responsible or liable in any way to anyone in connection with the existence, operation or use in the Community of any privately owned golf cart. None of the publication or enforcement of these Rules or any inspection or permitting of any golf cart for operation and use in the Community shall be deemed or construed to create any warranty, representation or certification that the golf cart is free of any defect, that it is safe or suitable for operation or use in the Community or that it complies with any applicable law or code.
- 13.** In addition to any other remedies the Association may have, including, but not limited to, the imposition of fines, any violation of these rules and regulations may result in the revocation of privately owned golf cart privileges.

**Date:** \_\_\_\_\_

**Decal #:** \_\_\_\_\_

**Unit #:** \_\_\_\_\_

**Owner Signature:** \_\_\_\_\_

**Acknowledgment of receipt:** \_\_\_\_\_