

STATE OF SOUTH CAROLINA )

)

AFFIDAVIT TO RECORD

)


COUNTY OF BEAUFORT )

I, E. Richardson LaBruce, Esquire do hereby state that:

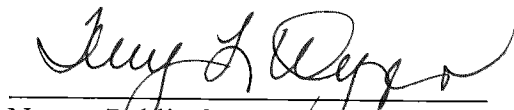
1. I serve as general counsel for Westbury Park Residential Association, Inc.

2. This Affidavit is made to record the attached Community Rules of Conduct for Westbury Park Residential Association, Inc. in order to meet the requirements of South Carolina Code §27-30-110, et seq. known as The South Carolina Homeowners Association Act which amended Title 27 of the 1976 Code of Laws of South Carolina.

FURTHER AFFIANT SAYETH NOT.

  
E. Richardson LaBruce, Esquire

SWORN to before me this  
11 day of December 2023.

  
Notary Public for South Carolina

My Commission Expires: 3/11/22

v. November 1, 2023



## Community Rules of Conduct

### I. GENERAL:

*Westbury Park is a private, gated residential community and the peaceful enjoyment of Westbury Park by Owners, Members, Residents, and guests is of paramount importance. These Rules of Conduct are an integral part of the rules and regulations that all Members of Westbury Park Residential Association, Inc., agree to follow when becoming part of our community. These Rules of Conduct are intended to establish a baseline for acceptable behavior to ensure the peaceful enjoyment of Westbury Park by all, to protect the welfare of our contractors, and to better guarantee a financially sustainable future for our community and all our Owners.*

Section 1.1 Definitions. The terms used in these Rules of Conduct (the “**Rules**”) shall have the same meaning as contained within the recorded *Declaration of Covenants, Conditions, and Restrictions for Westbury Park Residential Properties*, as amended (the “**Declaration**”), unless the context requires otherwise or unless otherwise specified herein.

Section 1.2 Applicability. These Rules are enacted by the Board of Directors in accordance with Section 3.1 of the Declaration. These Rules shall be binding upon all Owners and lessees of Owners, their families, invitees, and guests, and any other Persons that use the roads, streets, sidewalks or other Common Areas of Westbury Park. All present and future co-owners, tenants, future tenants, or their employees, or any other person that might use the Common Areas in any manner, are subject to the rules and regulations set forth herein (and any amendments thereto). Each and every Person who owns, leases, resides in, or visits a Unit in Westbury Park hereby consents to the application of and are bound by the Rules and Regulations established herein.

Section 1.3 Conflicts. In the event of any conflict or ambiguity between these Rules and the provisions of a state statute, the Declaration, or the Bylaws, the provisions of such statute, the Declaration, or the Bylaws, as the case may be, shall control.

### II. RULES OF CONDUCT:

*Deliberate, willful, reckless, and careless actions by Members and other Persons that interfere with others peaceful use and enjoyment of Westbury Park are contrary to our set of core and shared values. These Rules are designed to ensure that everyone understands what conduct is acceptable, and what conduct is not. By implementing these Rules and the enforcement process, the Board hopes to create a more harmonious environment within Westbury Park and preserve our reputation in the greater Bluffton area.*

Section 2.1 Members. The term “Member,” when used within these Rules, shall mean a Member, Owner, resident or tenant of a Unit in Westbury Park, and any guests, invitees, or any other Persons located within Westbury Park.

v. November 1, 2023

Section 2.2 Interference with Association Operations. Members are not permitted to interfere with the operation of the Association nor its directors, officers, vendors, or contractors. Impermissible interference shall include but not be limited to the following conduct and without regard to the method of such conduct (*e.g.*, verbal or written communications, in person or electronic, etc.):

- (a) Threatening, disparaging, or reprimanding any individual providing services to the Association;
- (b) Engaging in any conduct that could reasonably be seen as harassment, sexual or otherwise, or creating a hostile living environment or working environment for any Person;
- (c) Using rude, vulgar, threatening, harassing, defamatory, ridiculing, or otherwise inappropriate or offensive language (written or oral) or using similarly offensive or inappropriate gestures toward or in the presence of such Persons; and,
- (d) Paying uninvited, unscheduled or unannounced visits to the private homes or businesses of such Persons, or approaching such Persons to reprimand, discipline, request an exception or favor, to discuss a concern, or to dispute any official action; and
- (e) Failing to adhere to the rules of procedure adopted by the Board or any Committee of the Association, which shall include interrupting any such Meeting or disrupting such Meeting so that the orderly conduct of business cannot be completed or accosting any Director, Committee Member, or Management Agent before or after a Meeting.

While the Association welcomes suggestions to improve all Members' experiences and Association operations, Members who wish to provide constructive input should direct the same to the Board and Management through the proper channels and at the appropriate place and time, including during the general audience or "Member's Forum" portion of the meetings of the Board.

Section 2.3 Interference with Members' Peaceful Enjoyment. All Members and their invitees and guests have access to the Common Areas of Westbury Park and are entitled to their peaceful enjoyment of the same in accordance with the Declaration. Conduct that interferes or interrupts other Members' peaceful enjoyment of the Common Areas or their Unit shall be prohibited. Such prohibited conduct shall include but not be limited to the following:

- (a) Threatening the safety of or assaulting any Person while on Common Property or on the property of such other Member;
- (b) Engaging in any conduct that could reasonably be seen as harassment, sexual or otherwise, creating a hostile living environment for any Person;
- (c) Using rude, vulgar, threatening, harassing, defamatory, ridiculing, or otherwise inappropriate or offensive language (written or oral) or using similarly offensive or inappropriate gestures toward or in the presence of any Member while on Common Property or on the property of another Member; and,

v. November 1, 2023

(d) Charging a fee to any Person for the use of Association property, including but not limited to the pool or fitness facility, or using the Common Area to conduct commercial activities without prior Board consent (e.g., bartering for swimming lessons conducted in the community pool, accepting payment for personal training sessions in the fitness center, etc.).

Section 2.4 Not Exhaustive. The foregoing is not an exhaustive listing of types of conduct that is prohibited by these Rules nor is every form of improper behavior set forth herein. Rather, the guiding principle behind these Rules is that Members should, at all times, behave in a civil and respectful manner to others. The failure to do so shall constitute conduct that may subject the Member to the disciplinary procedures set forth herein.

Section 2.5 Owner Responsibility. Owners shall be responsible for the conduct of their residents, guests, tenants, and invitees and may be held accountable for any violation of these Rules caused by such Persons.

### III. PROCEDURES FOR HANDLING CONDUCT VIOLATIONS:

*These Rules, the Declaration, and the Association's Bylaws enable the potential sanctions that can be imposed upon any Persons for a violation of these Rules. The severity of such sanctions is entrusted to the discretion of the Board.*

Section 3.1 Communicating Potential Violations. Any Member, Owner, resident, vendor or tenant may report a violation of these Rules or otherwise improper conduct to the Association's community manager or to the Board of Directors. The report must be in writing, including the circumstances under which the alleged violation or improper conduct occurred, and should include specifics such as the date, time and location where the incident or conduct occurred.

Section 3.2 Review Process. The Association's Manager and/or Board of Directors will review and conduct any necessary investigation, including providing notice of the report to the individual(s) involved, within a reasonable period of time, and will provide a response detailing their findings and any recommended action to be taken.

Section 3.3 Disciplinary Sanctions. Any Person found to have violated any of the Rules may be subject to and notified of any fines or sanctions, including but not limited to a monetary fine (which may be escalated for any repeat occurrences), loss of privileges including loss of access to amenity spaces for a specified period of time, or a temporary ban from attendance at any Board Meeting, or similar sanctions as deemed appropriate by the Board. Such sanctions and the hearing/appeal process on the same shall be conducted in accordance with South Carolina law, the Declaration, the Bylaws, and any other rules or regulations governing the same.