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STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT) FIFTH AMENDMENT TO
) BYLAWS OF EVIAN HORIZONTAL
) PROPERTY REGIME

THIS AMENDMENT to the bylaws of Evian Horizontal Property Regime is made this

3^d day of December, 2007.

WITNESSETH

WHEREAS, Justice Builders, Inc., a South Carolina corporation, conveyed phase one of Evian Horizontal Property Regime by master deed dated August 10, 1981 and recorded August 11, 1981 in Book 329 at Page 1687 in the official records for Beaufort County, South Carolina; and

WHEREAS, additional phases were added by supplemental conveyances recorded in Book 340 at Page 802; Book 359 at Page 1953; Book 360 at Page 265; Book 382 at Page 1599; Book 397 at Page 1975; Book 399 at Page 1036; Book 406 at Page 1763; and Book 411 at Page 1490; and

WHEREAS, the bylaws of Evian Condominium Association, Inc., a South Carolina nonprofit corporation were attached to and recorded with the master deed as APPENDIX "A"thereto; and

WHEREAS, the bylaws were thereafter amended by documents recorded in Book 451 at Page 883 (first amendment), in Book 903 at Page 603 (second amendment); and in Book 2111 at Page 72 (third amendment); and in Book 2531 at Page 1672 (fourth amendment); and

WHEREAS, at a duly called special meeting held on November 20, 2007 the members voted by a sufficient majority of all owners (53.95%) to further amend the bylaws, such amendments being approved upon the consent of 51% of all owners.

NOW, THEREFORE, in accordance with Section 9(d) of the bylaws, the amendments to the bylaws contained in the five (5) pages attached hereto shall be and become upon recording and mailing to all owners the provisions in effort as indicated. Except as herein amended or as previously amended the bylaws shall remain in full force and effect.

IN WITNESS WHEREOF, Evian Condominium Association, Inc., by Joseph Murray, its duly elected president, and by Richard Jones, its duly elected secretary each of the officers certifies that the amendment was approved and subscribes this amendment the date first above written.

Evian Condominium Association, Inc.

By: Joseph Murray
Joseph Murray, Its President

By: Richard Jones
Richard Jones, Its Secretary

Edward E. Seelwood

Witness

Kelly A. Ryden

Notary

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

PROBATE

PERSONALLY appeared before me the undersigned witness who, being duly sworn, deposed and said that s/he saw the within Joseph Murray, President and Richard Jones, Secretary of Evian Condominium Association, Inc., sign, seal and deliver the foregoing Fourth Amendment to the Bylaws of Evian Condominium Association, Inc., and that s/he, together with the other witness, witnessed the execution thereof.

Edward E. Seelwood
Witness

Sworn to and subscribed before me this
3rd day of December, 2007.

Kelly A. Ryden

Notary Public for South Carolina
My Commission Expires: 6/27/16

1. (c) Delete entirely and replace as indicated. It currently reads as follows:

“The office of the Association shall be 6301 North Kings Highway, Myrtle Beach, South Carolina, or such other place as the Board of Directors of the Association may designate from time to time”.

Replace as follows:

The office of the Association shall be IMC Resort Services, Inc., 2 Corpus Christi Pl. #302, Hilton Head Island, South Carolina, 29928, or such other place as the Board of Directors of the Association may designate from to time.

4. b, i, Delete entirely and do not replace. It currently reads as follows:

The Developer, as Sponsor of the Regime, shall at the beginning of the election of the Board of Directors, designate and select that number of the members of the Board of Directors which it should be entitled to designate and select in accordance with the provisions of these By-Law, and upon such designation and selection by the Developer by written instrument presented to the meeting at which such election is held, said individuals so designated and selected by the Developer shall be deemed and considered for all purpose directors of the Association, and shall thenceforth perform the offices and duties of such directors until their successors shall have been selected or elected in accordance with the provisions of these By-Laws.

4. b, ii Delete partially and do not replace the following:

“whom the Developer shall not be entitled to designate and select under the terms and provisions of these By-Laws,” ---and---“immediately following the designation and selection of the members of the Board of Directors whom the Developer shall be entitled to designate and select.”

4. b, iii Delete partially and do not replace the following:

“except that should any vacancy in the Board of Directors be created in any directorship previously filled by any person designated and selected by the Developer, such vacancy shall be filled by Developer designating and selecting, by written instrument delivered to any officer of the Association, the successor director to fill the vacated directorship for the unexpired term thereof.”

4. b, iv Delete the last two words of the second sentence which reads “corporations for profit” and replace with “for non profit corporations”. This is to recognize we are now governed by the South Carolina non profit law.

Delete entirely and do not replace the last sentence which reads as follows:

“If at the time of the first annual meeting, the Developer is the co-owner of at least one (1), but not more than four (4) Apartments, then the Developer shall have the right to designate and select two (2) directors whose term of office shall be established at two (2) years, and one director whose term of office shall be established at one (1) year.”

4. b, v Toward the end of the first sentence delete entirely and not replace the following:

“or any other contract providing for services of the Developer”

4. b, vi Delete entirely and do not replace the following:

In the event that the Developer, in accordance with the privilege granted unto it, selects any person or persons to serve on any Board of Directors of the Association, the Developer shall have the absolute right at any time, in its sole discretion, to replace any such person or persons with another person or persons to serve on said Board of Directors. Replacement of any person or persons designated by the Developer to serve on any Board of Directors of the Association shall be made by written instrument delivered to any officer of the Association, which instrument shall specify the name or names of the person or persons designated as successor or successors to the person or persons so removed from said Board of Directors. The removal of any director and designation of his successor shall be effective immediately upon delivery of such written instrument by the Developer to any officer of the Association.

4. h, To correct the By-Laws. At another place in the By-Laws the Vice President shall preside in the absence of the President. To be consistent after the first sentence another sentence would be inserted to read as follows:

“In the absence of the President, the Vice President shall preside.”

4. k, Delete entirely and do not replace the following:

The undertakings and contracts authorized by said first Board of Directors shall be binding upon the Association in the same manner as though such undertakings and contracts had been authorized by the first Board of Directors duly elected by the membership after Phase 1 of the property identified herein has been submitted to the plan of condominium ownership and said Master Deed has been recorded in the Beaufort County public records, so long as any undertakings and contracts are within the scope of powers and duties which may be exercised by the Board of directors of the Association in accordance with all applicable Regime documents.

6. a. Again, recognize the Vice President. The first sentence now reads as follows:

The executive officers of the Association shall be a President, who shall be a director, a Treasurer and a Secretary, all of whom shall be elected annually by the Board of Directors and who may be peremptorily removed by vote of the Directors at any meeting.

The first sentence would be changed to read as follows:

The executive officers of the Association shall be a President, who shall be a director, a Vice President, a treasurer and a Secretary, all of whom shall be elected annually by the Board of Directors and who may be peremptorily removed by vote of the directors at any meeting.

9. e. Delete entirely and do not replace the following:

Notwithstanding the foregoing provisions of this Article 9, no amendment to these By-Laws which shall abridge, amend or alter the right of the Developer to designate and select members of each Board of Directors or the Association, as provided in Article 4 hereof, may be adopted or become effective without the prior written consent of the Developer.

11. k. 1. Delete the entire last paragraph and do not replace the following

Notwithstanding anything in the By-Laws to the contrary, it is declared that until December 31, 1985, each Apartment shall be exempt from the assessment created herein until such time as the Apartment is conveyed by the Developer to a Grantee owner. Except as previously provided herein, no apartment and its appurtenant percentage interest shall be exempt from said assessment. Moreover, until such time as an apartment if conveyed by the Developer to a Grantee, the Developer shall be assessed and pay to the Association in lieu of an assessment thereof a sum equal to the actual amount of actual operating expenditures assessed by the Association against co-owners of Apartments other than those owned by the Developer. The actual operating expenditures for this purpose shall also include any reserve for replacements or operating reserves. Commencing January 1, 1986, the Developer shall be subject to assessments as provided for in these By-Laws so that it will pay assessments on the same basis provided for under these By-Laws as the same are paid by Apartment co-owners.

Delete gender references and replace as indicated the following:

6 b At the start of second sentence replace "He" with "The President" and after the next to last comma insert the following wording "as the President utilizing discretion determines appropriate"

6 c At the start of the second sentence delete "He" and replace with "The Vice President"

6 d. At the start of second sentence delete "He" and replace with "The Secretary"

At the start of third sentence delete "He" and replace with "The Secretary"

At the start of fourth sentence delete "He" and replace with "The Secretary"

6 e At the start of second sentence delete "He" and replace with "The Treasurer"

Near the end of the second sentence delete "He" and replace with "The Treasurer"

The first sixteen pages refer to "the Association" and starting on page seventeen "the" is omitted before the word "Association". The recommended by-law change would add the word "the" before the word "Association" to be consistent throughout the by-laws. The places where "the" would be added is as follows:

11 first paragraph one insertion of "the"

11 c one insertion of "the"

11 d four insertions of "the"

11 g three insertions of "the"

11 h one insertion of "the"

11 j two insertions of "the"

11 k two insertions of "the"

11 k 1 first paragraph two insertions of "the", second paragraph one insertion of "the" and the fourth paragraph one insertion of "the".

Other non controversial changes needed to correct, clarify or update our by-laws.

6 (f) Any compensation of officers shall be determined by the owners and not the directors. Delete the first sentence entirely and replace as indicated. The first sentence now reads as follows:

"The compensation of all officers and employees of the association shall be fixed by the directors."

The new first sentence would read as follows:

"The compensation of officers, if any, is determined by the owners."

7 (c) When the budget is approved the assessment is made for the full year. The Board may determine the due date(s). Delete entirely and replace as indicated. This now reads as follows:

"The Board of Directors shall determine the method of payment of such assessment and the due dates thereof and shall notify the members thereof. The assessments will initially be on a quarterly basis unless changed by a vote of the majority of the board of Director."

This would be amended in it's entirety to read "The Board of Directors shall determine the amount of the annual assessment and the due date(s) thereon and shall so inform the owners."

7 e Delete the word "furnished" and replace as indicated with "available". This now reads:

"An audit of the accounts of the Association shall be made annually and a copy of the report shall be furnished to each member not later than April 1st of the year following the year for which the report is made."

This would now read "An audit of the accounts of the association shall be made annually and a copy of the report shall be available to each member not later than April 1st of the year following the year for which the report is made."

9 c A copy cannot be recorded and our attorney has informed us that more than ten (10) days is needed for recording. Delete entirely and replace the second sentence as indicated. The second sentence now reads as follows:

Thereupon, such amendment or amendments to these By-Laws shall be transcribed, certified by the President and Secretary of the Association, and a copy thereof shall be recorded in the public records of Beaufort County, South Carolina, within ten (10) days from the date on which any amendment or amendments have been affirmatively approved by the directors and members.

"Thereupon, such amendment or amendments to these By-Laws shall be transcribed, certified by the President and Secretary of the Association, and recorded in the public records of Beaufort County, South Carolina, within thirty (30) days from the date on which any amendment (s) have been approved by the members."

Our attorney has informed us that some laws have changed since the by-laws were adopted and the following changes should be made. As an example we are no longer an eleemosynary corporation.

The Introduction 1 should be deleted entirely and replaced as indicated. It now reads as follows:

These are the By-Laws of Evian Condominium Association, Inc., an eleemosynary corporation organized and existing under the laws of the State of South Carolina (hereinafter called "the Association"), which has been organized for the purpose of administering Evian Horizontal Property Regime, a horizontal property regime established pursuant to S.C. Code Ann. §§ 27-31-10 et seq. (1976) (hereinafter called "the Regime"). The Regime is identified by the name Evian and is located upon the real property in Beaufort County, South Carolina, described on Exhibit "A" attached hereto and made a part hereof by reference".

The change would read as follows:

"These are the bylaws of Evian Condominium Association, Inc., a mutual benefit corporation organized and existing under South Carolina Nonprofit Corporation Act, SC Code Ann. '33-31-101 et. seq. (1976) (hereinafter sometimes called the Association or the ("Regime")), which has been organized for the purpose of

administering Evian Horizontal Property Regime, a residential condominium established pursuant to the South Carolina Horizontal Property Act, S.C. Code Ann. '27-31-10 et. seq. The regime operates under the name and style Evian upon real property in the Town of Hilton Head Island, Beaufort County, South Carolina more particularly described in Exhibit "A" to the master deed to which these bylaws are attached.

4 (j) (viii) Delete entirely and do not replace. Any lien must be against the apartments per S.C. Code '27-31-230. This now reads as follows:

"To pay all taxes and assessments which are liens against any part of the Regime other than Apartments and the appurtenances thereto and to assess the same against the members and their respective Apartments subject to such liens;"

4. (l) We are now under the South Carolina nonprofit corporations Code. Delete entirely and replace as indicated. It now reads as follows:

"Directors may be removed from office in the manner provided by law for the removal of directors of South Carolina corporations for profit." The new wording would be:

"Directors may be removed from office in the manner provided by law for the removal of directors of South Carolina mutual benefit nonprofit corporations, S.C. Code '33-31-808."