

STATE OF SOUTH CAROLINA     )  
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COUNTY OF BEAUFORT         )

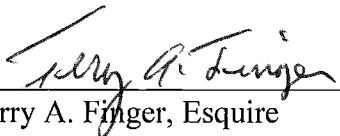
AFFIDAVIT TO RECORD

I, Terry A. Finger, Esquire do hereby state that:

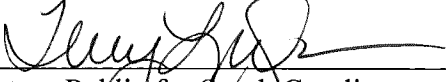
1. I serve as general counsel for Westbury Park Residential Association, Inc.

2. This Affidavit is made to record the attached Gate Access & Security Rules and Regulations, Noise Rules & Regulations and Traffic, Parking & Towing Rules & Regulations 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.

  
\_\_\_\_\_  
Terry A. Finger, Esquire

SWORN to before me this  
10 day of September, 2020.

  
\_\_\_\_\_  
Notary Public for South Carolina  
My Commission Expires: 10/4/22



## Gate Access & Security Rules and Regulations

ADOPTED JULY 2020

### I. GENERAL:

*Westbury Park is a private, gated residential community and entry by the general public is prohibited except in accordance with the Association Governing Documents and this Policy.*

Section 1.1 Definitions. The terms used in this Policy (hereinafter referred to as the "**Policy**") shall have the same meaning as contained within the recorded Declaration of Covenants, Conditions, and Restrictions for Westbury Park Residential Properties, as amended, unless the context requires otherwise or unless otherwise specified herein.

Section 1.2 Applicability. This Policy is enacted by the Board of Directors in accordance with Section 3.1 of the Declaration. This Policy 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 accepts the right to use the roads, streets, parking facilities and other Common Areas of Westbury Park hereby consent to the application of and are bound by the Rules and Regulations established within this Policy.

Section 1.3 Conflicts. In the event of any conflict or ambiguity between this Policy 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. ACCESS TO THE PROPERTY:

*Access to all properties within Westbury Park is restricted to ensure the safety & security of its owners and residents.*

Section 2.1 Compliance. All vehicles using the roadways and parking areas of Westbury Park must have a valid state registration and license plate, and must comply with the rules and regulations regarding registration and access set forth herein. All Persons using the Common Area of Westbury Park, including but not necessarily limited to Owners, invitees, residents, and visitors (*e.g.*, guests, contractors, *etc.*) must obey the laws of the State of South Carolina and all rules and regulations established by this Policy and the Governing Documents. Administrative processes and procedures used to support this Policy may be changed and updated as required.

Section 2.2 Access Points; Gate Rules. The two vehicle access gates and the sidewalks at the gate areas are the only authorized entry & exit points for Westbury Park. For the purposes of this policy, the gate located on Westbury Parkway near its intersection with Kensington Boulevard shall be known as the "**Main Gate.**" The gate located on Kensington Boulevard near its intersection with Buck Island Road shall be known as the "**Buck Island Gate.**"

- (a) Only one vehicle at time may enter through the gate. Drivers must wait until the gate closes and then reopens from use of their device before attempting to enter. No tailgating is permitted.
- (b) Breaches of the gate system include, but are not limited to: (i) tampering with gates or related control and surveillance equipment, in any way; (ii) tailgating; (iii) pushing through or around the ingress gates or attempting to enter through use of the egress only gates; and (iv) unauthorized use or sharing of a swipe card, FOB or access code.

Section 2.3 Owner and Resident Registration. All owners and full-time residents of Westbury Park, whether an Owner, a Member, a full-time tenant, or adult child of the same in Westbury Park Residential Association or the Estates at Westbury (herein, a "**Resident**"), are required to register their vehicles with the Association. Resident Vehicle Registration forms are available online or at the offices of the Association or the 3<sup>rd</sup> party Managing Agent of the Association and/or the Estates at Westbury. All Owners, Members, and Residents must complete the portion of the Registration Form to be included in the Resident Directory portion of the gated access control system, which is located at the Main Gate. The Resident Directory allows Residents to grant visitors the right to enter using an auto-dial feature that provides the Resident with the ability to remotely lift the gate arm.

- (a) Vehicle registration is limited to one specific vehicle. Transferring decals, access devices, or registration to another vehicle is strictly prohibited. If a Resident changes vehicle at any point, a new Resident Registration form must be completed.
- (b) Access devices, decals and bar codes must be surrendered by Resident upon the termination of the Resident's interest in Westbury Park.
- (c) The Association may charge a reasonable fee to the Resident for the acquisition of an access device.
- (d) Evidence of permanent residence within Westbury Park, via South Carolina Driver's License or Vehicle Registration, current active lease, or executed home ownership documents (*e.g.*, executed deed and/or HUD settlement statement or equivalent) is required for Resident Registration.
- (e) Owners are responsible for notifying tenants of the requirements set forth herein.
- (f) Rental agents and/or Residents are responsible for picking up the access devices for their tenants, and must first provide a fully executed copy of the lease which complies with the associated rules and policies of the Association. Owners and Residents are responsible to advise their visitors, vendors, contractors, including rental/leasing or real estate sales agents of the rules and policies for gaining access to Westbury Park.

Section 2.4 Owner and Resident Access. All Residents shall only use an authorized access device provided by the Association (*e.g.* electronic swipe card, electronic FOB, or RFID sticker) to enter

Westbury via one of the two gates. In order to minimize the potential for delays and backups at the Main Gate, residents shall not use the Resident Directory's auto-dial system to engage the remote entry function for themselves. The Buck Island Gate is limited to Resident entry and entry by emergency personnel.

Section 2.5 Visitor Gate Access. Authorized and invited guests are welcome within Westbury Park. Residents may permit guest entry through the Resident Directory's auto-dial system. All guests must adhere with the Governing Documents.

Section 2.6 Commercial Visitors. All Persons who are accessing the Property and are performing a service for a fee (herein, a "**Contractor**") may only enter through the applicable Resident Directory's auto-dial system, unless such Contractor has obtained a temporary access control device or has received a 4-digit instant access code pursuant to this Policy.

- (a) Contractors are permitted entry to Westbury Park to work between the hours of 8 A.M. and 7 P.M., Monday through Saturday. This provision does not apply to emergency contract services necessary to prevent or stop continued damage to a Unit or such services that are necessary for the health, safety or welfare of a Resident. Such services shall include but not necessarily be limited to emergency plumbing service and, post- storm temporary repairs.
- (b) Contractors are not permitted to enter into Westbury Park for use of its facilities or amenities. Contractors are not permitted to solicit work, distribute flyers, post signage, or otherwise advertise while on the Property.
- (c) Baby sitters, house sitters, domestic and healthcare support, and pet sitters, despite being paid for their services, may be treated as guests rather than Contractors in accordance with Section 2.6 of this Policy.
- (d) Certain designated contractors, as set forth in Section 11.7 of the Declaration, may be authorized by the Westbury Park Residential Association's Property Manager to receive a 4-digit instant access code. These users are prohibited from sharing these codes with any unaffiliated drivers.
- (e) In addition to any rules and regulations set by the ARC or any other Governing Document, Contractors shall clean up any trash or debris daily, including site debris that blows off the site and mud tracked onto roadways and remove from the Property. Any damage to any Common Area shall be reported to the Association promptly.
- (f) Contractors that violate this Policy shall be subject to fines and possible permanent removal from property.
- (g) Contractors may purchase a temporary access control device when the frequent nature of the work or services they perform on behalf of the Association, Residents, or the Estate at Westbury requires it. Only the Property Manager for Westbury Park Residential Association can authorize this type of purchase and the process may require proof of contract or an affidavit by the respective Resident pertaining to the frequency or need for an authorized device.

Section 2.7 Special Events. Special Westbury Park Owner or Resident sponsored events, including but not necessarily limited to parties or gatherings where the expected number of vehicles needing access is ten or more require a minimum advance notice of two (2) Business Days if a special access code is desired to facilitate guest access. Contact the Westbury Park Residential Property

Manager's office to obtain an application for a special event access code. All special event codes expire within a 12-24-hour period of time.

### III. ENFORCEMENT:

*This Policy was developed to enhance the quality of life of all persons within Westbury Park and to eliminate uses and dangers that work to the detriment of such goals. The purpose of this Policy is not to anticipate all potential acceptable or unacceptable behavior in advance. In fact, it is expressly intended that the Board, as appropriate, have discretion to enforce or not enforce technical violations hereof based upon their reasonable judgment. The exercise of discretion in approving or enforcing this Policy shall not be construed as a waiver of approval or the right to enforce in future circumstances, nor shall it preclude the Association from taking enforcement action.*

Section 3.1 Enforcement. Violations of any rule or regulation set forth within this Policy, as determined by the Board, may subject the violator or any such other Person to disciplinary action as set forth within the Governing Documents, including but not limited to Section 3.24 of the Bylaws, which includes the imposition of monetary fines and the suspension of rights, and or any such action permitted under South Carolina. Moreover, to preserve the family-friendly atmosphere of Westbury Park, the Board, management, contracted security, or local law enforcement may dismiss any Resident, guest, Contractor, visitor or such other Person if their behavior is deemed in conflict with the provisions hereof or contrary to South Carolina law.

Section 3.2 Fines. Provided below is the fine schedule as enforced by Westbury Park as part of its efforts to maintain Westbury Park as a safe and friendly residential community:

<b>Offense</b>	<b>1<sup>st</sup></b>	<b>2<sup>nd</sup></b>	<b>3<sup>rd</sup></b>	<b>4<sup>th</sup></b>
Tailgating	\$50.00	\$50.00	\$50.00	\$50.00
Gate Breaches	\$250.00	\$500.00	\$1,000.00	\$1,000.00

Other offenses and fines may be set by the Board. Any incidents involving damages to a gate or other Common Area of Westbury Park shall include all costs of repair in addition to above-stated fines. The Association may also impose an administrative fee, as necessary, of \$100.00 per hour for our third-party Property Manager and Security vendor to review video footage, identify and locate the violator, prepare and issue notice of violation and fines. These fines and fees shall be paid within thirty (30) days of notice. These fines and fees are exclusive of any costs and/or legal fees incurred by the Association to enforce compliance with this Policy.

Section 3.3 Trespassing. Trespassing, as set forth within Section 16-11-620 of the South Carolina Code of Laws, within the Property shall be prohibited. Trespassers may be subject to fines, arrest or both as may be permitted by South Carolina law.