

**RESOLUTION OF THE ELECTED BOARD OF DIRECTORS OF THE
BULL POINT PLANTATION PROPERTY OWNERS ASSOCIATION, INC.**

WHEREAS, the Bull Point Plantation Architectural Review Board (the “ARB”) has in place the ARB Guidelines (the “Guidelines”) that are currently dated December 2014; and

WHEREAS, the Guidelines contain, among other procedures, a process by which a property owner may appeal a decision made by the ARB with respect to such property owner’s property; and

WHEREAS, such appeal process requires updates and the Board of Directors of the Bull Point Plantation Property Owners Association, Inc. (the “Board”) desires to make such updates.

NOW, THEREFORE, UPON MOTION of Joe D’Ambrosio, which was seconded by Vicki Menard, and unanimously agreed to by the members of the Board, the Board resolves as follows:

1. Effective from January 1, 2021, Section VII, Appeals, of the Guidelines is deleted in its entirety and replaced with the following:

**SECTION VII
APPEALS**

If an owner, builder, or neighboring property owner feels that any decision or order made by the ARB regarding a permit application or initiated project is unfair or inconsistent with past practices of the Covenants or that the ARB Guidelines have failed to consider all relevant facts and information, then that party (or parties) may appeal such matter in accordance with the provisions of this Section VII. Such appeal must be made in strict accordance with the ARB Guidelines as defined in this section, or else such request will be automatically denied.

Any of the following parties are eligible to become an “Appellant” in the ARB appeal process:

1. A Bull Point property owner whose building permit application has been disapproved by the ARB.
2. A property owner whose permit application has been approved with special conditions that the owner feels are unreasonable or unacceptable.
3. A neighboring property owner who objects to the ARB issuance of a building permit for an adjacent or nearby property.
4. A property owner who has been fined by the ARB or who has been ordered to cease work and/or restore a pre-existing situation, including exterior repainting, re-roofing, or construction, that was altered without ARB approval.
5. A builder or contractor who has been given a restrictive order or penalized by the ARB for violation of Bull Point rules or Builder Permit conditions.

The appeal of any ruling by the ARB must (and can only) be commenced by an appellant’s filing of a written Petition for Re-Hearing, using a letter or any document form for so doing. Further, this Petition for Re-Hearing shall be filed with (i.e., delivered to) the ARB Chairperson within ten (10) business days of the ARB decision or order being appealed.

The written appeal shall state the appellant's name, mailing address, telephone number(s), how they are materially and adversely affected by the decision, and the particular portions of the ARB ruling to which they take exception. If the Appellant adopts the position that the ARB decision is contrary to any ARB rule, regulation, guideline or policy, the appellant shall state with specificity the particular rules, regulation, guideline, or policy violated and in what regard the decision so violates that rule, regulation, guideline, or policy. The ARB reserves the right to dismiss any appeal request, which does not conform to all of the foregoing requirements of the Petition for Re-Hearing.

The Chairperson of the ARB shall set the matter for hearing at a regular or special meeting of the ARB to be held within thirty (30) days of receipt of the Petition for Re-Hearing. The Appellant and any other witness or affected parties deemed relevant by the Chairperson shall be given sufficient time, at the discretion of the Chairperson, to present their positions at the hearing. Minutes shall be taken by the Assistant Administrator who shall prepare the minutes of the hearing separately from the minutes of the balance of the ARB meeting.

The appellant and other affected parties shall be notified in writing, by U.S. Certified Mail or nationally recognized courier service, such as FedEx or UPS, of the decision reached by the ARB at the hearing, within five (5) business days of the decision. Thereafter, the appellant or any other party to the hearing process may, if desired, further appeal such decision to the Bull Point Plantation Property Owners Association, Inc. Board of Directors (the "Board").

Any party to the foregoing ARB hearing who desires to appeal the decision of the ARB must do so in writing to the Board by U.S. Certified Mail, return receipt requested, or nationally recognized courier service, such as FedEx or UPS, within five (5) business days of such party's receipt of the decision of the ARB appeal hearing. If the basis of this appeal is the same as that set forth in the original Petition for Re-Hearing, no further information is required other than attaching a copy of the decision of the hearing by the ARB. If the basis for appeal to the Board is based upon different or additional grounds, such reasons shall be set forth in sufficient detail to inform the Board of the appeal basis, and shall specifically set forth the particular rule, regulation, guideline, or policy. The Board reserves the right to dismiss any appeal which does not conform to the requirements of the written request for re-hearing by the Board.

Upon receipt of this appeal notice from the aggrieved party, the Board shall promptly schedule a date and time to hear such appeal. The Board shall take all pertinent and relevant testimony. Persons making statement and addressing the Board shall do so in a polite, respectful, and calm manner. No undignified, emotional, rude, or insulting behavior or comments will be tolerated, and the Board reserves the right to limit the amount of time for any party to address the Board. The Board reserves the right to expel any and all persons violating these rules.

They shall review all the testimony and any written reports at either a specially scheduled Board meeting or its next regularly scheduled meeting. The decision of the Board shall be transmitted to the parties by Certified Mail or nationally recognized courier service, such

as FedEx or UPS within five (5) business days following the aforementioned Board meeting.

All appeal decisions by the ARB or the Board shall state the reasons for the decision. If the decision is based, in whole or in part, upon aesthetic grounds, the decision shall so state.

All decisions of the Board shall be final, and no further appeal opportunity shall be provided.


No construction work on any permit shall be continued during the pendency of an appeal, and any permit issued by the ARB shall be automatically suspended during the appeal.

When any party to an appeal is to receive any items by certified mail and such mail is refused or not picked up, the U.S. Postal Service notice shall be sufficient as of the date of the first attempted delivery.

The ARB and/or Board shall have the authority to require the posting of a bond by an Appellant to cover all direct costs of the ARB or Board, as the case may be, arising from the appeal, on such basis as is equitable and fair.

The Board voted unanimously in favor of this resolution.

The Motion was adopted this 5th day of January 2021.

A handwritten signature in cursive script that reads "Vicki S. Menard". The signature is written in black ink and is positioned above a horizontal line.

Vicki S. Menard, Secretary Board of Directors for Bull Point Plantation Property Owners Association, Inc.