

MARGARET L BAILEY
DORCHESTER COUNTY
REGISTER OF DEEDS

201 Johnston Street ~ Saint George, SC 29477 (843) 563-0181

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Instrument #: 2019000721

Receipt Number: 57893

Return To: HART HYLAND SHEPHERD

Recorded As: MISCELLANEOUS

Recorded On: January 09, 2019

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Received From: HART HYLAND SHEPHERD

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Book/Page: RB 11702: 21 - 31

Direct- TROTTERS RIDGE HOMEOWNERS

Total Pages: 11

Indirect- TROTTERS RIDGE HOMEOWNERS

*** EXAMINED AND CHARGED AS FOLLOWS ***

Recording Fee: \$16.00

Tax Charge: \$0.00



Margaret Bailey

Margaret Bailey - Register of Deeds

16
STATE OF SOUTH CAROLINA) CONSTITUTION AND BY-LAWS OF TROTTERS
COUNTY OF DORCHESTER) RIDGE HOMEOWNERS ASSOCIATION RECORDED
PURSUANT TO S.C. CODE ANN. §§ 27-30-110 *et seq.*

WHEREAS, the South Carolina Legislature enacted and codified the South Carolina Homeowners Association Act, S.C. Code Ann. §§ 27-30-110, *et seq.*, effective May 17, 2018, which Act requires the recording of certain Homeowners Association documents, to include By-Laws and amendments thereto; and,

WHEREAS, to comply with the requirements of the Homeowners Association Act, the Board of Directors for the Trotters Ridge Homeowners Association has directed its undersigned counsel to record in the Dorchester County Register of Deeds a copy of the Constitution and Bylaws of the Trotters Ridge Homeowners Association, as the same were adopted, amended and restated at a duly called meeting of its members on May 9, 2014, and a copy of which is attached hereto as Exhibit "1"; now, therefore,

KNOW ALL MEN BY THESE PRESENTS, that the operative Constitution and Bylaws of the Trotters Ridge Homeowners Association are those as set forth by the copy of the same attached hereto as Exhibit "1" and dated May 9, 2014, and that the copy of the same is hereby recorded by counsel for the Trotters Ridge Homeowners Association, at the direction of its Board of Directors, in satisfaction of the requirements of the South Carolina Homeowners Association Act, S.C. Code Ann. §§ 27-30-110, *et seq.*

WITNESS my hand and seal this 9th day of January, 2019.

Witnesses:

Jodi B. Mize
R. Marclant

TROTTERS RIDGE HOMEOWNERS
ASSOCIATION

By: [Signature]
Andrew T. Shepherd, attorney for Trotters
Ridge Homeowners Association

FILED/RECORDED
January 9, 2019
DORCHESTER COUNTY
REGISTER OF DEEDS

RETURN:



HART HYLAND SHEPHERD, LLC
P.O. BOX 130
SUMMERVILLE, SC 29484

STATE OF SOUTH CAROLINA

)

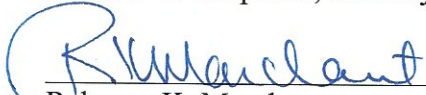
ACKNOWLEDGEMENT

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COUNTY OF DORCHESTER

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The foregoing instrument was acknowledged before me this 9th day of January, 2019, by Andrew T. Shepherd, attorney for Trotters Ridge Homeowners Association



Rebecca K. Marchant

Notary Public for South Carolina

My Commission Expires: 9-10-2025



**CONSTITUTION AND BY-LAWS
OF
TROTTERS RIDGE HOMEOWNERS ASSOCIATION**
(Amended and Restated May 19, 2014)

CONSTITUTION

Article I - Name

The name of this organization shall be the Trotters Ridge Homeowners Association, hereinafter referred to as TRHA.

Article II - Purpose

This Association shall be a non-profit organization, the purpose of which shall be to organize, maintain and/or improve that area known as Trotters Ridge.

BY-LAWS

Article I – Offices

The principal office of the corporation in the State of South Carolina shall be located at the residence of the president.

Article II- Membership

All property (Lot) owners of Trotters Ridge shall be members in the Trotters Ridge Homeowners Association. Membership shall be appurtenant to and may not be separated from ownership of a Lot pursuant to the Covenants and Restrictions of record.

When more than one person holds an ownership interest in any Lot, all such persons shall be members; provided, however, only those members owning an Improved Lot shall have voting privileges and pay dues as hereinafter provided, and such assessments as might be levied. An Improved Lot is a Lot upon which a residence has been constructed and a certificate of occupancy has been issued. No more than one vote shall be cast with respect to any Improved Lot. The vote for any such Improved Lot shall be exercised as the members holding an interest in such Improved Lot determine among themselves. In the event of disagreement, the decision of members holding a majority of interest in such Improved Lot shall govern. Unless otherwise notified by a co-owner as to a dispute between the co-owners regarding their vote prior to the casting of that vote, the vote of a co-owner shall be conclusively presumed to the majority vote of the owners of the Improved Lot. Any member may give his/her written proxy for voting purposes.

Voting rights attributable to an ownership interest in an Improved Lot shall be suspended throughout the term of any default of these By-Laws or the Declaration of Covenants and



Restrictions by an Owner. A member in default for any reason is not a member in good standing and is not entitled to vote.

Whenever a member shall cease to own real property, or own stock in a corporation that owns real property in Trotters Ridge, such member shall automatically be dropped from the membership roll of the TRHA.

In the event publication of rules and regulations or publication with regard to other matters is required to be made to the members, such publication may be accomplished through the posting of the publication on the Trotters Ridge Homeowners Association website, provided a written notice advising the members of such publication is placed at the entrance of the Trotters Ridge subdivision for a period of not less than five (5) days.

Article III - Meeting of Membership

An annual meeting shall be held during the month of June of each year, on the day, time and place designated by the Board of Directors of the TRHA for the purpose of electing officers for the coming year. Written notice shall be given to the general membership at least seven (7) days prior to said meeting via email and/or posting at the entrance to Trotters Ridge

In addition to the annual meeting, there shall be a general membership meeting in October of each year, on the day, time, and place designated by the existing Board of Directors of the TRHA. Special meetings may be called by a majority of the Directors, by the President or by petition to the Board of Directors by at least 25% of the membership.

Article IV- Directors

Section 1

The TRHA shall be governed by the elected officers (President, Vice-President, Secretary, Treasurer) and by the Board of Directors. The Board of Directors will be constituted by the elected offices and at least two (2) members at large.

Section 2

The Board of Directors shall be elected by the general membership. If there be any vacancies in the Board by reason of death, resignation, or otherwise, such vacancies shall be elected by a majority of the Board of Directors then in office, for the balance of that Board's term of office.

Article V - Powers of Directors

The Board of Directors shall have, in addition to such powers as are hereinafter expressly conferred on it:

(1) All such powers as may be exercised by the corporation, subject to applicable provisions of the law in the State of South Carolina, the certificate of incorporation, Declaration of Covenants and Restrictions of record, and the By-Laws, as defined below;

(2) Manage and control the affairs of the TRHA, including the authorization of all expenditures; provided, however, all expenditures greater than Five Hundred Dollars (\$500), but less than One Thousand Dollars (\$1,000), shall be pre-approved by the Board of Directors. With the exception of expenditures for legal services, accounting services, and directors' and officers' insurance, any action taken by the Board of Directors with respect to any expenditure of more than One Thousand (\$1,000) must be pursuant to the direction of a majority of the general membership at a prior meeting. Expenditures for legal services, accounting services, and directors' and officers' insurance shall be pre-approved by the Board of Directors;

(3) To suspend the voting rights of a member and right to use of Common Areas during any period in which such member shall be in default in the payment of dues or any assessment levied by the Association pursuant to the provisions of the Declaration of Covenants and Restrictions. Such rights may also be suspended, after notice and hearing, for a period not to exceed sixty (60) days for the infraction of published rules and regulations, or if the infraction is one which involves: (i) the condition of the Owner's property, (ii) actions or omissions detrimental to the peaceful enjoyment of other members, (iii) or actions or omissions in violation of the Covenants, the suspension shall be for such period of time as the infraction, action, or omission, remains unabated by the member, which determination shall be at the discretion of the Board of Directors;

(4) Employ a manager, an independent contractor or such employees as it deems necessary and prescribe their duties;

(5) Employ attorneys and accountants to represent the TRHA when deemed necessary;

(6) Adopt and publish rules and regulations governing the use of any Common Area and facilities and the personal conduct of the Members and their guests thereon and to establish penalties for the infraction thereof or for violation of the Declaration of Covenants and Restrictions, which penalties may be by means of additional assessments issued by the Board of Directors as provided herein;

(7) Fix the amount of the annual dues, send written notice to every member subject thereto, and to foreclose the lien against any property owner for which such dues or other assessments are not paid within the time proscribed under these By-Laws or to bring an action at law or in equity against the member personally obligated to pay the same;

(8) Issue or cause an appropriate officer to issue, upon demand by any person, a certificate setting forth whether or not any dues or assessments have been paid. A reasonable charge may be made by the Board of Directors for the issuance of these certificates. If a certificate states an assessment has been paid, such certificate shall be conclusive evidence of such payment.

Article VI - Meeting of the Directors

Within thirty (30) days after their election, the Officers shall meet for the purpose of organization and the transaction of any other business at such place and time as agreed upon by the President (Chairman of the Board) in office.

Regular meetings of the Officers shall be held, if possible, one week prior to each general membership meeting. The meeting place shall be the home of the president unless otherwise specified by the President. Special meetings of the Board may be called from time to time as deemed appropriate.

Article VII - Officers

The officers of the TRHA shall consist of a President, Vice-President, Secretary and Treasurer, and shall perform their duties in accordance with the By-Laws of the TRHA.

Article VIII - Election of the Officers and Directors

Any member in good standing is eligible to be elected as an officer or director, and upon receiving the plurality of votes of the members voting at the election, shall be declared elected. Voting shall be by secret ballot or by a show of hands, if agreed by those members present. A slate of proposed officers shall be presented by a nominating committee.

Officers shall serve until July 1 of the next calendar year.

Article IX - Duties of Officers

President: The President shall be the Chairman of the Board and Chief Executive Officer and shall preside at all meetings of the membership. The President shall see that all orders and resolutions of the Board and the membership are carried into effect. The President shall be a member ex officio of all committees, and shall have signing power for all checks and may approve any expenditure less than Five Hundred Dollars (\$500), without the approval of the Board of Directors. The President shall appoint all committee chairs and shall also be chair of the Board of Directors until his/her term expires.

Vice-President: The Vice-President shall be vested with all the powers of the President in his/her absence, shall perform the duties of the President in his/her absence, inability or refusal to act, and shall perform such other duties as may be prescribed by the President and/or the Board of Directors. He/She will be the program chair for all general membership meetings and shall have signing power for all checks.

Secretary: The Secretary shall attend all membership meetings, or appoint a substitute if he/she cannot attend, and act as clerk thereof, and record all votes and minutes of all proceedings. The Secretary shall see that proper notice is given of all meetings of the membership. The Secretary shall maintain a listing of all members and shall make this listing available to all voting members upon request.

Treasurer: The Treasurer shall keep full and accurate accounts of receipts and disbursements in books belonging to the TRHA, and shall deposit all money and other valuable effects in the name and to the credit of the TRHA in such depositories as may be designated by the Board of Directors. He/She shall prepare all checks and shall disburse funds of the TRHA as may be ordered in conformity with these By-Laws, taking proper receipts for such disbursements. He/She shall receive and collect dues and assessments and keep the accounts of members in such form and manner and under such regulations as the Board of Directors may prescribe. All accounts, records and cash of the TRHA maintained by the Treasurer shall be audited annually prior to the annual meeting by a person appointed by the President. A report of such audit shall be furnished to the President, who shall include it in the annual report to the members. Any member of the TRHA wishing to view any financial records shall make a request in writing to the Board and a time and location will be set by the Board for the viewing of the records, of which copies may be purchased at a reasonable cost.

All books and assets of any sort entrusted to an Officer or Director shall be turned over to his successor at the annual meeting.

Article X - Fees, Assessments, Violations, Remedies

Section 1

Initial membership dues, per Improved Lot, shall be payable upon the purchase of an Improved Lot or at the time of the issuance of a certificate of occupancy for new construction in such amounts as may be adopted by the TRHA at a properly noticed meeting of the membership. New owners acquiring an Improved Lot after December 31st are responsible for only 50% of the initial membership dues.

Section 2

Annual dues shall be collected and are due for each Improved Lot on, or before, July 1st of each year. Failure to pay annual dues by the due date constitutes a default by the member. Any assessment not paid within Sixty (60) days after the due date shall be further assessed a late charge in such an amount, as may be adopted by a plurality of the TRHA at a properly noticed meeting of the membership, which amount may be assessed singularly or recur at such intervals and with such rates of interest. Any vote adopting a late charge assessment for annual dues and the terms thereof shall be published to all members. The amount, terms and conditions of any late charge assessment adopted by the TRHA may only be increased following the expiration of 365 days after the previous vote adopting such assessment. There shall be no prohibition, however, on voting to decrease the amount, terms and conditions of late charge assessments prior to the expiration of 365 days after a vote adopting or increasing such assessment, its terms and conditions.

The imposition of a late charge assessment on any delinquent payment shall not eliminate or supersede charges imposed on prior delinquent payments.

Section 3

Any increase in annual dues or the levy of assessments must be presented by the Board of Directors to the general membership, entitled to vote under these By-Laws, for vote of approval or disapproval in such increase. Also, any member may petition for an additional assessment presented through the Board of Directors. Approval of such increases shall be by 51% of the general membership entitled to vote. This Section shall not apply to assessments levied for infractions and violations of rules and regulations promulgated by the Board of Directors or the TRHA or for infractions or violations of the Covenants, nor for assessments levied by the TRHA for the default of a member's obligations (i.e., timely payment of dues and assessments).

Section 4

The Declaration of Covenants and Restrictions expressly provides for the levy of assessments by the TRHA. Every member of the TRHA is bound by the mutual obligations and conditions of the Covenants which established the TRHA, granted membership therein, and governs the maintenance and condition of the properties comprising the Trotters Ridge subdivision as well as the activities and omissions of members and their guests thereon and throughout the neighborhood. Failure to abide by any Rules or Regulations published by the TRHA or recorded Covenants shall be grounds for an action brought by the TRHA or any aggrieved member to recover damages, or obtain injunctive relief, or both.

In addition to these remedies, in the event of a violation by any member of any rules or regulations or the Covenants, such member's voting rights and rights to use Common Area or recreational facilities may be suspended by the Board of Directors and/or an assessment levied after a hearing at which the general requirements of due process shall be observed. The duration of a suspension shall be set by the Board pursuant to Article V(3). Such hearing shall only be held by the Board after giving the member ten (10) days' prior written notice which specifies the alleged violation and sets the time, place and date of the hearing. A determination of the violation and the time of suspension or other sanction, which sanction may include an assessment levied against the member by the Board of Directors in an amount not to exceed the amount of the annual dues then in effect, shall be made by a majority vote of the Board. Although not obligated to pay annual dues for Unimproved Lots, members of Unimproved Lots are subject to assessments for violations of rules and regulations or the Covenants.

The member shall have the right to appeal any adverse ruling of the Board of Directors and shall be entitled to a hearing de novo before the membership of the TRHA, at which the general requirements of due process shall be observed. Upon an appeal by a member of a decision by the Board of Directors, a special meeting shall be held within Sixty (60) days from the decision by the Board of Directors, but the decision of the Board of Directors shall remain in effect unless overruled by a majority vote of the members present at the special meeting.

Any assessment levied by the Board of Directors pursuant to this Section shall be in addition to any annual dues or other assessments and shall be due within thirty (30) days of such assessment.

Section 5

TRHA, or its agent or representative, may bring an action at law or equity against the member personally obligated to pay the dues and assessments described herein, or to foreclose the lien against the Lot to which the dues or assessment are related; and, in either event interest, costs, and reasonable attorney's fees of any such action shall be added to the dues and assessments to the extent allowed by law. No member may waive or otherwise escape liability for the dues and assessments which are levied hereunder by non-use of Common Area or abandonment of such member's Lot.

An additional One Hundred Dollars (\$100.00), or such other amount as may be adopted by the Board of Directors, shall be charged for each lien placed upon a Lot as evidenced by a notice of assessment recorded in the official records of the County.

In any legal or equitable action to enforce payment of dues or assessments, the TRHA shall be entitled to recover interest, costs and reasonable attorneys' fees.

Article XI - Quorum

Section 1

One-third of the voting members, in good standing, present at any meeting shall constitute a quorum to transact any business of the TRHA, except as specified in Section 2 hereof.

Section 2

For purposes of amending the Constitution and By-Laws and Covenants, a quorum shall constitute fifty-one (51%) of the total voting membership, in good standing.

Section 3

Due notice of special meetings shall be given at least seven (7) days in advance of such meeting, said due notice to include a statement of the amendments which will be voted on at said meeting.

Article XII - Committees

The President will determine what committees are to be formed and will appoint all committee chairs as necessary. The members of a committee will be appointed by the Chair of the Committee from members of the TRHA. The Chair of a Committee, or its members, may not involve the organization in any way or incur debts unless given authority to do so by the TRHA.

Chairs of sub-committees are bound to the same rules and guidelines as the parent committee.

Article XIII - Rules of Petition

Any member in good standing may petition the Board of Directors in regard to any ruling by the Board or general membership. All petitions must be presented in writing to the President and will be responded to by the Board of Directors within thirty (30) days.

