

Signed &
approved
11/5/08

UPDATED
5.20.13
BCKing

BY-LAWS
OF
LOST CREEK PATIO HOMEOWNER'S ASSOCIATION, INC.

ARTICLE I
NAME AND LOCATION

The name of the corporation is LOST CREEK PATIO HOMEOWNER'S ASSOCIATION, INC., its successors and assigns hereafter referred to as the "Association". The Association may be contacted through its P.O. Box 1342 in Irmo, South Carolina, 29063. All meetings of the membership as well as the Board of Directors, hereafter referred to as the "Board" shall be at such places and at such times as directed by the Board. The Association meetings shall be open to the members with notice duly given at least ten (10) days in advance of the location and time of such meetings. Board meetings may be attended by Members with written request with purpose to the Board.

ARTICLE II
DEFINITIONS

SECTION 1. ASSOCIATION: "Association" shall mean and refer to the Lost Creek Patio Home Owners Association, Inc., its successors and assigns.

SECTION 2. PROPERTIES: shall refer to that real estate described and delineated in the Declaration of Covenants, Restrictions, Easements and Liens for the Association with such additions thereto as may be brought with the jurisdiction of the Association.

SECTION 3. COMMON AREA: shall mean all property owned by the Association for the common use and enjoyment of the Owners.

SECTION 4. LOT: shall mean and refer to any plot of land shown upon any recorded subdivision survey of the Properties with the exception of the Common Areas.

SECTION 5. OWNER: shall mean or refer to the record owner or representative, whether one or more persons or entities, of the fee simple title to any lot which is a part of the Properties but excluding those having such interest as security for the performance of an obligation.

SECTION 6. DECLARATION: shall mean and refer to the Declaration of Covenants, Restrictions, Easements, Charges and Liens for the Association as recorded in the office of the Registrar of Meane Conveyance (RMC) for Richland County, as amended.

SECTION 7. MEMBER: shall mean every owner, successor or assigns in good standing and such Member shall be entitled to cast one (1) vote for each parcel of real property to which that Member can show and claim absolute fee simple title. No one parcel or lot of land owned by a Member shall entitle that Member to cast more than one (1) vote upon any proposition or question submitted within or to the Association.

SECTION 8. MAJORITY OF MEMBERS: in any question or proposition shall be carried by a simple majority vote of those Members present or voting by proxy/ballot.

SECTION 9. RECORDATION: shall mean that the Covenants, Restrictions, Easements, Charges and Liens filed on record in the office of the RMC for Richland County, as amended, shall be changed, in keeping with the jurisdiction and decisional laws in the State of South Carolina, to agree with the By-Laws of the Association as well as its Rules and Regulations.

SECTION 10. QUORUM: shall mean the majority of the Members of the Association represented at general Membership meetings for the transaction of business of the Association.

SECTION 11. AUTHORITY: shall mean that the Association shall have total and absolute authority over all areas of property designated as common areas, together with the absolute right to take such remedial action as may be necessary to enforce compliance with the By-Laws and Rules and Regulations as it appertains to any dwelling which may negatively impact the common area by obnoxious, offensive or other depreciating activity which directly relates to such common area. Such authority does not, however, constitute any right of the Association to exercise this authority over any area that cannot be viewed from a common area. Such authority to areas which do not adjoin a common area under control of the Association shall not be under the control of the Association. If such an area becomes obnoxious or offensive as defined under the statutory and decisional laws of the State of South Carolina then a Member must bring a complaint to the local authorities.

ARTICLE III PROPERTY RIGHTS

SECTION 1. PROPERTY RIGHTS: Each Member shall be entitled to the use and enjoyment of the facilities designated as Common Areas. Any Member may delegate his rights of enjoyment of the Common Area to the Members of his family, his tenants or contract purchasers who may reside on the property. Such rights and privileges are subject to suspension after a written complaint by a Member to the Board with a majority vote for censure thereon. Such censure must include a written notice provided to the violating party or entity with a specific statement as to the violations and penalties with length of the time of suspension.

ARTICLE IV MEETING OF MEMBERS

SECTION 1. ANNUAL MEETINGS: The Board must call a meeting each fiscal year no more than thirteen (13) months after the previous annual meeting. This requirement is subject to the right of the Board to call more frequent meetings of the Members should the Board decide it is necessary and desirable to do so.

SECTION 2. SPECIAL MEETINGS: A Special Meeting of the Members may be called at any time by the Board or by written request of twenty five (25%) percent of all Members who are entitled to vote.

SECTION 3. NOTICE OF MEETING: Written notice of each membership meeting, regardless of its intent or purpose, shall be provided by the Board, through the Secretary of the Association, at least ten (10) days before such meeting. All meetings shall be open to the members with the proviso

that the Board reserves the right to reschedule any meeting where the facility concerned is inadequate to fulfill the requirements of those appearing at the meeting. Such written notice of such meetings, regardless of nature or kind, shall specify the date, place and hour of the meeting and the intended purpose thereof.

SECTION 4. PROXIES: At all meetings of Members, each Member may vote in person or by proxy. All Proxies shall be in writing on a Board approved form. Each and every proxy shall be revocable for cause with written notice given. The Proxy shall automatically cease upon either conveyance of the real property of the party which entitles that party to vote or upon the appearance of the Member at the Meeting for which the proxy was intended with a declaration, at the meeting, that the Member wishes to revoke the written proxy previously given.

ARTICLE V BOARD OF DIRECTORS, SELECTION, TERM OF OFFICE

SECTION 1. NUMBER: The affairs of this Association shall be managed by a Board of nine (9) Directors, who must be Members in good standing.

SECTION 2. TERM OF OFFICE: The Members shall each year elect three (3) Directors for a term of three (3) years.

SECTION 3. REMOVAL: Any Director may be removed from the Board, with or without cause, by a vote of a majority of Members. In the event of death, resignation or removal of a Director, the successor shall be selected by a majority vote of Members for any unexpired term of the Director so removed by special meeting or mail in ballot.

SECTION 4. COMPENSATION: The Directors shall serve without compensation but shall be reimbursed for any expenditure incurred in the performance of their duties.

SECTION 5. ACTION TAKEN WITHOUT A MEETING: The Directors shall have the right to take action in the absence of a meeting by obtaining approval of the majority of the Directors. Any action so approved shall have the same effect as though taken at a meeting of the Directors.

ARTICLE VI NOMINATION AND ELECTION OF DIRECTORS

SECTION 1. NOMINATION: Nomination for election to the Board shall be made by a Nominating Committee. Nominations may also be made from the floor at the annual meeting. The Nominating Committee shall be appointed by the Board and shall consist of a Chairman and two (2) or more members of the Association. The Nominating Committee shall make as many nominations for the election to the Board as it shall determine needed but not less than the number of vacancies to be filled.

SECTION 2. ELECTION: Election to the Board shall be by secret ballot.

ARTICLE VII
MEETINGS OF DIRECTORS

SECTION 1. REGULAR MEETINGS: The Board meetings shall be held monthly with published notice of the date, place and time.

SECTION 2. SPECIAL BOARD MEETINGS: Special meetings of the Board shall be held when called by the President of the Association or by any two (2) Directors, with not less than three (3) days notice to each Director.

SECTION 3. QUORUM: A majority of the Directors present at a duly held meeting shall constitute a quorum for the transaction of business and every act or decision made by this majority shall be regarded as an act of the Board.

ARTICLE VIII
POWERS AND DUTIES OF THE BOARD OF DIRECTORS

SECTION 1. POWERS: The Board shall have the power to;

- (a) Adopt and publish rules and regulations governing the use of common Area and Facilities, if any, and the personal conduct of the Members and their guests and establish penalties for any infraction thereof;
- (b) Suspend the voting rights and the right to use common areas and facilities of a Member during any period in which a Member is in default of any assessment levied by the Association. Such rights may also be suspended after notice and hearing for an infraction of the published Rules and Regulations;
- (c) Exercise for the Association all powers, duties and authority vested in or delegated to this Association and not reserved to the Membership by other provisions of these By-Laws, the Articles of Incorporation or the Declaration;
- (d) Declare the position of a member of the Board to be vacant if such member is absent from three (3) consecutive regular Board meetings;

SECTION 2: It shall be the duty of the Board to:

- (a) Keep a complete record of all its acts and corporate affairs and to present A statement to the members at the annual meeting or at any special meeting when such statement is requested in writing by twenty five (25%) percent of the Members who are entitled to vote;
- (b) Supervise all officers, agents and employees of the Association and see that their duties are properly performed;
- (c) Determine the amount of the annual assessment against each lot at least thirty (30) days in advance of each annual assessment period;

- (d) Send written notice of assessment to every owner at least thirty (30) days in advance of each assessment period;
- (e) Bring any judicial or remedial remedies, pursuant to statutory and decisional laws of the State of South Carolina against any property for which assessments are not paid within ninety (90) days after the due date. Such remedy or proceeding shall only be conducted after receipt of a written opinion recommending such action by an attorney employed by the Association to review the circumstances, liabilities and benefits for pursuit of the suggested remedy;
- (f) Issue or cause an appropriate officer to issue, upon demand by any person, a certificate setting forth whether or not an assessment has been paid. A reasonable charge may be made by the Board for the issuance of these certificates. If a certificate states an assessment has been paid, such certificate shall be conclusive evidence of such payment;
- (g) Procure and maintain adequate liability and hazard insurance upon property owned by the Association;
- (h) Cause all officers or employees having fiscal responsibilities to be bonded, for an amount to be determined by the Board. The premium for the bond is to be paid from the Membership fees;
- (i) The Board shall cause the Common Areas to be maintained.

ARTICLE IX
OFFICERS AND THEIR DUTIES

SECTION 1. ENUMERATION OF OFFICES: All officers of this Association shall be Members of the Board and shall consist of a President, Vice President, Secretary, Treasurer and any other officer the Board may create.

SECTION 2. ELECTION OF OFFICERS: The Election of officers shall take place at the first meeting of the Board following each annual meeting of the Members.

SECTION 3. RESIGNATION OR REMOVAL: Any officer may be removed from office with or without cause by the Board. Any officer may resign at any time by giving written notice to the Board. Such resignation shall take effect on the date of receipt of the notice or any later time specified and the acceptance of such resignation shall not be necessary to make it effective.

SECTION 4. VACANCIES: A vacancy in any office may be filled by the Board and the officer appointed shall serve for the remainder of the term of the officer being replaced.

SECTION 5. MULTIPLE OFFICES: The offices of Secretary and Treasurer may be held by the same person.

SECTION 6. DUTIES: The duties of the officers are as follows:

- (a) PRESIDENT: The president shall preside over all meetings of the Board, see that the orders and resolutions of the Board are carried out, sign all leases, mortgages, deeds and other

written resolutions.

- (a) VICE-PRESIDENT: The Vice-President shall act in place of the President in the President's absence, inability or refusal to act and shall exercise and discharge all other duties as may be required by the Board.
- (b) SECRETARY: The Secretary shall record the votes, keep minutes of all meetings and proceedings of the Board and of the Members, serve notice of meetings of the Board and of the Members, keep appropriate records of the Association and perform any other duties as required by the Board.
- (c) TREASURER: The Treasurer shall receive and deposit in appropriate bank accounts all monies of the Association and shall disburse funds as directed by the Board, prepare all checks and promissory notes for signing by two (2) designated Board Members, keep proper books of account, cause an annual audit of the Association books at the completion of each fiscal year, prepare an annual budget and statement of income and expenditures to be presented to the Membership at the annual meeting and provide a copy to each member.

ARTICLE X COMMITTEES

The Association may create any committee that it deems to be appropriate and necessary to effectuate the By-Laws and Rules and Regulations of the Association. Such committees shall perform under the authority of the Board and strictly within the confines and direction set forth by the Board.

ARTICLE XI BOOKS AND RECORDS

The Books, Records and Papers of the Association shall at all times be subject to review with written request by any Member. Copies of documents may be purchased at reasonable cost.

ARTICLE XII ASSESSMENTS

Each member is obligated to pay annual and any special assessments. Any assessment which is not paid within thirty (30) days of the written notice of its due date shall bear interest, pursuant to the statutory and decisional laws of the jurisdiction of the State of South Carolina. The Association may bring such remedial or procedural remedies to which it may be entitled under and pursuant to the statutory and decisional laws of the State of South Carolina which may include a Declaration of a Lien with interest for the delinquency upon the assessment and enforcement of such rights to which the Association may be entitled as a result of the delinquency. No owner may waive or otherwise escape liability from the assessment of the levy.

ARTICLE XIII AMENDMENTS

These By-Laws may be amended at a regular or special meeting of the Members by a vote of seventy-five (75%) percent of the Membership present or by proxy/ballot. In the case of any conflict

between the Articles of Incorporation and these By-Laws, the By-Laws shall control.

ARTICLE XIV
MISCELLANEOUS

The fiscal year of the Association shall begin on the first (1st) day of July and end on the thirtieth (30th) day of June every year.

ARTICLE XV
DISSOLUTION

In the event of the dissolution of the Lost Creek Patio Homeowner's Association, Inc. for any reason, the simple majority of the Membership of the Association shall render its resolution as to the disposition of the assets of such corporation.

**MODIFICATIONS TO LOST CREEK PATIO HOMEOWNERS'
ASSOCIATION, INC., BY-LAWS
Article V / BOD Selection, Term of Office
Section 1. / Number
Section 2. / Term of Office**

Section 1

The affairs of this Association shall be managed by a Board of seven (7) Directors, who must be members in good standing.

Section 2

The Members shall each year elect either two (2) Directors for a term of three (3) years or three (3) Directors for a term of three (3) years.

**The LCPHA approved these modifications at the
May 20, 2013 Annual Meeting.**

**John Phillips
President, LCPHA**