

MARGARET L BAILEY
DORCHESTER COUNTY
REGISTER OF DEEDS

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

*** THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE ***

*** ELECTRONICALLY RECORDED DOCUMENT ***

Instrument #:	2023005838	
Receipt Number:	165269	Return To:
Recorded As:	EREC-MISCELLANEOUS	
Recorded On:	March 29, 2023	
Recorded At:	02:50:10 PM	Received From: SIMPLIFILE
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Book/Page:	RB 14652: 132 - 138	Direct- MCKEWN PLANTATION NORTH PROPERTY
Total Pages:	7	Indirect- MCKEWN PLANTATION NORTH PROPERTY

*** EXAMINED AND CHARGED AS FOLLOWS ***

Recording Fee:	\$25.00
Tax Charge:	\$0.00

Margaret Bailey

Margaret Bailey - Register of Deeds



STATE OF SOUTH CAROLINA
 COUNTY OF DORCHESTER

**RESOLUTION OF THE BOARD OF DIRECTORS
 OF MCKEWN PLANTATION NORTH
 PROPERTY OWNERS ASSOCIATION, INC.
 VIOLATIONS POLICY & FINE SCHEDULE**

Cross Reference: *Declaration of Covenants, Conditions, and Restrictions for McKewn Plantation North, Deed Book 10583, at Page 145.*

The undersigned, being the Board of Directors of McKewn North Property Owners Association, Inc. (hereinafter referred to as the “Board” and the “Association,” respectively), **DO HEREBY CONSENT, AGREE, AUTHORIZE AND RESOLVE AS FOLLOWS:**

WHEREAS, pursuant to Article VIII, Section 8.5 of the Declaration of Covenants, Conditions, and Restrictions for McKewn Plantation North, recorded in **Deed Book 10583, at Page 145** of the Dorchester County Register of Deeds Office (the “Declaration”), the Association has the power to enforce compliance with the Governing Documents by imposing fines, suspending voting rights or rights of services the Association provides, levying a Specific Assessment, exercising self-help, requiring an Owner remove any violation at that Owner’s expense, recording a notice of violation, precluding any person who is an invitee of the Owner in violation from any future activities in the Community, and/or by instituting an action at law or in equity to recover sums due for damages and/or for injunctive relief; and

WHEREAS, pursuant to the Article VIII, Section 8.5, the Board may not impose certain sanctions unless and until proper notice and opportunity to be heard is provided as set forth in the Bylaws of the Bylaws of McKewn Plantation North Property Owners Association, Inc. (the “Bylaws”), recorded at Exhibit D of the Declaration; and

WHEREAS, the Board desires to provide the following Violations Policy & Fine Schedule which outlines and summarizes the Association’s enforcement authority pursuant to Article III, Section 3.23 of the Bylaws, and provides a detailed violation procedure, and monetary fine schedule; and

WHEREAS, under no circumstances shall this Violations Policy & Fine Schedule be interpreted or construed to limit, restrict, or amend the enforcement remedies and procedures set forth in the Declaration and Bylaws; nor shall it be interpreted in any way that conflicts with the Declaration and Bylaws.

NOW THEREFORE, the Board hereby adopts the following **VIOLATION POLICY &**

PLEASE RETURN AFTER RECORDING TO:
 MCCABE, TROTTER, & BEVERLY, P.C.
 4500 FORT JACKSON BLVD., STE. 250
 COLUMBIA, SOUTH CAROLINA 29209
 MTB FILE NO. 21844.60

FINE SCHEDULE:

1. **VIOLATION PROCEDURE:** In the event the Board, or its authorized property management company, determines that an Owner or Owners are in violation of the Governing Documents, or that an Owner is responsible for a violation of such Owner's occupant, family member, tenant, guest, employee, contractor, and/or invitee, *prior to* imposition of (i) monetary fines which shall constitute a lien upon the Unit; (ii) suspension of voting rights; (iii) suspension of services provided by the Association; (iv) exercising self-help/abatement in a non-emergency situation; (v) requiring removal or restoration of or to a Unit by an Owner; (vi) banning a contractor or invitee of the Owner; or (vii) levying a Specific Assessment, *the following procedures (as set forth in the Bylaws) must be followed:*
 - a. **Notice.** The Board, or its delegate, shall serve the responsible Owner(s) (and if contact information is available the responsible occupants, tenant, employee, guest, or invitee) with a written notice which includes the following:
 - i. The nature of the alleged violation;
 - ii. The sanction(s) to be imposed; and
 - iii. A period of not less than **fourteen (14) days** within which the Owner may present a written request for a hearing to the Board (only Owners may request a hearing); and
 - iv. A statement that the proposed sanction shall be imposed as contained in the notice against the Owner, unless a hearing is requested/a challenge is begun by the Owner within **fourteen (14) days** of the notice.
 - b. **Suspension of Sanction.** The Board may, but shall not be obligated to, suspend any proposed sanction if the violation is cured within **fourteen (14) days** of the notice. Such suspension of the sanction shall not constitute a waiver of the right to impose sanctions for future or continuous violations of the same or similar provisions of the Governing Documents.
 - c. **Hearing.** If a hearing is requested by the Owner within the allotted **fourteen (14) day** period, the hearing shall be held before the Board in executive session. The Owner shall be afforded a reasonable opportunity to be heard. Prior to the effectiveness of any sanction hereunder, proof of proper notice of the hearing shall be placed in the minutes of the hearing. Notice shall be deemed satisfied if the Owner or the Owner's authorized representative appears at the hearing. A written statement of the results and the sanction imposed, if any, shall be documented in minutes of the hearing, and shall be provided to the Owner within **ten (10) days** following the hearing.
2. **Notice not Required.** The Board may take the following enforcement procedures to ensure compliance with the Governing Documents *without* the notice and hearing requirements as set forth in the Bylaws and outlined above in paragraph one (1) above:
 - a. Exercising self-help in any emergency situation, including, but not limited to, the towing of vehicles in violation of parking rules and regulations; and

- b. Bringing suit at law or in equity to enjoin any violation or to recover monetary damages or both.
3. **Fine Schedule & Application.** See *Exhibit A* for the Fine Schedule which is applicable to most violations of the Governing Documents. The Board, in its sole discretion has the authority to deviate from the Fine Schedule based on the particular circumstances. However, any deviation from this Fine Schedule must be approved by two-thirds (2/3rds) of the Board.
4. **Self-Help/Abatement Remedy.** In addition to, or in lieu of, sanctions, in the event an Owner fails to perform his or her maintenance responsibility property, the Association may perform such maintenance responsibilities and assess all costs the Association incurs against the Unit and the responsible Owner as a Specific Assessment in accordance with Article IX, Section 9.3 of the Declaration. Except in an emergency situation, the Association shall provide the Owner reasonable notice and an opportunity to cure the violation prior to exercising self-help or abatement remedies.
5. **Recording Notice of Violation.** In addition to, or in lieu of, sanctions, in the event of any violation of the Governing Documents, the Association may record a notice of violation in the Dorchester County Register of Deeds. Except in an emergency situation, the Association shall provide the Owner reasonable notice and an opportunity to cure the violation prior to recording a notice with the Dorchester County Register of Deeds. All cost incurred by the Association to record the notice of violation shall be assessed against the Owner as a Specific Assessment pursuant to Article IX, Section 9.3 of the Declaration.
6. **Attorneys' Fees & Costs of Enforcement.** In any action or suit brought at law or in equity to enforce the Governing Documents, if the Association prevails, it shall be entitled to recover all costs, including, without limitation attorneys' fees and court costs, reasonably incurred in such action.
7. **Authorization of Management Company.** The Board has delegated to its property management company the authority to inspect, to collect evidence, and to send notices to Owners (and if contact information is available, to Owner's occupants or tenants) in violation of the Governing Documents. The property management company is authorized, without the need for additional approval from the Board, to inspect and send notices for any perceived violation of the Governing Documents in accordance with the procedure set forth herein. Approval from the Board shall be required for any deviation of this policy.
8. **The Board reserves the right to adopt, repeal, or modify the foregoing policy at any time.**
9. **Capitalized terms used herein shall have the same meaning as set forth in the Declaration and/or Bylaws unless otherwise defined.**

10. This Violations Policy & Fine Schedule is not intended to conflict with or amend the terms of the Declaration or Bylaws. All terms and conditions of the Declaration and Bylaws shall remain in full force and effect, and unchanged.

ADOPTED this 23rd day of March, 2023 (“Effective Date”), by the unanimous vote of the then current Board of Directors of McKewn Plantation North Property Owners Association, Inc.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the undersigned, duly authorized officer of the Board of Directors has set his/her hand and seal this 23 day of MARCH, 2023 (the "Execution Date"), and by doing so acknowledges and affirms that the foregoing Resolution was duly adopted by unanimous vote of the then current Board of Directors of McKewn Plantation North Property Owners Association, Inc.

SIGNED, SEALED, AND DELIVERED
in the presence of:

MCKEWN PLANTATION NORTH
PROPERTY OWNERS ASSOCIATION, INC.

Wendy Copeland
(witness #1)

By: [Signature] (L.S.)

[Signature]
(witness #2)

Print Name: Alan Sammis

Its (Title): President

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)

ACKNOWLEDGEMENT

I, JACKIE WILLIAMS, a Notary Public for the State of South Carolina, do hereby certify that ALAN SAMMIS, duly authorized officer of McKewn Plantation North Property Owners Association, Inc., personally appeared before me this day and acknowledged the due execution of the foregoing instrument on behalf of the Association.

Given under my hand and official seal this 23 day of MARCH, 2023.

[Signature]

Notary Public for South Carolina
My Commission Expires: 1/9/2027

Jackie Williams
Notary Public, State of South Carolina
My Commission Expires January 9th, 2027

Exhibit A

Fine Schedule

In the event the Board determines that an Owner or Owners are in violation of the Governing Documents, or that an Owner is responsible for a violation of such Owner's occupant, family member, tenant, guest, employee, contractor, and/or invitee, the Board may levy monetary fines. The Board has assigned common violations with a 'tier' level, which will determine the fine amount that may be levied for each violation.

The following fines may be applied for each tier:

Tier Level	1st Offense	2nd Offense	3rd Offense	Subsequent Offenses
Tier 1	\$50.00	\$75.00	\$100.00	\$100.00 per subsequent offense
Tier 2	\$75.00	\$100.00	\$150.00	\$150.00 per subsequent offense
Tier 3	\$100.00	\$150.00	\$200.00	\$200.00 per subsequent offense

Fines may be levied until the violation is corrected, as determined by the Board in its sole discretion. Fines shall constitute a continuing lien upon the Unit. The Board has the authority to levy reasonable monetary fines for any violation of the Governing Documents not specifically assigned a 'tier' level herein.

VIOLATION	TIER LEVEL
Trash and/or Recycling Receptacles	1
Unauthorized statues/decorations on front lawn	1
Basketball goals in street	1
Noise Complaint	1
Animals not on leash	1
Landscape/yard maintenance	2
Parking on grass	2
Exterior maintenance on dwelling/structure	2
Unauthorized holiday decorations	2
Discharge of a firearm	3
Fireworks	3
Vandalism of Association Property	3
Parking in unauthorized locations	3
ARB Violations	3
Parking of disabled or wrecked vehicles	3

Fines may be paid via the IMC online portal at: www.imccharleston.com.