

By-Laws of  
River Bluff Homeowners Association, Inc.

As of August 16, 1992

Article I  
Name

The name of the corporation is River Bluff Homeowners Association, Incorporated, hereinafter referred to as the "Association". The principal address of the corporation shall be 492 Greenwich Drive, Aiken, South Carolina 29803. Meetings of Members and directors may be held at such places within the State of South Carolina, County of Aiken, as may be designated by the Board of Directors.

Article II  
Definitions

- Section 1 "Association" shall mean and refer to River Bluff Homeowners Association, Inc., its successors and assigns, a corporation organized to manage the property listed in the Declaration.
- Section 2 "Common Area" shall mean that real property owned by the Association for the common use and enjoyment of the Owners, designated on the plat of River Bluff Subdivision, or deeded to the Association as recreation areas and entrance to subdivision.
- Section 3 "Declaration" shall mean and refer to the Declaration of Covenants and Restrictions applicable to the Properties recorded in the Office of the RMC of Aiken County, South Carolina.
- Section 4 "Lot" shall mean and refer to any plot of land shown upon any recorded subdivision map of the Properties with the exception of the Common Areas.
- Section 5 "Member" shall mean and refer to every Owner of a lot. When more than one person holds an interest in any lot, all such persons shall be Members.
- Section 6 "Owner" shall mean and refer to the record Owner, whether one or more persons or entities, of the fee simple title to any lot which is a part of the Properties, including contract sellers, but not excluding those having such interest merely as security for the performance of an obligation.

*Melissa Major* 1/10/2019  
MELISSA MAJOR  
RIVER BLUFF HOA PRESIDENT

Section 7 "Properties" shall mean and refer to that certain real property described in the Declaration of Covenants, Conditions and Restrictions, and such additions thereto as may hereafter be brought within the jurisdiction of the Association.

Section 8 "Voting Member" shall mean the individual designated to cast a vote when more than one person holds an interest in a particular lot. The vote shall be cast as they among themselves determine but in no event shall more than one vote be cast with respect to any lot.

Article III  
Membership

Section 1 Every Owner of a lot which is subject to assessment shall be eligible to membership. When more than one person holds an interest in any lot, all persons shall be Members.

Section 2 The Owner of any lot by acceptance of a deed, therefore, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay to the Association monthly assessments of charges for the upkeep and maintenance of the Common Areas. The monthly assessment shall be a charge on the land and shall be a continuing lien upon the property against which each such assessment is made. Each delinquent assessment, together with interest, costs, and reasonable attorneys fees, shall also be the personal obligation of the person who was the Owner of such property at the time when the assessment fell due.

Section 3 No Owner may waive or otherwise escape liability from the assessment provided for herein by nonuse of the Common Area or abandonment of his lot.

Section 4 As more fully provided in the Declaration, each Member is obligated to pay to the Association monthly and special assessments which are secured by a continuing lien upon the property against which the assessment is made. Any assessments which are not paid within thirty (30) days after the due date shall bear interest from the date of delinquency at the rate of 8 percent per annum.

Section 5 Every Owner shall have a right and easement of enjoyment in and to the Common Area which shall be appurtenant to and shall pass with the title to every lot.

Section 6 Any Owner may delegate, in accordance with the By-Laws, his right of enjoyment to the Common Area and facilities to the members of his family, his tenants, and contract purchasers who reside on the property.

**Article IV  
Meetings**

- Section 1** The Annual Membership Meeting shall be held in September.
- Section 2** Regular Membership Meetings shall be held at a time and place designated by the Board.
- Section 3** Special Membership Meetings of the Members shall be called at any time by the President or by the Board of Directors, or upon written request of one-fourth (1/4) of the Voting Members.
- Section 4** Notice of each Regular Membership Meeting shall be given by or at the direction of, the Secretary or person authorized to call the meeting, by posting in a conspicuous location, or distributing to each Member, such notice, at least 7 days before such meeting. Such notice shall specify the place, day and hour of the meeting, and in the case of a Special Membership Meeting, the purpose of the meeting.
- Section 5** The presence at the meeting of one-tenth (1/10) of the Voting Members or of proxies entitled to cast votes shall constitute a quorum for any action except as otherwise provided in the Articles of Incorporation, the Declaration, or these By-Laws. If, however, such quorum shall not be present or represented at any meeting, the Members entitled to vote thereat shall have the power to adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum as aforesaid shall be present or be represented.
- Section 6** At all meetings of Members, each Voting Member may cast a vote in person or by proxy. All proxies shall be in writing and filed with the Secretary. Every proxy shall be revocable and shall automatically cease upon conveyance by the Member of his lot.

**Article V  
Board of Directors**

- Section 1** The affairs of the Association shall be managed by a Board of Directors consisting of not less than three and not more than five. The Board shall have general supervision of the affairs of the Association between its business meetings, fix the hour and place of Regular Membership Meetings, and make recommendations to the Association.
- Section 2** The term of office of a Director shall be two years.

Section 3 Any Director may be removed from the Board, with or without cause, by a majority vote of the Members of the Association. In the event of death, resignation or removal of a director, his successor shall be selected by the remaining members of the Board and shall serve for the unexpired term of his predecessor.

Section 4 No Director shall receive compensation for any service he may render to the Association. However, any Director may be reimbursed for his actual expenses incurred in the performance of his duties.

Section 5 The Directors shall have the right to take any action in the absence of a meeting which they could take at a meeting by obtaining the written approval of all the Directors. Any action so approved shall have the same effect as though taken at a meeting of the Directors.

Section 6 Regular meetings of the Board of Directors shall be held at least once a year immediately following the Annual Membership Meeting at which they were elected. Special meetings of the Board shall be held when called by the President of the Association, or by two Directors, after not less than three days notice to each Director. During Board meetings a majority of the Directors shall constitute a quorum for the transaction of business. Every act or decision done or made by a majority of the Directors present at a duly held meeting at which a quorum is present shall be regarded as the act of the Board.

Section 7 The powers and duties of the Board of Directors are as follows:

- (a) Adopt and publish rules and regulations governing the use of the Common Areas and facilities, and the personal conduct of the Members and their guests thereon, and to establish penalties for the infraction thereof;
- (b) Suspend the voting rights and right to use of the recreational facilities of a Member during any period in which such Member shall be in default in the payment of any assessment levied by the Association. Such rights may also be suspended after notice and hearing, for a period not to exceed 60 days for infraction of 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 the Articles of Incorporation, the Declaration, or other provisions of these By-Laws;
- (d) May declare the office of a member of the Board of Directors to be vacant in the event such member shall be absent from three consecutive meetings of the Board of Directors;

- (e) Employ a manager, an independent contractor, or such other employees as they deem necessary, and to prescribe their duties;
- (f) Cause to be kept a complete record of all its acts or corporate affairs and to make these records available to any of the Members upon request as defined in Article IX of these By-Laws;
- (g) Fix the amount of the assessment against each lot at least thirty days in advance of each annual assessment period. The assessment period being from January 1 to December 31 of the following year;
- (h) Send written notice of each assessment to every Owner subject thereto at least thirty days in advance of each annual assessment period. Provided, however, if there is no change in the amount of the assessment, notice is not necessary;
- (i) Foreclose the lien against any property for which assessments are not paid within 60 days after due date or to bring an action at law against the Owner personally obligated to pay the same;
- (j) Issue, or to cause an appropriate officer to issue, upon demand by any person, a certificate setting forth whether or not any 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;
- (k) Procure and maintain adequate liability and hazard insurance on property owned by the Association;
- (l) Cause all officers or employees having fiscal responsibility to be bonded, as it may deem appropriate;
- (m) Cause the Common Areas to be maintained;
- (n) Cause an annual internal audit of the Association books;
- (o) Prepare an annual budget.

Article VI  
Officers

- Section 1 The officers of the Association shall be a President, a Vice-President, who shall at all times be members of the Board of Directors, a Secretary and a Treasurer. All officers shall reside in the River Bluff Development.
- Section 2 The election of officers shall take place at the first meeting of the Board of Directors following the Annual Membership Meeting.
- Section 3 The officers of this Association shall be elected annually by the Board and each shall hold office for a period of one year unless he shall sooner resign or shall be removed. However, all of said officers who do not resign or are not removed shall continue to hold the office to which they are elected until their successor is named.
- Section 4 The Board may elect such other officers as the affairs of the Association may require, each of whom shall hold office for such period, have such authority, and perform such duties as the Board may, from time to time, determine.
- Section 5 Any officer may be removed from office with or without cause by the Board. Any officer may resign at any time giving written notice to the Board, the president or the secretary. Such resignation shall take effect on the date of receipt of such notice or at any later time specified therein, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.
- Section 6 A vacancy in any office may be filled by appointment by the Board. The officer appointed to such vacancy shall serve for the remainder of the term of the officer he replaces.
- Section 7 The offices of Secretary and Treasurer may be held by the same person. No person shall simultaneously hold more than one of any of the other offices except in the case of special offices created pursuant to section 4 of this Article.
- Section 8 The duties of the officers are as follows:
- (a) The President shall preside at all meetings of the Board of Directors, see that orders and resolutions of the Board are carried out, sign all leases, mortgages, deeds and other written instruments, and co-sign all promissory notes.

- (b) The Vice-President shall act in the place and stead of the President in the event of his absence, inability, or refusal to act, and shall exercise and discharge such other duties as may be required of him by the Board.
- (c) The Secretary shall record the votes and keep the 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 current documents and records, keep a list showing the Members of the Association together with their addresses, and shall perform such other duties as required by the Board.
- (d) The Treasurer shall ensure proper handling of all Association Receivables, disbursement of such funds as directed by the Board of Directors, preparation of all checks and promissory notes, preparation and maintenance of books of accounts both receivable and payable, preparation of monthly and annual statements showing income and expenditures, compliance to internal audits of the association records as performed at least annually, and completion and submittal of the Association Income Tax to the proper agencies.

**Article VII  
Committees**

- Section 1** Committees, standing or special, with the exception of the nominations committee, shall be appointed by the President as the Association or the Board shall from time to time deem necessary to carry on the work of the Association.
- Section 2** The President shall be an ex officio member of all committees except the Nominating Committee.

**Article VIII  
Nominating, Voting, and Election of Directors**

- Section 1** Nomination for election to the Board of Directors shall be made by a Nominating Committee. Nominations may also be made from the floor at the Annual Membership Meeting. The Nominating Committee shall consist of a chairman, who shall be a member of the Board of Directors, and two or more Members of the Association. The Nominating Committee shall make as many nominations for election to the Board as is in its discretion determines but not less than the number of vacancies that are to be filled.

Section 2 The Nominating Committee shall be appointed by the Board of Directors.

Section 3 Election to the Board of Directors shall be by secret written ballot at the Annual Membership Meeting. At such election the Voting Member or their proxy shall cast a vote in respect to each vacancy. The person receiving the largest number of votes shall be elected. Cumulative voting is not permitted.

Section 4 Any Member with an outstanding assessment of sixty (60) days or more shall forfeit voting rights, until such debt is paid in full.

Article IX  
Books and Records

The books, records and papers of the Association shall be at all times, during reasonable business hours, subject to inspection by any Member. The Articles of Incorporation, Declaration, Restrictive Covenants, and By-Laws shall be provided to all Members.

Article X  
Assessments

Section 1 The assessments levied by the Association shall be used exclusively for the purpose of maintaining the Common Areas.

Section 2 The Board shall fix the monthly assessment at an amount necessary to maintain the Common Areas.

Section 3 After the Directors have fixed the assessment against the lot owners, it shall not be increased without notice of intent to do so. The notice must be distributed to the Owners at least thirty (30) days prior to the meeting at which said increase shall be considered.

Section 4 At the first such meeting called, the presence of Members or of proxies entitled to sixty percent (60%) of all the votes shall constitute a quorum. If the required quorum is not present, another meeting may be called subject to the same notice requirements, and the required quorum at the subsequent meeting shall be one-half (1/2) of the required quorum at the preceding meeting. No such subsequent meeting shall be held more than sixty (60) days following the preceding meeting.

Section 5 The monthly assessment provided herein shall commence as to all lots on the first day of the month following the purchase and conveyance of said lot to the Owner.



Section 6 The lien of Assessment provided for herein shall be subordinate to the lien of the first mortgages. Sale or transfer of any lot shall not effect the assessment lien.

**Article XI  
Amendments**

Amendments to these By-Laws may be requested by any Member. The request shall be in writing and read at two consecutive Membership Meetings. After the second reading the Members shall vote on the proposed amendment. Once a quorum has been determined, a majority vote, by secret ballot, of the Voting Members present or their proxies shall determine the disposition of the proposed amendment.

NOT OFFICIAL

Article XII  
Miscellaneous

IN WITNESS WHEREOF, we, the Directors of River Bluff Homeowners Association, Inc., have hereunto set our hands this 16th day of August, 1992

Scott Parks

*Scott Parks*

President

Jeffrey C. Griffin

*Jeffrey C. Griffin*

Vice-President

Steven R. Crawford

*Steven R. Crawford*

Director

Larry W. Stein

*Larry W. Stein*

Director

Vacant

Certification

The undersigned hereby certifies:

That he is the duly elected and acting Secretary of River Bluff Homeowners Association, Inc., a South Carolina Corporation, and that the foregoing By-Laws constitute the original By-Laws of said Association and was duly adopted at a meeting of the Board of Directors held on the 16th day of August, 1992.

IN WITNESS WHEREOF, I have hereunto subscribed my name, this 16th day of August, 1992.

Jon D. Kuhns

*Jon D. Kuhns*

Secretary

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BY LAWS  
RECORDING FEES \$16.00  
PRESENTED & RECORDED:

01-10-2019 01:10 PM

JUDITH WARNER  
REGISTER OF MESNE CONVEYANCE  
AIKEN COUNTY, SC  
BY: JULIE STUTTS DEPUTY RMC

BK: RB 4757

PG: 1764 - 1773

