

BY-LAWS  
OF  
CEDAR CREEK HOMEOWNERS ASSOCIATION, INC.

ARTICLE I  
NAME AND LOCATION

The name of the corporation is CEDAR CREEK HOMEOWNERS ASSOCIATION, INC., hereinafter referred to as the "Association". The principal office of the corporation shall be located at Little River, South Carolina 29566, but meetings of members and directors may be held at such places within the State of South Carolina, County of Horry, as may be designated by the Board of Directors.

ARTICLE II  
DEFINITIONS

Section 1. "Association" shall mean and refer to CEDAR CREEK HOMEOWNERS ASSOCIATION, INC., its successor and assigns.

Section 2. "Member" shall refer to any person owning a lot, with or without improvements, in the subdivision known as Cedar Creek.

Section 3. "Block Representative" shall refer to any one of the five committee members defined and established by the Declaration of Restrictions of Cedar Creek Village dated May 21, 1993, recorded in Book 497, page 736, Horry County, South Carolina.

ARTICLE III

MEETING OF MEMBERS

Section 1. Annual Meetings. The first annual meeting of the members shall be held within one year from the date of incorporation of the Association, and each subsequent regular annual meeting of the members shall be held during the month of January of each year thereafter, at the hour of 7:30 o'clock P.M.

Section 2. Special Meetings. Special meetings of the members may be called at any time by the president or by the Board of Directors, or upon written request of at least ten members of the Association.

Section 3. Notice of Meetings. Written notice of each meeting of the members shall be given by, or at the direction of, the secretary or person authorized to call the meeting, by mailing a copy of such notice, postage prepaid, at least ten (10) days before such meeting to each members, addressed to the member's address last appearing on the books of the Association, or supplied by such member to the Association for the purpose of notice. Such notice shall specify the place, day and hour of the meeting, and , in the case of a special meeting, the purpose of the meeting.

Section 4. Quorum. The presence at the meeting of one-tenth (1/10) of membership, including proxies, 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 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 5. Proxies. At all the meetings of members, each member may 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 IV

##### BOARD OF DIRECTORS: SELECTION: TERM OF OFFICE

Section 1. Number. The affairs of the Association shall be managed by a Board of five (5) directors comprised of the five Block Representatives defined and established by the Declaration of Restrictions of Cedar Creek Village.

Section 2. Term of Office. At the first annual meeting the members shall elect five directors for a term of two years, and on alternate annual meetings, thereafter, the members shall elect five directors for a term of two years.

Section 3. Removal. 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 serve for the unexpired term of the predecessor.

Section 4. Compensation. 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. Action Taken Without a Meeting. 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.

#### ARTICLE V

#### NOMINATION AND ELECTION OF DIRECTORS

Section 1. Nomination. Nomination for election as Block Representatives shall be made by a Nominating Committee, and such Block Representatives shall, when elected, act as members of the Board of Directors, ex officio. Nominations may also be made from the floor at the annual 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 be appointed by the Board of Directors prior to each annual meeting of the members, to serve from the close of such annual meeting until the close of the next annual meeting and such appointment shall be announced at each annual meeting. The Nominating Committee shall make as many nominations for election to the Board of Directors as it shall in its discretion determine, but not less than the number of vacancies

that are to be filled. Such nomination may be made from among members only.

Section 2. Election. Election to the Board of Directors shall be by secret written ballot. At such election the members or their proxies may cast one vote in respect to each vacancy. The persons receiving the largest number of votes shall be elected. Cumulative voting is not permitted.

#### ARTICLE VI

##### MEETINGS OF DIRECTORS

Section 1. Regular Meetings. Regular meetings of the Board of Directors shall be held once each quarter without notice, at such place and hour as may be fixed from time to time by resolution of the Board.

Section 2. Special Meetings. Special meetings of the Board of Directors shall be held when called by the president of the Association, or by any director, after not less than three (3) days notice to each director.

Section 3. Quorum. A majority of the number of directors shall constitute a quorum for the transaction of business. Every act of 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.

#### ARTICLE VII

##### POWERS AND DUTIES OF THE BOARD OF DIRECTORS

Section 1. Powers. The Board of Directors shall have power to:

(a) adopt and publish rules and regulations governing the use of the Common Area 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 of a member during any period in which such member shall be in default in the payment of any assessment levied in paragraph three of the Declaration of Restrictions.

(c) exercise for the Association only the powers, duties and authority vested in or delegated to this Association by the Declaration of Restrictions.

(d) declare the office of a member of the Board of Directors to be vacant in the event such member shall be absent from three (3) consecutive regular meetings of the Board of Directors; and

(e) select a Bank to act as a depository of funds and to determine the form of checks and the person or persons by whom the same shall be signed.

Section 2. Duties. It shall be the duty of the Board of Directors to:

(a) cause to be kept a complete record of all its acts and corporate affairs and to present a statement thereof to the members at the annual meeting of the members, or at any special meeting when such statement is requested of the Association in writing by at least ten members.

(b) supervise all officers, agents and employees of

the Association, and to see that their duties are properly performed.

(c) as more fully provided in the Declaration, to:

X (1) send written notice of each assessment to every Owner subject thereto at least thirty (30) days in advance of each annual assessment period; and

Y (2) foreclose the lien, as provided in Paragraph 4 of the Declaration of Restrictions, against any property for which assessments are not paid within thirty (30) days after due date or to bring an action at law against the owner personally obligated to pay same. The board may elect not to press for collection of assessments from delinquent members.

(3) cause the Common Area to be maintained.

(4) procure and maintain adequate liability and hazard insurance on property owned by the association.

(5) fix the amount of the annual assessment against each lot at least thirty (30) days in advance of each annual assessment period.

#### ARTICLE VIII

##### OFFICERS AND THEIR DUTIES

Section 1. Enumeration of Officers. The officers of this Association shall be a president, vice-president, secretary and treasurer who shall at all times be either members of the Board of Directors or members of the Association. The same person may hold more than one office simultaneously except the office of President and Secretary.

Section 2. Election of officers. The election of officers shall take place at the first meeting of the Board of Directors following each annual meeting of the members.

Section 3. Term. The officers of the Association shall be elected annually by the Board and each shall hold office for one (1) year unless he shall sooner resign, or shall be removed, or otherwise disqualified to serve.

Section 4. Special Appointments. 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. Resignation and Removal. 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, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

Section 6. Vacancies. A vacancy in any office may be filled by appointment of the Board. The officer appointed to such vacancy shall serve for the remainder of the term of the officer he replaces.



Section 7. Duties. The duties of the officers are as follows:

President

(a) The president shall preside at all meetings of the Board of Directors; shall see that orders and resolutions of the Board are carried out.

Vice-President

(b) The vice-president shall act in 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.

Secretary

(c) The secretary shall record the votes and keep the minutes of all meetings and proceedings of the Board and of the members; keep the corporate seal of the Association and affix it on all papers requiring said seal; serve notice of meetings of the Board and of the members; keep appropriate current records showing the members of the Association together with their addresses, and shall perform such other duties as required by the Board.

Treasurer

(d) The treasurer shall receive and deposit in appropriate bank accounts all monies of the Association and shall disburse such funds as directed by resolution of the Board of Directors; shall sign all checks of the Association; keep proper

books of account; cause an annual audit of the Association books to be made by a public accountant at the completion of each fiscal year; and shall prepare an annual budget and a statement of income and expenditures to be presented to the membership at its regular annual meeting, and deliver a copy of each to the members.

#### ARTICLE IX

##### COMMITTEES

The Board of Directors shall appoint committees as deemed appropriate in carrying out its purpose.

#### ARTICLE X

##### BOOKS AND RECORDS

The books, records and papers of the Association shall at all times, during reasonable business hours, be subject to inspection by any member. The Declaration, the Articles of Incorporation and the By-Laws of the Association shall be available for inspection by any member at the principal office of the Association, where copies may be purchased at reasonable cost.

#### ARTICLE XI

##### CORPORATE SEAL

The Association shall have a seal in circular form having within its circumference the words: CEDAR CREEK HOMEOWNERS ASSOCIATION, INC., 1992.

ARTICLE XII

AMENDMENTS

Section 1. These By-Laws may be amended, at a regular or special meeting of the members, by a vote of a majority of a quorum of members present in person or by proxy.

Section 2. In the case of any conflict between the Articles of Incorporation and these By-Laws, the Articles shall control; and in the case of any conflict between the Declaration and these By-Laws, the Declaration shall control.

ARTICLE XIII

MISCELLANEOUS

The fiscal year of the Association shall begin on the first day of January and end on the 31st day of December of every year, except that the first fiscal year shall begin in the date of incorporation.

ARTICLE XIV

INDEMNIFICATION

Every director and every officer of the Association shall be indemnified by the Association against all expenses and liabilities, including attorneys fees reasonably incurred in connection with any action or proceeding stemming from his or her performance of duties as a director or officer of the Association. The Association shall cause to have in force one million dollars of liability insurance covering directors and officers.

IN WITNESS WHEREOF, we, being all of the directors and  
officers of the CEDAR CREEK HOMEOWNERS ASSOCIATION, INC., have  
hereunto set our hands this 18 day of August, 1994.

By:

Steve Bostian  
Steve Bostian - Director - Representative Block B

Ernest Derrick  
Ernest Derrick - Director - Representative Block E

John B. Sloan  
John Sloan - Director - Representative Block C

Ted Holt Walter  
Ted Holt Walter - Director - Representative Block D

Emily Gaskauskas  
Emily Gaskauskas - Director - Representative Block A

Richard Jones  
Richard Jones - President

James Powers  
James Powers - Secretary

Frederick Dilger  
Frederick Dilger - Treasurer

CERTIFICATION

I, the undersigned, do hereby certify:

THAT I am the duly elected and acting secretary of the CEDAR  
CREEK HOMEOWNERS ASSOCIATION, INC., a South Carolina eleemosynary  
corporation, and,

THAT the foregoing By-Laws constitute the Amended By-Laws of  
said Association, as duly adopted at a meeting of the Board of  
Directors, held on the 18 day of August, 1994.

James Powers  
James Powers - Secretary

**HORRY COUNTY REGISTER OF DEEDS  
TRANSMITTAL SHEET**

**TO BE FILED WITH EACH INSTRUMENT PRESENTED ELECTRONICALLY FOR RECORDING.  
HORRY COUNTY REGISTER OF DEEDS, 1301 SECOND AVENUE POST OFFICE BOX 470 , CONWAY ,  
SOUTH CAROLINA 29526**

DOCUMENT TYPE OF INSTRUMENT BEING FILED: Restrictions

DATE OF INSTRUMENT: .

DOCUMENT SHALL BE RETURNED TO:

NAME: McCutchen Mumford

ADDRESS:

4610 Oleander St. (Suite 203)

Myrtle Beach, SC 29577

TELEPHONE: (843) 449-3411

FAX: (843) 449-3411

E-MAIL ADDRESS: fmj@lawyersatthebeach.com

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Related Document

(s):

**PURCHASE PRICE / MORTGAGE AMOUNT: \$ .**

**BRIEF PROPERTY DESCRIPTION: CEDAR CREEK VILLAGE**

**TAX MAP NUMBER (TMS #) . / PIN NUMBER: .**

**GRANTOR / MORTGAGOR / OBLIGOR / MARKER (FROM WHO):**

FULL BUSINESS NAME

1. CEDAR CREEK HOMEOWNERS ASSOCIATION INC

**GRANTEE / MORTGAGEE / OBLIGEE (TO WHO):**

FULL BUSINESS NAME

1. CEDAR CREEK HOMEOWNERS ASSOCIATION INC