

Spence Plantation HOA

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By Laws of the Homeowners Association

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BY LAWS OF THE SPENCE PLANTATION HOMEOWNERS' ASSOCIATION, INC.

ARTICLE I. NAME

Section 1. Name: The name of the non-profit corporation is Spence Plantation Homeowners

Association, Inc., hereinafter called the "Association".

ARTICLE II. PURPOSE

Section 1. Purpose: The Association shall use its best efforts to:

- A. Promote a sense of community within the Spence Plantation subdivision ;
- B. Enhance the property values within the Spence Plantation subdivision for the benefit of all Spence Plantation Homeowners;
- C. Own, purchase, manage, maintain, repair and replace, as a non-profit corporation of the type described in Sec. 33-31-10 et. seq., Code of Law of South Carolina (1976), any and all land, equipment, supplies, facilities, and buildings acquired on behalf of all members of the Association;
- D. Collect assessments and disburse funds for the maintenance of association property and the furtherance of the goals stated herein;
- E. Sponsor various activities and social events for the purpose of promoting unity and harmony among the residents of

Spence Plantation;

F. Insure that all members are fully apprised of the Spence Plantation Deed

Restrictions, Covenants, Architectural Control Committee regulations, Standing Rules and Bylaws, and to use all means legally available to the Association to insure that these are enforced;

C. Perform all functions specified to be performed by the Association in that Maintenance

Easement and Agreement to Convey, hereinafter called the "MAINTENANCE EASEMENT AND AGREEMENT TO CONVEY", from Spence Plantation Partnership to Spence Plantation

Homeowners' Association, Inc.; and

H Promulgate such rules and regulations and to perform such acts as are deemed necessary to achieve the aforesaid objectives.

ARTICLE III. DURATION

Section Duration: The

duration of the Association shall be perpetual.

ARTICLE IV. GENERAL POWERS

Section
1.

General Powers of the Association: The Association shall have the power to make contracts; to restrict or suspend membership rights and privileges; to hold, purchase, lease, mortgage or otherwise dispose of and convey such real and personal property as the business of the Association requires; to appoint such subordinate officers and agents as the business of the Association requires, and to prescribe their duties; to make Bylaws, rules and regulations not inconsistent with any existing law or Spence

Plantation Deed Restrictions for the management of its Affairs; to amend the MAINTENANCE EASEMENT AND AGREEMENT TO CONVEY; and to do any lawful acts or

things reasonably necessary or desirable carrying out the Association's purposes and for protecting the lawful rights interests of its members in connection therewith.

Text Box: Te) MEMBERSHIP AND VOTING RIGHTS

ARTICLE V.

Section 1. Members: The owners collectively of each lot in Spence Plantation except those lots owned by the Spence Plantation Partnership, shall be members of the Association and shall be the only members of the Association.

Text Box: Voting Rights: The dues-paying owners collectively of each lot in the subdivision shall be entitled to one (1) vote, provided that owner is current in the payment of the Association assessments and dues, and is in compliance with the Associations Bylaws, Deed Restrictions, Standing Rules and the Architectural 'Control Committee Regulations.

Text Box: Proxy Votes: Proxy votes are permitted and members represented by proxies at a meeting shall be considered present at that meeting for the purposes of determining Quorums and vote percentages. A member of the Association may, at his sole discretion, give a written proxy to another member for the purpose of voting on issues before the Association. All proxies must be written and must specify their duration and, if any, special restrictions. In no event shall any member hold more than ten (10) other members' proxies at a given time. Members voting other members' proxy votes must evidence the written proxies to the Chair prior to casting any such proxy votes.

Text Box: Absentee Ballots: Absentee ballots shall be permitted for the election of officers and at large members. The ballot shall be submitted in writing to the Secretary prior to the meeting at which such election is to be held.

Text Box: Transfer of Membership: Upon the sale or other transfer of ownership of any lot in the Spence Plantation Subdivision, the membership in the Association applicable to such lot shall be automatically transferred to the new owner(s) of the lot concurrent with the transfer of lot ownership.

Evidence of Membership: The Secretary of the Association shall maintain a roll of the members of the Association, and upon any sale or transfer of ownership of any lot in the ' subdivision, the Secretary shall delete from the membership roll the name of the former owner(s). This membership roll shall be the only evidence of membership other than the Deed and the instrument of transfer or ownership.

Text Box: Term of Membership: Membership shall run concurrently and perpetually with the ownership of lot in the Spence Plantation Subdivision. No owner(s) of any lot shall have any right, or power to disclaim, terminate or withdraw from the membership in the

Association or any such owners obligations as a member, and no purported disclaimer, termination or withdrawal therefrom on the part of any such owner shall be any force or effect for any purpose.

ARTICLE VI. MEETINGS OF MEMBERS

Section 1. **Bi-annual Meeting:** There will be one bi-annual meeting in April.

Section 2. **Annual Meetings:** The annual meeting shall be held on the second Tuesday of

November, at which time officers and standing committee members are elected and installed.

Text Box: **Special Meetings:** Special meetings of the members may be called at any time by the President, the majority of the Board, or upon written request or at least 10% of the membership, provided at least fourteen (14) days notice has been given.

Text Box: **Notices of Meetings:** Written notice of each meeting of the members shall be delivered to each members address by the Secretary, or any person authorized to call the meeting, at least fourteen (14) but not more than thirty-five(35) days before such meeting. The notice shall specify the place, date and hour of the meeting, and all agenda items known at the time the notice is given. When the meeting is to include proposals, reports or action of the following subjects, the meeting

notice must specify these as agenda items: A change in dues, a special assessment, an amendment of the MAINTENANCE EASEMENT AND AGREEMENT TO CONVEY, the election of an officer or committee Chairman, or legal action. A change in Standing Rules must have thirty (30) days notice.

Text Box: **Quorum:** For actions identified in Article VI, section 6.A. or 6.B., or legal action, forty percent (40%) of the membership entitled to vote shall constitute a quorum. For all other actions, twenty-five percent (25%) of the membership entitled to vote shall constitute a quorum.

Te: Section 6. **Voting:** A majority number of the votes being cast by members present at any duly constituted meeting shall be required to pass or adopt any act or resolution, except for:

A. Amendments to the Association Bylaws, which shall require for passage an affirmative two-thirds (2/3) of the votes entitled to be cast by members present at the meeting, and

B. The following actions, which shall require for passage an affirmative vote of at least two-thirds(2/3) of the members votes entitled to be cast upon such matters: amendments of the MAINTENANCE EASEMENT AND AGREEMENT TO CONVEY, an increase in an assessment of greater than one hundred dollars(\$100) or which exceeds the prior years amount by more than twenty-five percent(25%), the use of property owned by the Association as collateral for a loan, the subjection of the subdivision common areas to the criminal laws of the State of South Carolina and the County of Lexington and the enforcement of thereof by the respective Law enforcement officers and the Architectural Control Committee regulations.

Text Box: Section 7. Transaction of Association Business By Mail: Should it be meetings of the members, to transact Association business which requires a vote determination of the Officers it is impossible or impractical to convene a special vote of the membership may be solicited. In such cases, the requirements regarding percentages which are set forth above shall be observed.

ARTICLE VII. NOMINATIONS, ELECTIONS AND VACANCIES

Section 1. Nominations:

A. There shall be a nominating committee made up of volunteers from the Association at the annual meeting: A chairperson shall already have been contacted to serve by the nominating committee.

The nominating committee shall be responsible for verifying eligibility and presenting a slate of nominees at the Annual Meeting. Additional nominations may be made from the floor.

All lot and or homeowners will be contacted to serve on the board and committees until all positions are filled.

Section 2. Elections: Officers shall be elected at the Annual Meeting and a majority vote shall

elect.

Section 3. Vacancies:

A. If a vacancy occurs in the office of the President, the Vice President shall assume the Presidency for the remainder of the term.

B. If a vacancy occurs in the office of Vice President, Secretary, or Treasurer, the Nominating Committee shall present a candidate for the vacant office or offices at the first business meeting following the vacancy. Additional nominations may be made from the floor. The elected officer or officers shall assume the duties of the office for the remainder of the term.

Section 4. Installations: The officers elected at the annual meeting shall take office on January 1

to December 31 .

Article VIII. OFFICERS

Section 1. Composition: The Officers of the Association will be the President, Vice President, Secretary, Treasurer, and the Chair of the Architectural Control Committee, the Chair of the Bylaws and Regulatory Committee, and the Chair of the Nominating Committee. Each

officer must be a member in good standing of the Association.

Section 2. **Responsibility:** The seven Officers of the Association shall constitute the Board of the Association. The Board will manage all business activities of the Association.

Section 3. **Term of Office:** The President, Secretary, Chairs of the By law, Nominating and

Te: Architectural Control Committee shall extend from January 1 to December 31. The Vice President shall assume the office of the President and the Treasurer shall serve a term of two years.

Section 4. **Compensation:** No Officer shall receive compensation for service rendered to the Association. However, Officers may authorize reimbursement for expenditures incurred in performance of duties for the Association by majority vote.

Section 5. **Resignation and Removal:** Any Officer may be removed from the office by an affirmative vote of two-thirds (2/3) of forty percent (40%) of the membership entitled to vote. Any Officer may resign at any time by giving written notice to the President or the Secretary.

Section 6. **Multiple Positions:** No member shall simultaneously hold more than one position as an officer.

Section 7. **Nepotism:** No husband and wife shall serve on the board simultaneously.

ARTICLE IX. MEETINGS OF THE BOARD

Section 1. **Regular Meetings:** Regular meetings of the Board shall be held at least quarterly at such place and hours as may be agreed by the officers.

Section 2. **Special Meetings:** Special meetings of the

Section 3. Officers shall be held when called by the president or three officers.

Quorum: A minimum of four officers shall constitute a quorum for the transaction of business. Every act or decision done or made by a majority of the officers present at a Officers meeting shall be regarded as an act of the Association, provided it is within the powers and duties of Article X.

Article X. **POWERS AND DUTIES OF THE BOARD**

Section 1. **General Powers:** The Board, acting in accordance with Article IX, shall have the power

to

A. Suspend a members' privileges for members in default of any assessment levied by the

Association and take legal action to obtain moneys due the Association with the member in default liable for the Association's legal costs.

B Declare the position of an officer vacant in the event the officer has failed to attend three consecutive quarterly meetings.

C. Employ and prescribe the duties of independent contractors, or other such employees or agents, as it deems necessary to carry out the affairs of the Association.

D. Authorize the expenditure of Association hands and reimburse from the Association treasury any member for authorized expenditures incurred by the member on behalf of the Association. Expenditures in excess of Association funds, unbudgeted expenditui es. exceeding two hundred filly dollars(\$250) or budgeted expenditures that exceed the

Te) budget allocation by more than ten percent(10%) or two hundred and filly (\$250), whichever is greater, shall require prior affirmative vote of the members at the annual or a special meeting.

E. Propose the amount of dues and any special assessments, and

F. Act on behalf of the Association and

in accordance with the provisions of these By Laws and the MAINTENANCE EASEMENT AND AGREEMENT TO CONVEY deed restrictions and the regulations of the Architectural Control Committee, in all matters pertaining to the Association between meeting of the members of the Association.

Section 2. Duties: The general duties of the Board shall include:

- A. Maintain a complete record of all acts and corporate affairs, and present a statement of the record to the members at the Annual meeting or at any special Meeting when such statement is requested in writing by one-fourth (1/4) of the members who are entitled to vote.
Establish a budget for each fiscal year and submit it to the membership at the annual meeting for approval.
- C. Propose any special assessment(s) deemed in the best interest of the Association.
- D. Direct the Secretary to send notices of meetings to each member.
- E. Direct the Treasurer to send written dues and special assessment statements to every association member at least fifteen(15) days or thirty(30) days, respectively, in advance of the date such dues or assessments are due to the Association.
- F. Direct the Treasurer to collect dues on a yearly basis and any special assessments when levied.
- G. Direct the Treasurer to issue, upon demand by a member, a statement setting forth whether or not all applicable dues and special assessments have been paid by the requesting member or any other member.
Procure and maintain liability, fire and other hazard insurance on the Association, its officers, and the property owned by the Association, as determined appropriate by the officers.

Direct the Treasurer to cause any officers, members, or employees having fiscal responsibilities to be bonded, as deemed appropriate.

J. Cause all required county, state and federal taxes and reports to be paid and/or filed on a timely basis.

K. Cause all official records of the Association to be maintained.

ARTICLE XI. DUTIES OF ELECTED OFFICERS

Section 1. President: The duties of the President shall include the duty to preside at all meetings of the Association and the Board; see that orders and resolutions of the Association are carried out; sign all contracts and other written instruments; sign checks in the absence of the Treasurer; and exercise and discharge such other duties as required by the membership or officers. The President shall be an ex-officio members of all association committees.

Section 2. Vice President: The duties of the Vice President shall include the duty to preside at any

meeting of the members or officers in the event the President is not present. In the event

that the President cannot fulfill the duties of Section 1, the Vice President shall assume those duties until the President can resume the assigned duties or a new president is elected.

Text Box: Secretary: The duties of the Secretary shall include the duty to record the votes and keep the minutes of all meetings and proceedings of the Board and the Association; send written notices of meetings and information to the members as directed by the Board; keep appropriate current records showing names and addresses of the members and their standing with the Association ; maintain official association documents; and perform such duties as may be required by the members or the officers of the Association; and make sure each new member is apprised of Covenants, Deed Restrictions, Bylaws and the Architectural Control Committee.

Text Box: **Treasurer:** The duties of the Treasurer shall include the duty to send notices of assessments and collect assessments from each member; receive and deposit in appropriate bank accounts all moneys of the Association and disburse such funds as directed by the Officers; sign all checks and co-sign promissory notes of the Association; keep proper books of account; cause an annual audit of the Association books to be made by an accountant at the completion of the fiscal year if so directed by the Board; prepare an annual financial report to be presented to the membership at each Annual Meeting; present interim reports at each meeting of the Board and the membership; prior to each meeting of the membership and the Board, notify the Secretary of the names of any members who are not current in the payment of their Association dues or assessments; transfer to his successor in office all financial records in his custody, in an orderly condition and on a timely basis; and perform such other duties as required by the Board or the membership.

Text Box: Text Box: **ARTICLE XII: STANDING
Section COMMITTEES
3:
Section 1 Names:**

- A. Architectural Control Committee
- B. The Bylaws and Regulatory Committee
- C. The Nominating Committee

Te) **Composition:** Standing committee members shall be elected by the Association. Each committee shall elect a Chair from its own membership by a majority vote. Each committee member must be a member in good standing of the Association, and is in compliance with the Bylaws, Deed Restrictions, and the Architectural Control Committee Regulations.

Size: Each committee shall have a minimum of three(3) members including the Chair.

Meetings: Each committee, except nominating and bylaw committee, shall meet at least quarterly at such place and hour as may be agreed by each committee. Special meetings of a committee shall be held when called by the committee's Chair

or by any two (2) members of a committee.

Text Box: Duties of Committees: The duties of each
Section 5. committee shall be established by the
A. Officers and shall include:

The Architectural Control Committee:

- (1) maintenance and beautification of the landscaping of the subdivision entrances, common areas, and other areas of the subdivision designated by the Board;
- (2) keeping members apprised of all Association rules and regulations and of the Deed Restrictions and their regulations, and reporting any violation thereof to the Board;
- (3) researching and assisting the Board to identify issues which may effect the Association, it's members, or the subdivision: that is, identification of issues and/or problems that may impact upon the homeowners collectively or the or the property values in general of the Spence Plantation subdivision;
- (4) representation of the Association on the Architectural Board. The Bylaws and Regulatory Committee: (1) propose membership Bylaw amendments;
- (2) propose membership rules, regulations, and penalties governing the use of the property and facilities of the association and the personal conduct of members and guest thereon;
- (3) publish all rules and regulations adopted by the Association;
- (4) ensure that all members are fully apprised of the Spence Plantation Deed Restrictions And Association Bylaws, and that these Deed Restrictions and Bylaws are enforced;
- (5) originate amendments to the Bylaws at the directive of any member. These

proposed changes must be submitted sixty days (60) before the Annual Meeting. Proposed changes submitted will be mailed to the Association members thirty days (30) before the meeting;

- (6) cause the Vice President present to discuss any proposed changes to the Bylaws with the other Board members at a meeting scheduled by the Vice President at least one week prior to the Annual Meeting;
- (7) keep a standing list of all regulations indicated in the Deed to Real Estate for each owner which cannot be altered;
- (8) shall act at the directive of the Board when an Association member is not meeting the deed restriction requirements.

Text: The Nominating Committee:

(1) presents a slate of nominees at the Annual Meetings;

(2) presents nominees for vacancies as indicated in these Bylaws.

Text Box: Duties of Chairs: The duties of a Chair shall include the duty to preside at the committee meetings; see that the duties of the committee are carried out; report on committee activities at each regular meeting of the Board and the Association and at other meetings of the Association when so requesting by the President; and perform such other duties as may be required by the Board or members.

Te) ARTICLE XIII. ASSESSMENTS

Section 1. Funding Authorization: The Association shall obtain such funds as it shall require from time to time by assessment upon the members in the same proportion as the entitlement to vote on the affairs of the Association. To the extent necessary to provide

for expenditures for which the requisite funds have not been provided by such assessments, the Association shall have the power to borrow moneys from such sources and upon terms and conditions and with such security as the Board shall determine, provided, however that no property of the Association shall be encumbered to secure such borrowing without the affirmative vote of at least two-thirds (2/3) of the member's votes entitled to be cast upon such matters.

Section 2. Types of Assessments: The types of assessments shall be dues and special assessments.

Text Box: Text Box: ARTICLE XIV. FILING OF Amount of Dues
: The amount of dues shall be determined not less frequently than annually by the Officers who shall notify the members not less than thirty (30) days before such dues shall become effective. The power of the Officers'to determine the amount of the

dues shall be subject to the limitation that no dues shall be increased over the immediate prior years' amount by more than twenty-five percent (25%) or One Hundred Dollars(\$100), whichever is less, without approval by affirmative vote of at least two-thirds(2/3) of the members' votes entitled to be cast upon such matter.

Text Box: Payment of Dues: Dues shall be paid annually and may include provisions for such reserves for future expenditures as the Board shall deem appropriate. Dues of all members of the Association shall be due and payable to the Association by January 31. After January 31 a late payment and charge of twenty-five dollars (\$25) a month will be assessed.

Text Box: Special Assessments: When levied, special assessments shall be due and payable to the Association within thirty(30) days of written notice of such assessment being given to each member.

Text Box: Proration of Assessments: The amount of any assessment due in any year from a member who becomes a member of the Association after January 1 of that year shall be prorated based on the date such member becomes a member and a 365-day year. Prorated dues shall be due and payable to the Association within fifteen(15) days of delivery of written notice of the prorated dues amount to the member. Prorated special assessments shall be due and payable to the association within thirty(30) days of delivery of written notice of the prorated special assessment amount to the member.

Text Box: Prohibition of Dividends: The Association shall not distribute to its members any sums in the nature of dividends upon their memberships interests. To the extent that funds shall not be required for current expenditures or for reserves, the next annual assessments may, at the discretion of the Board, be eliminated or the amount thereof be reduced. Such reduction or elimination shall not prevent reinstatement of or increase in such assessments when required, but such reinstatement or increase shall not be retroactive. Reinstatement of assessment at the same amount of such assessments prior to any such reduction or elimination shall not be subject to limitations of Section 3.

Section
1. Authority: The Board shall have the authority to file a lien against the property of a member for:

(1) non-payment of dues or assessments;

Section 2. (2) failure to comply with community regulations.

Procedures: A homeowner who is not in compliance with community regulations or one who has failed to pay the dues or assessments will be notified by the Board , by U.S. mail, to make corrections within thirty (30) days.

If the corrections have not been made or the fees have not been paid within the first thirty (30) days. the Board will notify the homeowner (by certified mail) that a lien will be placed on the property at the end of forty-five (45) days.

If the actions required by the Board have not been made in the seventy-five (75) days, the Board will file a lien against the property of the homeowner. The lien will be filed with the Lexington County Register of Master Conveyances Office. At that time all procedures to be followed are stipulated by the Lexington County Register of Master Conveyances Office.

Text Box: **Fees, Interest, and Penalties:** The homeowner will be liable for all costs incurred by the Homeowners Association in its action against the homeowner. Interest will be calculated at the rate of eighteen percent(18%) on an annual basis. Penalties may be applied by the board to cover related costs.

Text Box: **Appeal Procedures:** A homeowner who receives a written notice may request, in writing, a meeting with the Board to discuss the issue. The Board will meet with the homeowner within thirty (30) days.

Text Box: **PARLIAMENTARY PROCEDURES**
The rules contained in the latest revision of *Robert 's Rules of Order* shall govern the Spence Plantation Association Homeowners in all cases where applicable and in which the rules are not inconsistent with the Bylaws and Standing Rules of the Association.

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