

BYLAWS OF BERGEN PLACE PROPERTY OWNERS ASSOCIATION, INC.

BYLAW ONE
OFFICES

The principal office of the Association shall be located at _____,
(P. O. Box 7084), City of North Augusta, County of Aiken, State of South Carolina.

BYLAW TWO
PURPOSES AND OBJECTS

In amplification of the purposes for which the Association has been formed the purposes and objects are as follows:

- (a) To develop a community designed for safe, healthful, harmonious living.
- (b) To promote the collective and individual property and civic interests and rights of all persons, firms, and corporations owning property in Bergen Place Subdivision.
- (c) To care for the improvements and maintenance of the common areas, greenways, gateways, public easements, parkways, grass plots, parking areas, and any facilities of any kind dedicated to community use and other open spaces and other ornamental features of the above-described subdivision known as Bergen Place Subdivision, which now exist or which may hereafter be installed or constructed in such subdivision.
- (d) To aid and cooperate with the members of the Association and all property owners in the tract in the enforcement of such conditions, covenants, and restrictions on and appurtenant to their property as are now in existence, as well as any other conditions, covenants, and restrictions as shall hereafter be approved by a majority vote of the members of the Association.
- (e) In general, but in connection with the foregoing, to do any and all things necessary to promote the general welfare of the residents and owners of any portions of Bergen Place Subdivision and their property interests in Bergen Place Subdivision.
- (f) To acquire, own, or lease such real and personal property as may be necessary or convenient for the transaction of its business and the fulfillment of its purposes and objects, and to exercise all rights, powers, and privileges of ownership to the same extent as natural persons might or could do.

- (g) To arrange social and recreational functions for its members.
- (h) To exercise any and all powers that may be delegated to it from time to time by the owners of real property in the tract.
- (i) This Association shall not engage in political activity or pursue political purposes of any kind or character.

BYLAW THREE
MEMBERS

(a) Class of Members. The Association shall have one class of members. The qualifications and rights shall be as follows:

(1) Every beneficial owner, as distinguished from an owner of a security interest, of a residential unit in Bergen Place Subdivision, shall be a member.

(2) Membership shall include an undertaking by the applicant to comply with and be bound by these bylaws and amendments thereto, and the policies, rules, and regulations at any time adopted by the Association in accordance with these bylaws. Membership shall be accompanied by payment of the first year's dues in advance.

(3) Membership in this Association shall terminate on such member's ceasing to be a beneficial owner of a residential building site, lot, or unit in or on the property described in these bylaws.

(b) Voting Rights: Each member in good standing shall be entitled to vote on each matter submitted to a vote of the members, provided however, that each member shall be the sole beneficial owner of a residential building site or residential unit in Bergen Place Subdivision; a member shall have one vote for each residential building site of which he or she is a beneficial owner. Where two or more owners own a lot, or in the event of resubdivision, only one vote for such lot or unit owned shall be allowed, and such joint owners shall designate and register with the secretary of the Association the name of that owner entitled to cast such single vote.

(1) At membership meetings all votes shall be cast in person, or by proxy registered with the secretary.

(2) The board of directors is authorized to establish regulations providing for voting by mail.

BYLAW FOUR
MEETINGS OF MEMBERS

(a) Annual Meeting: An annual meeting of the members for the purpose of hearing reports from all officers and standing committees and for electing directors shall be held in the County of Aiken, State of South Carolina in September of each year. The time and place shall be fixed by the directors.

(b) Regular Meetings: In addition to the annual meetings, regular meetings of the members shall be had at such time and place as shall be determined by the board of directors.

(c) Special Meetings: A special meeting of the members may be called by the board of directors. A special meeting of the members must be called within five (5) days by the president, or the board of directors, if requested by not less than twenty-five percent (25%) of the members having voting rights.

(d) Notice of Meetings: Written notice stating the place, day, time and hour of any meeting of members shall be delivered either personally or by mail to each member entitled to vote at such meeting, not less than five (5) days before the date of such meeting, or at the direction of the secretary.

(e) Quorum: The members holding sixty-six percent (66 %) of the votes that may be cast at any meeting shall constitute a quorum at any meeting of the members. In the absence of a quorum, a majority of the members present may adjourn the meeting from time to time without further notice.

(f) Proxies: At any meeting of the members, a member entitled to vote may vote by proxy executed in writing by the member. No proxy shall be valid after twelve (12) months from the date of its execution, unless otherwise provided in the proxy.

(g) Voting by Mail: Where directors or officers are to be elected by members, or where there is an act requiring the vote of the members, such election or vote on such proposed action may be conducted by mail in such manner as the board of directors shall determine.

BYLAW FIVE
BOARD OF DIRECTORS

(a) General Powers: The affairs of the Association shall be managed by the board

of directors, subject to instructions of the members of the Association at a regular meeting, or subject to the approval of the membership as expressed by a vote of the membership.

(b) Number, Tenure, and Qualifications: The initial board of directors shall be comprised of nine (9) directors. Each director shall be a member of the association, and shall hold office until three (3) annual meetings of the members following his or her original qualification shall have been held, and until his or her successor shall have been elected and qualified. Any increase in the number of directors shall be in units of two (2).

(c) Regular Meetings: The board of directors shall meet regularly at least once every six (6) months, at a time and place it shall select.

(d) Special Meetings: A special meeting of the board of directors may be called by or at the request of the president or of a simple majority of the directors.

(e) Notices: Notice of any special meeting of the board of directors shall be given at least five (5) days prior to such meeting, by written notice delivered personally (or sent by telephone facsimile (FAX) equipment) or sent by mail to each director. Any director may waive notice of any meeting.

(f) Quorum: A two-thirds (2/3) majority of the board of directors shall constitute a quorum for the transaction of business at any meeting of the board, but if less than a two-thirds (2/3) majority of the directors are present at such meeting, a majority of the directors present may adjourn the meeting from time to time, and without further notice.

(g) Manner of Acting. The act of a majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors, unless the act of a greater number is required by law or by these bylaws.

(h) Vacancies: Any vacancy occurring in the board of directors, and any directorship to be filled by reason of the increase in the number of directors, shall be filled by election by the board of directors. A director elected to fill a vacancy shall be elected for the unexpired term of his or her predecessor in office.

(i) Management: The board of directors may employ a manager, an independent contractor, or such other employee or employees as they deem necessary, and to prescribe their duties.

**BYLAW SIX
OFFICERS**

(a) **Officers:** The officers of the Association shall be a president, a vice-president, a secretary, and a treasurer.

(b) **Qualifications and Methods of Election:** The officers shall be members of the Association, shall be elected by the board of directors, and shall serve for a term of one (1) year. The president and vice-president shall be members of the board of directors.

(c) **President:** The president shall preside at all meetings of the Association and of the board of directors at which he or she is present, shall exercise general supervision of the affairs and activities of the Association, and shall serve as a member ex officio of all standing committees.

(d) **Vice-President:** The vice-president shall assume the duties of the president during the president's absence.

(e) **Secretary:** The secretary shall keep the minutes of all of the meetings of the Association and of the board of directors, which shall be an accurate and official record of all business transacted. The secretary shall be custodian of all Association records.

(f) **Treasurer:** The treasurer shall receive all Association funds, keep them in a bank or other savings institution approved by the board of directors, and pay out funds only on notice signed by the treasurer and by one other officer. The treasurer shall be a member ex officio of the finance committee.

(g) **Vacancies.** A vacancy in any office because of death, resignation, removal, disqualification, or otherwise, may be filled by any member of the board of directors for the unexpired portion of the term.

**BYLAW SEVEN
FEES, DUES, AND ASSESSMENTS**

(a) **Admission Without Fee:** Record ownership of a residential building site or, in the event of resubdivision, of any of the sites as shown on any unit or units of the property particularly described, without payment of an admission fee, shall establish the owner as a member of the Association.

(b) **Annual Dues:** The annual dues shall be the same for each member and shall

be two hundred fifty Dollars (\$250.00) per year, subject to such modification as a majority of the directors may require, provided, however, that no increase above twenty-five & No/100 Dollars (\$25.00) per year may be determined without two-thirds (2/3) of the members approving such increase.

(c) Payment of Dues: The annual dues shall be payable annually in advance.

(d) Special Assessments: Special assessments may be levied on members of this Association only by a vote of two-thirds (2/3) of the majority of all members of the association. The procedure for voting on proposed assessments shall be the same as the procedure provided in these bylaws for voting on amendments to these bylaws.

(e) Default in Payment of Dues or Assessments.

(1) When any member shall be in default in the payment of dues or assessments for a period of thirty (30) days from the date on which such dues or assessments become payable, he or she shall, for purposes of voting, not be considered as a member in good standing. In addition, such member shall be dropped from active membership and placed on the inactive list. Such member shall not be reinstated until he or she has paid dues and assessments in full, and until such time as such member is reinstated, he or she shall have no rights of any kind arising out of a membership in the association.

(2) In addition to the foregoing, if any member fails to pay his or her assessments as they become due, on the failure of payment of the assessments after thirty (30) days' written notice of such delinquency given by the Association to such member, the amount of the assessment shall become a lien on such member's unit or lot in the subdivision in favor of the Association, and the Association shall have the right to record a notice of claim of lien, and proceed on such claim in accordance with the provisions of The Code of Laws of South Carolina for the foreclosure and enforcement of liens; or, in the event the Association shall not record a lien, it shall have the right to commence an in personam action against such member for the collection of the assessments in any court of competent jurisdiction.

(f) Assignment of Dues: In the event any member whose dues are paid shall, during the year in which such dues are paid, terminate his or her membership by sale of his or her lot or unit in Bergen Place Subdivision he or she shall be entitled to assign to the buyer of such building lot the benefit of the paid up dues.

BYLAW EIGHT
FISCAL YEAR

The fiscal year of the Association shall be the calendar year.

BYLAW NINE
AMENDMENTS

Any proposed amendment to the bylaws must be submitted in writing at any meeting of the members of the Association. Such proposed amendments shall be discussed at the meeting of the members following the meeting at which the proposed amendment was submitted, and shall be voted on by the members of the Association at a date that shall not be earlier than the second meeting following the initial submission of the proposed amendment. Such proposed amendment must be signed by three (3) members of the Association, shall be read to the meeting by the secretary, and shall be printed on ballots distributed to all members by mail.

A proposed amendment shall become effective when approved by a two-thirds (2/3) majority of the members entitled to vote.

BYLAW TEN
CONFLICT WITH PROTECTIVE COVENANTS

In the event that any provision of the within bylaws are in conflict with the protective covenants of Bergen Place Subdivision, as recorded in Misc. Book 572, at page 9, records of Aiken County, South Carolina, and all supplements and amendments thereto, then and in any event, the protective covenants shall take precedence and be determinative of any ambiguity.

IN WITNESS WHEREOF, Bergen Place Property Owners Association, Inc. has caused these presents to be executed this 13 day of February, 2005. ~~2006~~

Signed, Sealed and Delivered)
in the Presence of)

BERGEN PLACE PROPERTY
OWNERS ASSOCIATION, INC.

D. West
John Wilkins

BY: [Signature]
Director

[Signature]

BY: [Signature]

7

John Willie

Director

Post

BY: Omie M. Bradberry

John Willie

Director

Post

BY: Donna M. Palmer

John Willie

Director

Post

BY: Debra H. Giesel

John Willie

Director

Post

BY: Robin L. McGee

John Willie

Director

Post

BY: Cynthia J. Zimmerman

John Willie

Director

BY: _____

Director

BY: _____


Director

STATE OF SOUTH CAROLINA

COUNTY OF AIKEN

PERSONALLY APPEARED BEFORE ME the undersigned and made oath that (s)he saw Bergen Place Property Owners Association, Inc. by Kelley Mobley, Jeff Lowery, Donna Brabbs, Donna Palmer, Debra Grial, Robin McGee, Cynthia Timmerman, and _____, Its Directors, sign, seal and as its Act and Deed, deliver the within-written Bylaws and that (s)he with the other witness subscribing above witnessed the execution thereof.

SWORN TO BEFORE ME THIS 13th DAY OF February, 2005. 2006

 Ante O. Nampich
NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: My Commission Expires June 6, 2015

[Signature]

A:\BERGENPL.BYL [9/20/05]

2007017861
BY LAWS
RECORDING FEES \$15.00
PRESENTED & RECORDED:
05-25-2007 11:00 AM
JUDITH WARNER
REGISTER OF DEEDS CONVEYANCE
AIKEN COUNTY, SC
By: JOYCE H ERGLE DEPUTY RMC
BK:RB 4139
PG:266-274

RETURN TO:
Bergen Place Property Owners Association, Inc.
P. O. Box 7084
North Augusta, SC 29861