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RECORDING OF AMENDED AND RESTATED BY-LAWS OF SUMMERTREES HOMEOWNERS ASSOCIATION
PURSUANT TO THE SOUTH CAROLINA HOMEOWNERS ASSOCIATION ACT, S. C. CODE SECTION 27-30-100,
ET AL., 1976, AS AMENDED

Tracer Cross-reference: Book Z177, Page489; Book H538, Page 436 and Book 0106, Page 217.

The undersigned President of Summertrees Homeowners Association ("Association") does hereby
certify that the attached Amended and Restated By-Laws of Summertrees Homeowners Association are
being recorded in the Register's Office for Charleston County, South Carolina in accordance with the
requirements of South Carolina Homeowners Association Act, Section 27-30-100, et al., Code of Laws of
South Carolina, 1976, as amended.

WITNESS my hand and seal this 3rd day of September, 2025.

SUMMERTREES HOMEOWNERS ASSOCIATION

(Seal)

By: Barbara Antley
Its: President

John J. Dodds III, LLC
858 Lowcountry Blvd.
Suite 101
Mount Pleasant, SC 29464

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON) **AMENDED AND RESTATED**
) **BY-LAWS OF SUMMERTREES**
) **HOMEOWNERS ASSOCIATION**

RECITALS

WHEREAS, Summertrees Homeowners Association, a South Carolina nonprofit corporation, certifies that:

(1) The Association and its Members desire to amend and restate the Bylaws as set forth below. The prior documents being referenced include:

- The By-Laws of Summertrees Homeowners Association, filed in the ROD Office for Charleston County, South Carolina in Book Z177, Page 489 on September 15, 1988;

- The By-Laws of Summertrees Homeowners Association, filed in the ROD Office for Charleston County, South Carolina in Book H538, Page 436 on May 25, 2005;

- The Amendment to the By-Laws of Summertrees Homeowners Association, filed in the ROD Office for Charleston County, South Carolina in Book 0106, Page 217 on February 8, 2010.

(2) The provisions set forth in these Amended and Restated Bylaws supersede and replace the existing Bylaws, and all amendments thereto.

NOW THEREFORE, the Bylaws of Summertrees Homeowners Association are hereby amended by striking in their entirety all previous Bylaws and amendments thereto, and by substituting the following:

ARTICLE I: NAME AND LOCATION

The name of the corporation is SUMMERTREES HOMEOWNERS ASSOCIATION, hereinafter referred to as the "Association". The principal office of the Association shall be located in the State of South Carolina. All meetings shall be held in the County of Charleston, South Carolina.

ARTICLE II: DEFINITIONS

Section 1. "Association" shall mean and refer to Summertrees Homeowners Association, its successors and assigns.

Section 2. "Properties" shall mean and refer to that certain real property described in the Declaration, and such additions thereto as may hereafter be brought within the jurisdiction of the Association.

Section 3. "Common Area" shall mean all areas of real property and personal property owned by the Association for the common use and enjoyment of the Owners.

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 Area.

Section 5. "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, excluding the Association and excluding those having such interest merely as security for the performance of an obligation.

Section 6. "Declaration" shall mean and refer to:

- (1) the Declarations of Restrictions and Easements for Summertrees Subdivision, filed in the ROD Office for Charleston County, South Carolina in Book M178, Page 445 on October 4, 1988; and
- (2) the Declaration of Covenants, Conditions and Restrictions of Summertrees Homeowners Association, filed in the ROD Office for Charleston County, South Carolina in Book Z177, Page 489 on September 14, 1988.

Section 7. "Member" shall mean and refer to those persons entitled to membership as provided in the Declaration.

Section 8. Use of Gender Terms: Any reference to the male gender in these bylaws shall apply equally to the female or neuter gender.

ARTICLE III: MEETING OF MEMBERS

Section 1. Annual Meeting. The annual meeting of the Members shall be held on the fourth Saturday of October at noon. If the day for the annual meeting of the Members is a legal holiday, the meeting will be held at the same time on the first day following which is not a legal holiday. The Board of Directors may choose an alternate Saturday in October if circumstances necessitate such a change.

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 the Members who are entitled to vote one-fourth (1/4) of all of the votes of the membership.

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, or by sending an email (if the Owner has not specified a preference for regular first-class mail), at least thirty (30) days before such meeting to each Member entitled to vote thereat, addressed to the Member's address or email 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, date 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 Members entitled to cast, or of proxies entitled to cast, thirty (30%) percent of the votes, shall constitute a quorum. If the required quorum is not present, another meeting may be called subject to the same notice requirement, 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. Proxies. At all 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 this Association shall be managed by a Board of seven (7) directors, who must be Members of the Association.

Section 2. Term of Office. The Association has seven (7) directors serving staggered three-year terms. At each annual meeting, the Members of the Association shall elect for a term of three (3) years directors whose offices expire at that annual meeting.

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 be selected by the remaining Members of the Board and shall serve for the unexpired term of his 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 (e-mail acceptable) 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 to the Board of Directors shall be made by a Nominating Committee. 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 nominations may be made from among Members of the Association.

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, in respect to each vacancy, as many votes as they are entitled to exercise under the provisions of the Declaration. 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. The Board of Directors shall determine the frequency of its regular meetings, which shall be held not less than once per calendar quarter. Meetings may be held in person, through virtual/electronic means, or a combination thereof, as determined by the Board. The Board shall establish the place and time of regular meetings by resolution.

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 two directors, 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 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 4. Participation. Directors may participate in a regular or special meeting through use of conference telephone, electronic video screen communication, or other communications equipment, so long as all directors participating in such meeting can hear one another. Participation in a meeting pursuant to this section constitutes presence in person at such meeting.

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 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 sixty (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 other provisions of these By-Laws, the Articles of Incorporation, or the Declaration;
- (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, in person or through electronic or virtual means; and
- (e) Employ a manager, an independent contractor, or such other employees as they deem necessary, and to prescribe their duties.

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 in writing by one-fourth (1/4) of the Members who are entitled to vote;

(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:

(1) Fix the amount of the annual assessment against each Lot at least thirty (30) days in advance of each annual assessment period;

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

(3) Foreclose the lien against any property for which assessments are not paid within thirty (30) days after the due date or to bring an action at law against the owner personally obligated to pay the same.

(d) Issue, or to cause an appropriate officer or management agent 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 or management agent for the issuance of these certificates. If a certificate states an assessment has been paid, such certificate shall be conclusive evidence of such payment;

(e) Procure and maintain adequate liability and hazard insurance on property owned by the Association;

(f) Cause all officers or employees having fiscal responsibilities to be bonded, as it may deem appropriate;

(g) Cause the Common Area to be maintained, including the maintenance of planter strips within the right-of-way of any street, if any, and the maintenance of any fence, landscaping and buffering within any Common Area. Said Common Area may, in the future, include drainage facilities, detention ponds, structures, non-real estate property, personal property and other areas which will be subject to maintenance by the Association.

ARTICLE VIII: OFFICERS AND THEIR DUTIES

Section 1. Enumeration of Offices. The officers of this Association shall be a president and vice-president, who shall at all times be members of the Board of Directors, a secretary, and a treasurer, and such other officers as the Board of Directors may from time to time by resolution create.

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 this 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 by 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. Vacancies. 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. Multiple Offices. 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. Duties. The duties of the officers are as follows:

(a) President

- (1) The president shall preside at all meetings of the Board of Directors;
- (2) Shall see that orders and resolutions of the Board are carried out;
- (3) Shall sign all leases, mortgages, deeds and other written instruments;
- (4) Shall co-sign all checks and promissory notes, unless this responsibility has been contractually delegated to a management agent.

(b) Vice-President

- (1) The vice-president shall act in the place and stead of the president in the event of his absence, inability or refusal to act;
- (2) Shall exercise and discharge such other duties as may be required of him by the Board.

(c) Secretary

- (1) The secretary shall record the votes and keep the minutes of all meetings and proceedings of the Board and of the members;
- (2) Keep the corporate seal of the Association and affix it on all papers requiring said seal;
- (3) Serve notice of meetings of the Board and of the members;
- (4) Keep appropriate current records showing the members of the Association together with their addresses, unless this responsibility has been contractually delegated to a management agent;
- (5) Shall perform such other duties as required by the Board.

(d) Treasurer

(1) 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, unless this responsibility has been contractually delegated to a management agent;

(2) Shall sign all checks and promissory notes of the Association, unless this responsibility has been contractually delegated to a management agent;

(3) Keep proper books of account, unless this responsibility has been contractually delegated to a management agent;

(4) Cause a financial review of the Association books to be made by a public accountant at the completion of each fiscal year;

(5) Shall, in conjunction with the Association's management agent, 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 such committees as deemed appropriate in carrying out its purpose in accordance with the Declaration.

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 or at the office of the Association's management agent, where copies may be purchased at a reasonable cost.

ARTICLE XI: ASSESSMENTS

As more fully provided in the Declaration, each Member is obligated to pay to the Association annual 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 when due shall be delinquent. If the assessment is not paid within thirty (30) days after the due date, the assessment shall bear interest from the date of delinquency at the rate of eighteen (18%) percent per annum, and the Association may bring an action at law against the Owner personally obligated to pay the same or foreclose the lien against the property, and interest, costs, and reasonable attorney's fees of any such action shall be added to the amount of such assessment. No Owner may waive or otherwise escape liability for the assessments provided for herein by non-use of the Common Area or abandonment of his Lot.

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.

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Filed By:

JOHN J. DODDS

(COURIER)

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