

By-Laws
Carshalton By the Bay Homeowners Association, Inc
A South Carolina Non-profit Corporation

DEE-2019-1101



DEE BK 122-J PG 486-507

Recorded 22 Pages on 01/09/2019 12:56:42 PM

Recording Fee: \$28.00

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Dorothy Earle, Register Of Deeds

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Change Page

4 June 2013 Change Article VI Powers and Duties of the Board to deconflict Article VI and Article XI regarding appointment of ACC.

4 June 2013 Change Article X regarding bylaw amendments requiring 60% of HOA members to approve bylaw changes instead of 90% of the Board.

4 June 2013 Change Introduction in Attachment 1 (Architectural Guidelines). Permission for Board to change the guidelines was removed to deconflict with above change to Article X.

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The name of this non-profit corporation shall be Carshalton Homeowners Association, Inc. (the "Association").

ARTICLE I
Purpose and Parties

Section 1. **Purpose:** The purpose for which the Association is formed is to govern that certain residential subdivision known as Carshalton by the Bay Subdivision, situated in Spartanburg County, South Carolina, which property is described in that certain Declaration of Covenants, Conditions and Restrictions for Carshalton by the Bay (as amended from time to time, the hereinafter referred to as "Declaration") filed in the Office of the Register of Deeds for Spartanburg County in Plat Book # 158 at Page # 875. All definitions and terms contained in the Declaration shall apply hereto and are incorporated herein by reference, and all terms capitalized herein and not defined herein shall have the same meaning as set forth in the Declaration. References herein to "these Bylaws" shall have the same meaning as the "Bylaws" in the Declaration.

Section 2. **Parties:** All present and future Property Owners of any lot in Carshalton Subdivision are subject to the provisions and any regulations set forth in these Bylaws.

ARTICLE II
Membership and Voting

Section 1. **Membership and Voting:** The qualifications for membership in the Association along with the appurtenant voting rights (one lot owner one vote) and other privileges due Owners shall be set forth in the Declaration. Each Owner (whether one or more persons or entities) of a Lot shall, upon and by virtue of becoming an Owner, automatically become a member of the Association (hereinafter referred to individually as a "Member" and collectively as the "Members").

Section 2. **Majority of Members:** Except as otherwise provided in the Declaration, any action to be taken by the Association shall require the assent of a majority of Members in good standing (refer to Article X, Section 1, Paragraph 2 of Declaration). As used in these Bylaws, the term "majority of Members" shall mean those Members holding greater than fifty percent (50%) of the votes entitled to be cast by the Members present, or represented by proxy, at a meeting at which a quorum is present.

Section 3. **Quorum:** The number of votes present, in person or by proxy, necessary to constitute a quorum shall be provided in the Declaration. An affirmative vote of a majority of Members shall be required to transact the business of the meeting, except as otherwise provided in the Declaration, Article IV, Section 5.

Section 4. **Proxies:** Votes may be cast in person or by proxy. No proxy shall be valid beyond the current meeting of its intended fulfillment. Proxies may be rescinded in person by originator. All proxies must be filed with the Secretary of the Association before the appointed time of each meeting. (See Article IV Section 1 of these Bylaws for filing proxy)

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Section 5. **Cumulative Voting:** For those who own multiple lots in the community, cumulative voting (one vote per lot owned) shall be permitted at any meeting of the Members.

Section 6. **Order of Business:** At all meetings of the Association, the agenda of business shall be as follows:

- a. Reading of minutes of the immediate prior meeting for information and approval.
- b. Reports of Officers
- c. Reports of Committees
- d. Unfinished Business
- e. New Business
- f. Reading of minutes just had, if requested.

ARTICLE III
Administration

Section 1. **Association Responsibilities:** The Members will constitute the Association, which will have the responsibility of administering the Property through the Board of Directors. Board of Directors (hereinafter referred to as "Board") must be members of Carshalton by the Bay Homeowners Association.

Section 2. **Place of Meeting:** Meetings of the Association shall be held at a suitable place, convenient to the Members, as the Board of Directors may determine.

Section 3. **Annual Meetings:** The annual meetings of the Association shall be held in the month of October each year.

Section 4. **Special Meetings:** Special meetings of the Association may be called by the President, by the Board of Directors, or upon written request of the Members representing fifteen (15) votes in the Association. The notice of any special meeting shall state the time and place of such meeting and the purpose thereof. No business except as stated in the notice shall be transacted at a special meeting.

Section 5. **Notice of Meetings:** It shall be the duty of the Secretary of the Association to mail and/or e-mail a notice of each annual or special meeting, stating the purpose thereof, as well as the time and place it is to be held, to each Member at the latest address shown for such Member on the records of the Association, at least fifteen (15) days, but not more than sixty (60) days, prior to such meeting. The mailing and/or e-mailing of such a notice shall be considered notice served.

ARTICLE IV
Board of Directors

Section 1. **Number:** The Board of Directors of the association (the "Board") shall be comprised of four (4) Officers and one (1) director at large elected by the Members of the Association. First Board shall serve from July 13, 2011 to December 31, 2012.

President: Term starts January 1 and ends December 31 of each year.

Vice President: Term starts January 1 and ends December 31 of each year. He or she is automatically

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nominated as president of the Board unless he or she withdraws his or her name.

Secretary: Term starts January 1 and ends December 31 of each year.

Treasurer: Term starts January 1 and ends December 31 of each year.

Director at large: Term starts January 1 and ends December 31 of each year.

Nominees for the following year's directors must be provided to the secretary in writing and with the nominees consent by September 15.

All nominees must be members in good standing. In preparation for the annual October meeting the secretary will prepare a ballot that shows a list of all applicants' names. At the October meeting the floor will be open for nominees for a particular office and the nominees can be added to the ballot at that time. Members can only be nominated for one office for each term.

The person who receives the most votes for a particular position will be considered elected to that position.

The ballot will be mailed or e-mailed to all members in good standing within fifteen (15) days prior to the annual October meeting. Members can vote by proxy or absentee ballot up to the commencement of the annual meeting. Those attending the annual meeting may vote at the annual meeting. All absentee ballots and proxy votes must be delivered to the secretary in person, by mail, or electronically. It is the responsibility of the Association Member to deliver and confirm receipt of an absentee ballot or proxy.

The board will do counting of the ballots. Results of the election will be announced at the annual October meeting. Mail and/or e-mail notification of the new board will be sent within ten days of the voting.

Section 2. Removal of Directors: Any director may be removed from the Board, with or without cause, by a seventy five percent (75 %) majority vote of the Members of the Association.

Section 3. Vacancies: In the event of death, resignation, or removal of a director the Board shall call a special meeting of the Members for the sole purpose of nominating and electing a representative to fill the remainder of the unexpired term of his/her predecessor.

Section 4. Compensation: No director shall receive compensation for any service He/she may render to the Association. However, any director may be reimbursed for his/her actual expenses incurred in the performance of his/her duties with prior approval by the Board.

Section 5. Action Taken Without a Meeting: The directors shall have the right to take any action in the absence of a board meeting which they could take at a board meeting by obtaining the written approval of all the directors. Any actions so approved shall have the same effect as though taken at a board meeting.

ARTICLE V
Meetings of Directors

Section 1. Regular Meetings: Regular meetings of the Board shall be held without notice, at such place and

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hour and as often as may be fixed from time to time by a majority of the directors, but at least one (1) such meeting shall be held each quarter. All board meetings shall be open to the Association members.

Section 2. Special Meetings: Special meetings of the Board shall be held when called by the President of the Association, after not less than three (3) days notice to each of the directors

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. Waiver of Notice: Before or at any meeting of the Board, any director may, in writing, waive notice of such meeting and such waiver shall be deemed equivalent to the giving of such notice. Attendance by a director at any meeting of the Board shall be a waiver of notice by him of the time and place thereof. If all the directors are present at any meeting of the Board, no notice shall be required and any business may be transacted at such board meeting.

ARTICLE VI
Powers and Duties of the Board

The Board shall have the following powers and duties:

(a) To care for and preserve the Common Areas and to furnish and upkeep any desired personal property for use in the Common Areas; To maintain and administer the HOA in the best interest of the membership within the constraints of the approved annual budget. (Refer to Declaration, Article 9 for further guidelines.)

(b) The Board may not engage the services of an outside management firm for the Association without approval from Association members.

(c) To obtain and pay for legal and accounting services;

(d) To obtain and pay for any materials, supplies, furniture, labor, services, maintenance, repairs, structural alteration, taxes or assessments which the Board is required to obtain or pay for pursuant to the terms of the Declaration or which in its opinion shall be necessary or proper for the operation or protection of the Association or for the enforcement of the Declaration;

(e) To execute all declarations of ownership for tax assessment purposes with regard to any of the Common Areas owned by it;

(f) To supervise all directors, agents and contractors of the Association, and to see that their duties are properly performed;

(g) To fix the amount any assessment and/or maintenance charge as need may arise and any special assessment against each Lot. To send written notice of each assessment to every Owner subject thereto, and to thereafter collect such assessments. With assessments defined as: (1) Operating Assessments These assessments fund normal operating expenses, common area maintenance, and reserves. Each fiscal year, the Board will allocate a portion of these assessments to fund the annual budget as drafted by the Board and approved by the membership; (2) Special Assessments are for capital improvements and such other purposes as defined by the Declaration, Article 4, Sections 4. When greater than \$300 in the current fiscal year, approved by the greater than sixty

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percent (60%) of the membership in good standing, and (3) Default Assessments which may be assessed against an Owner's Lot pursuant to the Carshalton by the Bay Documents for failure to perform an obligation under the Carshalton Documents or because the Association has incurred an expense on behalf of the Owner under the Carshalton by the Bay Documents. The operating annual, special and default Assessments, together with interest, costs and reasonable attorneys' fees, shall be a charge on the land and shall be a continuing lien upon the Lot against which each such Assessment is made until paid. Each such Assessment, together with interest, costs and reasonable attorneys' fees shall also be the personal obligation of the Owner of such Lot at the time when the Assessment fell due;

(h) To establish and maintain reserve funds for Common Area and replacements and maintenance in accordance with such budgets as shall be drafted by the Board and adopted annually by the Association members;

(i) To enter into contracts, maintain one or more bank accounts and petty cash funds, and generally, to have all the powers necessary or incidental to the operation and management of the Association;

(j) To protect or defend the Common Areas from loss or damage by suit or otherwise, to sue or defend in any court of law on behalf of the Association and to provide adequate reserves for repairs and replacements;

(k) To propose reasonable rules and regulations regarding the use and operation of the Common Areas and the facilities thereon (and the personal conduct of the members and their guests thereon), and to establish penalties for the infraction thereof. The rules and regulations must be approved by Association members;

(l) To make available or distribute to each Owner before the October annual meeting an annual report;

(m) To enforce the provisions of the Declaration and any rules made hereunder and to enjoin and seek damages and impose and collect fines from any Owner for violation of such provisions or rules in accordance with the terms of the Declaration;

(n) To appoint committees as deemed necessary or desirable for the handling of certain specific functions of the Association with the exception of the Architectural Control Committee which shall be nominated by the Board and voted upon by the membership at the annual meeting. ;

(o) To exercise and fulfill all other powers and duties granted or assigned to the Association and/or the Board pursuant to the Declaration;

ARTICLE VII
Directors and Their Duties

Section 1. **Enumeration of Directors:** The directors of the Association, who shall be elected by and who shall be members of the Board, shall be President, a Vice President, a Secretary, a Treasurer, and a Director at Large.

Section 2. **Duties:** The duties of the directors are as follows:

(a) **President:** The President shall be the chief executive officer of the Association. He/She shall preside at all meetings of the Board and of the Association. He/She may be a co-signer on checks and other documents as may

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be required by law.

(b) **Vice President**: The Vice President shall have such powers and duties as may be assigned to him/her by the Board and shall exercise the powers of the President during that director's absence or inability to act. He/She may be a co-signer on checks and other documents as may be required by law. Any action taken by a Vice President in the performance of the duties of the President shall be conclusive evidence of the absence or inability to act of the President at the time such action was taken.

(c) **Secretary**: 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; co-sign checks and other documents as may be required by law when the President or Vice-President is unavailable. He/She shall mail, email, or by other methods as determined by the Board send the minutes of the meetings seven (7) days after each meeting. Upon written request and a ten (10) day notice, the Secretary shall make available during normal business hours a review of the minutes of all association board meetings for members in good standing.

(d) **Treasurer**: The Treasurer shall receive and deposit in appropriate bank accounts all monies of the Association and shall disburse such funds as required under Article 6 in these By-laws; keep proper books of account; and work with other Board members in preparing the annual budget and a statement of income and expenditures; provide proposed annual budget to the membership; The Treasurer shall be the primary signer of all financial disbursements; The President, Vice-President, or Secretary shall cosign all financial disbursements; He/She shall cause to be prepared any reports for governmental agencies or taxing authorities that may be required by law.

(e) **Member at Large**: The Member at Large shall perform duties as required by the Board.

ARTICLE VIII
Indemnification of Directors

To the fullest extent permitted by law, the Association shall indemnify every director, , or committee member and his or her heirs, executors and administrators, against any and all expenses including trial and appellate attorney's fees and costs reasonably incurred by or imposed upon any director, or committee member in connection with any action, suit or other proceeding (including settlement of any suit or proceeding if approved by the then board) to which he or she may be party by reason of being or having been a board member or committee member, acting within the course and scope of his or her duties as a board or committee member. The board members and committee shall not be liable for any mistake of judgment, negligent or otherwise, or for gross negligence, except for their own individual willful malfeasance, intentional misconduct, or bad faith. The board members and committee members shall have no personal liability with respect to any contract or other commitment made by them, in good faith, on behalf of the Association (except to the extent that such board member and committee member may also be members of the Association), and the Association shall indemnify and forever hold each such board member or committee member free and harmless against any and all liability to others on account of any such contract or commitment. Any right to indemnification provided herein shall not be

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exclusive of any other rights to which any Board Member or committee member is entitled.

ARTICLE IX
Fiscal Year and Books and Records

Section 1. **Fiscal Year:** The fiscal year of the Association shall be the calendar year, unless otherwise fixed by resolution of the Board.

Section 2. **Books and Records:** Upon written request which must include a ten day notice, the books, records and papers of the Association shall at all times, during reasonable business hours, be subject to inspection by any Member.

ARTICLE X
Amendments and Conflicts

Section 1. **Amendments:** These by-laws may only be amended by a written consent of 60% of the members (54 votes) at an annual meeting or at a special meeting as contained in Article III Section 4 of these by-laws, however, no amendment shall be effective if it conflicts with the provisions of the Declaration.

Section 2. **Conflicts:** In the case of any conflict between the Articles of Incorporation and these Bylaws, the Articles shall control; and in the case of any conflict between the Declaration, the Articles of Incorporation or these Bylaws, the Declaration shall control.

Section 3. **Disputes:** In the event of a dispute between a member(s) and a association committee regarding decisions of the committee, the Board shall be the final arbiter of the dispute as long as dispute is not in conflict with guidelines of the Declaration. Decisions of the Board may be reversed by a vote of ninety (90%).

ARTICLE XI
Architectural Control Committee

Section 1. **Enumeration of Directors:** The Architectural Control Committee shall consist of three (3) or five (5) members whom shall be nominated by the board and voted on by the members of the association. The Architectural Control Committee terms shall run concurrently with the Board.

Section 2. **Purpose:** The Architectural Control Committee is established by the Declaration of Covenants, Restrictions and Easements for Carshalton By the Bay to maintain, for the mutual benefits of all property owners, a high level of design, quality, harmony and conformity throughout Carshalton By The Bay.

No exterior construction, improvement, addition, alteration, modification or change of any kind can be made without the prior written approval of the Architectural Control Committee. This requirement is not intended to be punitive, but rather to protect the rights of each homeowner. However, the Architectural Control Committee is authorized to require that any of the above actions taken, without their prior written approval, to be removed

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or returned to it's original condition.

The approval process is simple and straight forward. The process, requirements and guidelines are spelled out in the Carshalton Declaration of Covenants, Conditions, and Restrictions and the Architectural Control Committee's Handbook of Guidelines for Carshalton By The Bay. The Architectural Control Committee Handbook and Architectural Review Application are available by contacting any Board of Directors member, any Architectural Control Committee member or by other method as designated by the Board of Directors. Approval of an Architectural Review Application requires the signature of a majority of the Architectural Control Committee members.

The Architectural Control Committee's Handbook of Guidelines (Attachment 1) is hereby made a part of the Carshalton By The Bay Bylaws and governed by all rules and regulations contained therein.

Please make sure that Architectural Control Committee written approval is obtained PRIOR to undertaking any project requiring such approval.

Section 3. Standards of Disapproval: The Architectural Control Committee shall have the absolute and exclusive right to refuse to approve any building plan, specification, materials, design, lot grading, or landscaping plan of any thing or structure which in the opinion of the Architectural Control Committee are not suitable or desirable for any reason whatsoever, including purely aesthetic reasons and reasons connected with the future development plans of contiguous lands. In passing upon such matters the Architectural Control Committee may take into consideration the suitability of proposed materials, the quality of proposed workmanship, harmony of external design with the surrounding neighborhood and existing structures therein, and the effect and appearance of such construction as viewed from neighboring properties.

Section 4. Failure to Approve and Disapprove: In the event that the Architectural Committee fails to approve or disapprove any matters within the scope of its authority within thirty (30) days after same have been submitted to it, or in any event, if no suit to enjoin such matter or thing has been commenced prior to completion or the doing of such matter or thing, such prior approval shall not be required and the Covenants shall be deemed to have been fully complied with and no suit or claim shall thereafter be available to the Architectural Control Committee, to the owner of any Real Property, or the Owner/Developer. All existing improvements at the inception of the By-Laws shall be considered to be grandfathered in.

Section 5. Application Time: Applications for approval as required herein shall be made to Architectural Control Committee or to any member thereof, and the date of receipt of such application shall be the time for the commencement of the running of said thirty (30) days from the date of such submission.

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Attachment 1

**CARSHALTON BY THE BAY
HANDBOOK OF
ARCHITECTURAL GUIDELINES**

INTRODUCTION

The recorded Declarations of Covenants, Conditions and Restrictions (CC&R's) contain certain architectural standards and guidelines with which all property owners and homeowners, hereinafter referred to as HOA members, are expected to comply. The Carshalton By The Bay Homeowners Association has adopted additional standards and guidelines not specifically referenced in the CC&R's. This handbook pertains to the architectural standards and guidelines referenced in the CC&R's as well as those adopted by the Carshalton By The Bay Homeowners Association (HOA) as referenced in the current By-Laws. This handbook is intended to provide helpful information to HOA members with respect to new construction, existing structure modifications, property maintenance, landscaping, and other property enhancements. It also contains basic information on standards enforcement, the project approval process, and resolving architecturally related disputes. This handbook is intended primarily for informational purposes only and does not purport to cover every architecturally related situation that may arise. Further, while the handbook is a part of, and governed by the Carshalton By The Bay By-Laws, it is not intended to constitute a stand-alone legal document.

ARCHITECTURAL CONTROL COMMITTEE

As mandated by the Carshalton By The Bay By-Laws and the recorded Declarations of Covenants, Conditions and Restrictions, an Architectural Control Committee has been established by the HOA. While the exact duties of the Architectural Committee are enumerated in the By-Laws, it's primary responsibilities are to assist HOA members with any architectural issues which might arise, review proposed projects to ensure compliance with established architectural standards and guidelines, and generally help preserve and enhance the Carshalton community and it's real estate values.

Homeowners and property owners must notify the Architectural Control Committee and submit an Architectural Review Application in advance of starting any project requiring review and written approval by the Architectural Control Committee. Failure to do so may result in fines being imposed by the Board of Directors. The standards contained in this handbook and the applicable requirements contained in the CC&R's will serve as the guidelines to be followed by the Architectural Control Committee when reviewing submitted applications for new construction projects, landscaping or other property improvement projects requiring advance approval. As a general rule, any exterior construction, existing structure modification or landscaping project requires advance approval unless specifically stated in this handbook that approval is not required.

A list containing the names and telephone numbers of current Architectural Control Committee members is included at the end of this handbook.

ARCHITECTURAL STANDARDS AND GUIDELINES

HOA members are advised that the Carshalton By The Bay Declaration of Covenants, Conditions and Restrictions (CC&R's) and By-Laws run with the title or deed of each property in Carshalton By The Bay. It should be noted that in some cases the provisions contained in these documents might be more stringent than the codes mandated for this area by Spartanburg County or any other municipal government entity.

The guidelines contained in the CC&R's and those adopted by the Carshalton HOA are intended to be, and always will be, for the protection of the rights of each HOA member in the Carshalton community. Project approvals, when required, serve to protect the rights of the HOA member and the neighborhood in general. They also help avoid potential legal complications from neighbor disputes over proposed construction and/or modifications. Avoiding or ignoring compliance with applicable standards and guidelines may result in costly

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delays and complications.

The Board of Directors and the Architectural Control Committee are aware that situations may arise which may not be specifically addressed in this handbook. In such cases HOA members are advised to contact the Architectural Control Committee for guidance. In the event a proposed project does not comply in whole or in part with one or more of the architectural standards of guidelines currently in effect, Article V, Section 2, Paragraph C of the CC&R's provides that HOA members may request a waiver from the Architectural Control Committee. Waivers may be authorized so long as the proposed project does not negatively impact adjoining properties or the Carshalton community as a whole.

NEW CONSTRUCTION

Articles VII and VIII of the CC&R's contain specific guidelines and information pertaining to new construction within the Carshalton community. HOA members contemplating the construction of a new dwelling or other permitted structures are advised to familiarize themselves with the applicable guidelines contained therein prior to submitting the required Architectural Review Application or beginning any construction project. See Appendix A listing suggested design features for Carshalton homes.

Among the specific items covered in Articles VII and VIII are:

- Antennae
- Building Requirements
- Construction Completion Requirements
- Delivery Receptacles and Property Identification Markers
- Docks
- Driveways and Entrance to Garage
- Model Homes
- Outbuilding and Similar Structures
- Setbacks, Building Lines and Easements (see Article VIII)
- Street Intersection View Obstructions
- Swimming Pools
- Terraces, Eaves and Detached Garages
- Underground Utilities/Sewage and Water Systems
- Walls and Fences

ARCHITECTURAL DESIGN: Designs for new homes, modifications and/or additions should be in keeping with the developer's "European Cottage" concept for the Carshalton community and be compatible with existing dwellings in design, materials, and color. The concepts of home designers Don Gardiner (www.dongardiner.com) and Frank Betz (www.frankbetz.com) are excellent examples of acceptable designs. Suggested house designs include Ambrose, Catawaba Ridge, Stonechase, Sullivan, Bartow, Candle Park, and Brookhaven. Dwellings may not be more than two (2) stories above ground. Walkouts are permitted on lots with lake frontage. Garages should a minimum 20' X 20' for a standard two (2) car size.

BUILDING MATERIALS: House and garage foundations should be cement block or poured concrete. Block foundation should be faced with brick, stone, or stucco painted to match house colors. Exterior surfaces of house and garage shall contain hardboard. Approximately 20% or more of the front of the house and garage should be faced with brick, stone or cultured/textured stone. Driveways should be constructed of concrete, brick,

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stone pavers, or a combination thereof. Asphalt driveways are not permitted. Walkways should be constructed of concrete or other suitable material such as brick, solid stone, or slate.

CONSTRUCTION REQUIREMENTS: All applicable building permits must be obtained prior to the start of any new construction. Any necessary grading and/or excavation shall be done so as to lessen the possibility of erosion of adjacent properties or Common Areas due to improper drainage. No unused construction materials or construction debris may be deposited or discarded onto any other property or Common Areas within the Carshalton community. The lot owner shall be held responsible for any damage to properties or Common Areas caused during the construction process as well as for the removal of improperly discarded construction materials. A construction dumpster is required to be placed on and used for the property under construction. Construction sites should be kept clean and free of debris and litter. Dumpsters are required to be emptied or replaced with an empty dumpster before they are overflowing with debris.

GENERAL GUIDELINES AND STANDARDS

Articles V, VI, VII and VIII of the CC&R's contain specific guidelines and information pertaining to the architectural elements affecting new construction, existing structures and the Carshalton community in general. HOA members are again encouraged to familiarize themselves with, and follow the guidelines contained in the CC&R's so as to avoid inadvertent non-compliance with the stated guidelines and standards. The specific items covered in these articles include:

- Improvements – Requirement for approval by Architectural Control Committee
- Disposition of approved plans and specifications
- Excusing compliance with architectural requirements
- Indemnification of Architectural Control Committee
- Exterior maintenance requirements
- Property use restrictions and subdividing of lots
- Walls and fences
- Terraces, eaves and detached garages
- Obstruction to view at street intersections
- Delivery receptacles and property identifications markers
- Use restrictions for outbuildings and similar structures
- Livestock and pets
- Offensive activities
- Signage restrictions
- Aesthetics, nature growth, screening and underground utility service
- Trailers, trucks, buses, boats and boat trailers
- Garbage and refuse disposal
- Lot elevation restrictions
- Property maintenance requirements
- Firearm and weapon discharge

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- Usage of Lake Lyman
- Restrictions on use of easements

The following guidelines, while not specifically addressed in the CC&R's, have been adopted by the Homeowners Association for the benefit of the entire Carshalton community.

ATTIC VENTILATORS: Attic ventilators and turbines should be mounted in the least visible location whenever possible and should not protrude more than twelve (12) inches above the roof surface. Ventilators and turbines should be painted to be compatible with roof or house colors. Placing any type of cover on the exterior of the ventilator or turbine to block airflow is not permitted.

AWNINGS: Awnings, whether stationary or retractable, should be of a suitable material such as wood or umbrella cloth and mounted with framing constructed of a suitable material such as wood or aluminum. The color of the awning and frame should be of a solid color compatible with the color of the structure on which the awning is mounted. Awnings are not permitted on the front of homes.

COMMON AREAS: Homeowners are not allowed to place or remove any plant or tree, place any structure upon or otherwise alter any common area or right of way maintained by the Carshalton HOA. The pavilion, park and recreation area is maintained by the HOA for the enjoyment of all Carshalton residents. Residents may not reserve this area for private use without the express, written consent of the designated Carshalton HOA Board member. Please refer to the Common Area Rules and Regulations.

DECKS: Decks should be located to the rear of the house. If the backyard is fenced the deck may extend beyond the width of the house to within three (3) feet of the fence line. Decks should be of a suitable material such as a simulated wood product, cedar, redwood or pressure treated lumber. The style and color of the deck should be compatible with the structure to which it is attached. Privacy screening such as wooden lattice and arbors may be attached to or placed next to the deck. As a general rule, screening should not extend more than six (6) feet above the deck while arbors should not exceed ten (10) feet in length and height.

DOCKS: Construction and use of docks is governed by SJWD policies. Unless restricted by the CC&R's, owners of waterfront lots are advised to contact SJWD directly to determine if construction of a dock is permitted. Under no circumstances may a Carshalton lot owner have a dock installed with a permit having first been issued by SJWD.

DOG HOUSES: Dog houses should be located at the rear of the residence, placed at ground level, and be of a size suitable for its intended occupant.

EXTERIOR AIR CONDITIONERS: Air conditioning units (condensers) should be located so as to minimize noise impact to adjoining neighbors. The units may be screen with plants or other suitable screening such as lattice or decorative fencing of a color compatible with that of the residence. Individual air conditioning units extending from windows are prohibited.

EXTERIOR COLORS: Any structure may be repainted or re-sided in the same material and color scheme as the original without pre-approval. Changes to color schemes are permitted so long as the proposed colors are compatible with those of the surrounding residences and have been approved by the Architectural Control Committee.

EXTERIOR DECORATIVE OBJECTS: Decorative objects intended for permanent installation and display must be approved prior to installation. Removable exterior decorative objects of a temporary nature such as those displayed for seasonal holiday periods or other special occasions generally do not require pre-approval. In considering the appropriateness of any decorative item, permanent or temporary, the following guidelines must be considered:

Location: Objects should be placed so as not to pose a safety hazard to the resident or any other person. They should not intrude by sight, sound or smell upon adjoining homes or the neighborhood in general.

Design and Color: Objects should be of a design and color that does not clash with or detract from the overall appearance of the residence or the neighborhood in general.

Materials: Objects should be made of materials capable of withstanding outdoor weather conditions

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without deteriorating and becoming unsightly.

Environmental Impact: Objects should not have a negative impact upon the environment nor pose a hazard to wildlife in the area.

Size, Scale and Number: Objects should be of a size and scale appropriate to their location upon the property. Objects should not be so numerous as to present a cluttered or overwhelming appearance.

Taste: Objects should not contain language or images that are, by their nature, inflammatory, vulgar, or otherwise offensive to the community.

EXTERIOR LIGHTING: Exterior lighting is permitted for safety, security and architectural enhancement purposes. Security lights, including motion sensor lights should be mounted only on a house, garage or outbuilding and must be directed away from adjacent residences. Pole-mounted floodlights and/or yard lights are prohibited. "Malibu" style lighting, whether electric or solar powered, should be placed at ground level in appropriate locations. Colored light bulbs designed to repel insects should be installed only in fixtures located in the rear of the residence. Temporary lighting for holiday or other festive occasions does not require pre-approval. Such lighting shall be operable for a limited amount of time, normally six (6) to eight (8) weeks.

FENCES: In addition to Article VII, Section 3 of the CC&R's, fencing must encompass all sides of the rear yard. Waterfront lots are not required to fence along the lake frontage and are subject to SJWD policies.

FIREWOOD STORAGE: Firewood should be kept neatly stacked in a pile that does not exceed six (6) feet in length and four (4) feet in height. Firewood should be stored to the rear of the dwelling. Firewood should not be stored directly on decks or patios except in limited quantities intended for immediate use.

FLAGS AND FLAG POLES: Freestanding flagpoles are prohibited. Flagpoles that attach to a structure at an angle may be installed without prior approval. A maximum of two (2) such flagpoles are allowed on a house to accommodate one (1) American flag and one (1) decorative flag. Flags should be no larger than three (3) feet by five (5) feet.

GARDEN (VEGETABLE): Vegetable gardens should be located toward the rear of the residence at least five (5) feet from the property line and should not take up more than one quarter of the rear yard area. Gardens should not be placed on a grade or slope that may allow water to flow onto a neighboring property. Vegetable gardens meeting these conditions do not require pre-approval.

GATES: Gates should match perimeter fencing in material and color. No pre-approval is required for replacement of such gates with like kind.

GAZEBOS: Gazebos should be located to the rear of the residence at least five (5) feet from adjacent property lines. Gazebos should be open-sided and constructed of wood or other suitable material. If painted, colors should be compatible with those of the residence. While there are no formal size limitations, a gazebo should not be so large as to overwhelm the area in which it is located. A building permit must be obtained if applicable.

GRILLS (PERMANENT): Permanent grills should be installed at the rear of the residence and as far as practical from adjacent property lines. The location of permanent grills must comply with applicable municipal fire codes.

GUTTERS AND DOWNSPOUTS: Gutters and downspouts may be added or replaced without pre-approval so long as they match existing house colors.

HOT TUBS/SPAS: Hot tubs and spas should be located in the rear yard adjacent to the residence. They may be placed on a patio or incorporated as part of a deck system. The exterior finish of an elevated hot tub or spa should blend with the exterior finish of the residence, patio or deck to which it is attached or most closely related.

HOUSE NUMBERS and DELIVERY RECEIPTALS: House numbers attached to residences within the Carshalton community are regulated for reasons of security and public safety as well as compliance with aesthetic appearance and overall community standards. A recommended resource for delivery receptacles and house identification numbers is Mayfield signs, 1612 Poplar Drive ext., Greer, SC, (864) 877-3718.

LANDSCAPING – GENERAL: Landscaping around newly constructed residences should be compatible with existing landscaping within the community. For a newly constructed residence, the front yard and side yards, up to the rear corners of the home, should be covered with sod and foundation landscaping in place upon completion of construction. Rear yards should be seeded or covered with sod as soon as practical upon completion of construction. Lakefront lots must meet SJWD policies that require sod to be placed in rear yards adjacent to the lake. Re-landscaping or adding additional landscape items such as trees, shrubs and flowers

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around existing residences for aesthetic enhancement is permitted so long as certain guidelines, including those set forth in the CC&R's are adhered to. Dead trees may be removed from a property without pre- approval. Approval is required prior to removing a tree for any other reason. Flower beds and other non-grass areas may be filled with any pre-approved material such as pine bark, dyed pine mulch, cedar mulch, finely ground hardwood chips, dark hardwood mulch or dark crushed brick without pre-approval. Water features such as fountains and fishponds require approval from Architectural Control committee. Landscaping and yard maintenance equipment should be stored out of sight when not in use.

PATIOS: Patios should generally be located in the rear of the residence but may extend to the side fence line of a fenced back yard. Side or wrap-around patios are permitted if the residence configuration and/or topography favor such placement as a better alternative. Patios should not adversely affect proper drainage. Patios should be constructed of a suitable material such as concrete, brick, slate, stone, or interlocking pavers. Any added fixed accessories such as raised planter boxes, bench seating, or wooden trim should be of a color compatible with the colors of the residence.

RECREATIONAL EQUIPMENT: Recreational items such as swing sets, play structures, and trampolines should be located to the rear of the residence and should not extend onto adjacent properties. Portable basketball goals may be placed on a driveway but must be positioned to ensure the play area remains strictly within the property lines. Play areas such as sand boxes or the area around swing sets or other play equipment may not extend past the property lines. Such areas should be of a size appropriate for their intended use. Tennis or volleyball courts are not permitted on any private property within the Carshalton community.

REPAIR AND REPLACEMENT: Owners are responsible for making repairs to the structures upon their property. No pre-approval is required to restore a structure to its original condition. Replacement of structural items such as roofing, windows, screens and doors with material or items of the same as the original may be done without pre-approval. Any repair or replacement that would result in a change from the original requires pre-approval.

SATELLITE DISHES: Satellite dishes should be no larger than three (3) feet in diameter. Dishes should be located in the least visible area consistent with optimum signal reception.

SECURITY BARS: While not prohibited, installation of security bars or grates over windows or doors is discouraged due to safety concerns.

SIGNS: One real estate sign of standard size advertising sale, lease or rental of a premises or lot may be placed in the center of the front yard of that property only. An additional sign, visible from the lake, may be erected in the rear of lakefront properties. Such signs should be removed as soon as practical after finalization of the sale, lease or rental transaction.

One temporary political sign promoting a particular candidate or issue may be placed without requiring approval upon a property no sooner than thirty (30) days prior to an election and must be removed within seven (7) days following the election. Such signs should be of appropriate size and not be inflammatory in nature.

Other signs such as community watch signs, small security warning signs, and yard sale signs may be posted without prior pre-approval. Yard sale signs must be removed within one (1) day following the sale. (See YARD SALES below for additional information.)

No lighted signs or signs that are inflammatory, vulgar, or otherwise inappropriate in nature will be allowed on any property within the Carshalton community. No real estate, political or other signage shall be erected in any Common Area except those specifically referenced in the CC&R's.

SKYLIGHTS: Skylights should be installed so as to minimize exterior reflection from sunlight and interior lighting. Interior lighting should not be directed up into any skylight. Roof-mounted lighting directed down through a skylight is not permitted.

SOLAR COLLECTORS: Solar collectors should be professionally installed so as to effectively integrate them with the design of the structure and maximize concealment. As a general rule solar collectors should be installed only on that portion of the roof not visible from the street. All piping should be concealed as much as possible. The color of solar panels or screen should match that of the residence. The mullion design of panels should be compatible with the existing windows.

SPRINKLER SYSTEMS: In ground sprinkler systems may be installed without pre-approval. Care should be exercised to ensure coverage remains within the property lines.

STORM AND SCREEN DOORS: Storm doors and screen doors including such types as Store-in-Door, security,

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thermal, and full view are permitted. The colors of such door should be compatible with the exterior colors of the residence.

TREE REMOVAL: Dead trees within property lines may be removed without pre-approval. For safety reasons dead trees should be removed in a timely manner. Live trees with trunks in excess of six (6) inches in diameter may be removed from private property so long as there is a valid reason for removal and the Architectural Control Committee has granted approval. Valid reasons include, but are not limited to: disease or damage, safety concerns, too large for space, invasive roots. Removal of trees from easements controlled by SJWD must be done in accordance with SJWD policies.

VEHICLE STORAGE: Vehicles such as cars, light trucks, or motorcycles used as every day transportation should be stored in the garage when not in use. Untagged and/or inoperable vehicles should be parked in a garage or other structure so that they are not visible to neighboring residents. Larger recreational vehicles such as Class A, Class C or mini motor homes kept on private property should be stored within a fenced area when not in use. A recreational vehicle such as a truck-mounted camper may be parked in the driveway or side pad if it is used as every day transportation. Large trucks, buses or other commercial vehicles may not be kept on private property within the Carshalton community unless express, written permission to do so has been given by the HOA Board of Directors or Architectural Control Committee.

WELLS: Underground wells are permitted for irrigation purposes only and may not be connected to any source of domestic water, metered or otherwise, from sources beyond the property boundaries. Lakefront lots may install a pump to draw water from Lyman Lake for irrigation purposes with permission from SJWD. Wells and pumps should be located so as to minimize visual and noise impact on adjacent properties.

WIRES AND CABLES: Wires and cables, such as those intended for telephone, radio or television reception should be buried or otherwise hidden. Cables that need to run up the side of a structure toward the roof should be secured flush with the side of the residence and painted the same color as the background.

YARD/GARAGE SALES: As a general guidelines, homeowners should conduct no more than two (2) private yard or garage sales per year. Sales should be held during daylight hours only and should not last more than two (2) consecutive days. A sign advertising the sale should be posted no sooner than forty-eight (48) hours prior to the start of the sale and must be removed within twenty-four (24) hours following its completion. One sign of an appropriate size is permitted and must be posted only upon the premises hosting the sale. Additional signs, or posting signs in any common area, are not permitted unless the Architectural Control Committee has granted permission.

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Appendix A

**Suggested Carshalton Features
for
European Cottage Style Homes**

- Stone, Brick and Hardi-board siding with Deluxe Trim
- Sodded yard
- Vinyl Pre-hung Windows with Tilt-in Sash
- Gutters and Downspouts
- 30 year Architectural Shingle Roofing
- Lakefront Lots with Docks
- Fiberglass Front Door
- Painted, Trimmed and Insulated Garage Doors
- Coach Lighting at Garage
- Concrete Driveway and Walkway
- Trex™ Decking
- Landscaping – Heavily planted with sod and irrigation
- Two Car Garage
- Steep Roof Lines with Multiple Gables
- Decorative Arches
- Shed-Style Dormer Window
- Keystones
- Quoins
- Copper-Top Bays
- Repeated Arches
- Prominent Brick or Stone Chimney
- Arched Entryways

Architectural Review Application
Carshalton By The Bay Homeowners Association

Please Mail or Deliver To:
Carshalton HOA Architectural Control Committee
PO Box 1406
Lyman, SC 29365

1. NAME (Please Type or Print): _____
2. ADDRESS OF IMPROVEMENT: _____
3. LOT NUMBER: _____ DATE SUBMITTED: _____
4. DAYTIME TELEPHONE: _____ EVENING TELEPHONE: _____
5. EMAIL ADDRESS: _____
6. DESCRIPTION OF IMPROVEMENT: _____

Provide description of improvement, including purpose or reason for improvement, type and color of material to be used, location on the property and any other pertinent information required to evaluate proposed improvement.

All applications must be submitted with plans drawn to scale (2 copies)

TYPE OF ARCHITECTURAL AND/OR LANDSCAPING IMPROVEMENT

Description of Improvement: _____

Description of materials to be used: _____

Description of colors to be used (Attach new paint color samples for trim, fascia, and/or wall: _____

Additional comments: _____

For Architectural Control Committee Use only:

_____ Approved _____ Not Approved _____ Conditionally Approved

Signature and Date by Committee Members: _____

7. REQUIRED EXHIBITS AND SUPPORTING DOCUMENTATION The supporting documentation listed below must accompany this architectural review application, as applicable for the proposed improvement. An application submitted without all required submissions would be considered incomplete. In such case, the Architectural Control Committee's thirty (30) day review period will not commence until all required submissions have been provided.

- A) Paint and/or Stain Colors – A sample and model number of the color(s) to be used must be provided, both for repainting or re-staining existing improvement and for structural additions, together with a list of existing paint colors on the house or appurtenant structures which will remain unchanged.
- B) Finish Materials – A description and/or sample of all finish materials (i.e., hardiboard, brick, stone, or cultured stone) to be used for the exterior surface of proposed improvements must be provided.
- C) Site Plan – A site plan, drawn to scale, showing the location and dimensions of the proposed improvement, including orientation with respect to the property lines and adjacent dwelling units must be provided for decks, patios, walls, storage sheds, fences, major landscape changes, and structural additions to the home.
- D) Architectural Drawings – Two (2) sets of architectural drawings, drawn to scale, showing design, elevations, dimensions, front, back, and side views showing surface finishes must be provided for all new construction including residences, storage sheds, and structural additions to existing homes.
- E) Landscape Plans – Detailed drawings or plans must be provided for any landscaping which would change the topography of the lot or landscape plans originally provided by the builder.
- F) Photographs – The inclusion of photographs is appropriate for exterior lighting fixtures, decorative objects and similar cosmetic improvements.
- G) Other Exhibits – Other exhibits may be required in order to permit adequate evaluation of the proposed improvement. Owners are advised to seek guidance from the Architectural Control Committee or Board of Directors prior to submission of an application.

8. ESTIMATED STARTING DATE OF CONSTRUCTION: _____

9. ESTIMATED COMPLETION DATE: _____

NOTES:

- A) Nothing contained herein shall be construed to represent that improvements to lots or buildings in accordance with these plans shall not violate any of the provisions of building and zoning codes of Spartanburg County, SC, to which the above property is subject. Further, nothing contained herein shall be construed as a waiver or modification of any said restrictions.
- B) Where required, appropriate building permits shall be obtained from Spartanburg County, SC prior to the start of any construction. Nothing contained herein shall be construed as a waiver of said requirement.
- C) Owner understands and agrees that no work on this request will commence until written approval has been obtained from the Architectural Control Committee.
- D) Owner further understands and agrees that any exterior alterations undertaken before written approval is obtained is not permitted and that the Owner may be required to restore the property to its former condition at Owner's own expense if such alterations are made and subsequently disapproved in whole or part. Further, Owner understands that any legal expense associated therewith will be the responsibility of Owner.
- E) Owner agrees to give the Architectural Control Committee express permission to enter the property at reasonable times to inspect the proposed improvement, the improvement in progress and the completed improvement.
- F) Owner understands that any approval is contingent upon the completion of alterations in a workmanlike manner and in accordance with approved plan and specifications for said alterations.
- G) Owner acknowledges they are familiar with the architectural review requirements and procedures for Carshalton By The Bay Homeowners' Association.
- H) Owner understands that the authority to perform an improvement granted by this application will automatically expire if the work is not commenced within one hundred eighty (180) days following approval, and completed one hundred eighty (180) days following commencement of work, unless another time frame is specifically authorized in writing by the Architectural Control Committee.
- I) Owner agrees to store construction materials only on his own property, rather than on common areas, easements, parking areas, or neighboring properties and to bear the cost of repairing any damage caused to such areas, and to remove all unused materials from public view within seven (7) days following completion of work.

OWNERS SIGNATURE: _____ **DATE:** _____

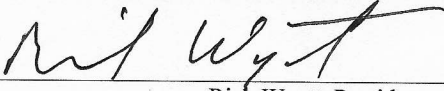
DATE RECEIVED BY ARCHITECTURAL CONTROL COMMITTEE: _____

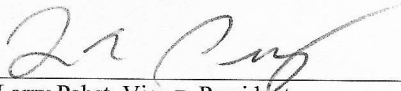
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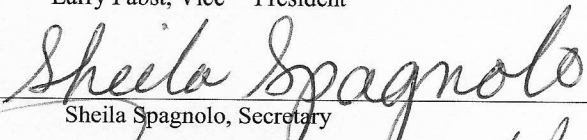
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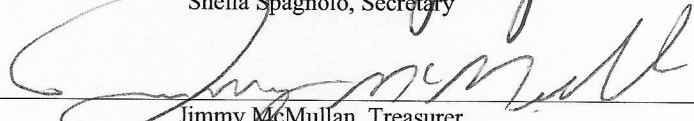
WHEREAS, as the board of the Carshalton by the Bay Homeowners Association, we hereby attest that these constitute the By-Laws of Carshalton Homeowners Association, this day 31 December 2018.

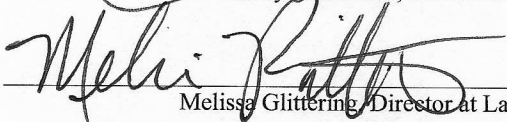
Carshalton by the Bay Homeowners Association, Inc.

By: 
Rick Wyatt, President

By: 
Larry Pabst, Vice - President

By: 
Sheila Spagnolo, Secretary

By: 
Jimmy McMullan, Treasurer

By: 
Melissa Glittering, Director at Large