

STATE OF SOUTH CAROLINA    )  
  )  
COUNTY OF BEAUFORT        )

FIRST AMENDMENT TO THE AMENDED AND  
RESTATED BY-LAWS OF ISLAND WEST  
HOMEOWNERS ASSOCIATION, INC.

**THIS FIRST AMENDMENT TO THE AMENDED AND RESTATED BY-LAWS OF ISLAND WEST HOMEOWNERS ASSOCIATION, INC.**, is made this 15<sup>th</sup> day of March, 2021 by the Island West Homeowners Association, Inc., a South Carolina non-profit corporation (the "Association") to amend certain provisions of the Amended and Restated By-Laws of February 3, 2015 and recorded in the Office of the Register of Deeds for Beaufort County, South Carolina as Exhibit D to the Amended and Restated Declaration of Covenants, Conditions, and Restrictions for Island West Homeowners Association, in Book 3381 at Page 2388 (the "Amended and Restated By-Laws").

**WITNESSETH**

**WHEREAS**, Article VI Section 6.6 of the Amended and Restated By-Laws provides in pertinent part that the By-Laws may be amended only by the affirmative vote of Members representing more than fifty percent (50%) of the total vote in the Association; and

**WHEREAS**, Section 33-31-708 of the South Carolina Code of Laws provides that, unless otherwise prohibited in its by-laws, any action by members of a not for profit corporation that may be taken at a meeting of the members may be taken by written or electronic ballot provided that the ballot and solicitations for the ballot meet the requirements thereof; and

**WHEREAS**, the Association is a South Carolina not for profit corporation and the Amended and Restated By-Laws of the Association do not prohibit the Association's use of the provisions of Section 33-31-708 of the South Carolina Code of Laws; and

**WHEREAS**, pursuant to the notice provisions in Article 2 of the Island West Amended and Restated By-Laws, on January 19, 2021, notice was mailed to the Members of the Association providing notice of the proposed amendments, a copy of which amendments was enclosed in the notice, together with a ballot meeting the requirements of Section 33-31-708 of the South Carolina Code of Laws; and

**WHEREAS**, pursuant to the affirmative vote of the Members representing more than fifty percent (50%) of the total vote in the Association made and delivered in accordance with the notice, on February 19, 2021, the following amendments to the Island West Amended and

Restated By-Laws were approved in satisfaction of Article VI, Section 6.6 of the Amended and Restated By-Laws.

**NOW, THEREFORE,** The Association hereby amends the Amended and Restated By-Laws as follows:

1. **Article III, Section C. Powers and Duties, Section 3.17 Duties is amended to add:**

“(q) To administer, operate, manage and/or lease the Golf Course pursuant to the provisions of the Governing Documents and to annually present to the Members (with their annual report pursuant to Section 3.19(f) of these By-Laws) a financial report related to activities of the Island West Golf Course.”

2. **Article III, Section C. Powers and Duties, Section 3.21 Right to Contract is hereby amended so that such Section as amended shall read as follows:**

“The Association shall have the right to contract with any Person or entity for the performance of various duties and functions. This right shall include, without limitation, the right to lease the Island West Golf Course pursuant to the terms of the Declaration; and the right to enter into common management, operational, or other agreements with residential or nonresidential owners’ associations within and outside the Community; however, any common management agreement shall require the Board’s consent.”

3. **Article V Association and Board Committees is hereby amended so that such Article V as amended shall read as follows:**

“5.1 Golf Course Committee

The Board may appoint one or more Golf Course Committees from time to time composed of five Members of which one shall be a Board Member with the purpose of these committees to (a) monitor the activities of the operator of the Island West Golf Course, (b) monitor the use and activities of the Golf Course by the Members and the public, (c) monitor the maintenance and repair standards of the Golf Course, and (d) report their findings with recommendations to the Board as appropriate.

5.2 Other Committees

The Board may appoint such other committees as it deems appropriate to assist the Board in performing its duties to serve for such time periods and specific tasks as the Board may designate by resolution.

5.3 Officers of Committees

Each committee shall (a) elect a chairperson, (b) conduct meetings at least once each calendar quarter, (c) keep written minutes of their meetings and deliver copies to the

Association Secretary within ten days of each meeting, and (d) follow the directions of the Resolution of their creation.”

**IN WITNESS WHEREOF**, the Association has caused this First Amendment to the Amended and Restated By-Laws for Island West Homeowners Association, Inc., to be executed on this 15<sup>th</sup> day of March, 2021 to be effective upon recording.

**WITNESS:**

**ISLAND WEST HOMEOWNERS  
ASSOCIATION, INC.**

Brenda S. Perkins  
Mary Walden  
Mary Walden  
Brenda S. Perkins

By: Richard E. Myers  
Richard E. Myers  
Its: President

Attest: Robert H. Gold  
Robert H. Gold  
Its: Secretary

STATE OF SOUTH CAROLINA     )

COUNTY OF BEAUFORT            )

**ACKNOWLEDGMENT**

I, the undersigned Notary Public, do hereby certify that Richard E. Myers, as President of **Island West Homeowners Association, Inc.** personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 15<sup>th</sup> day of March, 2021.

Brenda J. Perkins (SEAL)  
Notary Public for South Carolina  
My Commission expires: 04/26/2028

STATE OF SOUTH CAROLINA     )

COUNTY OF BEAUFORT            )

**ACKNOWLEDGMENT**

I, the undersigned Notary Public, do hereby certify that Robert H. Gold, as Secretary of **Island West Homeowners Association, Inc.** personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 15<sup>th</sup> day of March, 2021.

Brenda J. Perkins (SEAL)  
Notary Public for South Carolina  
My Commission expires: 04/26/2028

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF BEAUFORT )

**SECRETARY CERTIFICATE**

Pursuant to Article VI, Section 6.6 of the Amended and Restated By-Laws of Island West Homeowners Association recorded in the Office of the Register of Deeds for Beaufort County as Exhibit D to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Island West Homeowners Association in Book 3381 at Page 2388, I, the Secretary of the Island West Homeowners Association, Inc. do hereby certify as follows:

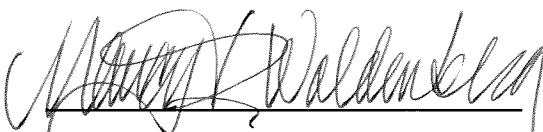
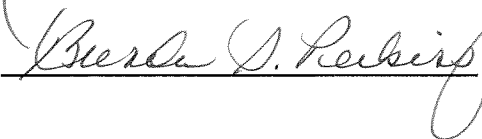
That, the First Amendment to the Amended and Restated By-Laws of Island West Homeowners Association, Inc., to which this certificate is attached was duly adopted on February 19, 2021 by written ballot in accordance with Section 33-31-708 of the South Carolina Code of Laws with said amendments to be effective upon recording. The total number of votes necessary to adopt the Amendment and the total number of votes cast for and against the Amendments are shown below:

Issue	Total Eligible Votes	Number of Votes Required to Amend By-Laws	Votes Cast for Covenant Amendment	Votes Against Covenant Amendment	Units Not Voting
First Amendment to the Amended and Restated By-Laws	260	131*	186	0	74

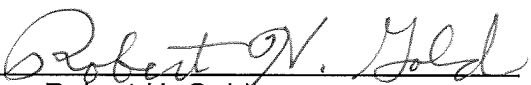
\*more than 50% of the total votes in the Association.

**IN WITNESS WHEREOF**, the Secretary of the Association has caused these presents to be executed on this 5<sup>th</sup> day of March, 2021.

**WITNESS:**

  
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**ISLAND WEST HOMEOWNERS ASSOCIATION, INC.**

By:   
 Robert H. Gold  
 Its: Secretary

STATE OF SOUTH CAROLINA )  
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COUNTY OF BEAUFORT )

ACKNOWLEDGMENT

I, the undersigned Notary Public, do hereby certify that Robert H. Gold, as Secretary of **Island West Homeowners Association, Inc.** personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 15<sup>th</sup> day of March, 2021.

Brenda J. Perkins (SEAL)  
Notary Public for South Carolina  
My Commission expires: 04/26/2028