

*5/2004*

SPRINGWOOD LAKESIDE INDIVIDUAL PROPERTY OWNERS ASSOCIATION, Inc.  
CONSTITUTION

ARTICLE I: Name of the Association

Section 1. The name of the Association shall be Springwood Lakeside Individual Property Owners Association, Incorporated, as designated in the Certificate of Incorporation.

Section 2. The Springwood Lakeside Individual Property Owners Association, Inc. shall be referred to in this document as 'the Association'.

ARTICLE II: Authority of the Association

Section 1. The Executive Department of the State of South Carolina issued a Certificate of Incorporation to The Springwood Lakeside Individual Property Owners Association dated January 6, 1983, under the authority of the Secretary of State.

Section 2. The Association received its authority through the Indenture Deed dated November 2, 1983, and recorded at Richland County, S. C. in Book D-669, page 479.

ARTICLE III: Purpose of the Association

Section 1. The purpose of the Association is to hold and regulate property in common for its membership, to collect and disseminate useful information regarding Springwood Lake and its vicinity, and to initiate action as deemed appropriate by the membership on matters of mutual and beneficial concern.

ARTICLE IV: Membership

Section 1. Membership in the Association shall be limited and attached to individual lakeside property lots as delineated in, but not limited to, the Indenture Deed, Book D-669, Page 479.

ARTICLE V: Government

Section 1. The government of the Association shall consist of Officers, duly elected by the membership.

Section 2. The Officers of the Association shall consist of a President, a Secretary, a Treasurer and two (2) Directors, and shall be known as the Board of Directors.

ARTICLE VI: Meetings

Section 1. The membership of the Association shall meet with a formalized agenda no less than twice a year, one of which shall be for the purpose of the election of Officers.

Section 2. A quorum of one-third (1/3rd) of the membership present, or represented by proxy, and voting, is required to conduct business of the Association.

Section 3. A membership meeting of the Association can be called by the President by notifying the membership in writing at least seven (7) days prior to the meeting.

#### ARTICLE VII: Funding

Section 1. The fiscal year of the Association shall be from January 1st to December 31st of each year.

Section 2. The Association shall collect yearly dues from its membership for the purpose of paying taxes, insurance, maintenance, and general care of the mutually held property.

#### ARTICLE VIII: Powers of Assessment

Section 1. The Association has the power to assess the lakeside property owners for purposes of general and mutually beneficial maintenance and business (as recommended to them by the Board of Directors and voted upon by the membership), and to file and record a lien which shall attach to the property.

#### ARTICLE IX: Covenants, Conditions, Restrictions and Reservations

Section 1. The Association recognizes the covenants, conditions, restrictions and reservations as developed for the Springwood Lake Development and the Springwood Lake Estates, together and separately, and including any amendments thereto.

#### ARTICLE X: Amendments

Section 1. This Constitution may be amended at any regularly scheduled, or specially called, meeting of the Association, provided the notice of the proposed amendment(s) shall have been given the membership at least thirty (30) days prior to the meeting at which time the amendment is presented for discussion and vote, and provided a quorum is present, or provided by proxy.

Section 2. Amendments to the Constitution require a simple majority (51%) vote of the membership in good standing, present and voting.

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This Constitution was approved by the membership of  
The Springwood Lakeside Individual Property Owners Association,  
Inc. at a membership meeting on this the \_\_\_\_\_ day of  
\_\_\_\_\_, 199\_\_\_\_\_.  
  
\_\_\_\_\_

Secretary

President

Duly Recorded: Date \_\_\_\_\_ Book \_\_\_\_\_, Page \_\_\_\_\_

SPRINGWOOD LAKESIDE INDIVIDUAL PROPERTY OWNERS ASSOCIATION, INC.  
ARTICLES OF ASSOCIATION / BY-LAWS

ARTICLE I: Authority of the Association

Section 1. The Springwood Lakeside Individual Property Association, hereinafter referred to as 'the Association', has been incorporated as a beneficial, non-profit association.

A. By virtue of the Certificate of Incorporation, the Association has been declared to be a 'body politic and corporate with all the rights, powers, privileges and immunities, and subject to all the limitations and liabilities, conferred by said Chapter 31, Title 33, Code of 1976 and Acts amendatory thereto.'

Section 2. Full and ultimate authority for the direction of the Association shall be vested in its membership.

ARTICLE II: Membership

Section 1. Membership in the Association shall be limited and attached to the individual lakeside property lot as shown on the following maps:

A. The map of Springwood Lake Development dated May 7, 1958, revised March 20, 1959, consists of twenty-nine (29) lakeside lots (plus the Springwood Club property) on Edgewater Drive, now identified on the Richland County Property Tax Map (RCPT) # 17007, Area 4, as lots numbered 15, 16, 17, 18, 19, 20, 21, & 1; RCPT map # 17008, Area 3, lots numbered 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2 & 1; and RCPT map # 17015, Area 3, lots numbered 13, 12, 11, 10.

B. The map of Springwood Lake Estates dated June 7, 1958, revised January 15, 1969, consists of thirteen (13) lakeside lots, now identified on the Richland County Property Tax Map (RCPT) # 17007, Area 4, as lots numbered 14, 13, 12, 11, 9, 8, 7, 6, 5 & 3; Horseshoe Acres map 677 and RCPT map # 17011, Area 1, consists of twelve (12) lakeside lots numbered 3, 2 & 1; RCPT map # 17012, Area 4, lots numbered 11, 12, 13, 14, 15, 16 & 17; and map 683 and RCPT map # 17012, Area 1, lots numbered 65, 66 & 67; and RCPT map # 17012, Area 5, lot number 23. (Appendix A identifies membership lot numbers with corresponding street addresses.)

C. Associate membership may be extended as approved by the Board of Directors and the membership.

Section 2. A membership in good standing is, by definition, when the financial obligations of dues and assessments are current and the individual property owner is in compliance with rules, By-Laws of the Association, and with the covenants, conditions, reservations and restrictions of the individual property.

Section 3. Each membership in good standing shall have the rights to benefits as determined by the Association.

A. The rights to benefits shall include, but are not limited to, the use of mutually held properties.

Section 3. Each membership in good standing shall have one (1) vote on the business of the Association.

Section 4. The Association is the designated representative of the property owner/membership for purposes of mutually shared benefit.

### ARTICLE III: Election of Board of Directors

Section 1. The Officers of the Association shall consist of a President, a Secretary, a Treasurer and two (2) Directors, and shall be known as the Board of Directors.

Section 2. The President shall appoint a Nominating Committee consisting of three (3) members which may include any member in good standing of the Association.

A. The Nominating Committee shall solicit from the membership in good standing for the office of President, Secretary and Treasurer (in the odd years) and for two (2) Directors (in the even years) to serve for a two (2) year term.

B. The Nominating Committee shall present the nominated slate, from which nominees they have obtained permission, to the membership at a membership meeting, traditionally held in November.

C. Nominations may be made from the floor, provided prior consent from the nominee has been obtained and there is a second to the nomination.

D. The vote from the membership shall be by voice vote, if there are no additional nominees from the floor; for the offices for which more than one candidate has been nominated, election shall be by ballot; a simple majority elects.

E. The newly elected Board of Directors shall assume their duties as of January 1st.

F. A vacancy occurring in any elected office shall be filled by the Board of Directors for the remainder of the unexpired term.

### ARTICLE IV: Duties of the Officers and Directors

Section 1. The President shall preside over all the meetings of the Board of Directors and the membership meetings, shall represent the Association at public meetings and occasions, and shall make appointments from the Board of Directors or the membership, as deemed advisable, for the effective conduct of the business of the Association. In addition, the President is responsible for determining, and having available, agenda items for the membership, and for soliciting proxies (if necessary) for a quorum at any membership meeting.

Section 2. The Secretary shall record all votes and minutes of the proceedings of the Board of Directors and the membership meetings, and shall be responsible for the availability and presentation of these minutes. The Secretary shall be responsible for the availability of current and prior minutes and all recorded correspondences, and for the safekeeping and preservation of all such records. In addition, the Secretary shall be responsible for preparing, copying, and issuing statements and communications, as directed by the President.

Section 3. The Treasurer shall receive, deposit and co-disburse with the President all funds of the Association, maintain and keep accurate records, report any member dues and assessments payment delinquencies to the Board of Directors, issue delinquent notices to members involved, prepare an annual Financial Statement for the membership, and participate in yearly audits of all the financial records.

#### ARTICLE V: Meetings

Section 1. The membership of the Association shall meet with a formalized agenda no less than twice a year, one of which shall be for the purpose of the election of Officers Directors. Traditionally, these meetings take place in April and November.

Section 2. A membership meeting of the Association can be called by the President as often as business, interest, and participation dictate by notifying the membership in writing at least seven (7) days prior to the meeting.

Section 3. Association business can be conducted provided a quorum of one-third (1/3rd) the membership in good standing is present, or represented by proxy, at the meeting.

A. A signed, dated proxy, which delineates specific instructions for voting on one or more specific agenda items, may be solicited by a member of the Board of Directors, as appointed by the President, from a membership who anticipates being absent from a particular meeting, for purposes of a quorum.

B. Meetings of the Association shall be conducted in accordance with Roberts' Rules of Order, Revised.

#### ARTICLE VI: Funding

Section 1. The fiscal year of the Association shall be from January 1st to December 31st of each year.

Section 2. The Association shall collect yearly dues from its membership for the purpose of paying taxes, insurance, maintenance, and general care of the mutually held property.

A. The Board of Directors shall recommend to the membership the amount for yearly dues and assessments, as needed.

B. It is the responsibility of a membership to pay dues and assessments, when due, to the Association.

Section 3. The financial records of the Association shall be reviewed not less than once a year by the treasurer and one or more Director, or a representative from the membership, as appointed by the Board, and a report from these audited financial records shall be given to the membership.

ARTICLE VII: Powers of Assessment

Section 1. The Association has the authority to assess the lakeside property owners for purposes of general and mutually beneficial business, as recommended by the Board of Directors and voted upon, with a simple majority approval, by the membership in good standing.

A. Each lakeside individual property owner shall be assessed equally.

B. Each owner of any lakeside property by acceptance of a deed or contract therefore, whether or not it should be so expressed in such deed or contract, is deemed to covenant and agree to pay to Springwood Lakeside Individual Property Owners Association, Incorporated, all regular assessments or charges and special assessments or charges duly established and authorized by and according to the By-laws of said Association.

C. Said regular and special assessments, together with interest thereon, late payment penalties if provided, costs and actual attorney fees, shall be a charge and a continuing charge upon the property against which any assessment is made and becomes effective upon the levy of the assessment; it is the obligation of the owner of such property at the time the assessment fell due.

D. No property owner may exempt such property, ownership, obligation or liability for this assessment toward the common expenses by waiver, either express or implied, of the use or enjoyment of any part of the Association's mutually held properties or by the abandonment of said lot or by the refusal to accept the benefit flowing from the assessment.

Section 2. The Association shall have the power to file and record a lien against the individual property owners at the Office of the RMC for Richland County and such lien shall attach to the property.

A. The lien of assessments provided for herein shall be subordinated to the lien of any mortgage, mortgages, deed of trust or deeds of trust. Sale or transfer of any property shall not affect the assessment lien. However, the sale or transfer of any property which is subject to any mortgage, pursuant to a decree of foreclosure thereof, shall extinguish the lien of such assessments as to payments thereof, which became due prior to such sale or transfer. No such sale or transfer shall relieve such property from liability for any assessments thereafter becoming due or from the lien thereof, but the liens provided for herein shall continue to be subordinate to the lien of any mortgage, mortgages, deed of trust or deeds of trust.

Section 3. The Association shall take the appropriate legal action against any lakeside property owner whose other financial obligations (such as those of yearly dues) to the Association are in arrears.

A. For each Quarter in which a member's financial obligations are in arrears, the property owner shall be assessed a penalty as determined by the Board of Directors.

B. After two (2) notices of financial obligations in arrears has been given to the property owner concerned, the Board of Directors shall determine what action shall be initiated by the Board of Directors as deemed necessary to recoup all charges.

#### Section VIII: Liabilities of Officers and Members

Section 1. Neither the Association, its Board of Directors nor its membership may be held liable for the Torts arising from the unauthorized acts of its agents or members; neither can the Association be held to contracts made by agents or members without the authority to do so.

Section 2. The Board of Directors of the Association, either individually or collectively, may not be held liable solely because of their eligibility of office or for their elected office and duties.

A. The acts of Officers and Directors, outside their authority, are not binding on the Association, unless ratified by the Association.

B. It is the duty of an Officer and Director to account to the Association for contracts signed in behalf of the Association.

C. Officers or Directors may not be held liable, personally, for contracts signed in behalf of the Association unless there has been proven fraud or breach of duty.

#### ARTICLE IX: Voluntary Dissolution of The Association

Section 1. The Association may be voluntarily dissolved by unanimous consent of its members.

Section 2. If a statute controls the dissolutions of a beneficial association, the law must be followed strictly. A beneficial association may be dissolved when it abandons its purpose and fails to exercise its functions for an unreasonably long time.

#### Article X: Covenants, Conditions, Restrictions and Reservations

Section 1. The Association recognizes the covenants, conditions, restrictions and reservations as developed for the Springwood Lake Development and the Springwood Lake Estates, together and separately, and including any amendments thereto. (See Appendix B.)

## ARTICLE XI: General Rules of Lakeside Habitation

Section 1. Dumping of debris, yard trash or any foreign object in to the lake is prohibited.

A. Any chemicals applied to the lake or its waters must be approved by the Board of Directors.

Section 2. Only lakeside property owner members, in good standing, are authorized to draw water from Springwood Lake.

A. The Board of Directors shall determine the level of the lake.

B. Under normal circumstances, the level of the lake will be maintained within three (3) inches of the overflow level of the overflow/spillway, as prescribed by Land Resources, S. C. (now prescribed by DHEC).

C. No other individual or group possesses the authority of lake level for any reason.

Section 3. Members in good standing and their house guests, authorized or permitted by such members, are responsible for the conduct, liability, safety, etc. of such guests as they use the facilities of the mutually held properties.

Section 4. The member who has given permission to any individual or group to have access to the lake assumes full responsibility for those individuals or groups, for which the member has given permission, to gain access to the lake through their respective areas. This includes, but is not limited to, provisions for 'Life Guards' or adult supervision, security, etc.

Section 5. Annual inspection of the dam and the three (3) discharge units may be conducted on an annual basis by the Board of Directors and appropriate reports rendered as prescribed by Land Resources, SC (now: DHEC), and the Department of Defense.

A. All other areas shall be inspected as deemed appropriate by the Board of Directors or governmental agencies.

Section 6. All docks, boat houses, or any other construction extending over or on the waters of Springwood Lake, will be permitted only with written approval of the Board of Directors of the association. Those members whose docks or boat houses were built prior to December 31, 1984 have been 'grandfathered'.

A. Individuals will submit plans and location of all new, proposed construction to the association for written approval prior to construction.

B. Any and all construction built without prior written approval of the Board of Directors has been or shall be condemned, if constructed after December 31, 1984.

C. Any condemned structures must be removed at the lakeside owners expense.

Section 7. In order to insure safety requirements, protection of properties surrounding the lake, and overcrowding or excessive boat use on the lake, the following rules will be enforced:

A. Only those boats displaying the Springwood Lake Association decals will be allowed on Springwood Lake. Each member in good standing, shall receive decal(s) for their own boats, as self-reported. *or less 9,5.*

B. Electric motors only may be used on the lake.

C. The association assumes absolutely no responsibility, legal or otherwise, in matters pertaining to personal liabilities or property damages resulting from the use of the mutually held properties of the association or in or on the waters of Springwood Lake.

D. Swimming from boats or other water surface crafts on Springwood Lake is prohibited.

Section 8. The following rules shall be enacted to protect the fishing rights of all members:

A. No Bass less than 12 inches may be kept.

B. All Bluegills and Shellcrackers should be kept, regardless of size.

C. Fishing by members and their guests is permitted from boats and members' property.

D. Fishing or launching of any water crafts from the spillway and areas off Creekwood Road are not permitted.

E. Fishing within fifteen (15) feet of member docks or any designated swimming areas is prohibited.

F. Trot lines and seines are prohibited.

#### ARTICLE XII: Severability & Conflict of Documents

Section 1. Invalidation of any portion of this Constitution or By-Laws by judgment or court order shall in no way effect any other provisions in full force and effect.

Section 2. If there is any conflict among or between documents (including, but not limited to, previous By-Laws by date, letters, etc.) of the Association, the provision of this document shall prevail.

A. Thereafter, except as stated to the contrary, first above written, priority shall be given to documents in the following manner: 1) Subdivision Plats, including Revisions, 2) Original Deeds, 3) Association documents and letters, 4) Prior Association Constitution and By-Laws.

#### ARTICLE XIII: Amendments

Section 1. These By-Laws are to run with the property lot/membership and shall be binding on all parties and persons claiming under them until December 31, 2020, PROVIDED THAT, during said period, the said By-Laws may be amended as in Section 2, below, by an instrument in writing and duly recorded.

A. Thereafter, these By-Laws shall be automatically extended for successive periods of ten (10) years.

Section 2. These By-Laws may be amended at any regularly scheduled, or specially called, meeting of the Association, provided the notice of the proposed amendment(s) shall have been given the membership at least thirty (30) days prior to the meeting at which time the amendment is presented for discussion and vote, and provided a quorum is present, or provided by proxy.

A. By-Laws amendments require a simple majority (51%) vote of the membership in good standing, present or by proxy.

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These By-Laws were approved by the membership of The Springwood Lakeside Individual Property Owners Association, Inc. at a membership meeting on this the \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_\_\_\_.

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Secretary

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President

Duly Recorded: Date \_\_\_\_\_ Book \_\_\_\_\_, Page \_\_\_\_\_

SPRINGWOOD LAKESIDE INDIVIDUAL PROPERTY OWNERS ASSOCIATION  
ARTICLES OF ASSOCIATION / BY-LAWS

Appendix A

Membership Information gathered from Property Tax maps and Plats

Lot #	Address	Frontage	Owner (as of 10/95)
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Richland County Property Tax Map # 17007, Area 4:

14	7815 Nell St	231 feet	Brackin
13	7819 Nell St.	121 feet	Sims
12	7827 Nell St.	117 ft	Branham
11	7901 Nell St.	227 ft	Murphy
9	7851 Nell St.	103 ft	Flug
8	7303 Sara Dr.	100ft	McRoberts
7	7309 Sara Dr.	170 ft	Green
6	7315 Sara Dr.	135 ft	Wright
5	7321 Sara Dr.	120 ft	Rowell
4	7327 Sara Dr.	120 ft	Pike
3	7333 Sara Dr.	335 ft	Byars

Richland County Property Tax Map # 17011, Area 1:

3	1721 Horseshoe Dr	158 ft	Serbin
2	No street address	NA	Serbin
1	No street address	NA	Hennies

Richland County Property Tax Map # 17012. Area 4:

11	1695 Horseshoe Dr	185 ft	Floyd
12	1695 Horseshoe Dr	30 ft	Floyd
13	1693 Horseshoe Dr	220 ft	Ross
14,15	1701 Horseshoe Dr	166 ft	Alexander
16,17	No street address	148 ft	Price

Richland County Property Tax Map # 17007, Area 4:

15	7400 Edgewater	230 ft	Hileman
16	7406 Edgewater	159 ft	Langley
17	7412 Edgewater	192 ft	Greene
18	7500 Edgewater	100 ft	Way
19	7504 Edgewater	159 ft	Hamilton
20	7508 Edgewater	160 ft	Kirby
21	7512 Edgewater	145 ft	Jeffcoat
1	7516 Edgewater	120 ft	Dail

Richland County Property Tax Map # 17008, Area 3:

12	7520 Edgewater	115 ft	Hellams
11	7524 Edgewater	110 ft	Davis
9	7600 Edgewater	138 ft	Cherry
8	7604 Edgewater	118 ft	Robinson
7	7608 Edgewater	118 ft	Scott
6	7614 Edgewater	118 ft	L. Fellers
5	7700 Edgewater	202 ft	Rathle
4	7702 Edgewater	122 ft	Summer/Laudine
3	7708 Edgewater	181 ft	E. Fellers
2	7712 Edgewater	113 ft	Sanders
1	7716 Edgewater	115 ft	Murray

Appendix A (Cont'd)

<u>Lot #</u>	<u>Address</u>	<u>Frontage</u>	<u>Owner (as of 10/95)</u>
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Richland County Property Tax Map # 17105, Area 3:

13	7800 Edgewater	90 ft	Harper
12	7806 Edgewater	140 ft	Wilson
11	7812 Edgewater	180 ft	Richardson
10	7818 Edgewater	180 ft	Tollison

Richland County Property Tax Map # 17012, Area 1:

65	1752 Springwood Lake Pt	65 ft	Postal
66	1748 Springwood Lake Pt	94 ft	Postal
67	1744 Springwood Lake Pt	84 ft	Stern

Richland County Property Tax Map # 17012, Area 5:  
 23 129 Springwood Lake Pt 132 ft Gottlieb, Askender, Flynn

Richland County Property Tax Map # 17109, Area 4:  
 No address L B Nelson (all)  
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Non-Member properties with frontage on Springwood Lake:

Richland County Property Tax Map #17012, Area 1:  
 18 1740 Springwood Lake Dr 61 ft [HUD, as owner]

Richland County Proptery Tax Map # 17012, Area 5:  
 24 125 Springwood Lake Dr 30 ft [owner unknown]  
 22 133 Springwood Lake Dr 101 ft [owner unknown]  
 21 148 Springwood Lake Dr 100 ft [owner unknown]  
 20 144 Springwood Lake Dr 127 ft [owner unknown]

Richland County Property Tax Map # 17109, Area 3:  
 Undeveloped? Has partial lake frontage

Richland County Property Tax Map # 17008, Area 3:  
 10 Clubhouse on Edgewater 600 ft approx Humphrey

Richland County Property Tax Map # 17005, Area 6:  
 9 7824 Edgewater 140 ft ? owner  
 8 7826 Edgewater partial frontage ? owner  
 7 7830 Edgewater partial frontage ? owner  
 6 7836 Edgewater partial frontage ? owner

Springwood Lakeside Individual Property Owners Association, Inc.  
Constitution and By-Laws

Appendix B

Documents relating, but not limited, to Covenants, Restrictions, Reservations, as filed with Richland County, South Carolina, are as follows:

	Deed Books	Plat Books
11/1/56	D- 90, Page 788 D-196, Page 409  D-223, Page 338	6/20/57 Plat Book 11, Page 93
2/11/58	D-229, Page 314,	318, 321, 323, 327, 331 5/7/58 Plat 11. Page 370, 379
* 6/27/58	D-229, Page 335	
* 9/29/58	D-235, Page 199 D-268, Page 181	
* 11/4/58	D-237, Page 221	9/6/58 Plat Book 12, Page 15 3/20/59 Plat 13, Page 1
5/7/65	D- 10, Page 84 D-764, Page 140	Plat 11, Page 378
3/9/73	D-273, Page 39 D-197, Page 409	
7/3/73	D-285, Page 631	
3/5/82	D-233, Page 338	
11/2/83	D-669, Page 479 D-435, Page 965	
11/2/83	D-488, Page 479	
5/13/85	D-764, Page 140	
11/10/88	D-912, Page 90	

