



**RECORDING OF RULES AND REGULATIONS PURSUANT TO THE SOUTH CAROLINA HOMEOWNERS ASSOCIATION ACT, S.C. CODE §§ 27-30-110 et. seq.**

**Tracer Cross-reference: Book A128, Page 186**

The undersigned President of Windswept Villas Horizontal Property Regime, Inc. (the "Association") hereby certifies that the attached Rules and Regulations, consisting of a total of six (6) pages, are the duly adopted Rules and Regulations of the Association.

Windswept Villas Horizontal Property Regime is a horizontal property regime created by the recording of a Master Deed in the ROD Office for Charleston Count on March 26, 1982 in Book A128, Page 186.

The following rules and regulations are attached hereto:

- 1) Pet Regulation (1 page);
- 2) Collection Regulations (1 page)
- 2) Remodeling and Renovation Regulations For Owners and Owners' Contractors (4 pages).

**Windswept Villas Horizontal Property Regime, Inc.**

By (sign name):

  
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Print name:

ALAN C NEDRICH

Title:

President

Date: 7/31/18

**PET REGULATION OF THE WINDSWEPT VILLAS I HORIZONTAL PROPERTY REGIME**

No pets shall be allowed on the Property (as defined in the Master Deed) of the Windswept Villas I Horizontal Property Regime, with the exception of: pets owned by a Co-owner of a villa; guide dogs for persons who are blind or visually impaired; and other service dogs for persons with disabilities. (original regulation adopted November 4, 2013).

If a prohibited pet is found in a villa of the Windswept Villas I Horizontal Property Regime, without being accompanied by a Co-owner, the individual may face immediate eviction. In addition, a \$300 fine shall be imposed on the Co-owner of record. If a Co-owner, or an agent of said person, in any way advertises the rental villa as allowing pets, a \$500 fine shall be imposed on the Co-owner of record. (amendment adopted April 13, 2017).

## COLLECTION REGULATIONS FOR WINDSWEPT I HORIZONTAL PROPERTY REGIME

Owners who do not pay their regime fees will be sent a friendly reminder the month after payment is due. If payment is not received during the following month, another letter will be sent to the owner requesting payment. If 90 days have passed since the payment was due, the owner will get another letter notifying them that the property may be turned over to the attorney for a lien to be filed in ten days. Please remember that Delinquent Payment Penalties and legal fees are the unit owner's responsibility. Delinquent Payments accrue at the rate of 2% per month on the unpaid balance.

- The property manager is given discretion to waive non-recurring Delinquent Payment Penalties if a valid reason is given and the account is up-to-date 30 days after the payment was due. **Any payment by a Co-owner will be applied first to the longest outstanding debt, including Delinquent Payment Penalties.**
- The Board of Directors may, in its discretion, waive all or any portion of the Delinquent Payment Penalty if it affirmatively documents that the failure to pay the assessment when due was caused by personal hardship or by circumstances beyond the control of the Co-owner. A request for such waiver must be made, in writing, to the Board of Directors.
- The Board of Directors may, in its discretion, choose to file a lien on a Co-owner's property for amounts overdue for 90 days or more. The Co-owner shall be responsible for all legal and filing fees.
- If a Co-owner is more than 120 days behind in Assessments and Delinquent Payment Penalties, the Board of Directors may, at its discretion, foreclose on the property and/or petition the Court for garnishment of rental income. The Co-owner shall be responsible for all legal fees.
- The Board may, at its discretion, agree to a payment plan. During the duration of the payment plan, no further Delinquent Payment Penalties will accrue.

## WINDSWEPT VILLAS I HPR

### REMODELING AND RENOVATION REGULATIONS FOR OWNERS AND OWNERS' CONTRACTORS (OWNERS ARE RESPONSIBLE TO ENSURE COMPLIANCE)

1. Owners having work conducted in their villas involving installation of flooring, kitchen and/or bath remodeling/renovation, removal of walls or partitions, etc. must follow these regulations.
2. Owners must submit to the Regime Manager a written summary of work to be conducted in their villa, including the name of the contractor and contact information.
3. If the work includes alterations to the villa (wall removal or installation, plumbing alterations, electrical alterations, etc.) drawings, along with a detailed scope of work must be submitted to the Regime Manager for Board approval as outlined in the Regime's Master Deed. If the submitted request does not include the proper or sufficient engineering drawings, an architect/ engineer will be hired by the Board at the owner's expense to confirm compliance. The Regime Manager has the right to inspect the work at any time.
4. Owners must submit a copy of the contractor's Kiawah Island Business License and South Carolina Contractor's License to the Regime Manager.
5. The Regime prohibits the use of certain types of wall coverings on the interior of exterior walls because they may interfere with acceptable water vapor performance. To accommodate acceptable water vapor performance of exterior walls, no paint, coating, or wall covering that exhibits a perm rating of less than 5 shall be used. Examples of materials that are NOT to be applied to the interior of any exterior wall include but are not limited to perforated vinyl wallcovering, nonperforated vinyl wallcovering, wallpaper with low-perm adhesive, low-perm gloss paint, certain trowel-applied coatings, and more than eight coats of latex paint. The product data for all intended wall coverings shall be submitted to the Regime for review and approval prior to placement. For purposes of this policy, an exterior wall is one which has an exterior face, or portion of the exterior face, exposed to the outside elements. Such surfaces include protected (balcony/corridor walls) and unprotected walls. If you or your Contractor are in doubt whether a particular wall covering may be used on the interior of an exterior wall, please check with the Regime Property Manager before beginning any work. The Regime reserves the right to require owners to remove existing wall coverings that have interfered, or may interfere, with acceptable water vapor performance. If an owner fails to comply with this policy, the Regime reserves the right to remove

the wall covering and charge the Owner for all removal costs.

6. Any hard surface floor (such as wood, wood substitute, tile, etc.) which is installed above another Ocean Front Villa or Woodland Suite must have a sound barrier underlayment installed below the hard surface. Such underlayment must provide an assembly with an IIC-STC rating of at least 60. If such underlayment has not been installed, the Board has the right to require the removal of the floor at the Co-owners expense."
7. Any required Charleston County, Town of Kiawah, or ARB building permits must be posted conspicuously on the job site and copies submitted to the Regime Manager before the start of work.
8. Any work on the villa by or on behalf of the owner must maintain the integrity of the one hour fire rated walls, ceilings and floors (contained in Exhibit A, attached and found on the web site.
9. All contractor vehicles must park as close to Sea Forest Drive as possible, with the exception of vehicles that are actively unloading materials for use in the villas.
10. All materials and supplies must be stored in villas or off site. Storage of materials is not allowed in the parking lot or outside of villas. All work must be performed within the villa. No sawing or tile cutting may be performed in the hallways or outside the building.
11. Contractors are responsible for removing all debris from the villa exterior daily. Under no circumstance can the contractor use the Windswept I dumpsters. If the contractor deems that a dumpster is needed for villa debris removal, permission must be obtained from the Regime Manager prior to the delivery and placement of the dumpster. The dumpster must be placed on plywood so as not to damage the parking lot and must be emptied before it overflows.
12. If a contractor or his/her employees use the stairwells, elevators and other common areas, those areas must be cleaned at the end of each workday. No hazardous materials may be left in the stairwells, elevators and common areas at any time. No material(s) or debris may be left blocking the stairwells, elevators, or common areas at any time.
13. Contractors must have insurance coverage as outlined below. An insurance certificate that includes Windswept Villas I Horizontal Property Regime as an additional insured

must be provided to the Regime Manager.

- a. General liability per occurrence \$1,000,000
- b. Annual Aggregate \$2,000,000
- c. Products and Completed Operation \$1,000,000
- d. Personal and Advertising Injury \$1,000,000
- e. Medical Payment per Person \$5,000
- f. Workers Compensation \$500,000

14. The general contractor must submit a list of the sub-contractors that will be conducting work and a copy of the sub-contractors' insurance certificates.

15. If any damage to the exterior of the building or equipment occurs during the villa's interior work, regardless of whether the damage is the result of any act or omission by the owner, owner's contractors, sub-contractors and/or material suppliers, the owner will reimburse the Windswept Villas I Regime promptly for the cost to repair such damage. Owner must escrow in a Windswept Villas I Regime damage deposit account funds up to \$4,000, depending on the scope of the proposed work. The amount shall be determined by the Board.

16. Under no circumstances may any villa interior remodel/renovation begin until the owner and owner's contractors have fully complied with the requirements of Paragraphs 2,3,4,7,13 and 14.

By signing this document, the owner and contractor acknowledge the **REMODELING/RENOVATION REGULATION: BOARD APPROVAL REQUIRED, PERMISSIBLE DATES AND FINES.**

**Board approval must be obtained before remodeling/renovations to individual villas can start. Work that started before Board approval was obtained must cease until approval has been issued. Remodeling/Renovations to villas (except in the event of loss by fire, flood, or any other disaster) shall only be conducted between THE FIRST DAY OF OCTOBER AND THE LAST DAY OF MARCH.** The Board of Directors, in its sole discretion will determine what constitutes remodeling/renovation and reserves the right to impose fines for violations of this regulation. **SUCH FINES SHALL BE COLLECTED BY OWNER'S INDIVIDUAL ASSESSMENT.**

**FINES:**

**\$200 for starting remodel/renovation work without Board approval.**

**\$100 per day for continuing remodel/renovation work without Board approval—or for beginning work before October 1<sup>st</sup>.**

**\$100 per day for any remodel/renovation work that extends from April 1<sup>st</sup> to April 30<sup>th</sup>.**

**\$200 per day for any remodel/renovation work that extends from May 1<sup>st</sup> to May 31<sup>st</sup>.**

**\$500 per day for any remodel/renovation work that extends beyond May 31<sup>st</sup>.**

**APPEALS:**

Once the Property Manager notifies the owner that fines are being assessed, the owner will have 10 days to appeal this decision, in writing, to the Board of Directors. The hearing on such an appeal will be held at the next scheduled Board meeting after the Board receives the written notice to appeal. Fines will continue to be assessed during the appeal process. The Board's decision after the appeal hearing shall be final. Any fine imposed by the Board shall be due and payable within 10 days after written notice of the Board's final decision is received by the owner.

Owner Signature                      Date                      Villa Address

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Contractor Signature                      Date

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# RECORDER'S PAGE



**NOTE:** This page **MUST** remain with the original document

**Filed By:**

BARR UNGER & MCINTOSH, L.L.C.  
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WINDSWEPT VILLAS HPR INC

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186

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