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BEAUFORT COUNTY SC- ROD  
BK 02622 PGS 1414-1418  
DATE: 09/06/2007 11:45:09 AM  
INST # 2007067416 RCPT# 508592

RECORDED  
2007 Sep -07 09:28 AM

Sharon O. Burris  
BEAUFORT COUNTY AUDITOR

**SECOND AMENDMENT TO THE MASTER DEED OF  
BRIGHTON BAY HORIZONTAL PROPERTY REGIME**

**WHEREAS**, on or about November 21, 2002 Brighton Bay Associates, L.P. executed, as “developer,” a Master Deed of the Brighton Bay Horizontal Property Regime (hereinafter referred to as the “Master Deed”); and

**WHEREAS**, the Master Deed was subsequently recorded with the Beaufort County Register of Deeds in Book 1668 at Page 387 on November 21, 2002; and

**WHEREAS**, the Developer provided, among other things, in the Master Deed, that said Master Deed could be amended from time to time in accordance with the provisions of The Horizontal Property Act; and

**WHEREAS**, at the Annual Meeting of the Brighton Bay Owners’ Association, Inc., which was properly noticed and held on November 20, 2006, pursuant to the provisions of the Master Deed, Amendments to the Master Deed were presented to the members for a vote thereon; and

**WHEREAS**, members, representing more than 69.9% of the statutory interest in the property voted in favor of the proposed Amendments; and

**WHEREAS**, certain Amendments to the Master Deed and By-Laws were also presented to the members, not for vote, but for notice purposes only in conjunction with the correction of certain clerical errors in both the Master Deed and By-Laws.

**NOW, THEREFORE**, the Brighton Bay Owners Association, Inc., hereby amends

Exhibit “D” to the Master Deed of the Brighton Bay Horizontal Property Regime titled **By-Laws of Brighton Bay Horizontal Property Regime and the Brighton Bay Owners’ Association, Inc.**, as follows:

A. Article VII, Section 4 is deleted and the following is added in its place:

**“Section 4. DEFAULT IN PAYMENT OF ASSESSMENTS OR OTHER**

**CHARGES IMPOSED BY THE BOARD.** The Board shall take prompt action to collect any assessment or charge, including fines imposed hereunder, due from any Unit Owner which remains unpaid for more than thirty (30) days from the due date for the payment thereof. In the event of a default by any Unit Owner in paying to the Board the assessments or charges as determined by the Board, by the due date, or within the thirty (30) day grace period provided for above, such Unit Owner shall be obligated to pay a late fee in association with said assessment or charge equal to ten (10%) percent of the amount then due and owing. Should any Owner default, then interest shall be applied against the full amount then due and owing, including the aforesaid late fee of ten (10%) percent, commencing on the first day after the Owner’s default shall continue accruing at a rate of one and one-half (1½%) percent per month, together with all expenses of collection, including attorney’s fees incurred by the Board in any effort to collect such unpaid assessment or charge. The Board shall have the right and duty to attempt to recover such assessment or charge, together with the late fee and interest thereon, as well as the expenses of the proceeding, including attorney’s fees, in any effort to recover the same brought against such Unit Owner, or by foreclosure of the lien on such Unit, granted by Section 27-31-210, Code of Laws of South Carolina, 1976. With regard to the subordinate nature of such liens as it relates to mortgages recorded prior to the recording of any evidence of such liens as it relates to mortgages recorded prior to the recording of any evidence of such lien, the provisions of Section 27-31-210, Code of Laws of South Carolina, 1976, as amended, shall be controlling. In addition to the foregoing, during the period an Owner remains in default, the Board may suspend said Owner from use of amenities to include the pool, Exercise Unit and other common facilities.”

B. Article VII, Section 12, Section 4, is deleted and the following is added in its place:

**“RULES OF CONDUCT.** In order to ensure the peaceful and orderly use and enjoyment of the Units and Common Elements of the Association, the Board of Directors may, from time to time, adopt, modify, and revoke, in whole or in part, by a vote of two-thirds (2/3) of the Directors, in person, or represented by proxy, at any meeting of the Board duly called for said purpose, such reasonable rules and regulations, to be called Rules of Conduct, governing the conduct of all persons on said property of the Association, and may address such related matters as the Board, in its discretion, may deem necessary. Such Rules of Conduct, upon adoption, and every Amendment, modification, and revocation thereof, shall be delivered promptly to each Owner by

posting same with postage prepaid addressed to the Owner at the last registered address of the Owner and shall be binding upon all Unit Owners and the occupants of Units in the Regime. The Rules of Conduct, as amended or modified by the Board from time to time, shall have the same force and effect and shall be binding on all Co-Owners the same as these By-Laws. Such Rules shall be enforceable and subject to the provisions of Section 13 hereinbelow. The Rules of Conduct enacted hereafter by the Board, although not being part of the By-Laws, shall be fully enforceable and subject to the provisions of Section 13 herein. An official copy of the Rules of Conduct shall be maintained in the offices of the Association, along with Master Deed and By-Laws and subject to reasonable inspection by any Co-Owner, tenants or guests thereof, during reasonable business hours.

C) That Article IV, Section 3, is amended to add the following:

(e)(1) As a part of the annual budget described in (d) above, the Board shall arrange for an annual review to be conducted by a CPA. Should a majority of the Board of Directors, based upon the annual review, decide that a formal audit should be conducted, then a formal audit shall be commenced within not more than thirty (30) days after the vote of the Board. Copies of any annual review or any audit performed, shall be maintained in the Office of the Regime Manager for inspection by any Co-Owners. Should any Co-Owner desire a copy thereof, upon written request duly delivered to the Regime Manager, one will be provided to them.

In addition to the materials changes to the By-Laws recommended by the Board Directors at the aforesaid meeting, the Board approved the following amendments to both the Master Deed and By-Laws to correct clerical errors therein. The vote of the Association not being required for said amendments, they are being provided to you for information purposes only. Said clerical amendments are attached hereto as Exhibit "A" and Exhibit "B."

D) The Master Deed is further amended to correct scrivener's errors as follows:

Page 4, Sub-Paragraph (q): Change "**ad**" to "**and**";

Page 5, Sub-Paragraph (v): Change "**included**" to "**include**";

Page 34, Sub-Paragraph (7): Change "**an**" to "**and**";

Page 39, 5.11 Sub-Paragraph (c): Change "**Section 5.11**" to read "**5.10**"

Page 41, Sub-Paragraph (e): Change "**All installations, and are occupying same**" to "**all installations and equipment situate outside. . .**"

Page 42, Sub-Paragraph (b): Change "... utilizing service ..." to "utility service."

Page 77, Section 7: Change "Owners" to "Owner"; change "at" to "At";

Page 89, Paragraph "G": Change "guest" to "guests."

Page 89, Paragraph "H": Change "poor area" to "pool area."

Page 89, Paragraph "I": Change "tenant" to "tenants."

Page 90, Section 13, Sub-Paragraph "(c)": Change "to added" to "to be added".

IN WITNESS WHEREOF, Brighton Bay Owners' Association, Inc. has caused this instrument to be executed, in multiple parts, this 28<sup>th</sup> day of August, 2007.

WITNESSES:

Siborel C. A. Doro  
[Signature]  
Al Bucher  
Frank Schaffer

BRIGHTON BAY OWNERS' ASSOCIATION, INC.

By: [Signature]  
Patti Crist  
Its: President

Attest:  
Frank Schaffer, Jr.  
Its: Secretary

STATE OF NEW YORK )  
 )  
COUNTY OF CATTARAUGUS )

ACKNOWLEDGMENT

I, the undersigned Notary Public, do hereby certify that Patti Crist, President of Brighton Bay Owners' Association, Inc., personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal this 28<sup>th</sup> day of August, 2007.

Cathleen L. Pritchard  
#01-PR4908226  
Notary Public, State of N.Y.  
Qualified in Catt. Co.  
My Term Expires 9/19/2007

[Signature] (SEAL)  
Notary Public for the State of  
My Commission Expires: 9/19/2007

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF BEAUFORT )

ACKNOWLEDGMENT

I, the undersigned Notary Public, do hereby certify that Frank Schafer, Jr., Secretary of Brighton Bay Owners' Association, Inc., personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal this 28<sup>th</sup> day of August, 2007.

 (SEAL)  
Notary Public  
My Commission Expires: \_\_\_\_\_

My Commission Expires  
October 29, 2014