

KIAWAH ISLAND
COMMUNITY
ASSOCIATION

AMENDMENT TO THE DECLARATION OF COVENANTS AND RESTRICTIONS OF THE KIAWAH ISLAND COMMUNITY ASSOCIATION, INC.

Rules, Regulations and Enforcement

NOW THEREFORE, the Declaration of Covenants and Restrictions of the Kiawah Island Community Association, Inc. (the “KICA Covenants”) is hereby amended as follows:

1. Article VI, Section 3: Services, paragraph (k) of the KICA Covenants is hereby amended as follows:

To take any and all actions necessary to enforce all covenants and restrictions affecting the Properties as well as the By-Laws and the Rules and Regulations of the Association (“Association Documents”) and to perform any of the functions or services delegated to the Association in any Association Documents applicable to the Properties.

2. Article VIII, Section 3. Enforcement of the KICA Covenants is deleted in its entirety and replaced with the following:

Section 3: **Enforcement Procedures and Protections**

- a. Enforcement. Upon the violation of the Covenants, the By-Laws or any rules or regulations adopted by the Association hereunder, (a “Violation”), including without limitation the failure to timely pay any assessments, the Association shall have the power to (i) impose reasonable monetary fines against any Owner and enforce liens against the Properties of any Owner, (ii) suspend a Member’s right to vote in the Association, (iii) subject to Article IV, Section 6 (d), suspend an



Owner's right (and the right of such Owner's family, guests, employees and tenants) to use any of the common properties, (iv) initiate a proceeding at law or in equity and/or (v) exercise self-help remedies. An Owner shall be subject to the foregoing enforcement actions and sanctions in the event of such a Violation by such Owner or such Owner's family, guests, employees and tenants. In the event of a continuing Violation, each day the Violation continues or occurs again constitutes a separate offense; and fines may be imposed on a per diem basis without further notice. In connection with any enforcement actions described herein, all reasonable costs incurred by the Association, including without limitation reasonable attorneys' fees and expenses, may be assessed against the Owner subject thereto and shall constitute a lien on such Owner's Properties; provided, however, in no event shall any Owner be obligated to pay any such costs or attorneys' fees if the Board or any court finally determines that no such Violation occurred. Failure by the Association to enforce the Covenants, the By-Laws or any rules or regulations shall in no event be deemed a waiver or estoppel of the right to enforce the same thereafter.

- b. Rules and Regulations. The Association shall adopt rules and regulations governing the use and enjoyment of the Properties which shall supplement the provisions hereof. Such rules and regulations shall be published on the Association's website and may be amended by the Association from time to time. Such rules and regulations shall include provisions requiring the Association to provide notice to the Owner subject thereto of any violation of the Covenants, the By-Laws or any rules or regulations and any fines or other sanctions and shall grant to such Owner the right to appeal any enforcement action before the Board.
- c. Enforcement Actions Requiring Prior Board Approval. No enforcement action shall be taken without the prior approval of the Board that could result in the (i) suspension of a Member's voting rights, (ii) the entering onto any of an Owner's Properties for the purpose of exercising self-help remedies, (iii) the suspension or limitation of use of any common properties for more than 60 days, or (iv) the



initiation of any proceeding to enforce a lien on the Properties of any Owner or any other enforcement action at law or in equity.

IN WITNESS WHEREOF, the undersigned officers of the Kiawah Island Community Association, Inc. hereby certify that the above Amendment to the Declaration of Covenants and Restrictions of the Kiawah Island Community Association, Inc. was duly adopted by the requisite vote of the Kiawah Island Community Association Membership. This Amendment will become effective as of the date listed below.

This ____ day of _____, 20 ____.

KIAWAH ISLAND COMMUNITY ASSOCIATION, INC.

By: _____

[CORPORATE SEAL]

Chair

Attest: _____

Secretary

