

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

**AMENDMENT TO MARSH WINDS MASTER DEED and  
MARSH WINDS HORIZONTAL PROPERTY REGIME BY-LAWS, PHASE A,  
a/k/a BYLAWS OF MARSH WINDS OWNERS ASSOCIATION, INC.**

KNOW BY ALL THESE PRESENTS, that this Amendment to Marsh Winds Master Deed and Marsh Winds Horizontal Property Regime By-laws, Phase A, a/k/a Bylaws of Marsh Winds Owners Association, Inc. ("Amendment") is made on the date hereinafter set forth.

**WITNESSETH**

WHEREAS, the Marsh Winds Owners Association, Inc. ("Association") was created by, and is constituted to provide and charged with the operation, care, upkeep and maintenance of the Association and its property as provided for in the Marsh Winds Master Deed recorded in Book O367 at Page 253, and re-recorded in Book M378 at Page 567 ("Master Deed") and the Marsh Winds Horizontal Property Regime By-laws, Phase A, a/k/a Bylaws of Marsh Winds Owners Association, Inc. recorded in Book O367 at Page 253, and re-recorded in Book M378 at Page 567 ("Bylaws")(Master Deed and Bylaws also collectively referred to as "Governing Documents"). The Association is the homeowners' association for that community commonly known as Marsh Winds ("Marsh Winds").

WHEREAS, Article VII, Section 2 of the Master Deed permits amendment "upon the vote of at least two-thirds (2/3rds) of the Common Interests, in accordance with the procedure set forth in the Bylaws."

WHEREAS, Article XI, Section 11.1 of the Bylaws allows amendment "by a vote of the Members representing at least fifty-one percent (51%) of the Common Interests. . . Upon amendment of the Bylaws, such amendment shall be recorded ...in the R.M.C. Office for Charleston County, South Carolina."

WHEREAS, Article III, Section 3.6 of the Bylaws states the presence "in person or by proxy of Members owning at least fifty-one percent (51%) of the total Common Interests . . . shall constitute a quorum."

WHEREAS, at a duly called meeting of the Members of the Association held January 20, 2007, the within amendment to the First Amendment to Marsh Winds Master Deed and Marsh Winds Horizontal Property Regime By-laws, Phase A, a/k/a Bylaws of Marsh Winds Owners Association, Inc. was put to a vote of the Members.

WHEREAS, the required quorum was present and this Amendment to Marsh Winds Master

Deed and Marsh Winds Horizontal Property Regime By-laws, Phase A, a/k/a Bylaws of Marsh Winds Owners Association, Inc. was approved by the requisite amount of Owners and Members as set forth in the Master Deed and Bylaws.

NOW, THEREFORE, in order to protect and preserve a safe, secure, valued and attractive community, to maintain good order and property values, and to promote the common good, the Association hereby amends the Master Deed and Bylaws, and any prior amendments to any of them, and same are hereby amended as follows:

1. The terms and phrases used herein shall have the same meaning as provided for and used the Master Deed and Bylaws.

**Amendment to Marsh Winds Master Deed**

2. Article IV, Section 7 is replaced in its entirety with the following:

Section 7. Working Capital. At the time that title is conveyed to an Owner, the Owner shall contribute to a working capital reserve established by the Association. The Board of Directors shall determine from time to time, in its sole discretion, the amount of such working capital contribution; provided, that such working capital contribution shall not exceed a sum equal to two (2) months of regular assessments, as provided in Article VI, Section 1, applicable at the time of such conveyance. Such funds shall be used solely for the operating and capital expense of the Regime.

**Amendment to Marsh Winds Horizontal Property Regime By-laws, Phase A, a/k/a Bylaws of Marsh Winds Owners Association, Inc.**

3. In Article IV, Section 4.2.2, the following is inserted as "E.":

E. The term of office for the directors shall be staggered. At the first regular or annual meeting at which Directors are elected pursuant to this section:

- i. in the case of a Board of three (3) directors, the director receiving the highest number of votes shall serve a three (3) year term; the director receiving the second highest number of votes shall serve a two (2) year term; and the director receiving the third highest number of votes shall serve a one (1) year term;
- ii. in the case of a Board of four (4) directors, the director receiving the highest number of votes shall serve a three (3) year term; the two directors receiving the second and third highest number of votes shall each serve a two (2) year term; and the director receiving the fourth highest number of votes shall serve a one (1) year term;

