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FOXWORTH III, Horry County, SC  
REGISTRAR OF DEEDS

SOUTH CAROLINA HOA ACT COMPLIANCE DOCUMENT FOR

**BAREFOOT RESORT RESIDENTIAL PROPERTIES**

Horizontal Property Regime

Barefoot Resort, Myrtle Beach

Horry County, South Carolina

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## **DECLARATION OF COVENANTS**

The Declaration of Covenants, Conditions, and Restrictions for Barefoot Resort can be found in Deed Book 2251 at Page 384, Horry County Register of Deeds.

## **BY-LAWS**

The by-laws for Barefoot Resort are listed at Page 85 within the Declaration of Covenants, Conditions, and Restrictions.

APR. 25. 2002 3:28PM NELSON MULLINS RILEY

NO. 727 P. 2/5

BE TO BE A TRUE AND CORRECT COPY  
AS TAKEN FROM AND COMPARED WITH THE  
ORIGINAL ON FILE IN THIS OFFICE

NOV 23 1999

SECRETARY OF STATE  
NONPROFIT CORPORATION  
ARTICLES OF INCORPORATION

*Jim Mites*  
SECRETARY OF STATE OF SOUTH CAROLINA

1. The name of this corporation is Barefoot Resort Residential Owners Association, Inc.

2. The initial registered office of the corporation is:

4898 Highway 17S North Myrtle Beach Horry  
Street address City County

South Carolina 29582  
State, Zip Code

[The complete address is required by SC Code 33-31-202(a)(3)]

3. The name of the registered agent at the above office is:

Robert S. Guyton

4. Check either (a), (b), or (c). Check only one box.

[ ] The nonprofit corporation is a public benefit corporation.

[ ] The nonprofit corporation is a religious corporation.

[X] The nonprofit corporation is a mutual benefit corporation.

*Jim Mites* 2  
SECRETARY OF STATE  
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5. Check (a) or (b), whichever is applicable:

[X] This corporation will have members who will vote for the board of directors. See Section 33-31-202(a)5.

[ ] This corporation will not have members.

6. The address of the principal office of the nonprofit corporation is:

4898 Highway 17 S  
Street address

North Myrtle Beach Horry South Carolina 29582  
City, County, State, Zip Code

[The complete address is required by SC Code 33-31-202(a)7]

7. If the corporation is either public benefit or religious, complete either (a) or (b) below. Do not check both. [This information is required by 33-31-202(a)6]

Upon dissolution of the corporation, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)3 of the Internal Revenue Code, or the corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such asset not so disposed of shall be disposed of by the court of common pleas of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said court shall determine, which are organized and operated exclusively for such purposes.

Upon dissolution of the corporation, consistent with law, the remaining assets of the corporation shall be distributed to:

8. If the corporation is a mutual benefit corporation, complete either (a) or (b) to describe how the assets of the corporation will be distributed upon dissolution of the corporation.

Upon dissolution of the mutual benefit corporation, the assets shall be distributed to its members, or if it has no members, to those persons to whom the corporation holds itself out as benefiting or serving.

Upon dissolution of the mutual benefit corporation the assets, consistent with law, shall be distributed to \_\_\_\_\_

9. Please include any option provisions which the nonprofit elects to include in these articles of incorporation. See Section 33-31-202(b) through 33-31-202(e).

10. The name and address of each incorporator is as follows:

James F. McCrackin  
2411 North Oak Street, Myrtle Beach, South Carolina 29577  
 [This information is required by SC Code 33-31-202(a)4]

11. James F. McCrackin  
 Incorporator's Signature [33-31-202(d)]

James F. McCrackin  
 Incorporator's Name (typed)

12. \_\_\_\_\_  
 Signature of any director named in these articles

\_\_\_\_\_  
 Director's Name (typed)

\_\_\_\_\_  
 Signature of any director named in these articles

\_\_\_\_\_  
 Director's Name (typed)

\_\_\_\_\_  
 Date and Time

02/06/2009 10:38 BRRA

(FAX)

P.003/004

APR. 25. 2002 3:29PM

NELSON MULLINS RILEY

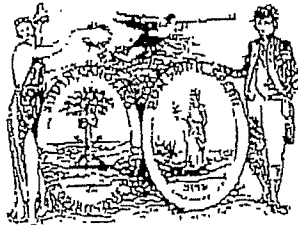
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## Addendum

1. 4898 Highway 17S, North Myrtle Beach, Horry County
2. North Myrtle Beach, SC 29582

# The State of South Carolina

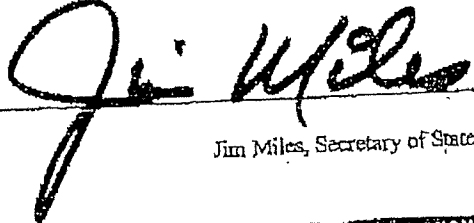


## Office of Secretary of State Jim Miles Certificate of Existence, Non-Profit Corporation

I, Jim Miles, Secretary of State of South Carolina Hereby certify that:

BAREFOOT RESORT RESIDENTIAL OWNERS ASSOCIATION, INC., A Non-Profit Corporation duly organized under the laws of the State of South Carolina on November 23rd, 1999, has as of the date hereof filed as a non-profit corporation for religious, educational, social, fraternal, charitable or other eleemosynary purpose, and has paid all fees, taxes and penalties owed to the Secretary of State, that the Secretary of State has not mailed notice to the company that it is subject to being dissolved by administrative action pursuant to section 33-31-1404 of the South Carolina code and that the non-profit corporation has not filed articles of dissolution as of the date hereof.

Given under my Hand and the Great Seal of the State of South Carolina this 20th day of July, 2001.

  
Jim Miles, Secretary of State



**BAREFOOT RESORT  
RESIDENTS' CLUB**

**RULES, GUIDELINES &  
POLICIES**

**2019**

*(Revised September, 2018)*



## **BAREFOOT RESORT RESIDENTS' CLUB RULES, GUIDELINES AND POLICIES**

The following Rules, Guidelines and Policies have been prepared to assist you as a homeowner to understand your responsibilities in enjoying the Residents' Club facilities. The first few pages outline general rules for the overall use of the Residents' Club, followed by specific sections as it relates to the pool, fitness room, and tennis courts, as well as the rental of the Residents' Club.

We hope that your Barefoot experience will be enjoyable, and that you will find this information helpful and informative.

### **Use of Facilities**

The Barefoot Resort Residents' Club facilities are an amenity for the exclusive use of the single-family homeowners, their dependents and guests in the Bridle Ridge, Brookstone, Cedar Creek, Coquina Pointe, Leatherleaf, Longbridge, Oak Pointe, Park Hill, Somerset, and Sweetbriar communities. Property owners in these neighborhoods will have full use of the club facilities provided their HOA dues are current and have no unpaid fines.

Residents' Club hours are from 5 am – 12 midnight. The pool deck closes at 10 pm. All premises, including the parking lot, must be vacated by midnight.

When the Residents' Club is reserved for a private party, the reservation includes the interior of the Clubhouse; therefore, during the time of the rental, there will be no access to the ice machine. The fitness room and bathrooms will remain open, but should be accessed through the pool-side doors during this time.

### ***Definition of Guest***

The term 'guest' is defined simply as an invited person other than relatives and immediate family members of an eligible single-family homeowner.

There are two types of guests, Temporary and Non-Temporary.

### ***Privileges of 'Temporary' Guest***

Guests who are visiting for less than 30 days, may use the Residents' Club and its amenities, as well as participate in scheduled activities during their visit. Guests must be accompanied by the resident in order to gain access or use the Residents' Club facilities. If the resident cannot be present, then these guests **MUST BE REGISTERED** with the Lifestyle Director prior to their arrival for each visit. Guests do not have to be residing with the single-family homeowner to be considered a guest. Guests do not have permission to invite other persons to use the facilities.

### ***Privileges of 'Non-Temporary' Guest***

Non-Temporary guests (individuals who live in or outside of Barefoot) may participate in regularly scheduled activities or special events, **not to exceed 4x/year**. These guests **MUST BE REGISTERED** with the Lifestyle Director prior to attending the activity/event. Failure to register a guest will fall under the 'Repercussions for Non-Compliance' as stated on page 3 of the Rules, Guidelines and Policies booklet. **This includes visitation to the pool.**

Children under the age of 16 must be accompanied by an adult at all times, and such adult must be in the same room as the child. ***An adult is considered to be a person 18 years or older.*** Children 16-17 years of age cannot be chaperones for children under 16.

For safety precautions and to protect the contents of the Residents' Club, ***children 12 years old and under are not permitted to use any equipment, including the pool table, and all fitness room equipment.***

**Dues:**

Annual dues for the use and enjoyment of the Club facilities are established by the annual operating budget covering operation, maintenance and reserve expenses of the facility.

**Behavior/Damage:**

For the enjoyment of members and their dependents and guests, everyone will be expected to exhibit good behavior, taste, restraint and moderation while using the Club facilities. **Members are responsible for their dependents and guests. Any damages to the Club facilities or property will be the financial responsibility of the member and will result in immediate loss of privileges until payment is rendered.**

Any games, sports or activities deemed to be detrimental to the general enjoyment, health or safety of others using the Club are prohibited.

**Personal Property:**

The BRRA assumes no responsibility for the property of members and their dependents or guests. The property of members and their dependents, or guests will not be insured against loss or damage. Members and their dependents and guests will not be insured against loss to them for damage they might cause to the association facilities.

**Attire:**

While using the Club facilities, appropriate attire, i.e. shirts/cover-ups and footwear will be required at all times. However, when accessing the restrooms from the pool area, persons must dry off and wear footwear (no shirt/cover-up required). Wet bathing suits are **NOT ALLOWED** in the Clubhouse.

**Glass:**

No glass containers (beverage or ceramic/glass serving containers) allowed in the pool, on the pool deck, under the picnic pavilion, or on the Residents' Club porch. Non-compliance and breaking of any glass will result in an immediate 30-day suspension of all Club

privileges, as well as the assumption of full payment for the draining/refilling of the pool. Privileges will not be re-instated until payment is rendered and the 30-day suspension is fulfilled.

**Smoking:**

Smoking of any apparatus, i.e. cigarettes, cigars, e-cigs, vapes etc., is not allowed anywhere inside the Residents' Club. Smoking is only permitted in the 'Designated Smoking Area' located on the pool deck by the picnic pavilion, in the parking lot, or where a cigarette receptacle is located

**Grills:**

We have one gas grill located near the picnic pavilion on the back side of the pool deck. Only use propane necessary for use, i.e. one side versus two. Turn off propane when finished. Grill surface must be cleaned of all food particles prior to leaving. Reapply cover once grill is cooled. NOTE: the grill and underneath the picnic pavilion are on a first come, first serve basis and cannot be reserved for private parties. If you are planning on having a cookout, you are required to inform the Lifestyle Director two (2) days prior. On occasion, multiple small groups may be using the grill. Be courteous and respectful of each group as you share the amenities.

**Compliance:**

The Barefoot Resort Board of Directors reserves the right to change, modify or amend the membership as outlined herein, as well as any of the Rules, Guidelines and Policies. The Lifestyle Director and his/her staff/Pool Monitors, members of the Residents' Club Committee, as well as the BRRA Board has the full authority to enforce these Rules, Guidelines and Policies. Failure to cooperate and follow the rules of this facility will result in suspension of privileges and may be reason for denying use of the association facilities.

The resident is responsible for their own compliance of the Rules, as well as the compliance of their children and guests.

***Repercussions for Non-Compliance of ANY Rule, Guideline or Policy as stated in this booklet are as follows:***

- **1<sup>st</sup> Offense:** Verbal warning - verbal warning may be given by the Lifestyle Director, Pool Monitor, Residents' Club Committee member, or Board member. Warnings issued by any other than the Lifestyle Director should be reported to the Lifestyle Director immediately for proper documentation.
- **2<sup>nd</sup> Offense:** Written warning with immediate loss of all Club privileges for entire family and guests for one week - Written warning will be issued by Ponderosa Management at the request of the Lifestyle Director.
- **3<sup>rd</sup> Offense:** Written warning with immediate loss of all Club privileges for entire family and guests for one month - Written warning will be issued by Ponderosa Management at the request of the Lifestyle Director.
- **4<sup>th</sup> Offense:** Immediate loss of privileges for entire family and guests with reinstatement allowed upon Board approval.

All documentation and enforcement of repercussions for non-compliance will be administered and overseen by the Lifestyle Director.

**Security Cameras:**

Security cameras are in place in and around the Residents' Club to help monitor activity as needed.

If an infraction of any rule is seen by a resident, the resident is asked to report the incident to the Lifestyle Director. If the Lifestyle Director is not on site, they can be contacted via cell phone or text at (843-251-8746), or email ([bfrc@sccoast.net](mailto:bfrc@sccoast.net)). When reporting, include the day and approximate time of the occurrence, so that security cameras can be checked for verification.

*The BRRR Board appreciates your cooperation and compliance with these Rules, Guidelines and Policies.*

## POOL

1. State law imposes the following rules with respect to the pool:
  - No solo swimming is permitted.
  - No running.
  - No boisterous or rough play.
  - No person under the influence of alcohol or drugs are permitted in the pool.
  
  - No spitting or blowing nose in the pool.
  - No persons with communicable disease allowed in the pool.
  - No persons with skin, ear, or nasal infections allowed in the pool.
  - No animals or pets allowed *in the pool area* unless nationally recognized as a service animal. **No glass containers (beverage or ceramic/glass serving containers) allowed in the pool, on the pool deck, under the picnic pavilion, or on the Residents' Club porch. All coolers and bags will be subject to inspection.**
  - No children under 16 years old allowed in the pool without adult supervision. An adult is considered a person 18 years or older.
  - You should take a shower before entering the pool.
  - The maximum number of swimmers allowed in the pool is 412, plus 388 on the pool deck.
2. If you have more than 10 people coming with you to the pool, please notify the Lifestyle Director ahead of time.
3. The use of the swimming, wading pool and adjacent pool deck are at the user's own risk at all times. No life guard is present.
4. Swimming is permitted during hours of 7 am – 10 pm. The pool deck closes at 10 pm and must be vacated at that time.
5. Infants and children who are not potty trained are not permitted in the pools unless they are wearing properly fitting "little swimmers" (hygienic and economic reasons require strict enforcement of this policy).
6. The maximum pool depth is 5 feet. **Diving is absolutely prohibited.**
7. An emergency phone is located on the pavilion, near the storage entrance. This phone connects to emergency personnel automatically.
8. Life-saving equipment, and a first aid kit are located by the pavilion.
9. A defibrillator is located inside the Residents' Club, adjacent to the kitchen.
10. Appropriate swim attire must be worn in the pool. No jeans, cut-offs, tank tops, thongs, etc., are permitted.
11. No food allowed in the pool or along the edge of the pool. Food is only permitted in the clubhouse, clubhouse porch, under the picnic pavilion or at tables on the pool deck.

12. Drinks are not allowed in the pool, i.e. no carrying of or walking around with beverages in or across the pool; beverages may be consumed standing or sitting along the edge of the pool. Individual beverages should be disposed of upon completion of beverage and must not be stacked/lined up along the edge of the pool. Residents will be removed from the pool and expected to leave the pool area if the Pool Monitor or Lifestyle Director, Committee or Board Member deem inappropriate behavior is due to excessive alcohol consumption.
13. Smoking of any apparatus, i.e. cigarettes, cigars, e-cigs, vapes, etc. is permitted only in the 'Designated Smoking Area' located on the pool deck by the picnic pavilion.
14. In order to accommodate as many residents as possible, all golf carts (except those with handicap stickers) must be parked in the allotted spaces at the end of the parking lot during the peak hours of 11 am-3 pm during peak season (Memorial Day to Labor Day). This will be enforced by the Pool Monitor and/or Lifestyle Director, Committee or Board Member as necessary.
15. Running, noisy or hazardous activity will not be permitted in the pool areas.
16. The use of floats, balls, etc., which are inconsiderate, offensive or which interfere with the peaceful enjoyment and safety of others is prohibited. No hard balls allowed; only nerf or soft permitted. **NOTE: balls of ANY material can be asked to be removed from the pool by the Pool Monitor if the situation appears unsafe or inconsiderate to others in the pool.**
17. All music devices must be kept at a low level at all times.
18. Pool furniture must not be removed from the pool deck or used in the pool.
19. Lounges or chairs should not be reserved as a courtesy to others.
20. In the event of a thunder storm, owners and guests must vacate the pool for their own safety, and must not re-enter the pool unless cleared to do so by the Pool Monitor or Lifestyle Director, if on site. Otherwise, re-entry is allowed 30 minutes after last thunder boom. If another boom occurs, the 30 minute time delay begins again.
21. Everyone is responsible for keeping the pool area and restrooms clean by disposing of trash in the containers provided. Recycling bins are also available.
22. Landscaping should be protected. Use walks and paved surfaces. No parking of any kind is permitted on the grass.
23. The pool/deck area cannot be reserved for private functions.
24. You may not hang any decorations or other items from any structures.
25. Management will close the pool for cleaning and maintenance as necessary.

The above rules will be enforced by the Lifestyle Director and Pool Monitor (when on duty) as needed. Violators are subject to loss of privileges as outlined in the Compliance section above.

**NOTE:** If an infraction of any of the above pool rules is seen by a resident, the resident is asked to report the incident to the Pool Monitor (when on duty). If the incident is not rectified immediately, it should be reported to the Lifestyle Director. If the Pool Monitor is not on duty and the Lifestyle Director is not on property, the incident should be reported immediately to the Lifestyle Director via phone (843-399-2451), text (843-251-8746), or email ([bfrc@sccoast.net](mailto:bfrc@sccoast.net)). *When reporting, include the day and approximate time of the occurrence, so that security cameras can be checked for verification.*

### **Pool Monitors**

A Pool Monitor will be on duty from the Friday of Memorial Day thru Labor Day during the hours of: Monday – Thursday: 11 am-7 pm AND Friday, Saturday, Sunday and Holidays: 11 am-9 pm.

The role of the Pool Monitor is to ensure that all residents **AND** their guests adhere to the rules. The Pool Monitor has the authority to remove a resident/guest in the event that rules are not being followed, if the resident/guest is acting inappropriately, or if the Pool Monitor feels that the resident/guest is creating an unpleasant environment for the rest of those trying to enjoy the pool. Please be courteous to the Pool Monitors, keeping in mind that when acting on authority, they are only doing so to ensure your safety and enjoyment at the pool.

## FITNESS CENTER

### Use of Facilities:

Children aged 13-16 are permitted to use the equipment under the supervision of an adult. *An adult is considered to be a person 18 years or older.* For safety precautions and to protect the fitness equipment, *children 12 years old and under are not permitted to use any equipment within the fitness room.*

Fitness Center hours are from 5 am – 12 midnight. Prior to leaving, return all weights to their proper place AND turn off all lights/TVs/fans.

### Attire:

Appropriate workout attire and shoes are required at all times in the Fitness Room. Only closed-toe shoes are permitted. No bathing suits or flip flops.

### Liability:

The use of this facility is at the risk of the owner or guest. The Residents' Club does not employ a trainer or attendant, and users should take care to familiarize themselves with each piece of equipment.

### Personal Trainers:

Users will be permitted to contract with a personal trainer who understands that no solicitation of other members in Barefoot Resort is allowed. The trainer needs to understand that his/her use of the facility is limited to the contracted instruction time. Due to space limitations, personal training cannot interfere with or prohibit other residents from using any of the equipment.

### Behavior:

All owners and guests should be considerate of others respecting the volume levels of TV's and personal music devices.

Please take care to avoid banging and/or dropping weights and dumbbells.

All users should wipe down equipment upon completion of their workout. *This includes any area in which sweat may have fallen, not just the handles/seats.* This will help prolong the life of our equipment. Moistened towels are provided.



## TENNIS/PICKLEBALL COURTS

1. Play is reserved for single-family homeowners and their guests only.
2. Tennis/Pickleball courts are available for play between the hours of 7 am - 10 pm. The court gates should remain locked at all times. The code can be obtained from the Lifestyle Director. This code must not/will not be provided to any persons other than eligible single-family homeowners and their guests unless requested by Ponderosa Management or the Lifestyle Director.
3. Lights are available on the courts for evening play. They are only operable during the hours of 5 pm - 10 pm, and can be turned on by the switch on the pole between the two court gates. Please turn off lights upon leaving.
4. A restroom facility is located at the tennis courts. The entry code is the same as the tennis court gates. The code may be obtained from the Lifestyle Director. Lights and fans must be turned off prior to leaving.
5. All players must be appropriately attired in garments and footwear (flat, soft-soled) designed specifically for tennis/hard court play. The use of black-soled and other footwear (athletic and non-athletic) will damage/mark-up the court surface.
6. Good sportsmanship must be observed at all times. Please observe proper etiquette on the courts in consideration of other players
7. The guest policy outlined on page 2 of this document must be followed for the tennis courts as well.

## RESERVATION OF THE RESIDENTS' CLUB

The Residents' Clubhouse may be reserved for private functions by Barefoot Resort Single-Family Homeowners & long term renters according to the following guidelines established by the Residents' Club Committee.

Private reservation of the facility is restricted to single-family property owners & long term renters only; the owner/renter must be present for the duration of the function. The facility cannot be reserved for political, religious or commercial activity. Owners/renters are responsible for the behavior of their guests and to ensure that they follow all clubhouse rules while attending the function.

A reservation agreement, available from the Lifestyle Director must be signed by the property owner or long term renter specifying the terms of the use of the facility. This agreement stipulates that the private use of the facility does not restrict the use of the restrooms from people using the pool. This is a DHEC requirement. The Fitness Room will also remain open, with access for the bathrooms and Fitness Room available only from the pool area doors.

The reservation agreement will specify a timeframe for the duration of the function. An inspection of the facility will be made by the Lifestyle Director on the next business day following the function. The facility should be returned to its original condition prior to leaving the Clubhouse. All parties/functions must end and the facilities vacated by 12 midnight.

A security deposit of \$200.00 is required to reserve the Clubhouse; the rental fee is \$200.00. The deposit will be returned to the property owner/renter upon inspection of the facility once it is determined that no cleaning or repairs are required. Failure of the owner/renter to comply will require that the deposit be forfeited. Any damages in excess of the deposit fee will be the homeowner's or long term renters responsibility. These prices are subject to change.

Each single-family community, including Bridle Ridge, Brookstone, Cedar Creek, Coquina Pointe, LeatherLeaf, Longbridge, Oak Pointe, Parkhill, Somerset, and Sweetbriar, will have the privilege of renting the clubhouse once a calendar year for a discounted rental fee of \$50.00. A security deposit of \$200.00 will still be required. The deposit will be returned to the community upon inspection of the facility once it is determined that no cleaning or repairs are required. Failure of the community to comply will require that the deposit be forfeited. Any damages in excess of the deposit fee will be the community's responsibility. These prices are subject to change.

There is a kitchen available for holding and serving hot and cold food. Owners/renters are required to provide what is needed for serving. All food and beverages must be removed after the function and trash deposited in the dumpster. All food must be consumed within the Clubhouse, on the porch or under the picnic pavilion.

**NO GLASS OR GLASS SERVING CONTAINERS are allowed on the porch, pool deck, or under the picnic pavilion.** Non-compliance and breaking of any glass will result in an immediate 30-day suspension of all Club privileges, as well as the assumption of full payment for the draining/refilling of the pool. Privileges will not be re-instated until payment is rendered.