

October 28, 2024

**VIA EMAIL**

Brandy Mill Homeowners Association, Inc.  
c/o Board of Directors  
113 Loggers Run  
Myrtle Beach, South Carolina 29588  
([brandymillmbhoa@gmail.com](mailto:brandymillmbhoa@gmail.com))

**RE: BRANDY MILL HOMEOWNERS ASSOCIATION, INC.  
VIOLATION AND FINE POLICY  
OUR FILE NO.: 543.00311**

Dear Board of Directors: and,

Please see our opinion below regarding the HOA's adoption of a Violation and Fine Policy and, specifically, the Board's power to enforce fines in the event of a violation of a rule and regulation duly enacted by the Board of Directors.

We have reviewed all relevant documents, including the Brandy Mill Subdivision Declaration of Conditions, Restrictions, Covenants and Limitations, the South Carolina Nonprofit Corporation Act, and the South Carolina Homeowners Association Act. We find that there are several applicable provisions outlined in the Brandy Mill Subdivision Declaration of Conditions, Restrictions and Covenants, and the Board, in supporting its ability to enforce the fines may rely on the following provisions:

- 1) Declaration of Conditions, Restrictions, Covenants and Limitations  
Article 27. Enforcement

*The Declarant, any owner, or the Homeowner's Association shall have the right to enforce, by any proceeding at law or in equity, all restrictive covenants, conditions and reservations imposed by the provisions of this declaration. Failure to enforce any provision herein contained shall in no event be deemed a waiver of the right to do so thereafter. In the event an enforcement action is commenced under these Declarations, the prevailing party shall be entitled to all costs of such enforcement action, including reasonable attorneys fees.*

- 2) By-Laws of Brandy Mill Homeowner' Association, Inc.  
Article IV. Powers and Duties of the Board of Directors

*F. To make and amend reasonable regulations respecting the use of the property in the Association in the manner provided for by the restrictions*