

**BYLAWS OF THE REAL ESTATE PRACTICES SECTION  
OF THE SOUTH CAROLINA BAR**

**ARTICLE I  
Name and Purpose**

**Section 1.** This Section shall be known as the Real Estate Practices Section of the South Carolina Bar.

**Section 2.** The purpose of this Section shall be to promote the objects of the South Carolina Bar within the field of real estate and, to that end, to further the development of the study of the law relating to real estate; to cooperate in obtaining uniformity with respect of both legislation and administration in all matters concerning laws relating to real estate and real estate practices and to simplify and improve application of justice in real estate law.

**ARTICLE II  
Membership**

**Section 1.** Each member of the Section shall be a member of the South Carolina Bar and shall pay to the South Carolina Bar annual Section dues of \$15.00. The Council, at any regular meeting, may change the annual Section dues to the extent determined necessary; provided that any such change in Section dues, after approval by the Board of Governors or the House of Delegates of the South Carolina Bar, shall be published in as early an issue of the South Carolina Bar News as shall be practicable. Dues shall be paid in advance each year along with regular dues for the South Carolina Bar. Any member of this Section whose annual dues shall be more than six (6) months past due shall thereupon cease to be a member of this Section. Members so enrolled and whose dues are so paid shall constitute the membership of this Section. Anyone becoming a new member after November 1st of any year shall, upon payment of one full year's dues, be credited as paid through December 31<sup>st</sup> of the following year.

**ARTICLE III  
Officers**

**Section 1.** The officers of this Section shall be a Chairman, a Chairman-Elect, a Vice-Chairman, and a Secretary.

**Section 2.** The general business of the Section is conducted by a Council, the active voting membership of which shall consist of a Chairman, Chairman-Elect, Vice-Chairman, Secretary, the Immediate Past Chairman, together with six (6) "General Members" to be elected as hereinafter provided.

**Section 3.** The Chairman-Elect, Vice-Chairman and Secretary shall be nominated and elected, in the manner hereinafter provided, to hold office for one year beginning July 1<sup>st</sup> and ending June 30<sup>th</sup>, and until their successors shall have been elected and qualified.

**Section 4.** Not later than June 30, 2013, the Council shall meet and elect three additional

Council members, one for a three-year term, one for a two-year term, and one for a one-year term by express designation upon nomination. Thereafter two general members of the Council will be elected annually in a manner hereafter provided for terms of office to begin the following July 1<sup>st</sup> and continue for three years. General members may not serve successive terms as general members.

**Section 5.** Any vacancy existing in membership on the Council shall be filled by the Council. Such replacement member shall serve only to the end of the term to which his predecessor was elected.

**Section 6.** No person shall be eligible for election as a general member of the Council if he is then a general member of the Council and has been such member continuously for a period of two (2) years or more.

**Section 7.** If any elected member of the Council shall fail to attend three (3) successive meetings of the Council, and such failure has not been excused for cause by the Chairman or the majority vote of those attending said council meeting at which time the matter is considered, the Chairman shall by letter to all Council members declare such member to have automatically resigned and he shall be replaced for his unexpired term as provided in Section 5 of this Article.

**Section 8.** At the end of his term, the Chairman-Elect shall automatically assume the office of Chairman, and thereupon the Immediate Past Chairman shall become and remain a member of the Council for the ensuing year.

#### **ARTICLE IV Nomination and Election**

**Section 1. Nomination of Officers.** Nominations for Section Officers may be made by any Section Council member no later than February 1<sup>st</sup>. Notice of officer nominations shall be given in writing to all Section members no later than February 15<sup>th</sup>.

**Section 2. Election of Officers.** Election of the Section Officers shall be by a majority of Section Council members present and voting at a Section Council meeting held for that purpose no later than March 1<sup>st</sup>.

**Section 3. Nomination of Council Members.** Nominations for General Members of Section Council shall be made by a nominating committee comprised of the current Chair, Chair-Elect, and Immediate Past-Chair of the Council. Notice of all nominations shall be given in writing to all Section members no later than February 15<sup>th</sup>. Nominations of other Section members may be made by Section members no later than February 25 each year through notice to any officer of the Bar staff liaison.

**Section 4. Election of Council Members.** Election of new members of Council shall be held no later than March 1<sup>st</sup> by a majority of Council members present and voting at a Section Council meeting held for that purpose. Council shall endeavor to provide geographical diversity.

**ARTICLE V**  
**Duties of Officers**

**Section 1. Chairman.** The Chairman shall be the chief executive officer of the Section during his term of office and, in the carrying out of his administrative duties he shall make all such appointments to the general committees and be possessed of such authority as is customarily associated with such office. He shall perform such other duties and acts as usually pertain to his office. The Chairman, or successively the Chairman-Elect, or Vice-Chairman, in the absence of the Chairman, shall preside at all meetings of the Section, and of the Council. He shall formulate and present at the business meeting of the Section together with a message concerning the improvements of the work of the Section and the administration of justice in the fields of law encompassed by the Section.

**Section 2. Chairman-Elect.** Upon the death, resignation, or during the disability of the Chairman, or upon his refusal to act, the Chairman-Elect shall perform the duties of the Chairman for the remainder of the Chairman's term, except in cases of the Chairman's disability and only during so much of the term as the disability continues.

**Section 3. Vice-Chairman.** Upon the death, resignation, or during the disability of the Chairman and/or chairman-Elect, or upon their refusal to act, the Vice-Chairman shall perform the duties of the Chairman and/or Chairman-Elect for the remainder of their term, except in case of disability of the Chairman and/or Chairman-Elect, and then only during so much of the term as the disability continues.

**Section 4. Secretary.** The Secretary shall be responsible for all books, papers, documents, and other property of the Section except money, shall keep a true record of the proceedings of all meetings of the Section and of the Council, and shall prepare minutes of the proceedings of the Section at all of its meetings. The Secretary may delegate any or all of these duties and tasks to the Bar staff person assigned to serve as liaison to the Council.

**Section 5. Immediate Past-Chairman/Section Delegate.** The Immediate Past Chairman shall act in the capacity of the Section Delegate, As Section Delegate, he/she shall represent the Section's interests with respect to, and shall attend meetings of the Bar's House of Delegates and shall keep the Chairman and Council informed in a timely manner of agendas, issues, actions, and activities of the Bar's House of Delegates as they relate to the Section and its membership.

**Section 6.** The Council may authorize such committees as it deems necessary or desirable to carry out the activities and work of the Section, and may terminate any of such committees as circumstances warrant, and may appoint such special committees as herein provided.

**ARTICLE VI**  
**Duties and Powers of the Council**

**Section 1.** The Council shall have the general supervision and control of the affairs of the

Section, subject to the provisions of the Constitution and Bylaws of the South Carolina Bar and the Bylaws of this Section. It shall authorize all commitments or contracts which shall entail the payment of money and shall authorize the expenditure of all monies appropriated for the use of benefit of the Section.

**Section 2.** A majority of the Council is required for a quorum to transact business. At any duly constituted Council meeting a majority vote of members present and voting is sufficient to approve business of any nature.

**Section 3.** In addition to its regular meetings, the Council may also transact business and vote by telephone, teleconference, email, mail, etc., provided a majority of the Council files its consent with the Section Secretary. Any business so conducted will be announced at the next regular meeting.

**Section 4.** Committees: The Council shall have the following standing committees, along with any other ad hoc committees as may be established by the Council from time to time:

- a. Nominating Committee. The Nominating Committee shall be composed, and shall act, in accordance with the provisions of Article IV, Section 3 of these Bylaws.
- b. Legislative Committee: The Legislative Committee shall be composed of the Chairman-Elect, along with at least 2 other members being of the Council, as well as any other members of the Section at large as deemed appropriate by Council. The Committee shall evaluate pending federal, state and local legislation and regulatory actions, and present to the Council recommendations as to such legislation.

Section Members at large shall be entitled to be members of the Legislative Committee, as well as any ad hoc committees as may be established by the Council from time to time. Chairs of all committees shall be current members of the Council.

## **ARTICLE VII Miscellaneous**

**Section 1.** The Section's fiscal year will coincide with that of the South Carolina Bar.

**Section 2.** The Council or the Chairman must approve all Section bills before forwarding them for payment to the Executive Director of the South Carolina Bar.

**Section 3.** The Section and the Council must follow the provisions of Article VI of the Bylaws of the South Carolina Bar on matters relating to legislation and representing the Bar on particular issues.

## **ARTICLE VIII Amendments**

These Bylaws may be amended at any meeting of the Council by a majority vote of the members of the Council present and voting, provided such proposed amendment shall not be inconsistent with the Constitution and Bylaws of the South Carolina Bar. Such amendment, however, will not become effective until it has been approved and ratified by the House of Delegates of the South Carolina Bar.