

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
In the Court of Common Pleas

Clifton Newman Presiding Judge

2013-001479

The SPUR at Williams Brice Owners Association, Inc., ... Respondent,

v.

Sunil V. Lalla and Sharon W. Lalla, ... Appellants.

**RECORD ON APPEAL
VOLUME II**

S. Jahue Moore, Esquire
John C. Bradley, Jr., Esquire
MOORE TAYLOR & THOMAS, P.A.
P.O. Box 5709
West Columbia, South Carolina 29171
(803) 796-9160
ATTORNEYS FOR THE APPELLANTS

D. Reece Williams, III, Esquire
Brian Lysell
CALLISON, TIGHE & ROBINSON, LLC
1812 Lincoln Street
Post Office Box 1390
Columbia, South Carolina 29202-1390
(803) 404-6900
ATTORNEYS FOR THE RESPONDENT

RECEIVED

DEC 09 2013

SC Court of Appeals

VOLUME II

INDEX

Plaintiff's Brief (with attachments) dated January 15, 2013	Page 193
Affidavit of Sunil V. Lalla dated January 22, 2013	Page 307
Affidavit of Kelly Barnhill dated February 7, 2013	Page 349
Notice of Appeal dated July 2, 2013	Page 367

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

The SPUR at Williams Brice
Owners Association, Inc.,)

Plaintiff,)

v.)

Sunil V. Lalla and Sharon W. Lalla,)

Defendants.)

IN THE COURT OF COMMON PLEAS

FOR THE FIFTH JUDICIAL CIRCUIT

Case No: 2011-CP-40-6704

PLAINTIFF'S BRIEF

FACTS

The SPUR at Williams Brice Stadium ("Regime") is a horizontal property regime consisting of real property, condominiums, and general and limited common areas. The Regime was created by a master deed dated September 19, 2006 ("Master Deed"). The Plaintiff is nonprofit corporation that was organized and exists for the purpose of administering the Regime and enforcing the Regime's Master Deed and Bylaws. The Defendants are co-owners of Unit 101 in the Regime. When the Defendants purchased Unit 101, they became subject to the provisions of the Master Deed and Bylaws. Article XIV of the Master Deed ("Restrictive Covenant") provides, in relevant part, the following:

The rental of any unit to any student currently enrolled in a two (2) or four (4) year college, institute, or university is strictly prohibited. Additionally, any tenant of any Unit shall be prohibited from having any roommate that is enrolled in a two (2) or four (4) year college, institute, or university. Any tenant in violation of this Restriction shall have their lease automatically terminated, and shall have thirty (30) days to vacate the Unit.

The Plaintiff believes that the Defendants, in violation of the express language of the Restrictive Covenant, have been renting Unit 101 to one or more college students. The Plaintiff has notified the Defendants of this violation, but the Defendants have refused to conform their rental practices to the terms of the Restrictive Covenant. The Plaintiff therefore seeks a determination of the construction of the Master Deed regarding the Defendants' rental practices

RECEIVED
JAN 15 2013
C.C.P. & C.S.
2013 JAN 15 PM 1:06

and a declaration of the rights and duties of the parties under the Master Deed and Bylaws of the Regime.

ISSUE BEFORE THE COURT

Whether a restrictive covenant that prohibits the renting of units in the regime to students at two- or four-year colleges, institutes, and universities is enforceable when it is contained in the master deed of a horizontal property regime and has been voluntarily agreed to by the owners of the servient estate?

ARGUMENT

I. The Plaintiff Has Met Its Burden of Showing an Enforceable Restrictive Covenant

Because the Defendants voluntarily agreed to the terms of the Master Deed, including the Restrictive Covenant, this Court should declare the restriction valid and enforceable. The law governing the enforceability of covenants restricting the use of real property is well-established in South Carolina: A restrictive covenant is a voluntary contract between the parties and shall be enforced if the party seeking enforcement shows "that the restriction applies to the property either by the covenant's express language or by a plain and unmistakable implication." *Buffington v. T.O.E. Enterprises*, 383 S.C. 388, 392, 680 S.E.2d 289, 291 (2009). In an action for declaratory judgment, the burden of proof rests with the party seeking the declaration, and that party must meet its burden by a preponderance of the evidence. *Martin v. Cantrell*, 225 S.C. 140, 144, 81 S.E.2d 37, 38–39 (1954). As with any other action on a contract, the burden is on the Plaintiff to prove that the Defendants intended to create a covenant. *Charping v. J.P. Scurry & Co., Inc.*, 296 S.C. 312, 314, 372 S.E.2d 120, 121 (Ct. App. 1988).

The Plaintiff has met its burden of proof as to the creation of a restrictive covenant binding on the Defendants. The Defendants have admitted in their Answer that they are owners of a unit in the Regime and that they are subject to the provisions of the Master Deed and Bylaws. (Ans. ¶ 2.) Pursuant to the Master Deed, "each and every condominium . . . shall be,

and is hereby declared to be, subject to the restrictions, easements, conditions, and covenants prescribed and established herein governing the use of said Condominium . . . and setting forth the obligations and responsibilities incident to ownership of each Condominium." (Ex. A, Excerpt from Master Deed ¶ VIII.) The Bylaws of the Regime further provide that "[a]ll present or future owners, tenants, future tenants or their employees . . . that might use the Regime or any of the facilities thereof in any manner are subject to the regulations set forth in these Bylaws and in said Master Deed." (Ex. B, Excerpt from Bylaws § I(b).) Moreover, the South Carolina Horizontal Property Regime Act states that "[e]ach co-owner shall comply strictly with the bylaws . . . and with the covenants, conditions and restrictions set forth in the master deed." S.C. Code Ann. § 27-31-170 (2007). Thus, the Defendants' admissions, the Master Deed and the Regime's Bylaws, and the statutory law of the State of South Carolina together make clear that when the Defendants became owners of a unit in the Regime, they voluntarily and intentionally bound themselves by the restrictive covenants barring the rental of any unit to college students who are unrelated to the unit's owner.

**II. The Defendants Have Not Met Their Burden
Burden of Showing that the Restrictive
Covenant Is Unenforceable**

Upon a showing by the Plaintiff that the restrictive covenant is binding on the Defendants, the Defendants may assert affirmative defenses to the Restrictive Covenant's enforceability. In this case, the Defendants allege that the Restrictive Covenants contravenes public policy in that it is unconstitutionally discriminatory and violates the statutory laws of the United States and the State of South Carolina. The Defendants also assert that the restrictive covenants should fail because of a change in conditions and because the Plaintiff waived its right to enforce them.

a. The Restrictive Covenant Does Not
Fail for Violating Public Policy

In South Carolina, "courts will not enforce a contract when the subject matter of the contract or an act required for performance violates public policy as expressed in constitutional provisions, statutory law, or judicial decisions." *White v. J.M. Brown Amusement Co.*, 360 S.C. 366, 371, 601 S.E.2d 342, 345 (2004); *Sea Pines Plantation Co. v. Wells*, 294 S.C. 266, 270, 363 S.E.2d 891, 894 (1987); *Batchelor v. Am. Health Ins. Co.*, 234 S.C. 103, 107 S.E.2d 36 (1959). The Defendants claim that the Restrictive Covenant is impermissibly discriminatory pursuant to Article I, Section 3 of the South Carolina Constitution and the Fourteenth Amendment to the United States Constitution. They further assert that the restrictive covenant violates the South Carolina Fair Housing Law and the Federal Fair Housing Act.

i. The Restrictive Covenant Does Not
Contravene the United States or
South Carolina Constitution

In general, the private acts and agreements of individuals do not implicate the Equal Protection Clauses of the South Carolina and United States Constitutions. Both the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution and Article 1, Section 3 of the South Carolina Constitution guarantee that the State shall not deny any person the equal protection of the laws. U.S. Const. amend. XIV, § 1; S.C. Const. art. 1, § 3. By their terms, these mandates apply to state, and not private, action. However, when judicial officers of the State participate in their official capacities in the enforcement of an impermissibly discriminatory restriction, that participation "is to be regarded as action of the State within the meaning of the Fourteenth Amendment." *Shelley v. Kraemer*, 334 U.S. 1, 13 (1948). Thus, for a restrictive covenant to be judicially enforceable, it must not discriminate on the basis of a classification that, if applied by the State, would contravene either state or federal Equal Protection Clauses.

Use of a classification will be declared unconstitutional under the Equal Protection

Clause only if its repugnance to the Constitution is clear beyond a reasonable doubt. *Taylor v. Mendica*, 331 S.C. 575, 578, 503 S.E.2d 458, 460 (1998). As a general rule, state action is presumed to be constitutional despite the fact that, in practice, some inequality results. *McGowan v. Maryland*, 366 U.S. 420, 425–426 (1961). Accordingly, unless a classification warrants some form of heightened review because it jeopardizes a fundamental right or categorizes on the basis of an inherently suspect characteristic,¹ the Equal Protection Clause requires only that the classification be rationally related to a legitimate purpose. *Nordlinger v. Hahn*, 505 U.S. 1, 10 (1992); *Hendrix v. Taylor*, 353 S.C. 542, 549, 579 S.E.2d 320, 323 (2003). Challengers of the validity of state action “have the burden to negate every conceivable basis which might support it.” *Lee v. S. Carolina Dept. of Natural Res.*, 339 S.C. 463, 470, 530 S.E.2d 112, 115 (2000); see also *Federal Commc’ns Comm’n v. Beach Commc’ns Inc.*, 508 U.S. 307, 314 (1993).

A classification bears a rational relationship to its purpose as long as there is some evidence that it will further a legitimate purpose. *Nordlinger*, 505 U.S. at 10; *Hendrix*, 353 S.C. at 549, 579 S.E.2d at 323. Thus, a classification will remain constitutional under rational basis review even if it is underinclusive, see *Railway Express Agency, Inc. v. New York*, 336 U.S. 109, 109–10 (stating that “[i]t is no requirement of equal protection that all evils of the same genus be eradicated or none); overinclusive, see *New York Transit Authority v. Beazer*, 440 U.S. 568, (1979) (holding that the exclusion of those in methadone maintenance programs from employment with the Transit Authority was constitutionally permissible despite the fact many in

¹ An inherently suspect classification is one whose members have faced a long history of discrimination, see *Palmore v. Sidoti*, 466 U.S. 429, 432 (1984), are a discrete and insular minority who would otherwise be unheard by the political process, *United States v. Carolene Products Co.*, 304 U.S. 144, 153 n.4 (1938), or which is drawn according to an immutable trait acquired at birth. See *Frontiero v. Richardson*, 441 U.S. 677, 686 (1973). Because college students have not faced a long history of discrimination and are not an insular minority, and because college admission is not a characteristic with which any person is born and is one that most people eventually shed, classifications based on a person’s status as college student are not inherently suspect. Moreover, the Defendants have not implicated any fundamental right that the classification of college students would affect. Thus, rational basis review is appropriate to determine the constitutionality of enforcing the restrictive covenant in Article XIV of the Master Deed.

such programs would be able to perform the requisite job functions safely); or both. See *Bradley v. Vance*, 440 U.S. 93, 108 (1979) (holding that a mandatory retirement age was constitutional even though it was underinclusive in failing to remove from employment some younger individuals who were not qualified to continue working and overinclusive in removing from employment those who were older but still capable). Only if the use of a classification is arbitrary will it be deemed to be not rationally related to its asserted purpose. *McLaughlin v. State of Fla.*, 379 U.S. 184, 190 (1964); *Harbit v. City of Charleston*, 382 S.C. 383, 396, 675 S.E.2d 776, 783 (Ct. App. 2009).

The purpose of the Restrictive Covenant is to insure the comfort and safety of all residents and to protect the investment of all owners. (Ex. C, Rules & Regulations Revised 8/28/08.) The Restrictive Covenant is rationally related to its purpose because it bars from the possible pool of renters a population that has been shown by empirical evidence to manifest a tendency to engage in certain behaviors that are dangerous to themselves and disruptive to those around them. For example, college students tend to binge drink alcohol at a rate that is higher than among the general population. A report by the Substance Abuse and Mental Health Services Administration (SAMHSA) of the U.S. Department of Health and Human Services finds that the rate of binge drinking among college students was 36.9% in the year 2011. (Ex. D, Excerpt from *Results from the 2011 National Survey on Drug Use and Health*, 35 (complete report available at <http://www.samhsa.gov/data/NSDUH/2k11Results/NSDUHresults2011.pdf>.) By comparison, the rate of binge drinking in the total population was only 22.6%. (*Id.* at 31.) This amounts to a rate of binge drinking among college students that is 175% greater than it is in the rest of the population. College students also tend to use illegal drugs at a higher than average rate. The fact they have a higher than average rate of drug and alcohol addiction. SAMHSA reports that while the rate of illicit drug use among the total population was 8.7%, (*Id.* at 13), the rate among college students was 22%. (*Id.* at 23.) This represents a rate among college students that is more than 250% of the national rate.

The consequences of these behaviors also have been documented. High risk drinking among college students affects those in the community in which college students live. The communities in which college students who binge drink live are more likely to experience such negative secondhand effects as litter, vandalism, noise disturbances, violence, and sleep disturbances. (Ex. E, Excerpt from *High Risk Drinking on College Campuses*, 19 (complete report available at <http://www.rwjf.org/content/dam/farm/legacy-parents/high-risk-drinking-on-college-campuses>).) Binge drinking and other high-risk drinking are also associated with increased rates of sexual assault and rape, (*Id.* at 20), and a greater tendency for the drinking individual to be injured in fights and suicide attempts. (*Id.* at 19).

Prohibiting the rental of units to individuals who have a higher incidence of engaging in the foregoing patterns of behavior protects the value of the investment that other owners have made in the Regime. Neighborhoods and communities that experience a higher rate of crime and nuisance are less valuable to prospective owners who are looking to make a stable investment. Moreover, the current owners of units in the Regime purchased their property with the knowledge and expectation that the Restrictive Covenant would be enforced. For them, the preservation of property values that the Restrictive Covenant helps to achieve is a material part of the bargain they struck with their purchase. To invalidate the Restrictive Covenant at this time would be tantamount to depriving the current owners of the benefit of their bargain.

While the Restrictive Covenant might be overinclusive to the extent that it bars college students who do not drink heavily or do not use illegal drugs and underinclusive in that it allows non-college-student binge drinkers and illicit drug users to rent units, neither of these facts undermines the Restrictive Covenant's reasonable relation to the purpose it seeks to achieve. As noted above, the fact that college students have the propensity for engaging in behaviors that can be both dangerous to themselves and disruptive to those around them is recognized. The Restrictive Covenant is rationally related to maintaining the safety, comfort, and investment of owners in light of that recognition.

ii. The Restrictive Covenant Does Not
Contravene Federal or State
Statutory Law

Both the federal government and the State of South Carolina prohibit certain kinds of discrimination in the housing market, including the market for rentals. Under the federal Fair Housing Act and the South Carolina Fair Housing Law, "it is unlawful to refuse to . . . rent, . . . to negotiate for the . . . rental of . . . , or otherwise make unavailable or deny a dwelling to any person because of race, color, religion, sex, familial status, or national origin." 42 U.S.C. § 3604(a) (2012); S.C. Code Ann. § 31-21-40(1) (2007). Within both statutes, familial status "means one or more individuals who have not attained the age of eighteen years and are domiciled with: (i) a parent or another person having legal custody of the individual; or (ii) the designee of the parent or other person having the custody, with the written permission of the parent or other person." 42 U.S.C. § 3601(k); S.C. Code Ann. § 31-21-10(6)(a). Thus, discrimination in housing on the basis of familial status implicates the refusal to sell or rent to an individual because that individual is the parent or has legal custody of a child that would live in the dwelling. See *Glover v. Crestwood Lake Section 1 Holding Corporations*, 746 F. Supp. 301, 310 (S.D.N.Y. 1990) (holding, under the Fair Housing Act, that refusing to rent to a person on the basis of that one of the persons in the household was a child is unlawful discrimination on the basis of familial status). In order to successfully raise a violation under either the state or federal fair housing statute, the Defendants must show that the Plaintiff "discriminated on the basis of race or some other prohibited factor, not that . . . they just disliked" the Defendants' tenants. *Harrison v. Darby*, No.: 2:08-3874-PMD, 2009 WL 936469, at *5 (D.S.C. Apr. 7, 2009) *aff'd*, 333 F. App'x 801 (4th Cir. 2009).

The Restrictive Covenant does not discriminate on the basis of any factor prohibited by federal or state law. Neither on its face nor in its application does the Restrictive Covenant prevent any person from renting because of their race, color, religion, sex, familial status, or

national origin. Rather, the classification on which the restriction relies—status as a student at a two- or four-year college, institution, or university—is wholly unrelated to the classifications that the state and federal statutes protect. The restriction does not claim to apply, and does not in fact apply, because a person is white or black; Hindu or Catholic; male or female; with, without, or of child; Belgian, Bajan, or Cajun. Instead, it applies because a person is a college student who is not related to the unit's owner. That classification bears no relation to a person's race, color, religion, sex, familial status, or national origin, and a restrictive covenant that discerns among potential renters on the basis of that classification violates neither the South Carolina Fair Housing Law nor the federal Fair Housing Act.

Because the Restrictive Covenant is neither unconstitutionally discriminatory nor violates the laws of the United States or the State of South Carolina, this Court may and should give it enforcement.

b. The Restrictive Covenant Does Not Fail
on Account of a Change in Conditions

The Defendants assert the further affirmative defense that a change in the economy and the real estate market should allow for the discharge of the Restrictive Covenant. The Court should disregard this defense. First, South Carolina does not recognize a change in market conditions as a basis for extinguishing a restrictive covenant. The cases that discuss a change in circumstances address themselves to changes in the character of the neighborhood or other area immediately surrounding the restricted or servient estate. *See Dunlap v. Beatty*, 239 S.C. 196, 207, 122 S.E.2d 9, 14 (1961); *Inabinet v. Booe*, 262 S.C. 81, 84, 202 S.E.2d 643, 645 (1974); *Martin v. Cantrell*, 225 S.C. 140, 146, 81 S.E.2d 37, 40 (1954); *Pitts v. Brown*, 215 S.C. 122, 133, 54 S.E.2d 538, 543 (1949); *Menne v. Keowee Key Prop. Owners' Ass'n, Inc.*, 368 S.C. 557, 564, 629 S.E.2d 690, 694 (Ct. App. 2006); *Shipyard Prop. Owners' Ass'n v. Mangiaracina*, 307 S.C. 299, 308, 414 S.E.2d 795, 801 (Ct. App. 1992). None of these cases

provide for the termination of a restrictive covenant on the basis of a change in market conditions.

Even if this Court were to apply the doctrine of change in circumstances to the market conditions surrounding the Defendants' purchase of the unit, the extent of those changes does not merit the termination of the Restrictive Covenant. To defeat enforcement of a restrictive covenant, changed conditions must be so radical as to practically destroy the essential objects and purposes of the covenants. *Mangiaracina*, 307 S.C. at 308, 414 S.E. 2d at 801. "The determinative factor is whether the object of [such] a covenant has been so nearly destroyed by changed conditions as to render its enforcement inequitable or oppressive." *Holling v. Margiotta*, 231 S. C. 676, 680, 100 S. E. 2d 397, 399 (1957). Where, notwithstanding the changed character of the neighborhood, the purpose of the covenant may still be accomplished, the defense will be denied. *Circle Square Co. v. Atlantis Dev. Co.*, 267 S. C. 618, 230 S. E. 2d 704 (1976).

In this case, the purpose of the Restrictive Covenant is to ensure the comfort and safety of all residents and to protect the investment of all owners. (Ex. C, Rules & Regulations Revised 8/28/08.) The Restrictive Covenant furthers this purpose by barring from the possible pool of renters in the Regime a population that binge drinks alcohol and uses illegal drugs at a higher than average rate and that has a higher than average rate of drug or alcohol addiction. Rather than protecting the investment of all of the owners, termination of the Restrictive Covenant would diminish the value of their investment by depriving the Plaintiff of one means of controlling the level of binge drinking and illicit drug use within the Regime. Controlling these behaviors is necessary to maintaining the value of the unit owners' investment because these behaviors are often accompanied, as noted above, by conduct that has effects throughout the community, such as higher levels of noise disturbance, litter, and vandalism. If the Plaintiff that were to happen, those owners who purchased their units in reliance on the protection the restrictive covenant promised to provide would be denied the benefit of their bargain. The fact that the

market for real estate, and the economy in general, is in a worse condition than it was at the time that the Defendants purchased their property has no effect on the need to maintain the safety, comfort, and protection of those who own units in the Regime. Because the alleged change in conditions does not destroy the purpose that the Restrictive Covenant was created to address, this Court should disregard the Defendants' defense of change in conditions.

c. The Restrictive Covenant Does Not Fail
for Waiver

Waiver is an intentional relinquishment of a known right. *Bonnette v. State*, 277 S.C. 17, 18, 282 S.E.2d 597, 598 (1981). Waiver may be either express or implied. *Lawrimore v. Am. Health & Life Ins. Co.*, 276 S.C. 112, 118, 276 S.E.2d 296, 299 (1981). An implied waiver is one that arises "from conduct of the party against whom the doctrine is invoked from which voluntary relinquishment of his known right is reasonably inferable." *Pitts v. New York Life Ins. Co.*, 247 S.C. 545, 552, 148 S.E.2d 369, 371 (1966). The party claiming waiver must show that its opponent possessed, at the time of the waiver, actual or constructive knowledge of his rights or of all the material facts upon which those rights depended. *Janasik v. Fairway Oaks Villas Horizontal Prop. Regime*, 307 S.C. 339, 344, 415 S.E.2d 384, 387-88.

The Defendants have not shown that the Plaintiff had sufficient knowledge of their violation such that the Plaintiff waived its right to enforce the Restrictive Covenant. On this matter and despite the fact that they bear the burden of proof, the Defendants have produced no credible evidence. Because the Defendants have failed to produce such evidence, this Court should disregard their defense of waiver.

**III. This Court Should Enjoin the Defendants From
Continuing to Breach the Restrictive Covenant**

If this Court finds in favor of the Plaintiff that the restrictive covenant is enforceable, the Plaintiff asks that the Court enjoin the Defendants from continuing to rent to any tenant who is a student currently enrolled in a two (2) or four (4) year college, institute, or university is strictly

prohibited or has a roommate that is currently enrolled in a two (2) or four (4) year college, institute, or university.

The right to enforce a restrictive covenant is not limited to mere preventive action, but can extend to requiring a defendant, by mandatory injunction, to repair any injury already done. *Kneale v. Bonds*, 317 S.C. 262, 268, 452 S.E.2d 840, 843 (Ct. App. 1995). A party seeking injunctive relief "must demonstrate irreparable harm, a likelihood of success on the merits, and the absence of an adequate remedy at law." *Denman v. City of Columbia*, 387 S.C. 131, 140–41, 691 S.E.2d 465, 470 (2010). The grant of an injunction is within the sound discretion of the trial court and will not be reversed absent an abuse of that discretion. *City of Columbia v. Pic-A-Flick Video, Inc.*, 340 S.C. 278, 282, 531 S.E.2d 518, 520–21 (2000).

The harm that the Plaintiff will suffer if the Defendants are allowed to continue to violate the Restrictive Covenant would be irreparable. Permitting the Defendants to violate the Restrictive Covenant emboldens others in the Regime to engage in similar violations. Additional violations of a similar nature will cause an increase in the Regimes' population of college students and in the incidence of behavior that would disrupt other owners and tenants, both of which would result in a loss of the Regime's goodwill, a decline in the value of its units, and a loss of tenants and owners.

The Plaintiff will likely be successful on the merits of its case that the Defendants are in violation of the Restrictive Covenant. For the reasons stated in this Brief, the Restrictive Covenant is enforceable against the Defendants. Moreover, the Plaintiff has evidence that the Defendants have violated the Restrictive Covenant by renting to at least one student at the University of South Carolina. A rental application for Unit 101 in the Regime was filled out on September 10, 2011. (Ex. F, Rental Application.) That application lists a prospective tenant by the name of Brian Alberts and with the telephone number (706) 836-2889. The University of South Carolina (University) maintains a directory of current students that is accessible through the University's website. That online directory lists Brian P. Alberts as a student at the

University's College of Arts and Sciences who is seeking a bachelor's of arts degree in political science. (Ex. G, Phonebook.) The Plaintiff also has evidence that Kelly Barnhill, the Association Manager of Landmark Resources, LLC, spoke to Andrew Heineck, another of the tenants listed on the rental application for Unit 101, on August 16, 2011. During that conversation, Mr. Heineck confirmed to Ms. Barnhill that he was a student. (Ex. F, Rental Application.)

In this case, the legal remedy for a violation of a restrictive covenant—money damages—fails to provide an adequate remedy. First, the nature of the damage that the Regime experiences because of the Defendants' violation of the Restrictive Covenant is not susceptible to quantification with sufficient certainty to render a money damages award. The damage that violation of the Restrictive Covenant does is to the safety and comfort of the Regime's other owners. These are intangible benefits that emanate from the Restrictive Covenant, and are not usually the subject of monetary damages. Because only performance under the Restrictive Covenant, and not damages, can restore to the owners in the Regime the benefit of their bargain, there is no adequate legal remedy.

CONCLUSION

For the foregoing reasons, this Court should find that the Restrictive Covenant is enforceable as a matter of law and enjoin the Defendants from its further violation.



D. Reece Williams, III
Brian Lysell
Callison Tighe & Robinson, LLC
1812 Lincoln Street, Suite 200
Columbia, South Carolina 29201
T: 803-404-6900
F: 803-404-6902
reecewilliams@callisontighe.com
brianlysell@callisontighe.com

ATTORNEYS FOR THE PLAINTIFF

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND)

FOR THE FIFTH JUDICIAL CIRCUIT

The SPUR at Williams Brice)
Owners Association, Inc.,)

Case No: 2011-CP-40-6704

Plaintiff,)

CERTIFICATE OF SERVICE

v.)

Sunil V. Lalla and Sharon W. Lalla,)

Defendants.)

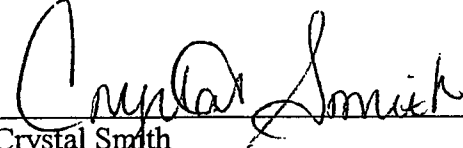
FILED
2013 JAN 15 PM 1:06
JEANETTE W. DEBRIDE
C.C.P. & C.S.

I certify that, on this date, I served a copy of the foregoing document in this action, dated

January 15, 2013, on counsel for Defendants by:

- ☐ delivering it to him/her personally; or,
- ☒ mailing it to him at his last known address, by depositing it in the U.S. Mail, in an envelope with sufficient postage affixed, addressed as follows:

S. Jahue Moore, Esq.
Moore, Taylor & Thomas, P.A.
1700 Sunset Blvd. (Hwy. 378)
PO Box 5709
West Columbia SC 29171


Crystal Smith

January 15, 2013

Columbia, SC

G:\5000\5668.001\Pleadings\Caption.wpd

EXHIBIT A

Condominium shall not be conveyed, devised, encumbered, or otherwise dealt with separately from said Condominium and the undivided interest in General and Limited Common Elements appurtenant to each Condominium shall be deemed conveyed, devised, encumbered, or otherwise included with the Condominium even though such undivided interest is not expressly mentioned or described in the instrument conveying, devising, encumbering, or otherwise dealing with such Condominium. Any conveyance, mortgage, or other instrument which purports to effect the conveyance, devise, or encumbrance, or which purports to grant any right, interest or lien in, to, or upon an Condominium, shall be null, void, and of no effect insofar as the same purports to effect any interest in an Condominium and its appurtenant undivided interest in General and Limited Common Elements, unless the same purports to convey, devise, encumber, or otherwise trade or deal with the entire Condominium. Any instrument conveying, devising, encumbering or otherwise dealing with any Condominium which describes said Condominium by the Condominium Number assigned thereto in Exhibit "C" without limitation or exception, shall be deemed and construed to affect the entire Condominium and its appurtenant undivided interest in the General and Limited Common Elements. Nothing herein contained shall be construed as limiting or preventing ownership of any Condominium, residential or commercial, and its appurtenant undivided interest in the General and Limited Common Elements by more than one person or entity as tenants in common, joint tenants, or any other form of real property ownership recognized in this State or preventing the leasing of the Commercial Condominium to one or more real estate sales and/or property management companies. All Common Elements shall be owned by the Regime and may not be subject to a lease between the Condominium owners (or the Association) and another party, except that the Association shall have the authority to lease General Common Element space on the rooftop to a third party for purposes of placing and maintaining electronic transmitting equipment and the like for the benefit of the Unit owners.

VIII. Horizontal Property Regime Subject to Restrictions, Etc.

Each and every Condominium and the General and Limited Common Elements shall be, and is hereby declared to be, subject to the restrictions, easements, conditions, and covenants prescribed and established herein, governing the use of said Condominium and General and Limited Common Elements, and setting forth the obligations and responsibilities incident to ownership of each Condominium and its appurtenant undivided interest in the General and Common Elements. Said Condominiums and General and Limited Common Elements are further declared to be subject to the restrictions, easements, conditions, and limitations now of record affecting the land and improvements of the Real Property.

IX. Perpetual Non-Exclusive Easements in General Common Elements

The General Common Elements shall be, and are hereby declared to be, subject to a perpetual non-exclusive easement in favor of all of the co-owners of Condominiums in the Horizontal Property Regime for their use and the use of their immediate family, guests, and invitees, for all proper and normal purposes, and for the furnishing of services and facilities for which the same

- (e) reallocation of interests in the General or Limited Common Elements, or rights to their use;
- (f) redefinition of any Condominium boundaries;
- (g) convertibility of Condominiums into Common Elements, or vice versa;
- (h) expansion or contraction of the Regime, or the addition, annexation, or withdrawal of property to or from the Regime;
- (i) hazard or fidelity insurance requirements;
- (j) imposition of any restrictions on the leasing of the Condominiums;
- (k) imposition of any restrictions on an Condominium owner's right to sell or transfer his or her Condominium; and
- (l) any provisions that expressly benefit mortgage holders, insurers, or guarantors.

XIV. Residential Use Restriction and Limitations

Each Residential Condominium is hereby restricted to residential use by the owner, co-owner or co-owners thereof, their immediate families, guests, tenants, lessees, licensees, and invitees; provided, however, that so long as the Grantor shall retain any interest in the Regime or any Condominium, it may utilize an Condominium or Condominiums of its choice owned or leased by Grantor from time to time, for a sales office, model, or other usage for the purpose of selling or closing the sale of Condominiums in said Regime or outside of the Regime. Grantor may assign this commercial usage right to such other persons or entities as it may choose; provided, however, that when all Condominiums have been sold this right of commercial usage shall immediately cease. No "For Sale" or "For Rent" signs or the like shall be permitted on any General or Limited Common Element or any Condominium so as to be visible from any General or Limited Common Element or public street or area, other than any sign placed upon the sales office or model by Grantor or the Commercial Condominiums. Nothing herein shall prevent the Association from providing portions of the Common Elements to management companies for use as an office, model or other purpose connected with the management of the Regime or to grant licenses and easements over the Common Areas for utilities, roads, electronic transmitting equipment, and other purposes reasonably necessary or usable for the proper maintenance and operation of the Regime. Any lease or rental agreement concerning the use of the Condominium must be in writing and subject to the requirements of the Master Deed and the rules and regulations of the Association and terms adopted by the Board of Directors of the Association.

Each owner or owners of any Unit shall have the right to rent or lease their Unit subject to these restrictions. Each tenancy shall be subject to the Restrictions contained herein, and the tenant(s) shall be provided a copy of the same upon taking possession of the Unit. The rental of any unit to any student currently enrolled in a two (2) or four (4) year college, institute, or university is strictly prohibited. Additionally, any tenant of any Unit shall be prohibited from having any roommate that is enrolled in a two (2) or four (4) year college, institute, or university. Any tenant in violation of this Restriction shall have their lease automatically terminated, and shall have thirty (30) days to vacate the Unit. Any residential lease agreement being used by any owner or owners shall contain notice of this provision. However, any owner or owners may allow their child or grandchild to reside in, or rent, the Unit that they own,

even if that child or grandchild is currently enrolled in a two (2) or (4) year college, institute, or university. Additionally, the child or grandchild of any owner or owners who reside in, or rent out, their parents or grandparents Unit shall be entitled to have one (1) roommate who is also currently enrolled in a two (2) or four (4) year college, institute, or university. Nothing contained herein shall prevent a person or person who is enrolled in a two (2) or four (4) year college, institute, or university, from purchasing a Unit or becoming an owner thereof.

XV. Use of General Common Elements Subject to Rules of Association

The use of General Common Elements by the co-owner or co-owners of all Condominiums, and all other parties authorized to use the same shall be at all times subject to such reasonable rules and regulations as may be prescribed and established governing such or which may hereafter be prescribed and established by the Association.

XVI. Horizontal Property Regime to be Used for Lawful Purposes, Restriction Against Nuisances, Etc.

No immoral, improper, offensive, or unlawful use shall be made of any Condominium or of the General or Limited Common Elements, nor any part thereof, and all laws, zoning ordinances, and regulations of all governmental authorities having jurisdiction over the Regime shall be observed. No co-owner of any Condominium shall permit or suffer anything to be done or kept in his Condominium, or on the General or Limited Common Elements, which will increase the rate of insurance on the Regime, or which will obstruct or interfere with the rights of other occupants of the building or annoy them by unreasonable noises, nor shall any such co-owner undertake any use or practice which shall create and constitute a nuisance to any other co-owner of an Condominium, or which interferes with the peaceful possession and proper use of any other Condominium or the General or Limited Common Elements.

XVII. Right of Entry into Condominiums in Emergencies

In case of any emergency originating in or threatening any Condominium, regardless of whether the co-owner is present at the time of such emergency, the Board of Directors of the Association or any other person or firm authorized by it, or the building superintendent or managing agent, shall have the right to enter such Condominium for the purpose of remedying or abating the cause of such emergency, and such right of entry shall be immediate. To facilitate entry in the event of any such emergency, the co-owner of each Condominium, if required by the Association, shall deposit under the control of the Association a key to such Condominium.

XVIII. Right of Entry for Maintenance of General Common Elements

Whenever it is necessary to enter any Condominium for the purpose of performing any maintenance, alteration, or repair to any portion of the Common Elements, the co-owner of each Condominium shall permit other co-owners or their representatives, or the duly constituted and authorized agent of the Association, to enter such Condominium, provided that such entry shall be made only at reasonable times and with reasonable advance notice.

EXHIBIT B

BY-LAWS
OF
THE SPUR AT WILLIAMS BRICE OWNERS ASSOCIATION, INC.

1. IDENTITY. These are the By-Laws of The Spur at Williams Brice Owners Association, Inc., a non-profit corporation existing under the laws of the State of South Carolina (hereinafter called "the Association"), which has been organized for the purpose of administering The Spur at Williams Brice Horizontal Property Regime, a horizontal property regime established pursuant to S.C. Code Ann. §27-31-10 et seq. (1976) (hereinafter referred to as "the Regime"). The Regime is identified by the name The Spur at Williams Brice and is located upon real property situated in Richland County, South Carolina, the same being described on the attached Exhibit A which is incorporated herein and made a part hereof by reference.

(a) The provisions of these By-Laws are applicable to the Regime, and the terms and provisions hereof are expressly subject to the effect of the terms, provisions, conditions, and authorizations contained in the Articles of Incorporation and which may be contained in the formal Master Deed which will be recorded in the Office of the Register of Deeds for Richland County, South Carolina, at the time the said property and improvements now or thereafter situate thereon are submitted to the plan of condominium ownership, the terms and provisions of said Articles and Master Deed to be controlling whenever the same may be in conflict herewith.

(b) All present or future co-owners, tenants, future tenants, or their employees, or any other person that might use the Regime or any of the facilities thereof in any manner are subject to the regulations set forth in these By-Laws and in said Master Deed.

Richland County Register of Deeds

John T. Hopkins II

(c) The office of the Association shall be at 144 Riverpoint Drive, Clemson, SC 29631, or at such other place as the Board of Directors of the Association may designate from time to time;

(d) The fiscal year of the Association shall be the calendar year;

(e) The seal of the Association shall bear the name of the Association and the words "South Carolina".

2. MEMBERSHIP, VOTING, QUORUM, PROXIES.

(a) The qualification of member, the manner of their admission to membership and termination of such membership, and voting by members, shall be as set forth in the Articles of Incorporation of the Association, the provisions of which Articles are incorporated herein by reference.

(b) The quorum at members' meeting shall consist of persons entitled to cast a majority (51% of the value of the property) of the votes of the entire membership. The joinder of a member in the action of a meeting by signing and concurring in the minutes thereof shall constitute the presence of such person for the purposes of determining quorum.

(c) The vote of co-owners of a Condominium owned by more than one person or by a corporation or other entity shall be cast by the person named in a certificate signed by all of the co-owners of the Condominium and filed with the Secretary of the Association. Such certificate shall be valid until revoked by subsequent certificate. If such a certificate is not on file, the vote of such co-owners shall not be considered in the determining the requirement for a quorum, nor for any other purpose.

Richland County Register of Deeds

John T. Hopkins II

EXHIBIT C

THE SPUR AT WILLIAMS BRICE

OWNERS ASSOCIATION INC.

1100 Bluff Road
Columbia, SC 29201

Rules & Regulations

**All Owners, Residents and Guests
must adhere to these rules and regulations.**

Violations of these Rules and Regulations are subject to fines.

Condominium living necessitates rules and regulations to insure the comfort and safety of all residents and to protect the investment of all owners. In order to create a congenial and dignified residential atmosphere, your Board of Directors has adopted the following rules and regulations for the guidance of all owners, residents and guests.

1. Renting of Units

Owners are responsible for their resident's compliance with the rules and regulations of the Association no matter the length of the rental. *Any violation of the rules and regulations and any fines issued will be the responsibility of the unit owner.* Unit owner (or their rental agent) is responsible for incorporating these rules and regulations into their leases. We recommend that you also keep a copy of these posted in your unit at all times, especially for short term rentals. Association management company must be given at least 2 days in advance the leaser's name and contact number that will be occupying the unit at any given time. Failure to do this will result in a \$250.00 fine.

2. Parking And Use Of Vehicles

Parking is by assigned parking only. Any vehicle parking in another space without permission is susceptible to towing. This space is your responsibility. If an unauthorized vehicle is parked in your space you will need to call City Garage @ 765-9780 and have the vehicle towed. When the tow truck arrives you will need some type of identification to show the driver. If City Garage is unavailable, you have the right to call another tow company.

During game or special event weekends you must have your parking placards to have access to the parking lot. Anyone without the parking placard will not be allowed through the gate. There are no exceptions. Only two vehicles per unit are allowed during these times. If two vehicles have already been checked into your spots, any others will be denied access through the gate.

Automobiles in a state of disrepair or not having current tags shall not be left on The Spur property. Only passenger vehicles can park on the property and can not exceed the size of one space. All commercial vehicles, campers, boats, trailers and RVs are prohibited from parking on any portion of the condominium property.

Because of the critical need of access for fire equipment and trash removal trucks, vehicles parked anywhere other than the marked spaces will be towed.

Motor vehicles may not be washed, waxed or repaired on the premise.

Motorcycles and mopeds shall be parked in assigned parking areas only and shall not be brought into hallways, elevator or into individual apartments or parked on sidewalks.

Motorcycles and mopeds are not permitted in the storage rooms in the garage.

Any motor vehicle in violation of parking rules will be towed at car owner's expense.

3. Annoyances

Being thoughtful of one's neighbor is essential in a multi-family community. Therefore, excessive disturbing noises in dwellings of the common elements that interfere with the rights, comforts or other conveniences of neighbors cannot be allowed.

Noise from televisions, stereo equipment, people, etc., should be kept to a minimum at all times and especially during the hours of 10:00 p.m. through 8:00 a.m.

The Columbia Police Department will be notified when excessive noise occurs. Owners will be held responsible and notified of complaints against their residents. Disturbances caused by any residents will result in police and/or Board action.

The use of weapons or noise makers is prohibited.

4. Pets

These rules will be strictly enforced for the comfort and well being of all pet and non-pet owners living at The Spur:

1. No animal should relieve themselves in the elevators, walkways, stairwells or any other hard surfaces.
2. You must immediately clean up after your pet.
3. All pets should be on a leash at all times. This is a city ordinance that must be followed along with all other City pet ordinances.
4. Pets should not be a nuisance to other residents. Any animal that is a continued nuisance will be asked to be removed from the building. Pets should not be housed on any balcony.

Violation of pet rules will be subject to immediate fines of \$50 for each instance.

5. Signs

No sign, advertising or notices of any kind or type, including but not limited to "For Rent" and "For Sale" shall be permitted or displayed on the exterior of any unit nor shall it be displayed in any manner as to be visible from the exterior of any unit.

6. Banner/Flags

Only University of South Carolina flags or banners are permitted. Banner or Flags can only be displayed during the football season, September through November. No flag or banner can be attached in any way to the building that will cause damage to the building.

1st offence verbal warning and immediate removal within 15 minutes of notice. \$500 fine if not removed as stated and immediate confiscation by security.

7. Exterior Items

No radio or television antenna or wiring for any such purpose may be installed on the exterior of the building. No mops, clothing, rugs, banners, or any other item shall be hung inside or outside windows or balconies in public view. No clotheslines are allowed. All window treatments from outside view should be white or off white in color. Balconies shall not be used as a storage area; including, but not limited to, bicycles, gym equipment, tools or furniture other than regular patio type furniture.

8. Elevator

Do not prop open the elevator doors for loading or unloading. Doing this will shut down the elevator and make it inoperable for others to use. Make sure that anyone you have moving in or out and if you have caterers catering an event that they know this.

There are to be no move-ins or move-outs on game day. No deliveries of furniture, appliances or other such items are to be delivered on game day. This includes special event furniture delivery. The only deliveries that will be allowed through the gate on game day will be food and catering.

9. Trash

Disposal of trash shall be by the use of the garbage chutes on each floor, or by the dumpster provided in the parking lot. Boxes, mops, brooms or other large items are not to be put into the chutes. These items must be carried down to the dumpster located in the parking lot. All household trash **MUST** be secured in bags. If you have a catered event, caterers must use the parking lot trash container. Any construction debris such as appliances, carpet, flooring or furniture must be hauled off the property.

10. Littering or Release of Bodily Fluids in common areas

There is to be no littering or releasing of body fluids in any common areas which include halls, stairwells, elevator, etc. This includes but is not limited to: trash, drinks, spitting, urinating and vomiting. Violation of this rule will be considered vandalism and have an automatic fine of \$1,000.

11. Outdoor Cooking

Outdoor cooking with charcoal grills strictly prohibited. No accelerants are allowed to be used on any type grills or stored on balconies. Gas grills are allowed to be used on balconies with caution. Anyone using a gas grill is required to have a type ABC fire extinguisher on the balcony.

12. Trespassing

Any unauthorized person found on the premises of The Spur will be reported to the police and repeat violators will be prosecuted to the fullest extent of the law.

13. Building Damage

Any damage to common, limited common areas or other units is the responsibility of the offending party and will be considered vandalism with a minimum \$1,000 fine plus the cost of

repairs. Residents or Owners are responsible for any damage caused to common areas by their guests.

14. Fire Procedures

If you discover a fire in your unit, please do the following:

- A. Immediately call the Fire Department (911) and tell the dispatcher the floor and unit number, as well as the buildings name and address – The Spur, 1100 Bluff Road.
- B. Without further delay, leave your apartment and be sure to close your door behind you.
- C. Alert the other residents on your floor by striking the nearest fire alarm along your exit route.
- D. Use the nearest stairway to leave your floor. **DO NOT USE THE ELEVATOR.**

The Penalty For Falsely Pulling A Fire Alarm OR Tampering With Any Fire Equipment Is A Fine Of \$1,000. This Is A Misdemeanor Offense Punishable by Law.

15. Alterations

For any interior architectural alterations please refer to the Master Deed for The Spur at Williams Brice.

No alteration or addition to any of the common elements or limited common areas shall be made by any owner or resident. All such work is the responsibility of the Board of Directors acting on behalf of the Association.

16. Occupancy

Refer to the Master Deed for The Spur at Williams Brice.

17. Guests

All residents are responsible for their guest's actions.

18. Smoking

There is to be NO smoking in the elevators or stairwells. Do not throw cigarette butts off the balconies or roof levels.

19. Rule Changes

The Board of Directors reserves the right to change or revoke existing rules and regulations and make such additional rules and regulations from time to time, as in their opinion, shall be necessary.

Residents and owners are encouraged to enforce these rules and regulations through notification of the Board, Managing Agent or Columbia Police Department, as necessary.

Violation of these Rules and Regulations, unless noted otherwise, will result in the following fines:

1st offense - written warning

2nd offense - \$100 fine

3rd offense - \$200 fine and possible legal action by Board of Directors

These fines are in effect for all violations except where individual fines are stated in each section.

Managing Company for The Spur:

Landmark Resources, LLC
1600 Park Circle, Ste. 104
Columbia, SC 29201
Office: (803) 312-9999

To report any common area problems or file a complaint against rule violators, please contact the Landmark Resources at (803) 312-9999 or email associations2@landmarkresources.biz.

After hours emergencies: Page (803) 551-0129 this pager does not pick up numbers from some cell phones, if no call back within 10 minutes, please try a land line.

What are after hour emergencies?

1. Unknown water leaking into hallways, common areas or your unit and you are unable to contact the person above or next to you.
2. Someone trapped in elevator call 911 then call emergency number.

EXHIBIT D

Results from the 2011 National Survey on Drug Use and Health: Summary of National Findings

DISCLAIMER

SAMHSA provides links to other Internet sites as a service to its users and is not responsible for the availability or content of these external sites. SAMHSA, its employees, and contractors do not endorse, warrant, or guarantee the products, services, or information described or offered at these other Internet sites. Any reference to a commercial product, process, or service is not an endorsement or recommendation by SAMHSA, its employees, or contractors. For documents available from this server, the U.S. Government does not warrant or assume any legal liability or responsibility for the accuracy, completeness, or usefulness of any information, apparatus, product, or process disclosed.

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Substance Abuse and Mental Health Services Administration
Center for Behavioral Health Statistics and Quality

Table of Contents

Chapter	Page
List of Figures	vii
List of Tables	xi
Highlights.....	1
1. Introduction.....	7
Summary of NSDUH.....	7
Limitations on Trend Measurement.....	8
Format of Report and Data Presentation.....	9
Other NSDUH Reports and Data.....	10
2. Illicit Drug Use	13
Age.....	16
Youths Aged 12 to 17	18
Young Adults Aged 18 to 25	20
Adults Aged 26 or Older.....	21
Gender.....	21
Pregnant Women.....	23
Race/Ethnicity.....	23
Education	23
College Students	23
Employment.....	24
Geographic Area	25
Criminal Justice Populations.....	26
Frequency of Marijuana Use.....	27
Association with Cigarette and Alcohol Use.....	27
Driving Under the Influence of Illicit Drugs	27
Source of Prescription Drugs.....	28
3. Alcohol Use	31
3.1. Alcohol Use among Persons Aged 12 or Older.....	31
Age.....	32
Gender.....	33
Pregnant Women.....	33
Race/Ethnicity.....	33
Education	34
College Students	35
Employment.....	36
Geographic Area	36
Association with Illicit Drug and Tobacco Use.....	36
Driving Under the Influence of Alcohol.....	37
3.2. Underage Alcohol Use.....	38

Table of Contents (continued)

Chapter	Page
4. Tobacco Use.....	43
Age.....	44
Gender.....	46
Pregnant Women.....	47
Race/Ethnicity.....	48
Education.....	48
College Students.....	48
Employment.....	49
Geographic Area.....	49
Association with Illicit Drug and Alcohol Use.....	49
Frequency of Cigarette Use.....	50
5. Initiation of Substance Use.....	51
Initiation of Illicit Drug Use.....	52
Comparison, by Drug.....	53
Marijuana.....	55
Cocaine.....	56
Heroin.....	56
Hallucinogens.....	56
Inhalants.....	58
Psychotherapeutics.....	58
Alcohol.....	58
Tobacco.....	59
6. Youth Prevention-Related Measures.....	63
Perceived Risk of Substance Use.....	63
Perceived Availability.....	67
Perceived Parental Disapproval of Substance Use.....	68
Attitudes toward Peer Substance Use.....	68
Fighting and Delinquent Behavior.....	69
Religious Beliefs and Participation in Activities.....	69
Exposure to Substance Use Prevention Messages and Programs.....	70
Parental Involvement.....	71
7. Substance Dependence, Abuse, and Treatment.....	73
7.1. Substance Dependence or Abuse.....	73
Age at First Use.....	76
Age.....	77
Gender.....	78
Race/Ethnicity.....	78
Education.....	79
Employment.....	79

Table of Contents (continued)

Chapter	Page
Criminal Justice Populations.....	80
Geographic Area	80
7.2. Past Year Treatment for a Substance Use Problem	80
7.3. Need for and Receipt of Specialty Treatment.....	83
Illicit Drug or Alcohol Use Treatment and Treatment Need	84
Illicit Drug Use Treatment and Treatment Need	86
Alcohol Use Treatment and Treatment Need	88
 8. Discussion of Trends in Marijuana, Prescription Drug, Heroin, and Other	
Substance Use among Youths and Young Adults	89
Description of NSDUH and Other Data Sources.....	89
Comparison of NSDUH, MTF, and YRBS Trends	90
Nonmedical Use of Prescription Pain Relievers	94
Heroin Use	96
 Appendix	
A Description of the Survey	105
A.1 Sample Design	105
A.2 Data Collection Methodology.....	107
A.3 Data Processing.....	109
B Statistical Methods and Measurement	115
B.1 Target Population.....	115
B.2 Sampling Error and Statistical Significance	115
B.3 Other Information on Data Accuracy	120
B.4 Measurement Issues	124
C Other Sources of Data	145
C.1 Other National Surveys of Substance Use	145
C.2 Surveys of Populations Not Covered by NSDUH	151
D References.....	155
E List of Contributors.....	161

Page left blank

List of Figures

Figure	Page
1.1 U.S. Census Bureau Regions	11
2.1 Past Month Illicit Drug Use among Persons Aged 12 or Older: 2011.....	14
2.2 Past Month Use of Selected Illicit Drugs among Persons Aged 12 or Older: 2002-2011.....	15
2.3 Past Month Nonmedical Use of Types of Psychotherapeutic Drugs among Persons Aged 12 or Older: 2002-2011	15
2.4 Past Month and Past Year Heroin Use among Persons Aged 12 or Older: 2002-2011.....	17
2.5 Past Month Illicit Drug Use among Persons Aged 12 or Older, by Age: 2010 and 2011.....	17
2.6 Past Month Illicit Drug Use among Persons Aged 12 or Older, by Age: 2002-2011.....	18
2.7 Past Month Use of Selected Illicit Drugs among Youths Aged 12 to 17: 2002-2011.....	19
2.8 Past Month Use of Selected Illicit Drugs among Young Adults Aged 18 to 25: 2002-2011	20
2.9 Past Month Illicit Drug Use among Adults Aged 50 to 59: 2002-2011	22
2.10 Past Month Marijuana Use among Youths Aged 12 to 17, by Gender: 2002-2011	22
2.11 Past Month Illicit Drug Use among Persons Aged 12 or Older, by Race/Ethnicity: 2002-2011	24
2.12 Past Month Illicit Drug Use among Persons Aged 18 or Older, by Employment Status: 2010 and 2011	25
2.13 Past Month Illicit Drug Use among Persons Aged 12 or Older, by County Type: 2011.....	26
2.14 Source Where Pain Relievers Were Obtained for Most Recent Nonmedical Use among Past Year Users Aged 12 or Older: 2010-2011.....	29
3.1 Current, Binge, and Heavy Alcohol Use among Persons Aged 12 or Older, by Age: 2011.....	32

List of Figures (continued)

Figure	Page
3.2 Current, Binge, and Heavy Alcohol Use among Persons Aged 12 or Older, by Race/Ethnicity: 2011.....	34
3.3 Binge Alcohol Use among Adults Aged 18 to 22, by College Enrollment: 2002-2011.....	35
3.4 Driving Under the Influence of Alcohol in the Past Year among Persons Aged 12 or Older: 2002-2011.....	37
3.5 Driving Under the Influence of Alcohol in the Past Year among Persons Aged 16 or Older, by Age: 2011	38
3.6 Current Alcohol Use among Persons Aged 12 to 20, by Age: 2002-2011	39
3.7 Current, Binge, and Heavy Alcohol Use among Persons Aged 12 to 20, by Gender: 2011.....	40
4.1 Past Month Tobacco Use among Persons Aged 12 or Older: 2002-2011	43
4.2 Past Month Tobacco Use among Youths Aged 12 to 17: 2002-2011	45
4.3 Past Month Cigarette Use among Persons Aged 12 or Older, by Age: 2011	45
4.4 Past Month Cigarette Use among Youths Aged 12 to 17, by Gender: 2002-2011	46
4.5 Past Month Cigarette Use among Women Aged 15 to 44, by Pregnancy Status: Combined Years 2002-2003 to 2010-2011.....	47
4.6 Past Month Smokers of One or More Packs of Cigarettes per Day among Daily Smokers, by Age Group: 2002-2011	50
5.1 First Specific Drug Associated with Initiation of Illicit Drug Use among Past Year Illicit Drug Initiates Aged 12 or Older: 2011.....	53
5.2 Past Year Initiates of Specific Illicit Drugs among Persons Aged 12 or Older: 2011.....	54
5.3 Mean Age at First Use for Specific Illicit Drugs among Past Year Initiates Aged 12 to 49: 2011	54
5.4 Past Year Marijuana Initiates among Persons Aged 12 or Older and Mean Age at First Use of Marijuana among Past Year Marijuana Initiates Aged 12 to 49: 2002-2011.....	55

List of Figures (continued)

Figure	Page
5.5 Past Year Hallucinogen Initiates among Persons Aged 12 or Older: 2002-2011	57
5.6 Past Year Methamphetamine Initiates among Persons Aged 12 or Older and Mean Age at First Use of Methamphetamine among Past Year Methamphetamine Initiates Aged 12 to 49: 2002-2011	59
5.7 Past Year Cigarette Initiates among Persons Aged 12 or Older, by Age at First Use: 2002-2011	60
5.8 Past Year Cigarette Initiation among Youths Aged 12 to 17 Who Had Never Smoked Prior to the Past Year, by Gender: 2002-2011	61
6.1 Past Month Binge Drinking and Marijuana Use among Youths Aged 12 to 17, by Perceptions of Risk: 2011	64
6.2 Perceived Great Risk of Cigarette and Alcohol Use among Youths Aged 12 to 17: 2002-2011	65
6.3 Perceived Great Risk of Marijuana Use among Youths Aged 12 to 17: 2002-2011	66
6.4 Perceived Great Risk of Use of Selected Illicit Drugs Once or Twice a Week among Youths Aged 12 to 17: 2002-2011	66
6.5 Perceived Availability of Selected Illicit Drugs among Youths Aged 12 to 17: 2002-2011	67
6.6 Exposure to Substance Use Prevention Messages and Programs among Youths Aged 12 to 17: 2002-2011	70
7.1 Substance Dependence or Abuse in the Past Year among Persons Aged 12 or Older: 2002-2011	74
7.2 Specific Illicit Drug Dependence or Abuse in the Past Year among Persons Aged 12 or Older: 2011	75
7.3 Illicit Drug Dependence or Abuse in the Past Year among Persons Aged 12 or Older: 2002-2011	76
7.4 Alcohol Dependence or Abuse in the Past Year among Adults Aged 21 or Older, by Age at First Use of Alcohol: 2011	77
7.5 Alcohol and Illicit Drug Dependence or Abuse among Youths Aged 12 to 17: 2002-2011	78

List of Figures (continued)

Figure	Page
7.6 Substance Dependence or Abuse in the Past Year, by Age and Gender: 2011	79
7.7 Locations Where Past Year Substance Use Treatment Was Received among Persons Aged 12 or Older: 2011	81
7.8 Substances for Which Most Recent Treatment Was Received in the Past Year among Persons Aged 12 or Older: 2011	82
7.9 Received Most Recent Treatment in the Past Year for the Use of Pain Relievers among Persons Aged 12 or Older: 2002-2011	83
7.10 Past Year Perceived Need for and Effort Made to Receive Specialty Treatment among Persons Aged 12 or Older Needing But Not Receiving Treatment for Illicit Drug or Alcohol Use: 2011	85
7.11 Reasons for Not Receiving Substance Use Treatment among Persons Aged 12 or Older Who Needed and Made an Effort to Get Treatment But Did Not Receive Treatment and Felt They Needed Treatment: 2008-2011 Combined	87
8.1 Past Month Alcohol Use among Youths in NSDUH and MTF: 2002-2011	91
8.2 Past Month Cigarette Use among Youths in NSDUH and MTF: 2002-2011	91
8.3 Past Month Marijuana Use among Youths in NSDUH and MTF: 2002-2011	92
8.4 Past Month Marijuana Use among Youths in NSDUH, MTF, and YRBS: 1971- 2011	93
8.5 Past Year Nonmedical Pain Reliever Use among Youths and Young Adults in NSDUH and MTF: 2002-2011	95
8.6 Past Year Heroin Use, Heroin Dependence, and Heroin Initiates among Persons Aged 12 or Older: 2002-2011	97
B.1 Required Effective Sample in the 2011 NSDUH as a Function of the Proportion Estimated	138

List of Tables

Table	Page
8.1 Comparison of NSDUH and MTF Lifetime Prevalence Estimates among Youths: Percentages, 2002-2011	99
8.2 Comparison of NSDUH and MTF Past Year Prevalence Estimates among Youths: Percentages, 2002-2011	100
8.3 Comparison of NSDUH and MTF Past Month Prevalence Estimates among Youths: Percentages, 2002-2011	101
8.4 Comparison of NSDUH and MTF Lifetime Prevalence Estimates among Young Adults: Percentages, 2002-2011	102
8.5 Comparison of NSDUH and MTF Past Year Prevalence Estimates among Young Adults: Percentages, 2002-2011	103
8.6 Comparison of NSDUH and MTF Past Month Prevalence Estimates among Young Adults: Percentages, 2002-2011	104
B.1 Demographic and Geographic Domains Forced to Match Their Respective U.S. Census Bureau Population Estimates through the Weight Calibration Process, 2011.....	137
B.2 Summary of 2011 NSDUH Suppression Rules	138
B.3 Weighted Percentages and Sample Sizes for 2010 and 2011 NSDUHs, by Final Screening Result Code.....	139
B.4 Weighted Percentages and Sample Sizes for 2010 and 2011 NSDUHs, by Final Interview Code.....	140
B.5 Response Rates and Sample Sizes for 2010 and 2011 NSDUHs, by Demographic Characteristics.....	141
B.6 Past Year Initiates of Marijuana and Any Illicit Drug among Persons Aged 26 or Older or Aged 26 to 49: Numbers in Thousands, 2002-2011.....	142
B.7 Mean Age at First Use of Marijuana and Any Illicit Drug among Past Year Initiates Aged 26 to 49, 2002-2011.....	142
B.8 Differences between the 2010 Civilian, Noninstitutionalized Population Counts Based on the 2000 and the 2010 Census, for Age, Gender, Hispanic Origin, and Race.....	143

List of Tables (continued)

Table	Page
B.9 Outcomes of Statistical Tests between Estimates in 2011 and Estimates in 2010 According to Census Control Totals Used for 2010 Estimates	144
B.10 Comparison of Differences between Estimates in 2011 and Estimates in 2010 According to Census Control Totals Used for 2010 Estimates and the Direction of the Statistical Test Outcomes.....	144
C.1 Use of Specific Substances in Lifetime, Past Year, and Past Month among 8th, 10th, and 12th Graders in MTF and NSDUH: Percentages, 2010 and 2011	153
C.2 Lifetime and Past Month Substance Use among Students in Grades 9 to 12 in YRBS and NSDUH: Percentages, 2005, 2007, 2009, and 2011	154

Highlights

This report presents the first information from the 2011 National Survey on Drug Use and Health (NSDUH), an annual survey sponsored by the Substance Abuse and Mental Health Services Administration (SAMHSA). The survey is the primary source of information on the use of illicit drugs, alcohol, and tobacco in the civilian, noninstitutionalized population of the United States aged 12 years old or older. Approximately 67,500 persons are interviewed in NSDUH each year. Unless otherwise noted, all comparisons in this report described using terms such as "increased," "decreased," or "more than" are statistically significant at the .05 level.

Illicit Drug Use

- In 2011, an estimated 22.5 million Americans aged 12 or older were current (past month) illicit drug users, meaning they had used an illicit drug during the month prior to the survey interview. This estimate represents 8.7 percent of the population aged 12 or older. Illicit drugs include marijuana/hashish, cocaine (including crack), heroin, hallucinogens, inhalants, or prescription-type psychotherapeutics (pain relievers, tranquilizers, stimulants, and sedatives) used nonmedically.
- The rate of current illicit drug use among persons aged 12 or older in 2011 (8.7 percent) was similar to the rate in 2010 (8.9 percent).
- Marijuana was the most commonly used illicit drug. In 2011, there were 18.1 million past month users. Between 2007 and 2011, the rate of use increased from 5.8 to 7.0 percent, and the number of users increased from 14.5 million to 18.1 million.
- In 2011, there were 1.4 million current cocaine users aged 12 or older, comprising 0.5 percent of the population. These estimates were similar to the number and rate in 2010 (1.5 million or 0.6 percent), but were lower than the estimates in 2006 (2.4 million or 1.0 percent).
- The number of persons who were past year heroin users in 2011 (620,000) was higher than the number in 2007 (373,000).
- Hallucinogens were used in the past month by 972,000 persons (0.4 percent) aged 12 or older in 2011. These estimates were lower than the estimates in 2010 (1.2 million or 0.5 percent).
- In 2011, there were 6.1 million persons (2.4 percent) aged 12 or older who used prescription-type psychotherapeutic drugs nonmedically in the past month. These estimates were lower than the estimates in 2010 (7.0 million or 2.7 percent).
- The number of past month methamphetamine users decreased between 2006 and 2011, from 731,000 (0.3 percent) to 439,000 (0.2 percent).
- Among youths aged 12 to 17, the current illicit drug use rate was similar in 2010 (10.1 percent) and 2011 (10.1 percent), but was higher than the rate in 2008 (9.3 percent). Between 2002 and 2008, the rate declined from 11.6 to 9.3 percent.

- The rate of current marijuana use among youths aged 12 to 17 decreased from 8.2 percent in 2002 to 6.7 percent in 2006, remained unchanged at 6.7 percent in 2007 and 2008, then increased to 7.4 percent in 2009. Rates in 2010 (7.4 percent) and 2011 (7.9 percent) were similar to the rate in 2009.
- Among youths aged 12 to 17, the rate of current nonmedical use of prescription-type drugs declined from 4.0 percent in 2002 to 2.8 percent in 2011. The rate of nonmedical pain reliever use declined during this period from 3.2 to 2.3 percent among youths.
- The rate of current use of illicit drugs among young adults aged 18 to 25 increased from 19.7 percent in 2008 to 21.4 percent in 2011, driven largely by an increase in marijuana use (from 16.6 percent in 2008 to 19.0 percent in 2011).
- Among young adults aged 18 to 25, the rate of current nonmedical use of prescription-type drugs in 2011 was 5.0 percent, which was lower than the rate in the years from 2003 to 2010. There was a decrease from 2005 to 2011 in the use of cocaine among young adults, from 2.6 to 1.4 percent.
- Among those aged 50 to 59, the rate of past month illicit drug use increased from 2.7 percent in 2002 to 6.3 percent in 2011. This trend partially reflects the aging into this age group of the baby boom cohort (i.e., persons born between 1946 and 1964), whose lifetime rate of illicit drug use has been higher than those of older cohorts.
- Among unemployed adults aged 18 or older in 2011, 17.2 percent were current illicit drug users, which was higher than the 8.0 percent of those employed full time and 11.6 percent of those employed part time. However, most illicit drug users were employed. Of the 19.9 million current illicit drug users aged 18 or older in 2011, 13.1 million (65.7 percent) were employed either full or part time.
- In 2011, 9.4 million persons aged 12 or older reported driving under the influence of illicit drugs during the past year. This corresponds to 3.7 percent of the population aged 12 or older, which was lower than the rate in 2010 (4.2 percent) and was lower than the rate in 2002 (4.7 percent). In 2011, the rate was highest among young adults aged 18 to 25 (11.6 percent).
- Among persons aged 12 or older in 2010-2011 who used pain relievers nonmedically in the past 12 months, 54.2 percent got the drug they most recently used from a friend or relative for free. Another 18.1 percent reported they got the drug from one doctor. Only 3.9 percent got pain relievers from a drug dealer or other stranger, and 0.3 percent bought them on the Internet. Among those who reported getting the pain relievers from a friend or relative for free, 81.6 percent reported in a follow-up question that the friend or relative had obtained the drugs from just one doctor.

Alcohol Use

- Slightly more than half (51.8 percent) of Americans aged 12 or older reported being current drinkers of alcohol in the 2011 survey, similar to the rate in 2010 (51.8 percent). This translates to an estimated 133.4 million current drinkers in 2011.
- In 2011, nearly one quarter (22.6 percent) of persons aged 12 or older participated in binge drinking. This translates to about 58.3 million people. The rate in 2011 was similar to the estimate in 2010 (23.1 percent). Binge drinking is defined as having five or more drinks on the same occasion on at least 1 day in the 30 days prior to the survey.
- In 2011, heavy drinking was reported by 6.2 percent of the population aged 12 or older, or 15.9 million people. This rate was lower than the rate of heavy drinking in 2010 (6.7 percent). Heavy drinking is defined as binge drinking on at least 5 days in the past 30 days.
- Among young adults aged 18 to 25 in 2011, the rate of binge drinking was 39.8 percent. The rate of heavy drinking was 12.1 percent, which was lower than the rate in 2010 (13.5 percent).
- The rate of current alcohol use among youths aged 12 to 17 was 13.3 percent in 2011. Youth binge and heavy drinking rates in 2011 were 7.4 and 1.5 percent, respectively. These rates were all similar to those reported in 2010 (13.6, 7.9, and 1.7 percent, respectively).
- In 2011, an estimated 11.1 percent of persons aged 12 or older drove under the influence of alcohol at least once in the past year. This percentage was lower than in 2002, when it was 14.2 percent. The rate of driving under the influence of alcohol was highest among persons aged 21 to 25 (21.9 percent).
- There were an estimated 9.7 million underage (aged 12 to 20) drinkers in 2011, including 6.1 million binge drinkers and 1.7 million heavy drinkers.
- Past month, binge, and heavy drinking rates among underage persons declined between 2002 and 2011. Past month alcohol use declined from 28.8 to 25.1 percent, while binge drinking declined from 19.3 to 15.8 percent, and heavy drinking declined from 6.2 to 4.4 percent.
- In 2011, 57.0 percent of current underage drinkers reported that their last use of alcohol occurred in someone else's home, and 28.2 percent reported that it had occurred in their own home. About one third (30.3 percent) paid for the alcohol the last time they drank, including 7.7 percent who purchased the alcohol themselves and 22.4 percent who gave money to someone else to purchase it. Among those who did not pay for the alcohol they last drank, 38.2 percent got it from an unrelated person aged 21 or older, 19.1 percent from another person younger than 21 years old, and 21.4 percent from a parent, guardian, or other adult family member.

Tobacco Use

- In 2011, an estimated 68.2 million Americans aged 12 or older were current (past month) users of a tobacco product. This represents 26.5 percent of the population in that age range. Also, 56.8 million persons (22.1 percent of the population) were current cigarette smokers; 12.9 million (5.0 percent) smoked cigars; 8.2 million (3.2 percent) used smokeless tobacco; and 2.1 million (0.8 percent) smoked tobacco in pipes.
- Between 2002 and 2011, past month use of any tobacco product decreased from 30.4 to 26.5 percent, past month cigarette use declined from 26.0 to 22.1 percent, and past month cigar use declined from 5.4 to 5.0 percent. Rates of past month use of smokeless tobacco and pipe tobacco in 2011 were similar to corresponding rates in 2002.
- The rate of past month tobacco use among 12 to 17 year olds declined from 15.2 percent in 2002 to 10.0 percent in 2011, including a decline from 10.7 percent in 2010 to 2011. The rate of past month cigarette use among 12 to 17 year olds also declined between 2002 and 2011, from 13.0 to 7.8 percent, including a decline between 2009 (9.0 percent) and 2011.
- One in six pregnant women aged 15 to 44 smoked cigarettes in the past month during 2010-2011. The rate of current smoking among pregnant women did not change between 2002-2003 (18.0 percent) and 2010-2011 (17.6 percent), while among women aged 15 to 44 who were not pregnant, the rate declined from 30.7 to 25.4 percent.

Initiation of Substance Use (Incidence, or First-Time Use) within the Past 12 Months

- In 2011, an estimated 3.1 million persons aged 12 or older used an illicit drug for the first time within the past 12 months. This averages to about 8,400 initiates per day and was similar to the estimate for 2010 (3.0 million). A majority of these past year illicit drug initiates reported that their first drug was marijuana (67.5 percent). More than one in five initiated with psychotherapeutics (22.0 percent, including 14.0 percent with pain relievers, 4.2 percent with tranquilizers, 2.6 percent with stimulants, and 1.2 percent with sedatives). In 2011, 7.5 percent of initiates reported inhalants as their first illicit drug, and 2.8 percent used hallucinogens as their first drug.
- In 2011, the illicit drug categories with the largest number of past year initiates among persons aged 12 or older were marijuana use (2.6 million) and nonmedical use of pain relievers (1.9 million). These estimates were not significantly different from the numbers in 2010. However, the number of marijuana initiates increased between 2008 (2.2 million) and 2011 (2.6 million).
- In 2011, the average age of marijuana initiates among persons aged 12 to 49 was 17.5 years, which was higher than the average age of marijuana initiates in 2002 (17.0 years).
- The number of past year initiates of methamphetamine among persons aged 12 or older was 133,000 in 2011. This estimate was lower than the estimates in 2002 to 2006, which ranged from 192,000 to 318,000.
- The number of past year initiates of Ecstasy aged 12 or older was similar in 2011 (922,000) and 2010 (949,000), but the number in 2011 increased from 2005 (615,000).

- The number of past year cocaine initiates aged 12 or older declined from 1.0 million in 2002 to 670,000 in 2011. The number of initiates of crack cocaine declined during this period from 337,000 to 76,000.
- In 2011, there were 178,000 persons aged 12 or older who used heroin for the first time within the past year, not significantly different from the estimates from 2009 and 2010. However, this was an increase from the annual numbers of initiates during 2005 to 2007 (between 90,000 and 108,000).
- Most (82.9 percent) of the 4.7 million past year alcohol initiates in 2011 were younger than 21 at the time of initiation.
- The number of persons aged 12 or older who smoked cigarettes for the first time within the past 12 months was 2.4 million in 2011, which was the same as the estimate in 2010 (2.4 million), but higher than the estimate for 2002 (1.9 million). Most new smokers in 2011 were younger than 18 when they first smoked cigarettes (55.7 percent or 1.3 million). The number of new smokers who began smoking at age 18 or older increased from 623,000 in 2002 to 1.1 million in 2011.
- The number of persons aged 12 or older who used smokeless tobacco for the first time within the past year was 1.3 million, similar to the estimates in 2005 to 2010.

Youth Prevention-Related Measures

- The percentage of youths aged 12 to 17 perceiving great risk in smoking marijuana once or twice a week decreased from 54.6 percent in 2007 to 44.8 percent in 2011.
- Between 2002 and 2008, the percentage of youths who reported great risk in smoking one or more packs of cigarettes per day increased from 63.1 to 69.5 percent, but the percentage dropped to 65.5 percent in 2009 and remained steady at 65.3 percent in 2010 and 66.2 percent in 2011.
- Almost half (47.7 percent) of youths aged 12 to 17 reported in 2011 that it would be "fairly easy" or "very easy" for them to obtain marijuana if they wanted some. More than one in six reported it would be easy to get cocaine (17.5 percent). About one in eight (12.2 percent) indicated that LSD would be easily available, and 10.7 percent reported easy availability for heroin. Between 2002 and 2011, there were declines in the perceived availability for all four drugs.
- A majority of youths aged 12 to 17 (89.3 percent) in 2011 reported that their parents would strongly disapprove of their trying marijuana once or twice. Current marijuana use was much less prevalent among youths who perceived strong parental disapproval for trying marijuana once or twice than for those who did not (5.0 vs. 31.5 percent).
- In 2011, 75.1 percent of youths aged 12 to 17 reported having seen or heard drug or alcohol prevention messages from sources outside of school, which was lower than in 2002 (83.2 percent). The percentage of school-enrolled youths reporting that they had seen or heard prevention messages at school also declined during this period, from 78.8 to 74.6 percent.

Substance Dependence, Abuse, and Treatment

- In 2011, an estimated 20.6 million persons (8.0 percent of the population aged 12 or older) were classified with substance dependence or abuse in the past year based on criteria specified in the *Diagnostic and Statistical Manual of Mental Disorders*, 4th edition (DSM-IV). Of these, 2.6 million were classified with dependence or abuse of both alcohol and illicit drugs, 3.9 million had dependence or abuse of illicit drugs but not alcohol, and 14.1 million had dependence or abuse of alcohol but not illicit drugs.
- Between 2002 and 2010, the number of persons with substance dependence or abuse was stable, ranging from 21.6 million to 22.7 million. However, the number in 2011 (20.6 million) was lower than the number in 2010 (22.2 million).
- The specific illicit drugs that had the highest levels of past year dependence or abuse in 2011 were marijuana (4.2 million), pain relievers (1.8 million), and cocaine (0.8 million). The number of persons with marijuana dependence or abuse did not change between 2002 and 2011. Between 2004 and 2011, the number with pain reliever dependence or abuse increased from 1.4 million to 1.8 million, and between 2006 and 2011, the number with cocaine dependence or abuse declined from 1.7 million to 0.8 million.
- The number of persons with heroin dependence or abuse increased from 214,000 in 2007 to 426,000 in 2011.
- In 2011, adults aged 21 or older who had first used alcohol at age 14 or younger were more than 7 times as likely to be classified with alcohol dependence or abuse than adults who had their first drink at age 21 or older (13.8 vs. 1.8 percent).
- Between 2002 and 2011, the percentage of youths aged 12 to 17 with substance dependence or abuse declined from 8.9 to 6.9 percent.
- Treatment need is defined as having substance dependence or abuse or receiving treatment at a specialty facility (hospital inpatient, drug or alcohol rehabilitation, or mental health centers) within the past 12 months. In 2011, 21.6 million persons aged 12 or older needed treatment for an illicit drug or alcohol use problem (8.4 percent of persons aged 12 or older). Of these, 2.3 million (0.9 percent of persons aged 12 or older and 10.8 percent of those who needed treatment) received treatment at a specialty facility. Thus, 19.3 million persons (7.5 percent of the population aged 12 or older) needed treatment for an illicit drug or alcohol use problem but did not receive treatment at a specialty facility in the past year.
- Of the 19.3 million persons aged 12 or older in 2011 who were classified as needing substance use treatment but did not receive treatment at a specialty facility in the past year, 912,000 persons (4.7 percent) reported that they felt they needed treatment for their illicit drug or alcohol use problem. Of these 912,000 persons who felt they needed treatment, 281,000 (30.8 percent) reported that they made an effort to get treatment, and 631,000 (69.2 percent) reported making no effort to get treatment.
- The number of people receiving specialty substance abuse treatment in the past year in 2011 (2.3 million) was similar to the number in 2002 (2.3 million). However, the number receiving specialty treatment for a problem with nonmedical pain reliever use increased during this period, from 199,000 to 438,000.

1. Introduction

This report presents a first look at results from the 2011 National Survey on Drug Use and Health (NSDUH), an annual survey of the civilian, noninstitutionalized population of the United States aged 12 years old or older. The report presents national estimates of rates of use, numbers of users, and other measures related to illicit drugs, alcohol, and tobacco products. The report focuses on trends between 2010 and 2011 and from 2002 to 2011, as well as differences across population subgroups in 2011. NSDUH estimates related to mental health, which were included in national findings reports prior to 2009, are not included in this 2011 report.

Summary of NSDUH

NSDUH is the primary source of statistical information on the use of illegal drugs, alcohol, and tobacco by the U.S. civilian, noninstitutionalized population aged 12 or older. Conducted by the Federal Government since 1971, the survey collects data through face-to-face interviews with a representative sample of the population at the respondent's place of residence. The survey is sponsored by the Substance Abuse and Mental Health Services Administration (SAMHSA), U.S. Department of Health and Human Services, and is planned and managed by SAMHSA's Center for Behavioral Health Statistics and Quality (CBHSQ). Data collection and analysis are conducted under contract with RTI International.¹ This section briefly describes the survey methodology; a more complete description is provided in Appendix A.

NSDUH collects information from residents of households and noninstitutional group quarters (e.g., shelters, rooming houses, dormitories) and from civilians living on military bases. The survey excludes homeless persons who do not use shelters, military personnel on active duty, and residents of institutional group quarters, such as jails and hospitals. Appendix C describes substance use surveys that cover populations outside the NSDUH target population.

From 1971 through 1998, the survey employed paper and pencil data collection. Since 1999, the NSDUH interview has been carried out using computer-assisted interviewing (CAI). Most of the questions are administered with audio computer-assisted self-interviewing (ACASI). ACASI is designed to provide the respondent with a highly private and confidential mode for responding to questions in order to increase the level of honest reporting of illicit drug use and other sensitive behaviors. Less sensitive items are administered by interviewers using computer-assisted personal interviewing.

The 2011 NSDUH continued to employ a State-based design with an independent, multistage area probability sample within each State and the District of Columbia. The eight States with the largest population (which together account for about half of the total U.S. population aged 12 or older) are designated as large sample States (California, Florida, Illinois, Michigan, New York, Ohio, Pennsylvania, and Texas) and have a sample size of about 3,600 each. For the remaining 42 States and the District of Columbia, the sample size is about 900 per State. In 2011, four States in the Gulf Coast (Alabama, Florida, Louisiana, and Mississippi) had a

¹ RTI International is a trade name of Research Triangle Institute.

1-year supplemental sample to facilitate a study of the impact of the April 2010 Deepwater Horizon oil spill on substance use and mental health. In all States and the District of Columbia, the design oversampled youths and young adults; each State's sample was approximately equally distributed among three age groups: 12 to 17 years, 18 to 25 years, and 26 years or older.

Nationally, screening was completed at 156,048 addresses, and 70,109 completed interviews were obtained, which reflect the oversample of about 2,000 cases in the Gulf Coast. The survey was conducted from January through December 2011. Weighted response rates for household screening and for interviewing were 87.0 and 74.4 percent, respectively. See Appendix B for more information on NSDUH response rates.

Limitations on Trend Measurement

Trend analysis using NSDUH data is limited to 2002 to 2011, even though the survey has been conducted since 1971. Because of the shift in interviewing method in 1999, the estimates from the pre-1999 surveys are not comparable with estimates from the current CAI-based surveys. Although the design of the 2002 through 2011 NSDUHs is similar to the design of the 1999 through 2001 surveys, methodological differences affect the comparability of the 2002 to 2011 estimates with estimates from prior surveys. The most important change was the addition of a \$30 incentive payment in 2002. Also, the name of the survey was changed in 2002, from the National Household Survey on Drug Abuse (NHSDA) to the current name. Improved data collection quality control procedures were introduced in the survey starting in 2001, and updated population data from the 2000 decennial census were incorporated into the sample weights starting with the 2002 estimates. Analyses of the effects of these factors on NSDUH estimates have shown that 2002 and later data should not be compared with 2001 and earlier data from the survey series to assess changes over time. Appendix C of the 2004 NSDUH report on national findings discusses this in more detail (Office of Applied Studies, 2005).

Because of changes in the questionnaire, estimates for methamphetamine, stimulants, and psychotherapeutics in this report should not be compared with corresponding estimates presented in previous reports for data years prior to 2007. Estimates for 2002 to 2006 for these drug categories in this report, as well as in the 2007 and 2008 reports, incorporate statistical adjustments that enable year-to-year comparisons to be made over the period from 2002 to 2011.

The calculation of NSDUH person-level weights includes a calibration step that results in weights that are consistent with population control totals obtained from the U.S. Census Bureau (see Section A.3.3 in Appendix A). These control totals are based on the most recently available decennial census; the Census Bureau updates these control totals annually to account for population changes after the census. For the analysis weights in the 2002 through 2010 NSDUHs, the control totals were derived from the 2000 census data; for the 2011 NSDUH weights, the control totals were based on data from the 2010 census. This shift to the 2010 census data could affect comparisons between substance use estimates in 2011 and those from prior years. Analyses of the impact of this change in NSDUH weights show that estimates of the number of substance users for some demographic groups were substantially affected, but percentages of substance users within these groups (i.e., rates) were not. Section B.4.3 in Appendix B provides results of investigations of the change to use of 2010 census control totals for the 2011 NSDUH.

Format of Report and Data Presentation

This report has separate chapters that discuss findings on the use of illicit drugs; use of alcohol; use of tobacco products; initiation of substance use; prevention-related issues; and substance dependence, abuse, and treatment. A final chapter summarizes the results and discusses key findings on marijuana and heroin use and the nonmedical use of prescription drugs, including comparisons with other survey results. The data and findings described in this report are based on a comprehensive set of tables, referred to as "detailed tables," that include population estimates (e.g., numbers of drug users), rates (e.g., percentages of the population using drugs), and standard errors of estimates. These tables are available separately on the SAMHSA Web site (<http://www.samhsa.gov/data/>). In addition, the tables are accompanied by a glossary that covers key definitions used in this report and in the detailed tables. Appendices in this report describe the survey (Appendix A), technical details on the statistical methods and measurement (Appendix B), and other sources of related data (Appendix C). A list of references cited in the report (Appendix D) and contributors to this report (Appendix E) also are provided.

Text, figures, and detailed tables present prevalence measures for the population in terms of both the number of persons and the percentage of the population and by lifetime (i.e., ever used), past year, and past month use. Analyses focus primarily on past month use, also referred to as "current use." Where applicable, footnotes are included in tables and figures to indicate whether the 2011 estimates are significantly different from 2010 or earlier estimates. In addition, some estimates are presented based on data combined from two or more survey years to increase precision of the estimates; those estimates are annual averages based on multiple years of data.

During regular data collection and processing checks for the 2011 NSDUH, data errors were identified. These errors affected the data for Pennsylvania (2006 to 2010) and Maryland (2008 and 2009). Data and estimates for 2011 were not affected. The errors had minimal impact on the national estimates. The only estimates appreciably affected in the report and detailed tables are estimates for the mid-Atlantic division and the Northeast region. Cases with erroneous data were removed from data files, and the remaining cases were reweighted to provide representative estimates. Therefore, some estimates for 2010 and other prior years in the 2011 national findings report and the 2011 detailed tables will differ from corresponding estimates found in some previous reports and tables. Further information is available in Section B.3.5 in Appendix B of this report.

All estimates presented in the report have met the criteria for statistical reliability (see Section B.2.2 in Appendix B). Estimates that do not meet these criteria are suppressed and do not appear in tables, figures, or text. Statistical tests have been conducted for all statements appearing in the text of the report that compare estimates between years or subgroups of the population. Suppressed estimates are not included in statistical tests of comparisons. For example, a statement that "whites had the highest prevalence" means that the rate among whites was higher than the rate among all nonsuppressed racial/ethnic subgroups, but not necessarily higher than the rate among a subgroup for which the estimate was suppressed. Unless explicitly stated that a difference is not statistically significant, all statements that describe differences are significant at the .05 level. Statistically significant differences are described using terms such as "higher," "lower," "increased," and "decreased." Statements that use terms such as "similar," "no difference," "same," or "remained steady" to describe the relationship between estimates denote

that a difference is not statistically significant. When a set of estimates for survey years or population subgroups is presented without a statement of comparison, statistically significant differences among these estimates are not implied and testing may not have been conducted.

Data are presented for racial/ethnic groups based on guidelines for collecting and reporting race and ethnicity data (Office of Management and Budget [OMB], 1997). Because respondents could choose more than one racial group, a "two or more races" category is included for persons who reported more than one category (i.e., white, black or African American, American Indian or Alaska Native, Native Hawaiian, Other Pacific Islander, Asian, Other). Respondents choosing both Native Hawaiian and Other Pacific Islander but no other categories are classified as being in the "Native Hawaiian or Other Pacific Islander" category instead of the "two or more race" category. Except for the "Hispanic or Latino" group, the racial/ethnic groups include only non-Hispanics. The category "Hispanic or Latino" includes Hispanics of any race.

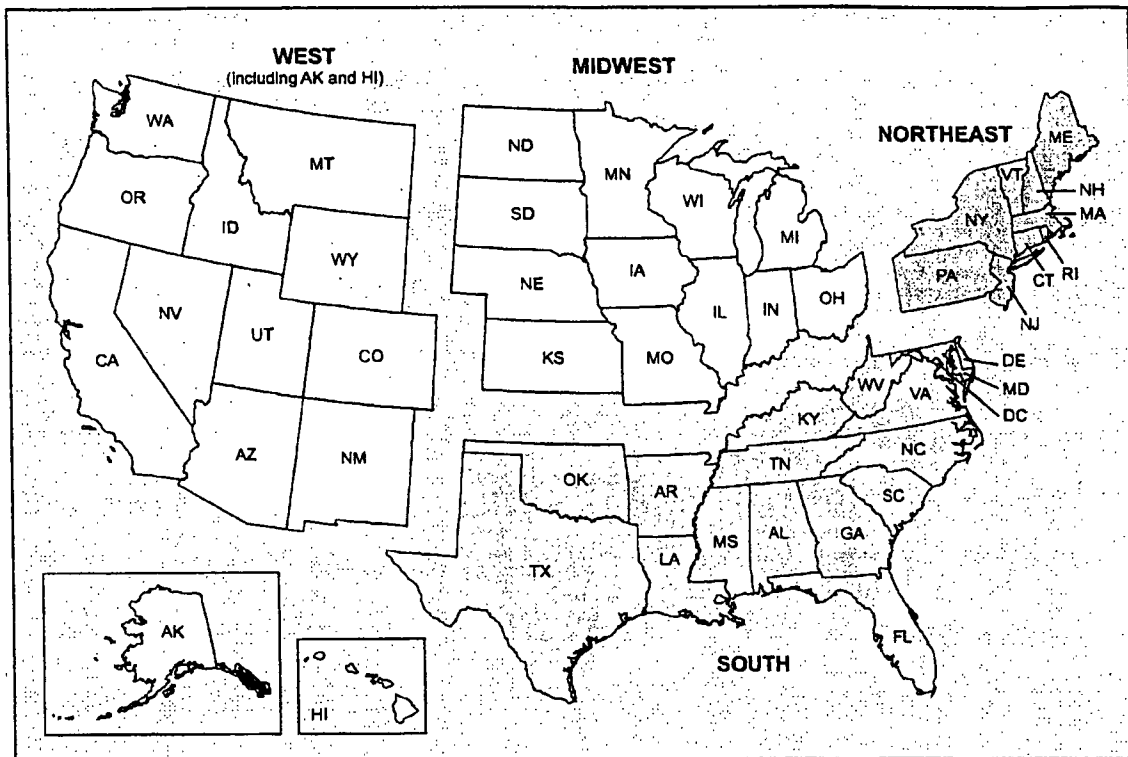
Data in this report also are presented for four U.S. geographic regions as defined by the U.S. Census Bureau (Figure 1.1). Other geographic comparisons also are made based on county type, a variable that reflects different levels of urbanicity and metropolitan area inclusion of counties. This county classification was originally developed and subsequently updated by the U.S. Department of Agriculture (Butler & Beale, 1994). Each county is either inside or outside a metropolitan statistical area (MSA), based on metropolitan area definitions issued by the OMB in June 2003 (OMB, 2003). Large metropolitan areas have a population of 1 million or more. Small metropolitan areas have a population of fewer than 1 million. Nonmetropolitan areas are outside of MSAs. Counties in nonmetropolitan areas are further classified based on the number of people in the county who live in an urbanized area, as defined by the Census Bureau at the subcounty level. "Urbanized" counties have a population of 20,000 or more in urbanized areas, "less urbanized" counties have at least 2,500 but fewer than 20,000 population in urbanized areas, and "completely rural" counties have populations of fewer than 2,500 in urbanized areas.

Other NSDUH Reports and Data

Other reports focusing on specific topics of interest will be produced using the 2011 NSDUH data and made available on SAMHSA's Web site. In particular, data on mental health will be discussed in a separate report to be released later this year: *Results from the 2011 National Survey on Drug Use and Health: Mental Health Findings*. State-level estimates for substance use and mental health for 2010-2011 are scheduled to be released by early 2013.

The detailed tables, other descriptive reports and in-depth analytic reports focusing on specific issues or populations, and methodological information on NSDUH are all available at <http://www.samhsa.gov/data/>. In addition, CBHSQ makes public use data files available through the Substance Abuse and Mental Health Data Archive at <http://www.datafiles.samhsa.gov>. Currently, files are available from the 1979 to 2010 surveys. The 2011 NSDUH public use file will be available by the end of 2012.

Figure 1.1 U.S. Census Bureau Regions



Page left blank

2. Illicit Drug Use

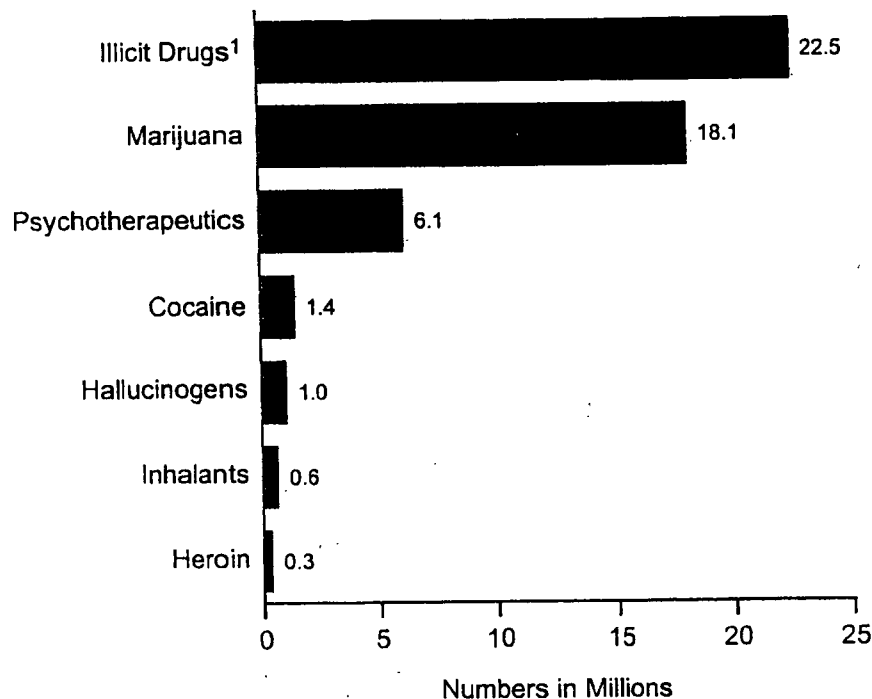
The National Survey on Drug Use and Health (NSDUH) obtains information on nine categories of illicit drug use: use of marijuana, cocaine, heroin, hallucinogens, and inhalants, as well as the nonmedical use of prescription-type pain relievers, tranquilizers, stimulants, and sedatives. In these categories, hashish is included with marijuana, and crack is considered a form of cocaine. Several drugs are grouped under the hallucinogens category, including LSD, PCP, peyote, mescaline, psilocybin mushrooms, and "Ecstasy" (MDMA). Inhalants include a variety of substances, such as nitrous oxide, amyl nitrite, cleaning fluids, gasoline, spray paint, other aerosol sprays, and glue. Respondents are asked to report use of inhalants to get high but not to report times when they accidentally inhaled a substance.

The four categories of prescription-type drugs (pain relievers, tranquilizers, stimulants, and sedatives) cover numerous medications that currently are or have been available by prescription. They also include drugs within these groupings that originally were prescription medications but currently may be manufactured and distributed illegally, such as methamphetamine, which is included under stimulants. Respondents are asked to report only "nonmedical" use of these drugs, defined as use without a prescription of the individual's own or simply for the experience or feeling the drugs caused. Use of over-the-counter drugs and legitimate use of prescription drugs are not included. NSDUH reports combine the four prescription-type drug groups into a category referred to as "psychotherapeutics."

Estimates of "illicit drug use" reported from NSDUH reflect the use of any of the nine drug categories listed above. Use of alcohol and tobacco products, while illegal for youths, is not included in these estimates, but is discussed in Chapters 3 and 4.

- In 2011, an estimated 22.5 million Americans aged 12 or older were current (past month) illicit drug users, meaning they had used an illicit drug during the month prior to the survey interview (Figure 2.1). This estimate represents 8.7 percent of the population aged 12 or older.
- The overall rate of current illicit drug use among persons aged 12 or older in 2011 (8.7 percent) was similar to the rates in 2010 (8.9 percent), 2009 (8.7 percent), and 2002 (8.3 percent), but it was higher than the rates in most years from 2003 through 2008 (Figure 2.2).
- In 2011, marijuana was the most commonly used illicit drug, with 18.1 million current users. It was used by 80.5 percent of current illicit drug users. About two thirds (64.3 percent) of illicit drug users used only marijuana in the past month. Also, in 2011, 8.0 million persons aged 12 or older were current users of illicit drugs other than marijuana (or 35.7 percent of illicit drug users aged 12 or older). Current use of other drugs but not marijuana was reported by 19.5 percent of illicit drug users, and 16.2 percent of illicit drug users reported using both marijuana and other drugs.

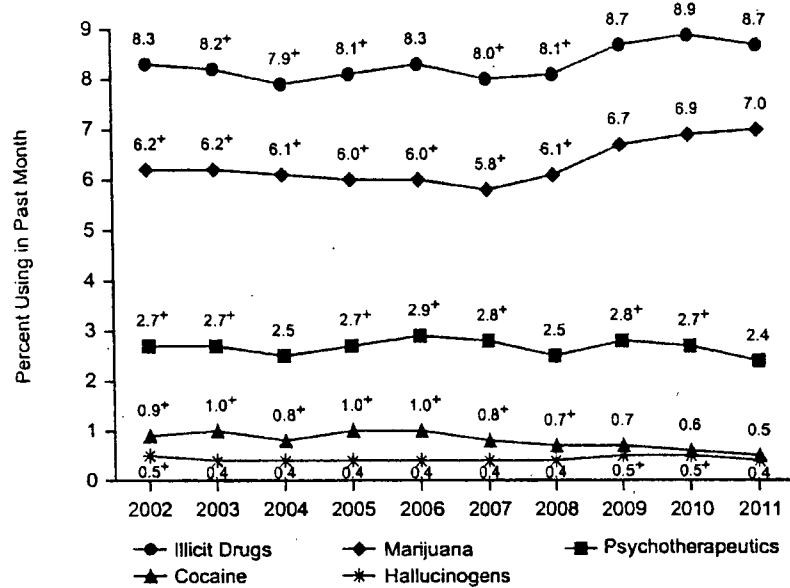
Figure 2.1 Past Month Illicit Drug Use among Persons Aged 12 or Older: 2011



¹ Illicit Drugs include marijuana/hashish, cocaine (including crack), heroin, hallucinogens, inhalants, or prescription-type psychotherapeutics used nonmedically.

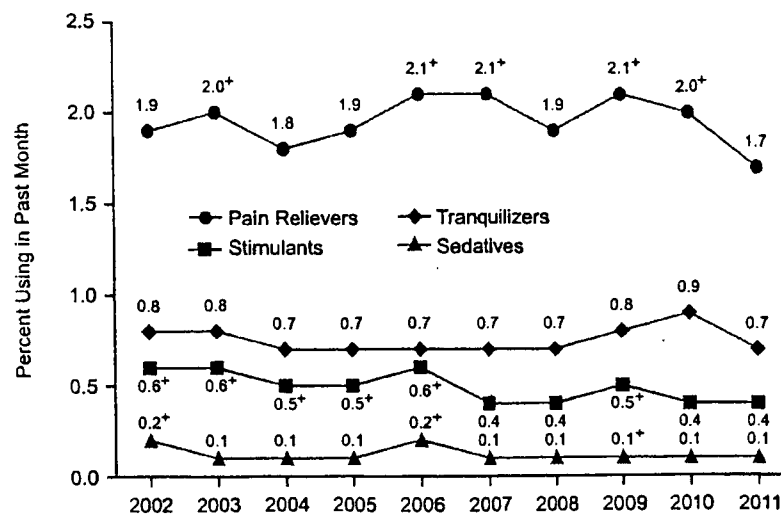
- The number and percentage of persons aged 12 or older who were current users of marijuana in 2011 (18.1 million or 7.0 percent) were similar to the estimates for 2010 (17.4 million or 6.9 percent). The 2011 rate of current marijuana use also was similar to the rate in 2009 (6.7 percent), but it was higher than those in 2002 through 2008. Between 2007 and 2011, for example, the rate of use increased from 5.8 to 7.0 percent, and the number of users increased from 14.5 million to 18.1 million.
- An estimated 8.0 million people aged 12 or older (3.1 percent) were current users of illicit drugs other than marijuana in 2011. The majority of these users (6.1 million persons or 2.4 percent of the population) were nonmedical users of psychotherapeutic drugs, including 4.5 million users of pain relievers, 1.8 million users of tranquilizers, 970,000 users of stimulants, and 231,000 users of sedatives.
- The number and percentage of persons aged 12 or older who were current nonmedical users of psychotherapeutic drugs in 2011 (6.1 million or 2.4 percent) were lower than those in 2010 (7.0 million or 2.7 percent) and 2009 (7.0 million or 2.8 percent) (Figure 2.2).
- The number and percentage of persons aged 12 or older who were current nonmedical users of pain relievers in 2011 (4.5 million or 1.7 percent) were lower than those in 2010 (5.1 million or 2.0 percent) and 2009 (5.3 million or 2.1 percent) (Figure 2.3).

Figure 2.2 Past Month Use of Selected Illicit Drugs among Persons Aged 12 or Older: 2002-2011



⁺ Difference between this estimate and the 2011 estimate is statistically significant at the .05 level.

Figure 2.3 Past Month Nonmedical Use of Types of Psychotherapeutic Drugs among Persons Aged 12 or Older: 2002-2011



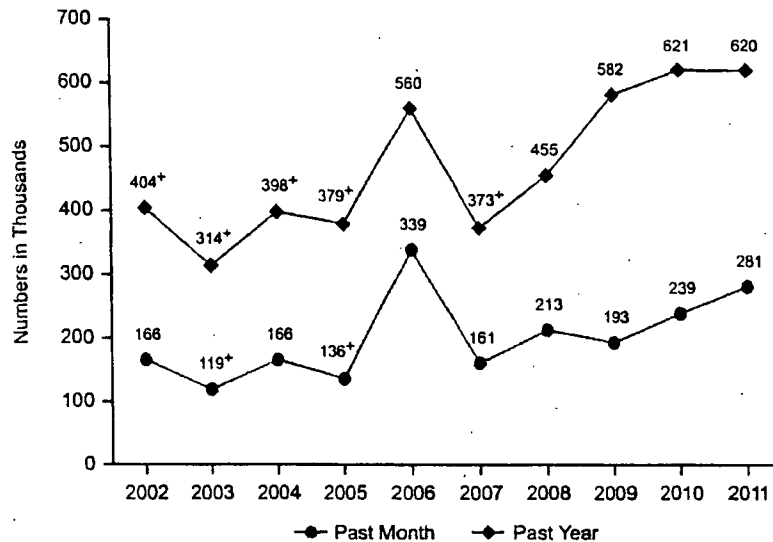
⁺ Difference between this estimate and the 2011 estimate is statistically significant at the .05 level.

- The number and percentage of persons aged 12 or older who were current nonmedical users of stimulants in 2011 (970,000 or 0.4 percent) were similar to those in 2010 (1.1 million or 0.4 percent), but lower than those in 2009 (1.3 million or 0.5 percent).
- The number and percentage of persons aged 12 or older who were current users of methamphetamine in 2011 (439,000 or 0.2 percent) were similar to those from 2007 through 2010, but lower than those from 2002 through 2006. The previous numbers and percentages were 353,000 (0.1 percent) in 2010, 502,000 (0.2 percent) in 2009, 314,000 (0.1 percent) in 2008, 530,000 (0.2 percent) in 2007, 731,000 (0.3 percent) in 2006, 628,000 (0.3 percent) in 2005, 706,000 (0.3 percent) in 2004, 726,000 (0.3 percent) in 2003, and 683,000 (0.3 percent) in 2002.
- The number and percentage of persons aged 12 or older who were current users of cocaine in 2011 (1.4 million or 0.5 percent) were similar to those in 2010 (1.5 million or 0.6 percent) and 2009 (1.6 million or 0.7 percent), but lower than those from 2002 through 2008 (Figure 2.2). The previous numbers and percentages were 1.9 million (0.7 percent) in 2008, 2.1 million (0.8 percent) in 2007, 2.4 million (1.0 percent) in 2006, 2.4 million (1.0 percent) in 2005, 2.0 million (0.8 percent) in 2004, 2.3 million (1.0 percent) in 2003, and 2.0 million (0.9 percent) in 2002.
- The number and percentage of persons aged 12 or older who were current heroin users in 2011 (281,000 or 0.1 percent) were similar to those from 2006 through 2010 (239,000 or 0.1 percent in 2010; 193,000 or 0.1 percent in 2009; 213,000 or 0.1 percent in 2008; 161,000 or 0.1 percent in 2007; and 339,000 or 0.1 percent in 2006), but were higher than those in 2005 (136,000 or 0.1 percent) and 2003 (119,000 or 0.1 percent) (Figure 2.4). Additionally, the number and percentage of persons aged 12 or older who were past year heroin users in 2011 (620,000 or 0.2 percent) were similar to those in 2008 to 2010 (621,000 or 0.2 percent in 2010; 582,000 or 0.2 percent in 2009; and 455,000 or 0.2 percent in 2008) and in 2006 (560,000 or 0.2 percent), but were higher than those from 2003 through 2005 and in 2007.
- The number and percentage of persons aged 12 or older who were current users of hallucinogens in 2011 (972,000 or 0.4 percent) were lower than those in 2010 (1.2 million or 0.5 percent), 2009 (1.3 million or 0.5 percent), and 2002 (1.2 million or 0.5 percent) (Figure 2.2).

Age

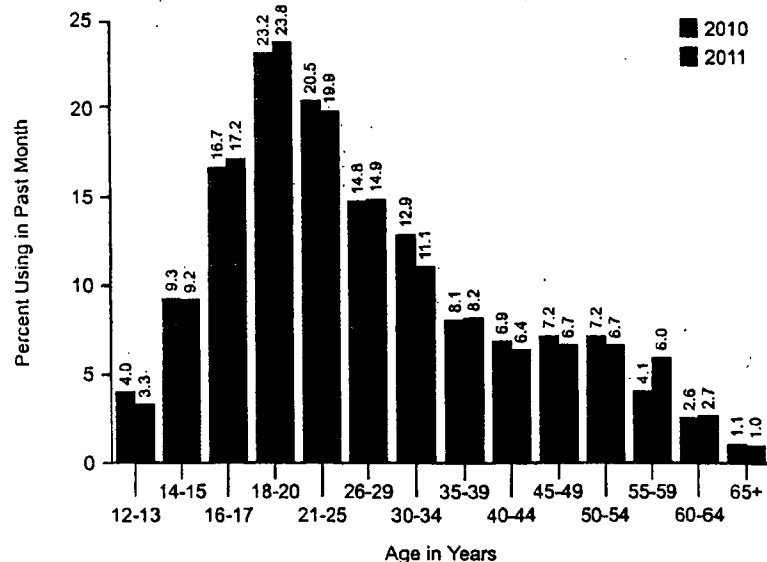
- The rate of current illicit drug use varied by age. Among youths aged 12 to 17 in 2011, the rate increased from 3.3 percent at ages 12 or 13 to 9.2 percent at ages 14 or 15 to 17.2 percent at ages 16 or 17 (Figure 2.5). The highest rate of current illicit drug use was among 18 to 20 year olds (23.8 percent), with the next highest rate among 21 to 25 year olds (19.9 percent). Thereafter, the rate generally declined with age, although not all declines were significant.

Figure 2.4 Past Month and Past Year Heroin Use among Persons Aged 12 or Older: 2002-2011



* Difference between this estimate and the 2011 estimate is statistically significant at the .05 level.

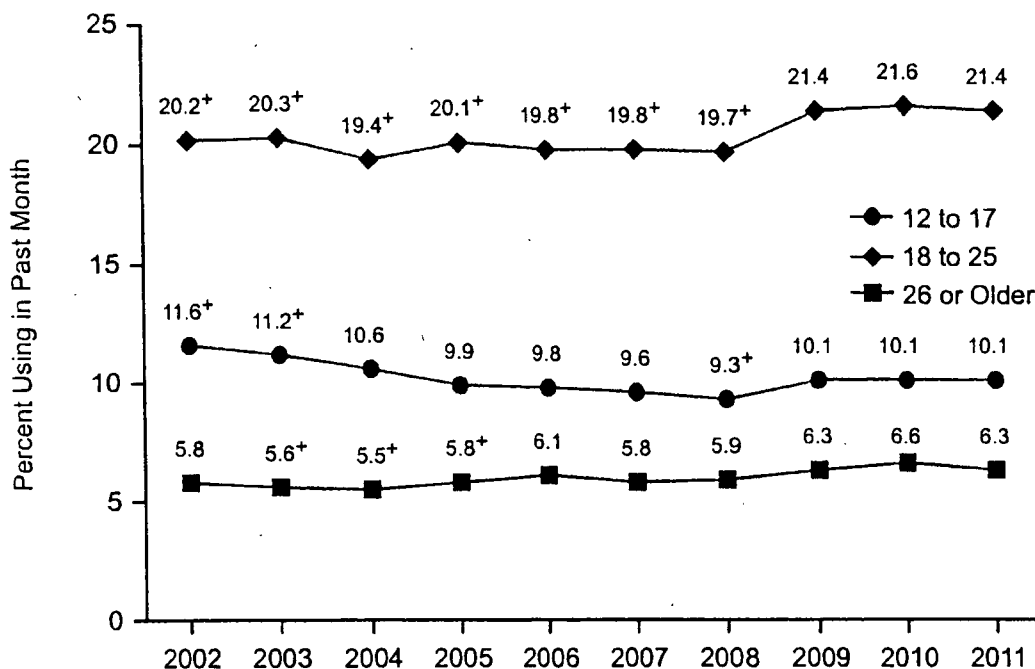
Figure 2.5 Past Month Illicit Drug Use among Persons Aged 12 or Older, by Age: 2010 and 2011



* Difference between this estimate and the 2011 estimate is statistically significant at the .05 level.

- In 2011, adults aged 26 or older were less likely to be current users of illicit drugs than youths aged 12 to 17 or young adults aged 18 to 25 (6.3 vs. 10.1 and 21.4 percent, respectively) (Figure 2.6). However, there were more current users of illicit drugs aged 26 or older (12.6 million) than users aged 12 to 17 (2.5 million) and users aged 18 to 25 (7.4 million) combined.

Figure 2.6 Past Month Illicit Drug Use among Persons Aged 12 or Older, by Age: 2002-2011

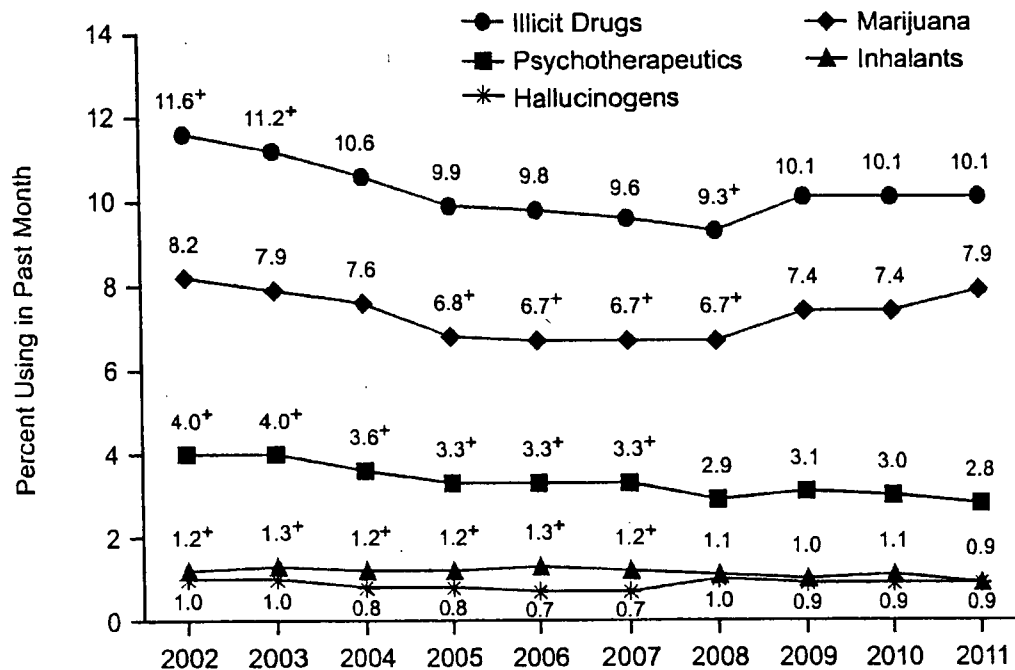


⁺ Difference between this estimate and the 2011 estimate is statistically significant at the .05 level.

Youths Aged 12 to 17

- The rate of current illicit drug use among youths aged 12 to 17 remained unchanged between 2009 and 2011 (10.1 percent in each year), but it was higher than the rate in 2008 (9.3 percent). Between 2002 and 2008, the rate declined from 11.6 to 9.3 percent (Figure 2.7).
- In 2011, 10.1 percent of youths aged 12 to 17 were current illicit drug users, with 7.9 percent current users of marijuana, 2.8 percent current nonmedical users of psychotherapeutic drugs, 0.9 percent current users of hallucinogens, 0.9 percent current users of inhalants, and 0.3 percent current users of cocaine.

Figure 2.7 Past Month Use of Selected Illicit Drugs among Youths Aged 12 to 17: 2002-2011



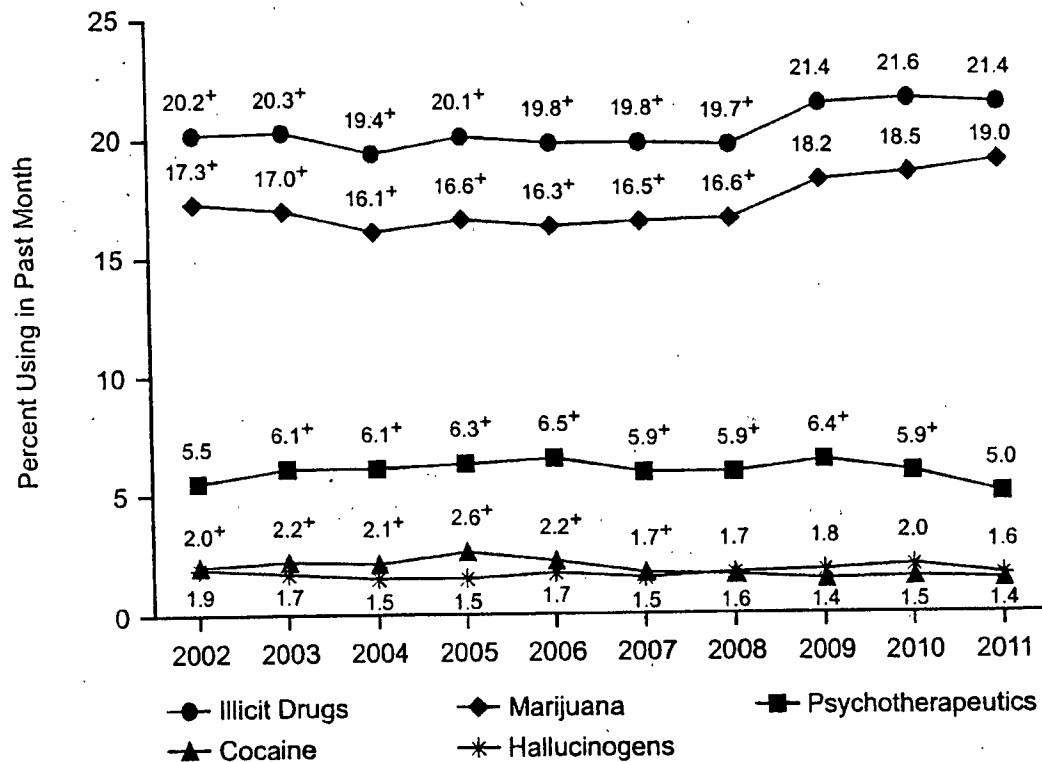
⁺ Difference between this estimate and the 2011 estimate is statistically significant at the .05 level.

- Among youths aged 12 to 17, the specific illicit drugs used in the past month varied by age in 2011. Among 12 or 13 year olds, 1.3 percent used marijuana and 1.3 percent used psychotherapeutic drugs nonmedically (which was a decrease from 2.0 percent in 2010, with most of the decrease occurring in the nonmedical use of pain relievers from 1.8 percent in 2010 to 1.1 percent in 2011). Among 14 or 15 year olds, 6.7 percent used marijuana, 2.6 percent used psychotherapeutic drugs nonmedically, and 0.8 percent used hallucinogens. Among 16 or 17 year olds, 15.1 percent used marijuana, 4.2 percent used psychotherapeutic drugs nonmedically, 1.6 percent used hallucinogens, and 0.5 percent used cocaine. Rates of current use of inhalants were 1.0 percent for 12 or 13 year olds, 0.9 percent for 14 or 15 year olds, and 0.7 percent for 16 to 17 year olds.
- After gradually declining from 11.6 percent in 2002 to 9.3 percent in 2008, the rate of current illicit drug use among 12 to 17 year olds increased to 10.1 percent in 2009, 2010, and 2011 (Figure 2.7). Current marijuana use declined from 8.2 percent in 2002 to 6.7 percent in 2008 before increasing to 7.4 percent in 2009 and 2010; the prevalence of current marijuana use in 2011 (7.9 percent) also was greater than that in 2008, but it was similar to the rates in 2009 and 2010. Current nonmedical use of psychotherapeutic drugs declined from 4.0 percent in 2002 and 2003 to 2.8 percent in 2011. This includes the decrease in the current nonmedical use of pain relievers from 3.2 percent in 2002 to 2.3 percent in 2011.

Young Adults Aged 18 to 25

- In 2011, the rate of current illicit drug use was higher among young adults aged 18 to 25 (21.4 percent) than among youths aged 12 to 17 (10.1 percent) and adults aged 26 or older (6.3 percent). Among young adults, the 2011 rate was similar to the 2009 (21.4 percent) and 2010 (21.6 percent) rates, but it was higher than the 2008 rate (19.7 percent) (Figure 2.8).

Figure 2.8 Past Month Use of Selected Illicit Drugs among Young Adults Aged 18 to 25: 2002-2011



⁺ Difference between this estimate and the 2011 estimate is statistically significant at the .05 level.

- Among young adults, the 2011 rate of current marijuana use (19.0 percent) was similar to the 2009 (18.2 percent) and 2010 (18.5 percent) rates, but it was higher than the 2008 rate (16.6 percent).
- In 2011, the rate of current nonmedical use of psychotherapeutic drugs among young adults aged 18 to 25 was 5.0 percent, which was lower than the rates from 2003 through 2010. Similarly, in 2011, the rate of current nonmedical use of pain relievers was 3.6 percent, which was lower than the rates from 2002 through 2010. Rates of current nonmedical use of pain relievers among young adults for 2002 to 2010 ranged from 4.1 percent in 2002 to 5.0 percent in 2006; the rate in 2010 was 4.4 percent.

- In 2011, the rate of current use of cocaine among young adults aged 18 to 25 was 1.4 percent, which was similar to the rates from 2008 through 2010, but was lower than the rates from 2002 through 2007.

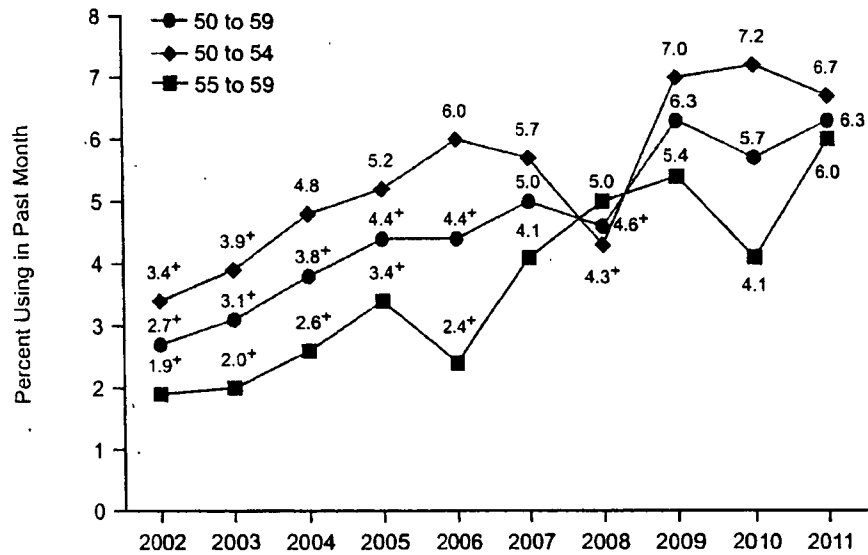
Adults Aged 26 or Older

- In 2011, the rate of current illicit drug use among adults aged 26 or older was 6.3 percent, with 4.8 percent current users of marijuana and 1.9 percent current nonmedical users of psychotherapeutic drugs. Less than 1 percent each were current users of cocaine (0.4 percent), heroin (0.1 percent), and inhalants (0.1 percent). These rates were similar to those in 2009 and 2010. For example, 6.3 percent of adults aged 26 or older in 2009 and 6.6 percent of those in 2010 were current illicit drug users.
- Among adults aged 50 to 59, the rate of current illicit drug use increased from 2.7 to 6.3 percent between 2002 and 2011 (Figure 2.9). For those aged 50 to 54, the rate increased from 3.4 percent in 2002 to 6.7 percent in 2011. Among those aged 55 to 59, current illicit drug use increased from 1.9 percent in 2002 to 6.0 percent in 2011. These patterns and trends partially reflect the aging into these age groups of members of the baby boom cohort, whose rates of illicit drug use have been higher than those of older cohorts. The baby boom cohort refers to persons born in the United States after World War II between 1946 and 1964 (Han, Gfroerer, & Colliver, 2009).

Gender

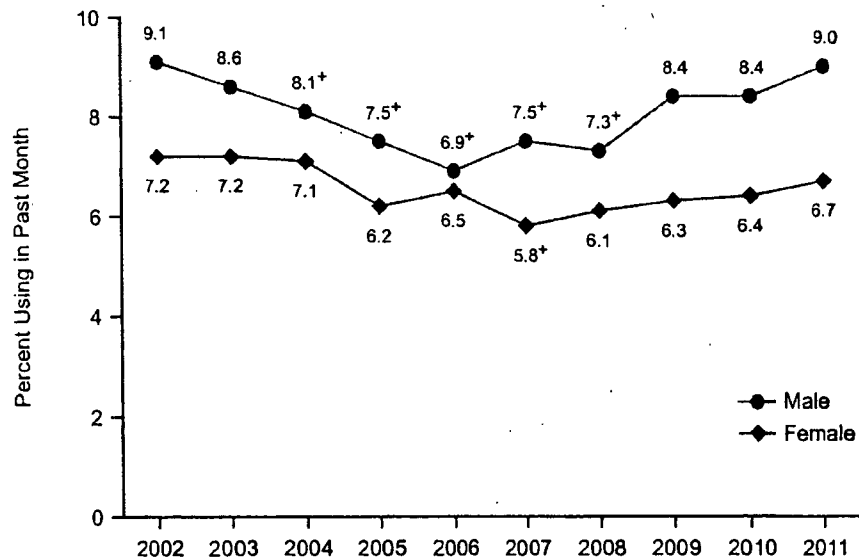
- In 2011, as in prior years, the rate of current illicit drug use among persons aged 12 or older was higher for males (11.1 percent) than for females (6.5 percent). Males were more likely than females to be current users of several different illicit drugs, including marijuana (9.3 vs. 4.9 percent), nonmedical use of prescription drugs (2.6 vs. 2.2 percent), cocaine (0.7 vs. 0.4 percent), and hallucinogens (0.5 vs. 0.3 percent). The 2011 rates for both males and females aged 12 or older were similar to those reported in 2010, with the exception of a decrease in the current nonmedical use of prescription drugs among females (down from 2.5 percent in 2010).
- In 2011, the rate of current illicit drug use was higher among males aged 12 to 17 than females aged 12 to 17 (10.8 vs. 9.3 percent), which represents a change from 2010, when current illicit drug use did not differ significantly between males and females (10.4 and 9.8 percent). Males aged 12 to 17 also were more likely than females to be current marijuana users (9.0 vs. 6.7 percent). However, females aged 12 to 17 were more likely than males to be current nonmedical users of psychotherapeutic drugs (3.2 vs. 2.4 percent) and current nonmedical users of pain relievers (2.6 vs. 1.9 percent).
- The rate of current marijuana use among males aged 12 to 17 declined from 9.1 percent in 2002 to 6.9 percent in 2006, then increased between 2006 and 2009 (8.4 percent); rates remained stable after 2009 (8.4 percent in 2010 and 9.0 percent in 2011) (Figure 2.10). Among females aged 12 to 17, the rate of current marijuana use changed little between 2002 (7.2 percent) and 2004 (7.1 percent), then declined to 5.8 percent in 2007 before increasing in 2011 to 6.7 percent.

Figure 2.9 Past Month Illicit Drug Use among Adults Aged 50 to 59: 2002-2011



⁺ Difference between this estimate and the 2011 estimate is statistically significant at the .05 level.

Figure 2.10 Past Month Marijuana Use among Youths Aged 12 to 17, by Gender: 2002-2011



⁺ Difference between this estimate and the 2011 estimate is statistically significant at the .05 level.

Pregnant Women

- Among pregnant women aged 15 to 44, 5.0 percent were current illicit drug users based on data averaged across 2010 and 2011. This was lower than the rate among women in this age group who were not pregnant (10.8 percent). Among pregnant women aged 15 to 44, the average rate of current illicit drug use in 2010-2011 (5.0 percent) was not significantly different from the rate averaged across 2008-2009 (4.5 percent).
- The rate of current illicit drug use in the combined 2010-2011 data was 20.9 percent among pregnant women aged 15 to 17, 8.2 percent among pregnant women aged 18 to 25, and 2.2 percent among pregnant women aged 26 to 44. None of these rates were significantly different from those in the combined 2008-2009 data (15.8 percent among pregnant women aged 15 to 17, 7.1 percent among pregnant women aged 18 to 25, and 2.3 percent among pregnant women aged 26 to 44).

Race/Ethnicity

- In 2011, among persons aged 12 or older, the rate of current illicit drug use was lowest among Asians (3.8 percent) (Figure 2.11). The rates were 8.4 percent among Hispanics, 8.7 percent among whites, 10.0 percent among blacks, 11.0 percent among Native Hawaiians or Other Pacific Islanders, 13.4 percent among American Indians or Alaska Natives, and 13.5 percent among persons of two or more races.
- There were no statistically significant differences in the rates of current illicit drug use between 2010 and 2011 or between 2002 and 2011 for any of the racial/ethnic groups, except for Hispanics. The current illicit drug use rate for Hispanics increased between 2002 and 2011 (from 7.2 to 8.4 percent).

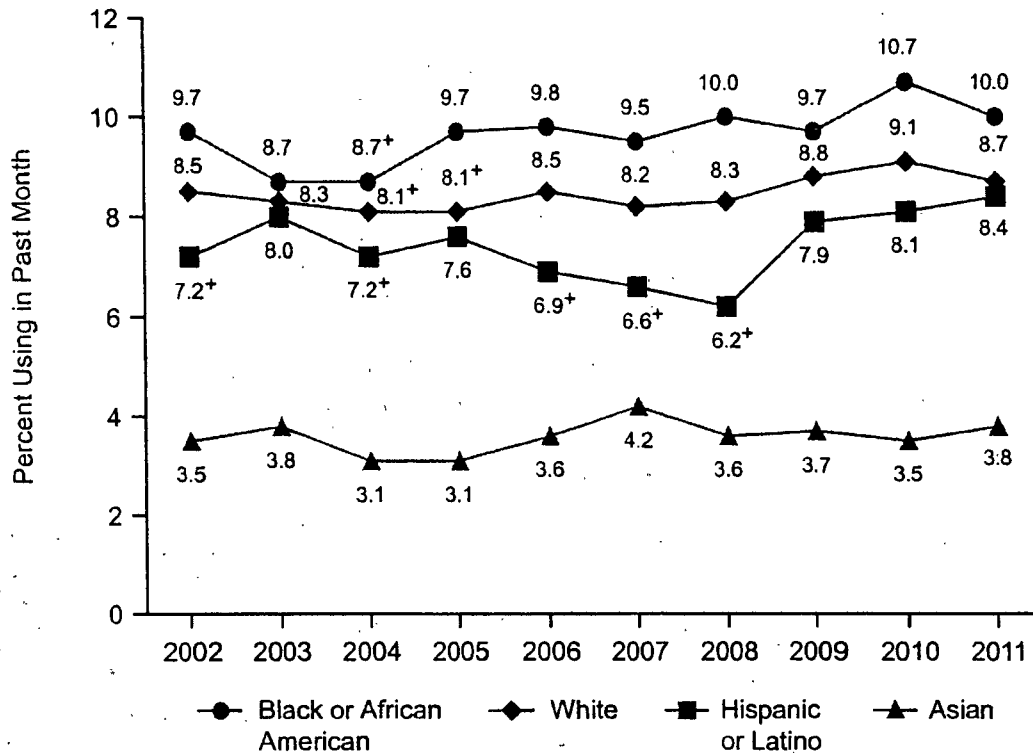
Education

- Illicit drug use in 2011 varied by the educational status of adults aged 18 or older, with the rate of current illicit drug use lower among college graduates (5.4 percent) than those with some college education (10.4 percent), high school graduates (8.9 percent), and those who had not graduated from high school (11.1 percent).

College Students

- In 2011, the rate of current use of illicit drugs was 22.0 percent among full-time college students aged 18 to 22. This was similar to the rate among other persons aged 18 to 22 (23.4 percent), which included part-time college students, students in other grades or types of institutions, and nonstudents.

Figure 2.11 Past Month Illicit Drug Use among Persons Aged 12 or Older, by Race/Ethnicity: 2002-2011



⁺ Difference between this estimate and the 2011 estimate is statistically significant at the .05 level.

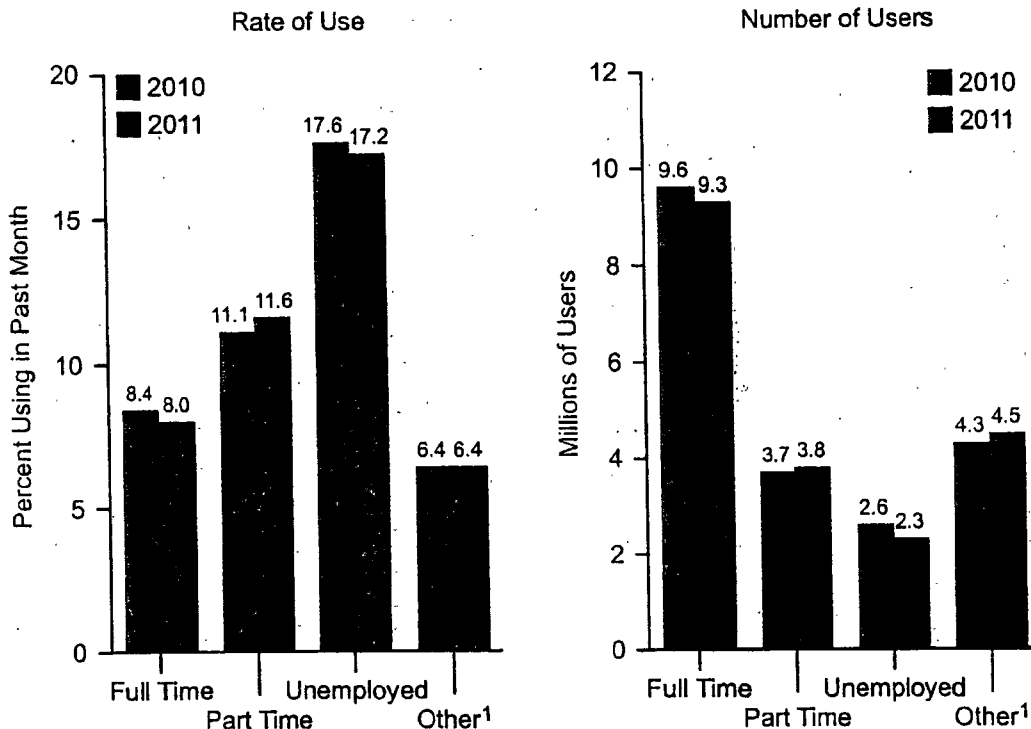
Note: Sample sizes for American Indians or Alaska Natives and for persons of two or more races were too small for reliable trend presentation for these groups. Due to low precision, estimates for Native Hawaiians or Other Pacific Islanders are not shown.

- In 2011, the rate of current illicit drug use was 25.8 percent among male full-time college students aged 18 to 22, which was higher than the rate among female full-time college students aged 18 to 22 (18.9 percent). Similarly, 23.7 percent of male full-time college students aged 18 to 22 were current marijuana users compared with 17.5 percent of female full-time college students aged 18 to 22.

Employment

- Current illicit drug use differed by employment status in 2011. Among adults aged 18 or older, the rate of current illicit drug use was higher for those who were unemployed (17.2 percent) than for those who were employed full time (8.0 percent), employed part time (11.6 percent), or "other" (6.4 percent) (which includes students, persons keeping house or caring for children full time, retired or disabled persons, or other persons not in the labor force) (Figure 2.12).

Figure 2.12 Past Month Illicit Drug Use among Persons Aged 18 or Older, by Employment Status: 2010 and 2011



*Difference between this estimate and the 2011 estimate is statistically significant at the .05 level.

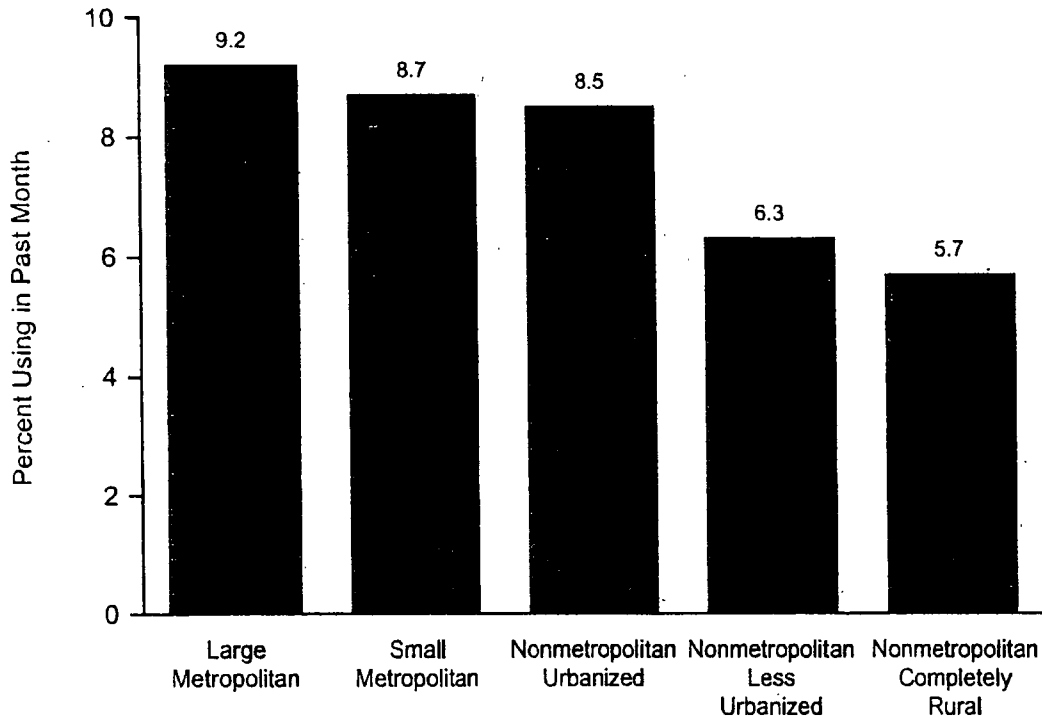
¹The Other Employment category includes students, persons keeping house or caring for children full time, retired or disabled persons, or other persons not in the labor force.

- Although the rate of current illicit drug use was higher among unemployed persons in 2011 compared with those who were either employed full time, employed part time, or "other," most of these users were employed. Of the 19.9 million current illicit drug users aged 18 or older in 2011, 13.1 million (65.7 percent) were employed either full or part time.

Geographic Area

- Among persons aged 12 or older, the rate of current illicit drug use in 2011 was 10.5 percent in the West, 9.2 percent in the Northeast, 8.5 percent in the Midwest, and 7.5 percent in the South.
- In 2011, the rate of current illicit drug use among persons aged 12 or older was 9.2 percent in large metropolitan counties, 8.7 percent in small metropolitan counties, and 7.2 percent in nonmetropolitan counties as a group (Figure 2.13). Within nonmetropolitan areas, the rate was 8.5 percent in urbanized counties, 6.3 percent in less urbanized counties, and 5.7 percent in completely rural counties.

Figure 2.13 Past Month Illicit Drug Use among Persons Aged 12 or Older, by County Type: 2011



Criminal Justice Populations

- In 2011, an estimated 1.7 million adults aged 18 or older were on parole or other supervised release from prison at some time during the past year. More than one quarter of these (26.5 percent) were current illicit drug users, with 20.4 percent reporting current use of marijuana and 9.1 percent reporting current nonmedical use of psychotherapeutic drugs. These rates were higher than those reported by adults aged 18 or older who were not on parole or supervised release during the past year (8.4 percent for illicit drug use, 6.8 percent for marijuana use, and 2.3 percent for nonmedical use of psychotherapeutic drugs).
- In 2011, an estimated 4.7 million adults aged 18 or older were on probation at some time during the past year. More than one quarter (28.5 percent) were current illicit drug users, with 23.6 percent reporting current use of marijuana and 10.1 percent reporting current nonmedical use of psychotherapeutic drugs. These rates were higher than those reported by adults who were not on probation during the past year (8.2 percent for illicit drug use, 6.6 percent for marijuana use, and 2.2 percent for nonmedical use of psychotherapeutic drugs).

Frequency of Marijuana Use

- In 2011, an estimated 16.7 percent of past year marijuana users aged 12 or older used marijuana on 300 or more days within the past 12 months. This translates into nearly 5.0 million persons using marijuana on a daily or almost daily basis over a 12-month period.
- In 2011, an estimated 39.1 percent (7.1 million) of current marijuana users aged 12 or older used marijuana on 20 or more days in the past month. This was similar to the 2010 estimate of 39.8 percent or 6.9 million users.

Association with Cigarette and Alcohol Use

- In 2011, the rate of current illicit drug use was approximately 9.5 times higher among youths aged 12 to 17 who smoked cigarettes in the past month (57.6 percent) than it was among those who did not smoke cigarettes in the past month (6.1 percent). Moreover, the 2011 rate of current illicit drug use among youths aged 12 to 17 who smoked cigarettes in the past month was an increase from the 2010 estimate of 52.7 percent.
- In 2011, the rate of current illicit drug use was associated with the level of past month alcohol use. Among youths aged 12 to 17 who were heavy drinkers (i.e., consumed five or more drinks on the same occasion on each of 5 or more days in the past 30 days), 70.4 percent were current illicit drug users, which was higher than the rate among those who were not current alcohol users (5.3 percent). Additionally, among youths aged 12 to 17 who were binge but not heavy drinkers (i.e., consumed five or more drinks on the same occasion on 1 to 4 days in the past 30 days), 44.7 percent were also current illicit drug users.
- In 2011, the rate of current illicit drug use was approximately 17 times higher among youths aged 12 to 17 who both smoked cigarettes and drank alcohol in the past month (68.7 percent) than it was among those who neither smoked cigarettes nor drank alcohol in the past month (4.0 percent).

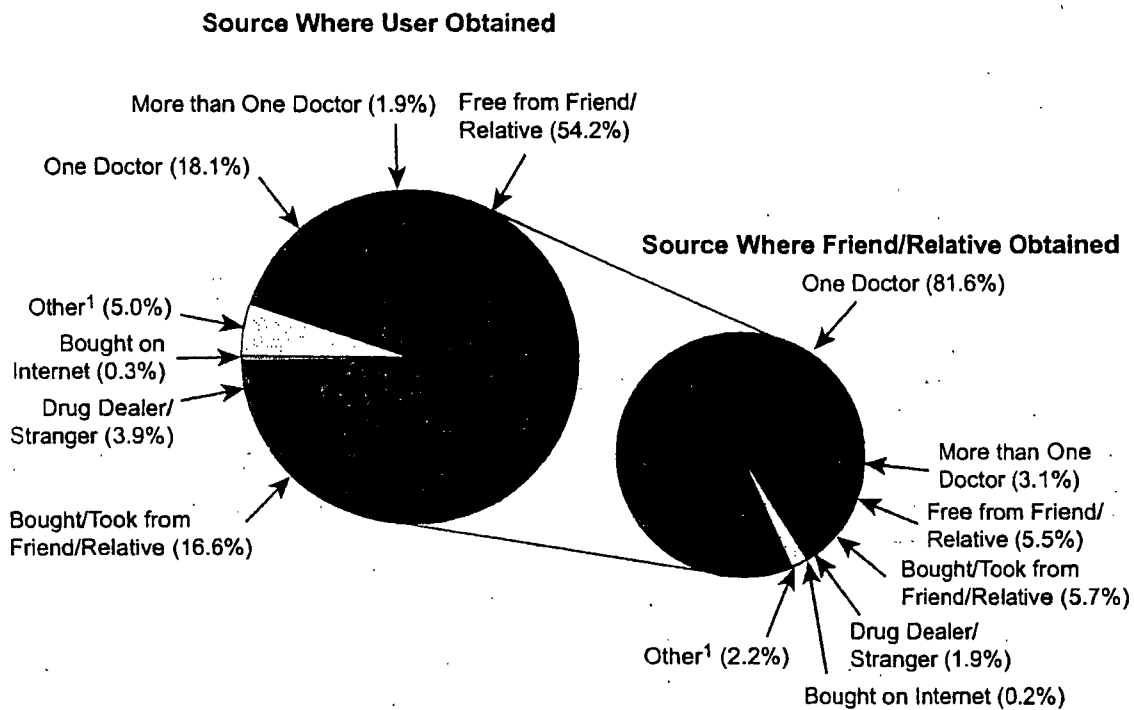
Driving Under the Influence of Illicit Drugs

- In 2011, 9.4 million persons or 3.7 percent of the population aged 12 or older reported driving under the influence of illicit drugs during the past year. This was a decrease from the rate in 2010 (4.2 percent) and the rate in 2002 (4.7 percent). Across age groups, the rate of driving under the influence of illicit drugs in 2011 was highest among young adults aged 18 to 25 (11.6 percent); this rate for young adults in 2011 was lower than the rate in 2010 (12.7 percent). Additionally, the rate of driving under the influence of illicit drugs during the past year decreased among adults aged 26 or older (from 2.9 percent in 2010 to 2.4 percent in 2011).

Source of Prescription Drugs

- Past year nonmedical users of psychotherapeutic drugs are asked how they obtained the drugs they most recently used nonmedically. Rates averaged across 2010 and 2011 show that over one half of the nonmedical users of pain relievers, tranquilizers, stimulants, and sedatives aged 12 or older got the prescription drugs they most recently used "from a friend or relative for free." About 4 in 5 of these nonmedical users who obtained prescription drugs from a friend or relative for free indicated that their friend or relative had obtained the drugs from one doctor.
- Among persons aged 12 or older in 2010-2011 who used pain relievers nonmedically in the past year, 54.2 percent got the pain relievers they most recently used from a friend or relative for free (Figure 2.14). Another 12.2 percent bought them from a friend or relative (which was higher than the 9.9 percent in 2008-2009). In addition, 4.4 percent of these nonmedical users in 2010-2011 took pain relievers from a friend or relative without asking. More than one in six (18.1 percent) indicated that they got the drugs they most recently used through a prescription from one doctor. Less than 1 in 20 users (3.9 percent) got pain relievers from a drug dealer or other stranger, 1.9 percent got pain relievers from more than one doctor, and 0.3 percent bought them on the Internet. These other percentages were similar to those reported in 2008-2009.
- Among persons aged 12 or older in 2010-2011 who used pain relievers nonmedically in the past year and indicated that they most recently obtained the drugs from a friend or relative for free in the past year, 81.6 percent of the friends or relatives obtained the drugs from just one doctor (Figure 2.14). About 1 in 20 of these past year nonmedical users of pain relievers (5.5 percent) reported that the friend or relative got the pain relievers from another friend or relative for free, 3.9 percent reported that the friend or relative bought the drugs from a friend or relative, 1.9 percent reported that the friend or relative bought the drugs from a drug dealer or other stranger, and 1.8 percent reported that the friend or relative took the drugs from another friend or relative without asking.

Figure 2.14 Source Where Pain Relievers Were Obtained for Most Recent Nonmedical Use among Past Year Users Aged 12 or Older: 2010-2011



Note: The percentages do not add to 100 percent due to rounding.

¹ The Other category includes the sources "Wrote Fake Prescription," "Stole from Doctor's Office/Clinic/Hospital/Pharmacy," and "Some Other Way."

Page left blank

3. Alcohol Use

The National Survey on Drug Use and Health (NSDUH) includes questions about the recency and frequency of consumption of alcoholic beverages, such as beer, wine, whiskey, brandy, and mixed drinks. A "drink" is defined as a can or bottle of beer, a glass of wine or a wine cooler, a shot of liquor, or a mixed drink with liquor in it. Times when the respondent only had a sip or two from a drink are not considered to be consumption. For this report, estimates for the prevalence of alcohol use are reported primarily at three levels defined for both males and females and for all ages as follows:

Current (past month) use - At least one drink in the past 30 days.

Binge use - Five or more drinks on the same occasion (i.e., at the same time or within a couple of hours of each other) on at least 1 day in the past 30 days.

Heavy use - Five or more drinks on the same occasion on each of 5 or more days in the past 30 days.

These levels are not mutually exclusive categories of use; heavy use is included in estimates of binge and current use, and binge use is included in estimates of current use.

This chapter is divided into two main sections. Section 3.1 describes trends and patterns of alcohol use among the population aged 12 or older. Section 3.2 is concerned particularly with the use of alcohol by persons aged 12 to 20. These persons are under the legal drinking age in all 50 States and the District of Columbia.

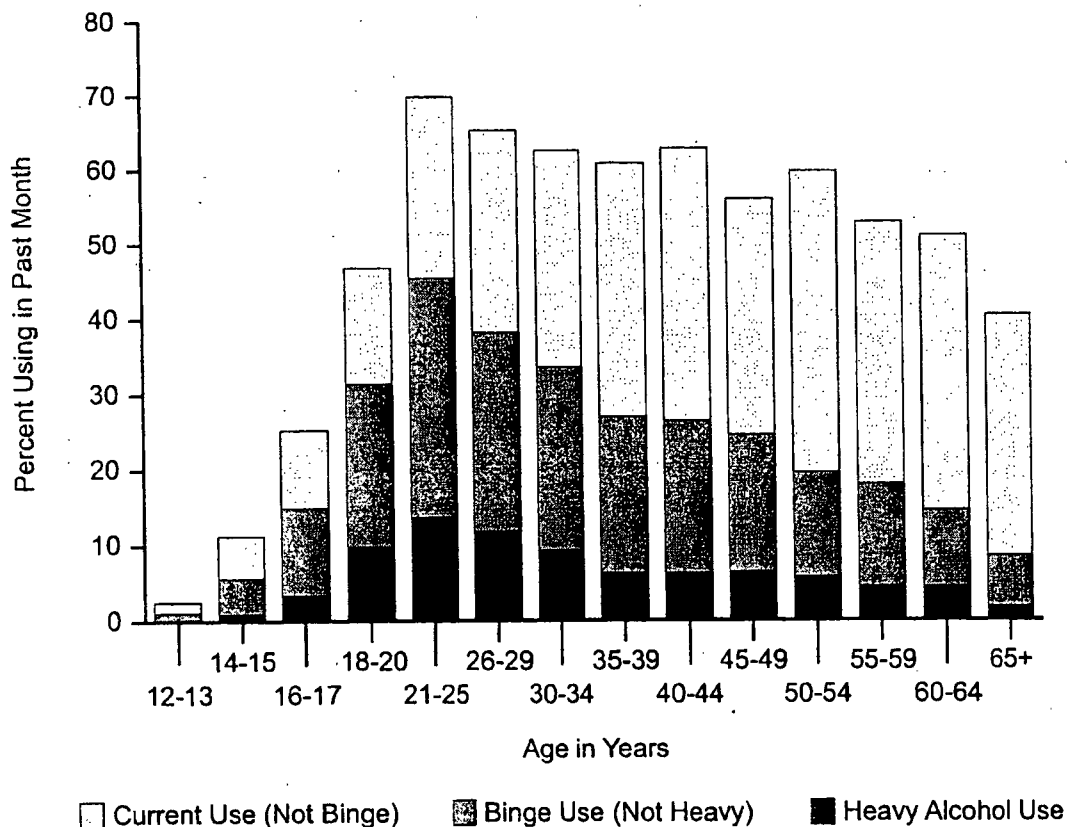
3.1. Alcohol Use among Persons Aged 12 or Older

- Slightly more than half (51.8 percent) of Americans aged 12 or older reported being current drinkers of alcohol in the 2011 survey, similar to the rate in 2010 (51.8 percent). This translates to an estimated 133.4 million current drinkers in 2011.
- Nearly one quarter (22.6 percent) of persons aged 12 or older participated in binge drinking at least once in the 30 days prior to the survey in 2011. This translates to about 58.3 million people. The rate in 2011 was similar to the rate in 2010 (23.1 percent).
- In 2011, heavy drinking was reported by 6.2 percent of the population aged 12 or older, or 15.9 million people. This percentage was lower than the rate of heavy drinking in 2010 (6.7 percent).

Age

- In 2011, rates of current alcohol use were 2.5 percent among persons aged 12 or 13, 11.3 percent of persons aged 14 or 15, 25.3 percent of 16 or 17 year olds, 46.8 percent of those aged 18 to 20, and 69.7 percent of 21 to 25 year olds (Figure 3.1). These estimates were similar to the rates reported in 2010.
- The prevalence of current alcohol use was lower among 60 to 64 year olds (50.9 percent) and adults aged 65 or older (40.3 percent) than among 26 to 29 year olds (65.3 percent).
- Rates of binge alcohol use in 2011 were 1.1 percent among 12 or 13 year olds, 5.7 percent among 14 or 15 year olds, 15.0 percent among 16 or 17 year olds, 31.2 percent among persons aged 18 to 20, and peaked among those aged 21 to 25 at 45.4 percent. The binge drinking rate for 14 or 15 year olds was lower in 2011 than in 2010 (5.7 and 6.7 percent, respectively).

Figure 3.1 Current, Binge, and Heavy Alcohol Use among Persons Aged 12 or Older, by Age: 2011



- The rate of binge drinking in 2011 was 39.8 percent for young adults aged 18 to 25. Heavy alcohol use was reported by 12.1 percent of persons aged 18 to 25, which was lower than the rate in 2010 (13.5 percent).
- The rate of binge drinking among persons aged 65 or older in 2011 was 8.3 percent, while the rate of heavy drinking was 1.7 percent. These rates were similar to the binge and heavy drinking rates in this age group in 2010 (7.6 and 1.6 percent, respectively).
- The rate of current alcohol use among youths aged 12 to 17 was 13.3 percent in 2011. Youth binge and heavy drinking rates were 7.4 and 1.5 percent, respectively. These rates were all similar to those reported in 2010 (13.6, 7.9, and 1.7 percent, respectively).

Gender

- In 2011, an estimated 56.8 percent of males aged 12 or older were current drinkers, which was higher than the rate for females (47.1 percent). However, among youths aged 12 to 17, the percentage of males who were current drinkers (13.3 percent) was similar to the rate for females (13.3 percent).
- Among young adults aged 18 to 25, an estimated 58.1 percent of females and 63.3 percent of males reported current drinking in 2011. The rate for males was lower in 2011 than in 2010 (65.7 percent).

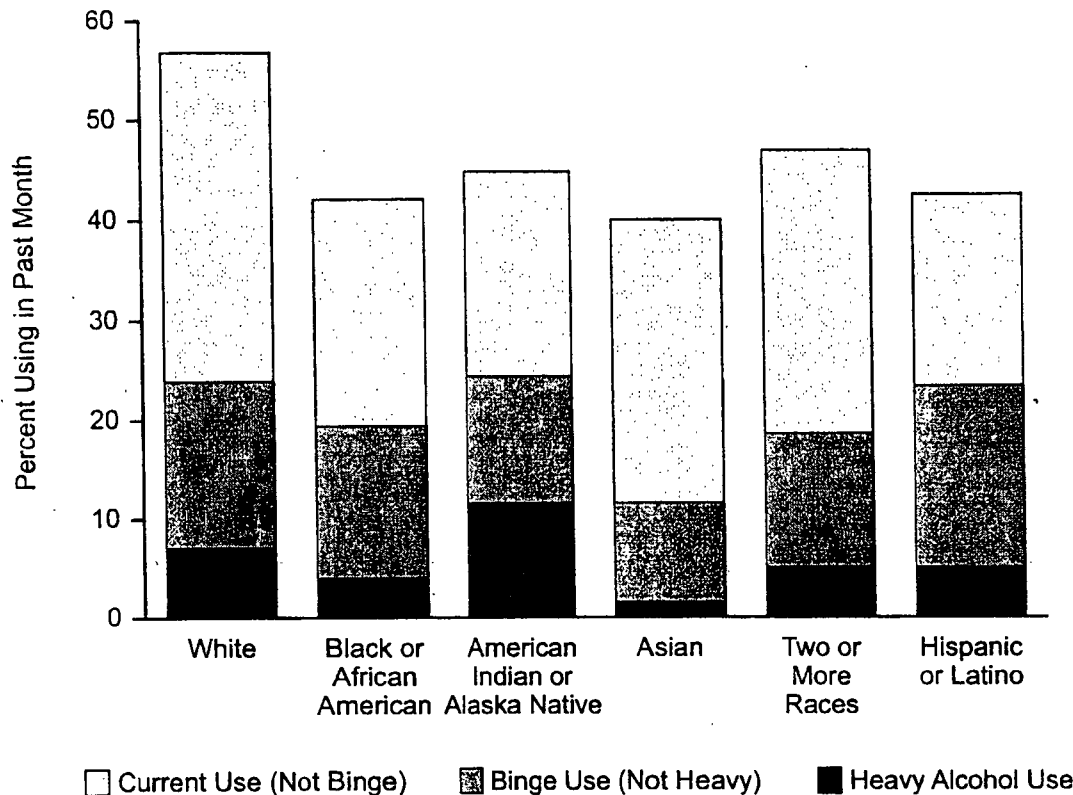
Pregnant Women

- Among pregnant women aged 15 to 44, an estimated 9.4 percent reported current alcohol use, 2.6 percent reported binge drinking, and 0.4 percent reported heavy drinking. These rates were lower than the rates for nonpregnant women in the same age group (55.1, 24.5, and 5.3 percent, respectively). The rate of binge drinking among pregnant women in 2011 and 2010 combined was lower than it was in combined years 2010 and 2009 (2.6 vs. 4.4 percent). All of the estimates by pregnancy status are based on data averaged over 2 years.

Race/Ethnicity

- Among persons aged 12 or older, whites in 2011 were more likely than other racial/ethnic groups to report current use of alcohol (56.8 percent) (Figure 3.2). The rates were 46.9 percent for persons reporting two or more races, 44.7 percent for American Indians or Alaska Natives, 42.5 percent for Hispanics, 42.1 percent for blacks, and 40.0 percent for Asians.
- The rate of binge alcohol use was lowest among Asians (11.6 percent). Rates for other racial/ethnic groups were 18.6 percent for persons reporting two or more races, 19.4 percent for blacks, 23.4 percent for Hispanics, 23.9 percent for whites, and 24.3 percent for American Indians or Alaska Natives.
- Among youths aged 12 to 17 in 2011, Asians had lower rates of current alcohol use than any other racial/ethnic group (7.4 percent), while 10.5 percent of black youths, 12.6 percent of Hispanic youths, 14.6 percent of white youths, 15.2 percent of American Indian or Alaska Native youths, and 17.5 percent of youths reporting two or more races were current drinkers.

Figure 3.2 Current, Binge, and Heavy Alcohol Use among Persons Aged 12 or Older, by Race/Ethnicity: 2011



Note: Due to low precision, estimates for Native Hawaiians or Other Pacific Islanders are not shown.

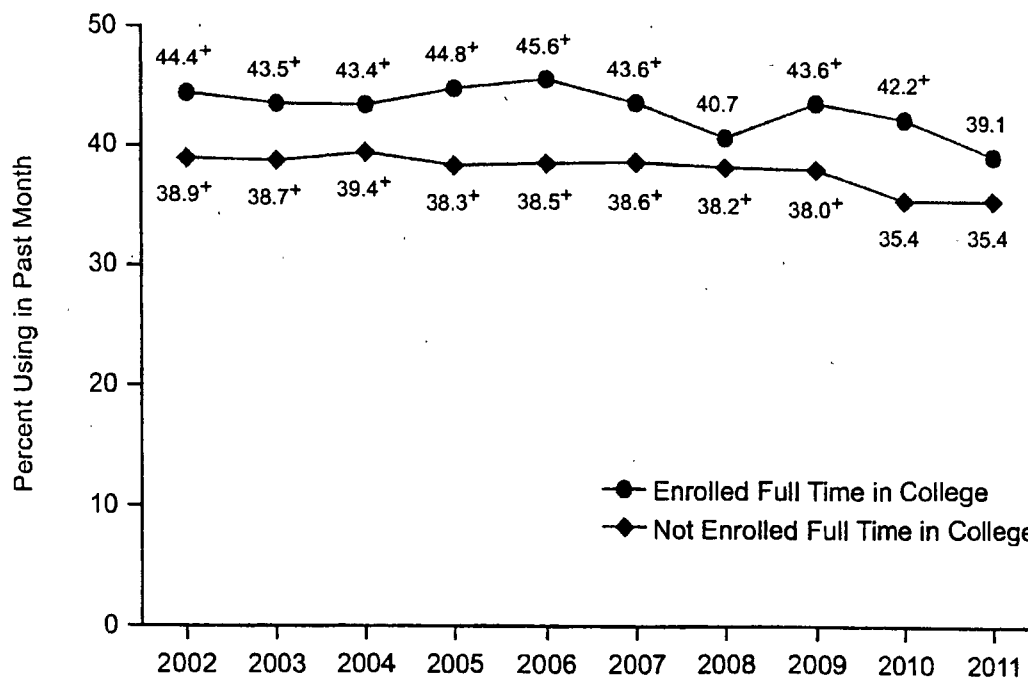
Education

- Among adults aged 18 or older, the rate of past month alcohol use increased with increasing levels of education. Among adults with less than a high school education, 35.1 percent were current drinkers in 2011, which was lower than the 68.2 percent of college graduates who were current drinkers.
- Among adults aged 18 or older, rates of binge and heavy alcohol use varied by level of education. Among those with some college education, 26.7 percent were binge drinkers, and 7.9 percent were heavy drinkers. Among those who had graduated from college, rates of binge and heavy drinking were 21.8 and 5.4 percent, respectively.

College Students

- Young adults aged 18 to 22 enrolled full time in college were more likely than their peers not enrolled full time (i.e., part-time college students and persons not currently enrolled in college) to use alcohol in the past month, binge drink, and drink heavily. Among full-time college students in 2011, 60.8 percent were current drinkers, 39.1 percent were binge drinkers, and 13.6 percent were heavy drinkers. Among those not enrolled full time in college, these rates were 52.0, 35.4, and 10.5 percent, respectively.
- The pattern of higher rates of current alcohol use, binge alcohol use, and heavy alcohol use among full-time college students compared with rates for others aged 18 to 22 has remained consistent since 2002 (Figure 3.3).
- Among young adults aged 18 to 22, the rate of binge drinking appears to be declining somewhat. In 2002, the binge drinking rate within this age group was 41.0 percent compared with 36.9 percent in 2011. Among full-time college students, the rate decreased from 44.4 to 39.1 percent. Among part-time college students and others not in college, the rate decreased from 38.9 to 35.4 percent during the same time period.

Figure 3.3 Binge Alcohol Use among Adults Aged 18 to 22, by College Enrollment: 2002-2011



⁺ Difference between this estimate and the 2011 estimate is statistically significant at the .05 level.

Employment

- The rate of current alcohol use was 64.3 percent for full-time employed adults aged 18 or older in 2011, which was higher than the rate for unemployed adults (54.1 percent). However, the rate of binge drinking among unemployed persons (33.2 percent) was higher than among full-time employed persons (29.5 percent).
- Most binge and heavy alcohol users were employed in 2011. Among 56.5 million adult binge drinkers, 42.1 million (74.4 percent) were employed either full or part time. Among 15.5 million heavy drinkers, 11.6 million (74.9 percent) were employed.
- The rate of heavy alcohol use among unemployed adults in 2011 was lower than the rate in 2010 (9.0 vs. 11.1 percent, respectively).

Geographic Area

- The rate of past month alcohol use for people aged 12 or older in 2011 was lower in the South (48.6 percent) and West (50.7 percent) than in the Northeast (57.1 percent) or Midwest (53.9 percent).
- Among people aged 12 or older, the rates of past month alcohol use in large and small metropolitan areas (54.3 and 51.5 percent, respectively) were higher than in nonmetropolitan areas (43.8 percent). Binge drinking was equally prevalent in large and small metropolitan areas (both 23.1 percent), but was less prevalent in nonmetropolitan areas (20.0 percent).
- The rates of binge alcohol use among youths aged 12 to 17 were 7.3 percent in large metropolitan areas, 7.5 percent in small metropolitan areas, and 7.7 percent in nonmetropolitan areas.

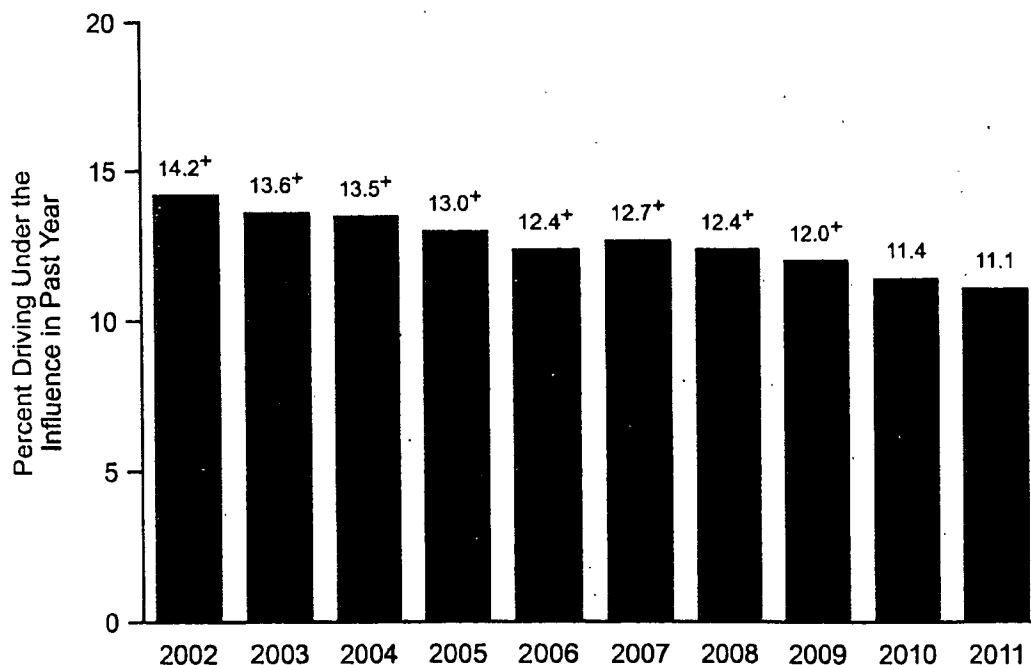
Association with Illicit Drug and Tobacco Use

- As was the case in prior years, the level of alcohol use was associated with illicit drug use in 2011. Among the 15.9 million heavy drinkers aged 12 or older, 31.3 percent were current illicit drug users. Persons who were not current alcohol users were less likely to have used illicit drugs in the past month (4.2 percent) than those who reported (a) current use of alcohol but no binge or heavy use (6.7 percent), (b) binge use but no heavy use (17.2 percent), or (c) heavy use of alcohol (31.3 percent).
- Alcohol consumption levels also were associated with tobacco use. Among heavy alcohol users aged 12 or older, 54.9 percent smoked cigarettes in the past month, while only 18.1 percent of non-binge current drinkers and 15.3 percent of persons who did not drink alcohol in the past month were current smokers. Smokeless tobacco use and cigar use also were more prevalent among heavy drinkers (11.7 and 15.2 percent, respectively) than among non-binge drinkers (1.9 and 4.5 percent) and nondrinkers (1.9 and 2.2 percent).

Driving Under the Influence of Alcohol

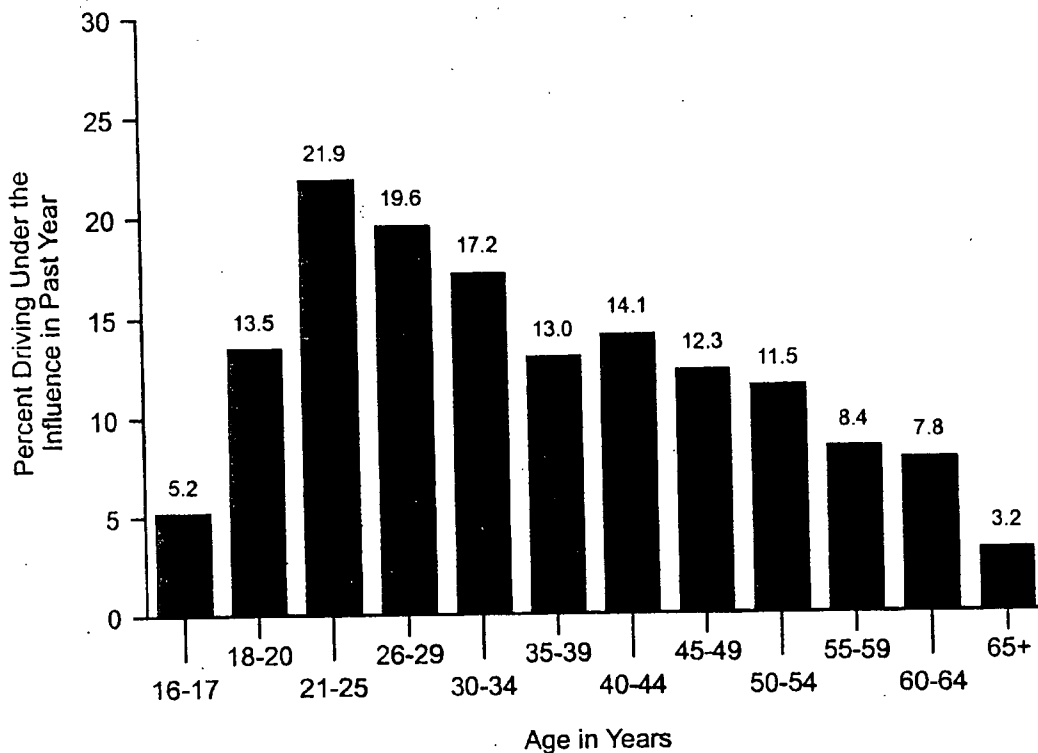
- In 2011, an estimated 11.1 percent of persons aged 12 or older drove under the influence of alcohol at least once in the past year (Figure 3.4). This percentage has dropped since 2002, when it was 14.2 percent. The 2011 estimate corresponds to 28.6 million persons.
- Driving under the influence of alcohol differed by age group in 2011. The rate was highest among persons aged 21 to 25 (21.9 percent) (Figure 3.5). An estimated 5.2 percent of 16 or 17 year olds and 13.5 percent of 18 to 20 year olds reported driving under the influence of alcohol in the past year. Beyond age 25, these rates showed a general decline with increasing age.
- Among persons aged 18 to 25, the rate of driving under the influence of alcohol decreased from the rate reported in 2010, from 20.0 to 18.6 percent.
- Among persons aged 12 or older, males were more likely than females (14.6 vs. 7.8 percent) to drive under the influence of alcohol in the past year.

Figure 3.4 Driving Under the Influence of Alcohol in the Past Year among Persons Aged 12 or Older: 2002-2011



⁺ Difference between this estimate and the 2011 estimate is statistically significant at the .05 level.

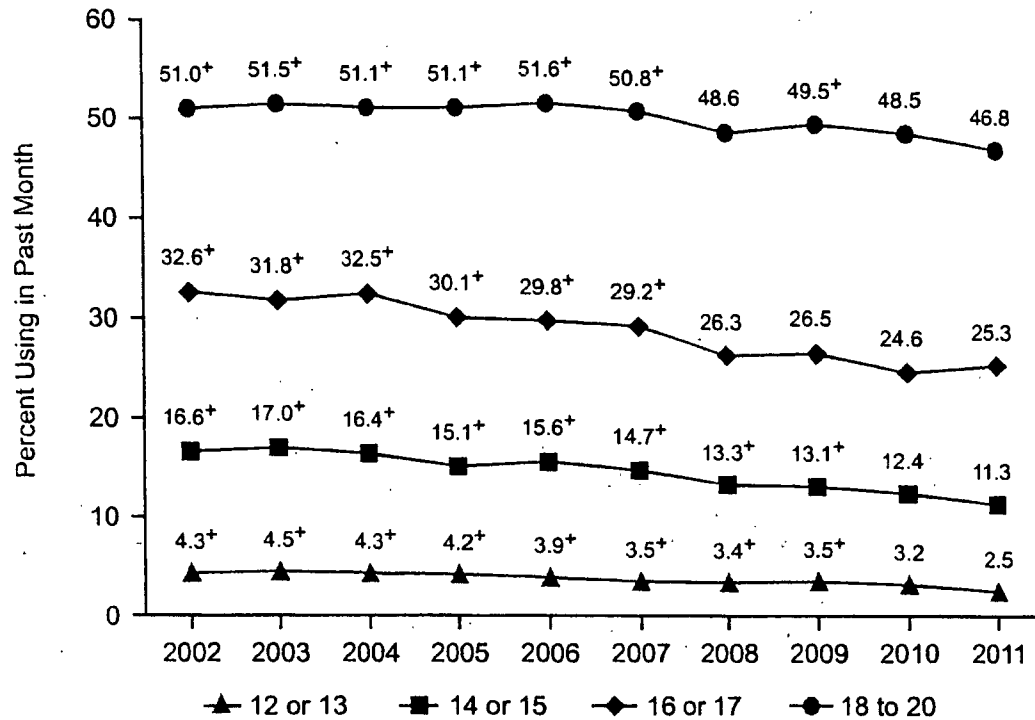
Figure 3.5 Driving Under the Influence of Alcohol in the Past Year among Persons Aged 16 or Older, by Age: 2011



3.2. Underage Alcohol Use

- In 2011, about 9.7 million persons aged 12 to 20 (25.1 percent of this age group) reported drinking alcohol in the past month. Approximately 6.1 million (15.8 percent) were binge drinkers, and 1.7 million (4.4 percent) were heavy drinkers. The rates for binge and heavy drinking were lower than those in 2010 (16.9 and 5.1 percent, respectively).
- Rates of current, binge, and heavy alcohol use among underage persons declined between 2002 and 2011. The rate of current alcohol use among 12 to 20 year olds went from 28.8 percent in 2002 to 25.1 percent in 2011. The binge drinking rate declined from 19.3 to 15.8 percent, and the rate of heavy drinking declined from 6.2 to 4.4 percent.
- Rates of current alcohol use increased with age among underage persons. In 2011, 2.5 percent of persons aged 12 or 13, 11.3 percent of persons aged 14 or 15, 25.3 percent of 16 or 17 year olds, and 46.8 percent of 18 to 20 year olds drank alcohol during the 30 days before they were surveyed. This pattern by age has been observed since 2002 (Figure 3.6).

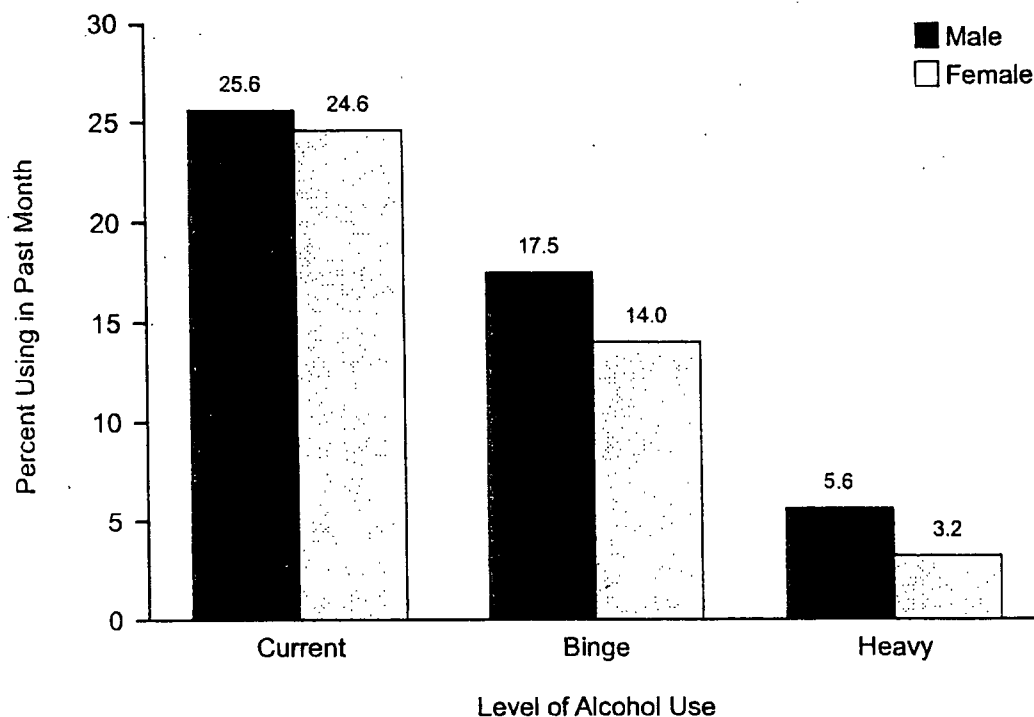
Figure 3.6 Current Alcohol Use among Persons Aged 12 to 20, by Age: 2002-2011



⁺ Difference between this estimate and the 2011 estimate is statistically significant at the .05 level.

- Males aged 12 to 20 in 2011 were more likely than underage females to be current alcohol users (25.6 vs. 24.6 percent), binge alcohol users (17.5 vs. 14.0 percent), or heavy alcohol users (5.6 vs. 3.2 percent) (Figure 3.7). Rates among underage males for current, binge, and heavy drinking were all lower in 2011 than they were in 2010 (28.1, 19.7, and 6.7 percent, respectively). However, the rates in 2011 among underage females did not differ from the rates in 2010 (24.0, 14.0, and 3.4 percent).
- Among persons aged 12 to 20, past month alcohol use rates in 2011 were 18.1 percent among blacks, 18.8 percent among Asians, 20.0 percent among American Indians or Alaska Natives, 22.5 percent among Hispanics, 27.5 percent among those reporting two or more races, and 28.2 percent among whites.
- In 2011, among persons aged 12 to 20, binge drinking was reported by 18.6 percent of whites, 15.9 percent of persons reporting two or more races, 14.0 percent of Hispanics, and 13.9 percent of American Indians or Alaska Natives. Blacks and Asians in this age group were less likely to report binge drinking (9.4 and 9.1 percent, respectively).

Figure 3.7 Current, Binge, and Heavy Alcohol Use among Persons Aged 12 to 20, by Gender: 2011



- Across geographic regions in 2011, the underage current alcohol use rate was higher in the Northeast (30.8 percent) than in the Midwest (25.4 percent), West (24.2 percent), and South (22.7 percent).
- In 2011, the underage current alcohol use rate was similar in large metropolitan areas (24.9 percent), small metropolitan areas (26.1 percent), and nonmetropolitan areas (23.5 percent).
- In 2011, 80.8 percent of current drinkers aged 12 to 20 were with two or more other people the last time they drank alcohol, 14.5 percent were with one other person the last time they drank, and 4.7 percent were alone.
- A majority of underage current drinkers in 2011 reported that their last use of alcohol in the past month occurred either in someone else's home (57.0 percent) or their own home (28.2 percent). Underage females were more likely than males to have been in a restaurant, bar, or club on their last drinking occasion (11.4 vs. 6.6 percent).
- Among underage current drinkers in 2011, 30.3 percent paid for the alcohol the last time they drank, including 7.7 percent who purchased the alcohol themselves and 22.4 percent who gave money to someone else to purchase it.

- In 2011, among underage drinkers who did not pay for the alcohol the last time they drank, the most common source was an unrelated person aged 21 or older (38.2 percent). Other underage persons provided the alcohol on the last occasion for 19.1 percent of underage drinkers. Parents, guardians, or other adult family members provided the last alcohol to 21.4 percent of underage drinkers. Other sources of alcohol for underage drinkers who did not pay included (a) took the alcohol from home (5.9 percent), (b) took it from someone else's home (3.9 percent), and (c) got it some other way (6.8 percent).
- In 2011, underage drinkers were more likely than current alcohol users aged 21 or older to use illicit drugs within 2 hours of alcohol use on their last reported drinking occasion (20.1 vs. 4.9 percent, respectively). The most commonly reported illicit drug used by underage drinkers in combination with alcohol was marijuana, which was used within 2 hours of alcohol use by 19.2 percent of current underage drinkers (1.8 million persons) on their last drinking occasion.

EXHIBIT E

LAUFER GREEN ISAAC

STRATEGIC MARKETING COMMUNICATIONS

High-Risk Drinking on College Campuses

College Life and Alcohol:

Challenges and Solutions, a Resource Guide

Table Of Contents

Executive Summary	3
Foreword	8
Acknowledgements	10
High-Risk Drinking: An Overview	13
Defining the Problem	14
Consequences of High-Risk Drinking	17
Resources on High-Risk Drinking: An Overview	21
High-Risk Drinking and the College Campus	29
Resources on Drinking and the College Campus	37
High-Risk Drinking and the Local Community	42
Resources on High-Risk Drinking and the Local Community	46
Interventions: 3-in-1 Framework	50
Individual- Level Interventions	52
Environmental- Level Interventions	55
Campus-Level Interventions	56
Resources on Interventions	61
The Challenges	70
Moving Forward-What You Can Do Today and Future Resource Needs/Plans	73
College High-Risk Drinking: Expert Contact Information	77
Resources (Categorized)	81
Resources (Alphabetically)	106
Web Resources (Alphabetically)	116

Executive Summary

The over-consumption of alcohol among college students is a complex problem that must be addressed.

Across the United States, college presidents, administrators, and stakeholders (identified campus offices and personnel, and a range of community representatives) agree high-risk drinking by college students is a critical public health issue with significant social, educational and psychological consequences. The over-consumption of alcohol among college students is a problem with multiple causes that requires solutions with multiple components to address individual student risk factors, and alter the environments on campus and in their surrounding communities. This online *Resource Guide* provides a useful background for those approaching the problem and its solutions from multiple levels and perspectives, using a question-and-answer format that provides background on the problems with links to information on effective and promising solutions for reducing the rates and harms of high-risk drinking. Available resources and tools are highlighted, with embedded links that make them easy to locate. The report concludes with a proposal for creating a vibrant online community that would combine rapidly expanding research- and practice-based evidence about effective tools combined with first-hand advice from campus and community leaders and students across the country about ways to adopt and adapt programs, policy and environmental changes that work on diverse college and university campuses.

Laufer Green Isaac developed this *Resource Guide* to be useful and user-friendly for a variety of audiences., including: college presidents, administrators, deans, faculty, student-affairs/residential-life personnel, athletic directors and coaches, health services staff, campus security staff and a range of community representatives – from chamber of commerce representatives to local bar and liquor outlet owners, local elected officials, police, and emergency room and hospital staff.

For purposes of this guide, the term “college high-risk drinking” is used. We intend the term “college” to apply to a variety of public and private institutions of higher education – from junior and community colleges, to commuter campuses, to four-year residential college and university campuses. We use the term “high-risk drinking” as defined by the National Institute on Alcohol Abuse and Alcoholism (NIAAA) – “*a pattern of drinking alcohol that brings blood alcohol concentration (BAC) to 0.08 gram percent or above. For the typical adult, this pattern corresponds to consuming five or more drinks (male), or four or more drinks (female), in about two hours.*” While we have discovered that there are pockets of scientific controversy surrounding whether the best term is “binge drinking,” “risky drinking,” or “overdrinking,” the terminology does little to lessen the immediate and/or long-lasting results for students affected by alcohol on college campuses each year.

It is essential that college health personnel, faculty, staff, presidents, and all surrounding community members stay abreast of the latest public health/health promotion approaches to the reduction of harmful drinking on college campuses. Yet those on the “front lines” often feel inadequately prepared to deal with problem or at-risk students. They may be stretched too thin to have the time to follow up on a red flag from a student’s history and choose to bring it up “next time.” Some college presidents see high-risk drinking as

High-Risk Drinking: **An Overview**

There are solutions that save lives.

an insurmountable problem and choose to focus instead on winning initiatives. Some individuals may perceive high-risk drinking as a rite of passage—an inherent part of college life—that will take care of itself once a student graduates. But none of these beliefs is acceptable. Others argue that environmental and policy factors are what allow the underage high-risk drinking culture to take hold and flourish. No matter the genesis of the problem, reliable research has provided a stable evidence base proving that there *are* strategies that work. There *are* solutions that save lives. It is no longer a viable option for any college health personnel, faculty, staff, presidents or communities to ignore these strategies.

College Presidents and Leadership

Presidents set the standard in higher education for what a leader can do to establish priorities and programs that help prepare students for lives of personal and civic responsibility. Many presidents gain the full trust and support of their boards, which allows them to establish and carry out a high-risk drinking policy vision for the institution. They

The focus is saving lives, not eliminating underage drinking, and the trick is to engage students without alienating them — while planting seeds of caution in their minds that one hopes will make a difference when it counts.

Jonathan Gibraltar,
President, Frostburg State University

also help to foster and depend upon strong leadership from deans, faculty, student-affairs/residential-life personnel, student leaders and resident advisors, athletic directors and coaches, health services staff, campus security staff and a range of community representatives—the construction of this vision for an institution by the president is critical because it tells the story of where an institution has been and provides direction for where the institution is headed. This vision, if believed in by the faculty, administrators, staff and students, has the potential to transform an institution. In short, a president's attitude makes a big difference in a campus' campaign to curb high-risk drinking.

Serving as a catalyst, college presidents and their senior administrators can provide the necessary resources, support and commitment to initiate a wide variety of prevention and/or alcohol-free activities on their campuses. Presidents can also provide national leadership to promote the importance of stopping high-risk drinking in higher education.

Faculty Members

Faculty members know their students and the campus culture well, based on their many contacts with students both inside and outside the classroom. They play vital roles as teacher, mentors, confidants and leaders to a variety of student and on-campus activities and explorations. We hope that they will use this resource guide to:

- Better understand the factors on college and university campuses and surrounding communities that serve to promote or encourage risky drinking, fueling creative thinking about ways to reverse these factors and forces.

High-Risk Drinking: **An Overview**

- Identify ways to empower, challenge, activate and involve students, student leaders and student-led organizations to find creative solutions.
- Be well-versed enough in college high-risk drinking to see warning signs, and know whom to refer students to for prevention and/or treatment.

Campus Stakeholders

We define “stakeholders” as deans, faculty, student-affairs/residential-life personnel, athletic directors and coaches, health services staff, campus security staff, funders, and a range of community representatives—from chamber of commerce representatives to local bar and liquor outlet owners, local elected officials, police, and emergency room and hospital staff. Together, they form dynamic communities whose members create and share norms, values, ideals, a sense of civic commitment, and larger vision for education. Leaders and members of each of the following “sectors”, as well as others mentioned throughout this text, need to be engaged in changing campus environments, policies and norms that support high-risk drinking and its reduction.

- Administrators and deans
- Residential affairs and residential life personnel
- Students and student leaders
- Student resident advisors
- Faculty
- Student health services staff
- Athletic directors, coaches
- Student-led groups and organizations
- Campus security
- Facilities personnel and managers (library, dining hall, gyms)

Laufer Green Isaac investigated the magnitude of high-risk drinking on college campuses and its associated harms, as well as the latest evidence-based interventions that have had success in reducing high-risk drinking on U.S. college campuses. We have found that, to achieve successful outcomes, goals must be defined in ways that inspire institutional missions and help measure and evaluate success.

Yes, There Are Strategies That Work

Many campus leaders wonder whether there are ANY strategies that colleges or universities can implement to help reverse high-risk drinking trends and the tolls they take on student learning, overall development, community life, and health. As this guide outlines, the answer is: YES, THERE ARE.

High-Risk Drinking: **An Overview**

This guide seeks to go beyond defining the problem. We outline solutions.

We cover three key sections:

1. High-risk drinking and the college campus: defining the problem
2. High-risk drinking and the role of campus and community environments
3. Multi-component interventions: the 3-In-1 framework for implementing programs and policies that work

Additionally, we provide expert contact information, Web resources, and practical tools both at the conclusion of each section, and again at the end of the guide for easy access to pertinent information.

We define strategies that effectively reduce the prevalence and effects of college high-risk drinking. These methods are supported both by broad-based research and policy interventions and by examining and addressing each individual campus environment.

Proven strategies that work include:

- Implement screening and brief motivational counseling interventions, which can be integrated into student health services, targeted toward those students who have been mandated to treatment, or offered as web-based prevention programs for all students.
- Support maintaining the minimum legal drinking age (MLDA). This is a low-cost, evidence-based intervention that works best when combined with strict enforcement.
- Heighten enforcement of effective alcohol control policies at campus, local, state and federal levels:
 - Minimum legal drinking age
 - Zero tolerance laws (young drivers who are found to have a blood alcohol content higher than 0.02 percent can have their license immediately seized and revoked and be subject to significant fines)
 - Use/lose for drivers above age 21
 - 0.08 percent blood alcohol concentration (BAC) laws
 - Administrative license revocation laws
 - Publicized sobriety checkpoints
 - Policies that increase the price of alcohol and prevent increases in outlet density (the number of bars, liquor stores and restaurants serving alcohol around campuses)
 - Parental notification
 - Mandated brief motivational trainings for students who violate alcohol policy

High-Risk Drinking: **An Overview**

- Red Watch Band program (a movement designed to end alcohol overdose deaths by teaching students how to handle alcohol emergencies and summon professional help: www.redwatchband.org)
- Resident assistant training
- Overall prevention planning; distribution of state and federal funds to combat underage drinking, substance abuse, and impaired driving
- Allocation of funding specific to college alcohol and other drug abuse prevention
- State legislation to control access to alcohol
- Allocation of services to county or community treatment agencies and recovery organizations
- Formation and ongoing work of a campus and community coalition that addresses alcohol problems in the town or city surrounding the campus
- Working with other campuses for policy change at the state level
- Definition of a lead agency from each state to coordinate and spearhead its activities and programs to reduce and prevent underage drinking
- Develop campus-community partnerships involving multiple sectors of each: health services, campus and local police departments, alcohol beverage control, faculty, staff, students, administrators, residential life staff, resident assistants (RAs), parents, and alumni, with multi-faceted interventions

Our hope is that college administrators, health care officials, faculty members, and a wide range of other campus and community stakeholders will find this guide and its many Web sites practical resources for exploring, finding or implementing solutions on their individual campuses. There is no single path to change that will work on every campus, but the essential elements of those paths have become much more clear over the past 4-5 years of research and practice.

Major sections of this guide cover areas where much progress is required and where specific steps can be taken. While these recommendations need to be adapted to specific contexts, they provide a starting point for crucial, college/community agenda setting. These priorities by no means constitute an exhaustive list of potential solutions. However, they should inform college presidents, college health organizations, faculty and stakeholders of where gains can be made.

Foreword

As students streamed afresh onto college campuses across the country last fall, media attention focused on a campaign to enlist the support of college presidents for lowering the legal drinking age from 21 to 18 as a strategy to reduce high-risk drinking on college campuses – and on the substantial differences of opinion that exist about whether this approach would be effective.

The more important news in this area, however, was the increasing emergence of empirical evidence that there are already many effective and promising strategies that can reduce the harms and preventable deaths caused by high-risk and binge drinking on college and university campuses. Unfortunately it was equally clear that most campus leaders – whether presidents and faculty, campus health service personnel, residence life or security staff, or students themselves – were neither aware of this evidence nor linked into scientific or national college and university community networks that could provide them continuing timely information.

This need to disseminate and update the empirical evidence about preventing and combating risky drinking on campus, and to provide a way for campus administrators to communicate with each other about their own experiences, led the Robert Wood Johnson Foundation (RWJF) to engage Laufer Green Isaac to develop and disseminate this *Resource Guide*. In doing so, RWJF built on two decades of relevant, cutting-edge work, beginning in the early 1990's with a seminal survey of alcohol use and abuse on college campuses, and continuing by funding a series of research, action and advocacy initiatives aimed at reducing drinking among youth of all ages.

Mirroring its similar investments in youth-focused tobacco control, RWJF supported a three-part portfolio of grants and programs to prevent the harms of alcohol use, especially among youth. This portfolio included: (1) research initiatives to clarify the determinants of youth drinking and identify promising and effective interventions; (2) demonstration programs to apply and evaluate promising solutions in states, communities and colleges and universities across the country; and (3) strategic advocacy and communication efforts to make youth drinking visible as a serious problem to the public and policymakers, and to disseminate emerging findings about its causes and solutions.

RWJF's flagship programs included:

- *The College Alcohol Study*, which surveyed nationally representative samples of college and university students across the country over a period of 14 years from 1992-2006;
- *The Substance Abuse Policy Research Program* which has funded and synthesized scores of studies examining national state, community and campus policy and environmental factors affecting youth and college alcohol use (e.g., changes in minimum age drinking laws, alcohol outlet density);

Foreword

- *Reducing Underage Drinking Through Coalitions*, a national program supporting and evaluating state-based coalitions to work with youth leadership programs, public awareness campaigns and innovative uses of public policy to reduce underage drinking among high school students;
- *Leadership to Keep Children Alcohol-Free*, a program co-funded by the National Institute on Alcohol Abuse and Alcoholism (NIAAA) and led by a coalition of 34 governors' spouses and 30 public and private organizations to curb drinking among children aged 9-15; and
- *A Matter of Degree*, which funded ten universities to develop programs that would make the environment on campus and in surrounding communities less conducive to underage and high-risk drinking.

During the same period, the National Institute on Alcohol Abuse and Alcoholism (NIAAA), the Centers for Disease Control and Prevention (CDC), the American Medical Association (AMA), and Mothers Against Drunk Driving (MADD), worked tirelessly to fund research in this area, translate the findings into practice and policy, and develop "best practices," with the sole objective of reducing the harm caused by underage drinking and risky drinking on college campuses.

This *Resource Guide* has been created to connect you with tools, interventions and leaders to help you address the problem of binge and high-risk drinking on your campus and reduce the serious tolls that it takes. The Foundation is deeply grateful for the skilled and creative efforts of Laufer Green Isaac and the many Expert Consultant Advisors who shaped this guide, all of whom share a commitment to continued progress in finding and applying science-based solutions on campuses across the country.

C. Tracy Orleans, PhD
Robert Wood Johnson Foundation

Acknowledgements

Great appreciation goes out to the consultants listed below who generously shared their time and experience to outline problems, solutions, strategies and resources needed to spread successful interventions more widely. Many have been pioneers in researching and /or addressing high-risk drinking on college and university campuses. Their insights during the evolution of this document were most helpful.

Expert Advisory Consultants

Researchers

1. C. Raymond Bingham, Ph.D.
Research Professor, Social and Behavioral Analysis Division of the University of Michigan Transportation Research Institute, Department of Psychiatry of the University of Michigan School of Medicine, and Department of Health Behavior and Health Education of the University of Michigan School of Public Health
2. Bob Brewer, M.D., M.S.P.H.
Alcohol Program Leader, National Center for Chronic Disease Prevention & Health Promotion-CDC
3. Frank Chaloupka, Ph.D.
Professor of Economics and Director, ImpacTeen: A Policy Research Partnership to Reduce Substance Use, University of Illinois at Chicago
4. William DeJong, Ph.D.
Professor, Department of Social and Behavioral Sciences, Boston University School of Public Health
5. James Fell, M.S.
Senior Program Director, Pacific Institute for Research and Evaluation (PIRE)
6. Richard Grucza, Ph.D.
Research Assistant Professor of Psychiatry, Washington University in St. Louis
7. Ralph Hingson Sc.D., M.P.H.
Director of Division of Epidemiology & Prevention Research, NIAAA
8. Lloyd Johnston, Ph.D.
Senior Research Scientist and Research Professor, University of Michigan Population Studies Center at University of Michigan
9. Toben F. Nelson, Sc.D.
Assistant Professor, University of Minnesota School of Public Health

Acknowledgements

10. Prabhu Ponkshe, M.A., L.L.B.
Program Communications Officer, Substance Abuse Policy Research Program
11. Robert Saltz, Ph.D.
Senior Research Scientist, Prevention Research Center
12. Jean T. Shope, M.S.P.H., Ph.D.
Research Professor and Associate Director, University of Michigan Transportation Research Institute and Research Professor, Department of Health Behavior and Health Education, University of Michigan School of Public Health
13. Traci Toomey, M.P.H., Ph.D.
Associate Professor, University of Minnesota School of Public Health
14. Henry Wechsler, Ph.D.
Lecturer, Society, Human Development, and Health Department, Harvard School of Public Health
15. Elissa Weitzman, Sc.D., M.Sc.
Assistant Professor and Research Faculty, Children's Hospital Informatics Program Boston, Society, Human Development and Health Department, Harvard School of Public Health

College and University Administrators

1. Amy Campbell
Campus Life Initiatives Director and Alcohol Coalition Committee Co-Chair, Princeton University
2. Linda Major
Assistant to the Vice Chancellor, University of Nebraska-Lincoln and Director of NU Directions (University of Nebraska-Lincoln *A Matter of Degree (AMOD)* intervention
3. Janet Neglia, M.D.
Associate Director of Medical Services, Princeton University
4. Jeffrey H. Orleans, J.D.
Former Commissioner of Ivy League and Special Advisor to the Council of Ivy Group Presidents
5. Jim Terhune, M.A.
Vice President for Student Affairs and Dean of Students, Colby College

Acknowledgements

Students and Resident Advisors

- Chris Chandler
Undergraduate student class of 2010 and Alcohol Coalition Committee Co-chair,
Princeton University
- Elias Friedman
Undergraduate student class of 2010, Boston University

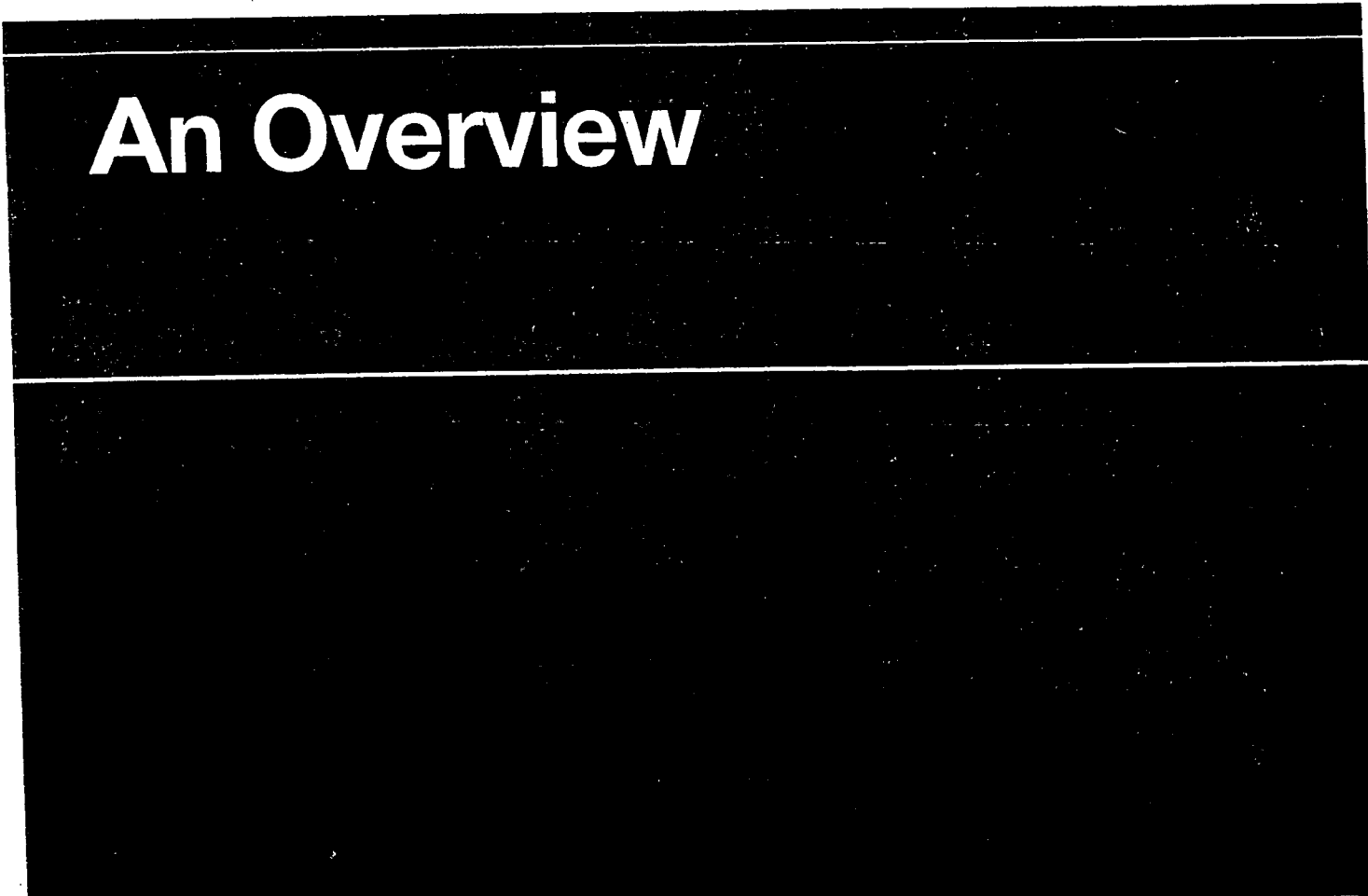
Treatment Providers

1. Phil Valentine
Executive Director, Connecticut Community for Addiction Recovery



1. High-Risk Drinking:

An Overview



High-Risk Drinking: **An Overview**

Alcohol use is a normative social behavior in our society, but when indulged in excess it can have serious consequences for both those who are drinking, and also other individuals, families and communities. In fact, in the United States there are an average of 79,000 deaths and 2.3 million years of potential life lost due to excessive

alcohol use each year (source: Centers for Disease Control and Prevention). While college students are involved in only a portion of these tragic consequences, college high-risk drinking is a significant public health problem. The reduction of high-risk drinking is a leading public health goal in the United States (source: U.S. Department of Health and Human Services).

“Rarely will a single action solve complex problems.”

C. Everett Koop,
former Surgeon General of the United States

College students who do and do not drink, as well as surrounding college communities, are affected by college-level drinking. Additionally, the effects of alcohol consumption on those who do drink persist into later life resulting in negative health, social and economic consequences. The younger the age of first intoxication, the greater the likelihood of those college students to experience alcohol dependence, drive under the influence of alcohol, ride with drinking drivers, be injured under the influence of alcohol and have unplanned and unprotected sex after drinking (source: Hingson et al., 2003a; Hingson et al., 2003b).

A comprehensive, multi-strategy population-based public health approach is needed to best address this complex, multi-faceted problem. But first it is important to define the construct and nomenclature surrounding college level drinking.

Defining The Problem

Why is it called high-risk drinking?

High-risk drinking. Heavy drinking. Heavy-episodic drinking. Binge drinking. Researchers, colleges and universities, students, health care clinical professionals and parents all use slightly different terminology and definitions regarding college level drinking. Students often define it through anecdotal stories on the traditions of excess drinking, such as drinking 21 shots of hard liquor on their 21st birthday or guzzling beer through a funnel. Researchers define it by a defined amount of consumption. Health care professionals consider the clinical symptoms associated with excess consumption of alcohol. Parents and university leaders look at the risk factors involved—physically, financially and academically.

For the purposes of this guide, we will refer to the behavior as “college high-risk drinking.”

What is high-risk drinking, really?

There are three very common research definitions of the term “binge” drinking, which some researchers use in place of “high-risk” drinking. These are:

- University of Michigan-Monitoring the Future Study defines “binge” drinking as five

High-Risk Drinking: **An Overview**

College Alcohol Survey (CAS)

Between 1992 and 2001, Harvard University School of Public Health, conducted four national surveys among 140 randomly selected four-year colleges. At the completion of the study, more than 50,000 students had been surveyed. The CAS also surveyed college and university administrators and presidents to get an overview of the alcohol prevention strategies being used on U.S. campuses and conducted several environmental studies to determine the relationship of binge-drinking levels to the surrounding environment. The results of this landmark study have provided a better understanding of not only the magnitude and persistence of alcohol use and its related consequences among college students, but also the social and environmental factors involved in binge drinking. CAS data over the course of the study estimated the overall rates of college binge drinking at around 44 percent—remaining fairly stable over the decade study (source: Wechsler and Nelson, 2008).

consecutive drinks for men and women (source: Johnston et al., 2008).

- Harvard University College Alcohol Study (CAS) developed a gender-specific definition for “binge” drinking as five consecutive drinks for male and four consecutive drinks for female students (source: Wechsler et al., 1995a).
- National Institute on Alcohol Abuse and Alcoholism (NIAAA) formed a task force to develop a recommended definition of binge drinking. In 2004, the council approved the following definition: *A “binge” is a pattern of drinking alcohol that brings blood alcohol concentration (BAC) to 0.08 gram percent or above. For the typical adult, this pattern corresponds to consuming five or more drinks (male), or four or more drinks (female), in about 2 hours. Binge drinking is clearly dangerous for the drinker and for society (NIAAA, 2004).* Similar to Harvard’s CAS measure, for a typical adult this pattern fits the gender-specific measure of five drinks for a male and four for a female. However, adding to the CAS measure, NIAAA estimates a two-hour period for consumption (source: National Institute on Alcohol Abuse and Alcoholism, 2004).

Do most college students binge drink?

No. According to CAS estimates from 1993 to 2001, the overall rates of college high-risk drinking remained stable—around 44 percent (source: Wechsler and Nelson, 2008). However, even though estimates of national drinking rates remained consistent year-to-year, estimated rates of high-risk drinking among specific college campuses varied greatly, from 1-76 percent (source: Wechsler and Nelson, 2008). A more recent report published in 2009 by the National Institute on Alcohol Abuse and Alcoholism (NIAAA), estimated that 44.7 percent of college students ages 18-24 reported binge drinking at least once in the month prior to their survey participation, a seven percent proportional increase since 1999 (source: Hingson, Zha and Weitzman, 2009). While this is clearly a critical issue, still a majority of college students either abstain completely from alcohol consumption, or drink at low and moderate levels (sources: Johnston et al., 2008; Wechsler and Nelson, 2008). According to the prevention paradox, while as individuals, the heaviest drinkers are at the greatest risk for negative harms associated with excess alcohol consumption; the low and moderate drinkers comprise such a large proportion of the college student population that as a whole, they experience the most negative consequences (sources: Kreitman, 1986; Weitzman and Nelson, 2004a).

Which college students are most likely to participate in high-risk drinking behaviors? Students most likely to drink are those with the greatest access to alcohol and exposure to social norms encouraging or condoning high-risk drinking; see bottom of Page 44.

Are any groups on campus less likely to partake in high-risk drinking than others? Some student demographic characteristics are associated with lower rates of high-risk drinking, including, African American and Asian American students, women, married students, religiously active students and students who volunteer or participate in community and campus organizations (source: Wechsler and Nelson, 2008). Additionally, among white,

High-Risk Drinking: **An Overview**

male, undergraduate students attending colleges in which the student body was comprised of more minority, female and older students, the high-risk drinking rates of the white, male students was lower (source: Wechsler and Kuo, 2003).

Do college men engage in high-risk drinking behaviors more than college women do? Yes. According to several data sources, college men drink more than college women (source: O'Malley and Johnston, 2002). However, according to a 2009 review of alcohol use trends that stratified data, while there are variations based on legal drinking status and gender, the college environment continues to correlate to higher rates of binge drinking among both women and men under and above the legal drinking age (source: Grucza, Norberg and Bierut, 2009).

Additionally, the gap between high-risk drinking levels of college men and women is narrowing as college women's high-risk drinking levels are increasing more rapidly than their male counterparts (source: Grucza, Norberg and Bierut, 2009). This narrowing gap is especially significant because women are at higher risk than are men for serious medical conditions associated with alcohol use. Women absorb and metabolize alcohol differently than men. Because they have less body water and achieve higher concentrations of alcohol in their blood after drinking the same amount as men, women are more likely to develop liver damage and to die from cirrhosis, and are more vulnerable to alcohol-induced brain damage and heart damage. In addition, research studies show that moderate to heavy alcohol consumption increases the risk for breast cancer (source: Gordis, 1999).

What are the factors associated with high-risk drinking behaviors on college and university campuses?

A range of personal and social factors influences high-risk drinking. Perceived notions of what other students are doing, group pressure, the desire to appear 'grown-up,' and positive expectations of alcohol use also play a role. According to the Core Institute's 2006 Alcohol and Drug Survey of more than 70,000 undergraduate students across the United States, 75.9 percent of students believe that alcohol enhances social activity, 63.4 percent of students believe alcohol allows people to have more fun and 53.7 percent of students believe alcohol facilitates sexual opportunities (source: Core Institute, 2006). These perceptions play an important role in why and how much college students drink. More than 70 percent of college students over-estimate how many of their student peers drink alcohol and how much alcohol they drink (source: Perkins, Haines and Rice, 2005).

Are college students the only young adults involved in high-risk drinking?

College students are not the only young adults drinking alcohol. For every 18-24 year old college student there are two 18-24 year olds not in college who account for a more substantial number of those affected by high-risk drinking (source: Centers for Disease Control and Prevention, 2007).

High-Risk Drinking: **An Overview**

Compared to their non-enrolled peers, college students demonstrate rates of high-risk drinking at higher levels. Some of this can be attributed to the transition from the teen years to adulthood, and the diverse life choices available to individuals during this time in their lives. In the years from high school to college, massive changes occur in almost every domain, and self-direction in everyday life increases. During this period, adolescents can establish patterns of drinking which set them on a trajectory of life-long alcohol misuse.

Results from the 2007 longitudinal *Monitoring the Future* study reported that 34 percent of 18-24 year olds not enrolled in college drank at high-risk levels significantly less frequently than the 41 percent of their peers enrolled in college (source: Johnston et al., 2008). However, because there are far greater numbers of 18-24 year-olds not in college than those in college (source: Hingson, Zha and Weitzman, 2009), it is critical to implement a comprehensive approach that involves communities surrounding college campuses as well as college students in particular.

The Consequences Of High-Risk Drinking

What are some of the public health effects of primary and secondary college high-risk drinking?

The effects of college high-risk drinking behaviors are as diverse as those who partake in the behavior. Consequences vary from chronic conditions and impairments to deadly accidents and unintentional harms. Alcohol lowers inhibitions, which can lead to illegal, reckless behavior, and/or unsafe sex (source: U.S. Department of Health and Human Services, 2007). Alcohol-related factors remain the leading influence in the top three causes of death (automobile crashes, suicide and homicide) among youth 15-24 years old (source: U.S. Department of Health and Human Services, 2007).

According to 2005 data, more than 1,825 college students aged 18-24 die each year from alcohol-related injuries, a proportional increase of three percent since 1998 (source: Hingson, Zha and Weitzman, 2009). Alcohol intoxication is often implicated for alcohol-related harms in terms of traffic fatalities and injuries, violence, sexual assault, rape, having unprotected sex, unintentional injury, vandalizing property, mental impairment and falling behind in school among college students (source: U.S. Department of Health and Human Services, 2007).

Individuals who binge drink and especially those who frequently drink at high-risk levels are more likely to experience alcohol abuse and/or dependence (source: Bingham, Shope and Tang, 2005). High-risk drinking behaviors in college are also associated with consequences later in life regarding alcohol use, alcohol abuse, and financial, social and career success (source: American Medical Association, 2004). Additionally, high-risk drinking has increased among adults throughout the United States. Between 1995 and 2001, high-risk drinking episodes per person increased 35 percent per year and those who binge drink are 14 times more likely to drink and drive compared to those individuals not binge drinking (source: Naimi et al., 2003).

High-Risk Drinking: **An Overview**

The many people in surrounding communities harmed by the actions of intoxicated students (in car crashes, etc.) underscores the responsibility of colleges – and society at large – to address the issue of underage high-risk drinking.

How many students fit alcohol abuse and/or dependence diagnostic criteria?

While a majority of students do not engage in high-risk drinking behaviors, more than 31 percent of all students fit the American Psychiatric Association's Diagnostic and Statistical Manual-IV (DSM-IV) definition of alcohol abuse and about six percent meet the DSM-IV diagnostic criteria for alcohol dependence (source: Knight et al., 2002). However, very few students who fit the diagnostic criteria for alcohol abuse or dependence seek treatment, and a majority of students with alcohol abuse or dependence problems do not believe that they need treatment (source: Knight et al., 2002). Reaching this population through early identification, screening and treatment is important because absent early intervention, alcohol dependence issues continue throughout an individual's life and negatively impact a person's chances of marrying, completing their educational and career goals, and becoming financially independent (source: American Medical Association, 2004).

What role does college high-risk drinking play in alcohol-related car crashes each year?

A majority of the deaths among college-related students 18-24 years old were the result of traffic-related deaths (source: Hingson, Zha and Weitzman, 2009). Nearly half of the people who die in crashes involving drinking drivers ages 18-24 are persons other than the drinking driver (source: Hingson, Zha and Weitzman, 2009). From 2001 to 2005 the rate of alcohol-related traffic deaths among college students decreased seven percent from 15.2 to 14.1 percent (source: Hingson, Zha and Weitzman, 2009). Laws aimed at reducing alcohol consumption of youth and drinking and driving of all ages have had significant impacts on alcohol consumption and drinking and driving accidents (source: Fell et al., 2009). The Federal Minimum Legal Drinking Age (MLDA) law and the Zero Tolerance Laws enacted in all 50 states alone are estimated to save 732 lives per year (source: Fell et al., 2009). Few colleges and universities have specifically implemented alcohol prevention programs that target and enforce drinking and driving among college students.

A Drinking and Driving Enforcement Program in a College-Campus Community

A community drinking and driving enforcement program was implemented by the West Virginia Governor's Highway and Safety Program to research the effectiveness of an enforcement program. Two communities in West Virginia were compared. Huntington, West Virginia, where Marshall University is located, implemented a college-community program that strongly enforced existing minimum drinking age laws (MLDA). In comparison, Morgantown, West Virginia where West Virginia University is located, served as the control community. Researchers found statistically significant reductions in BAC levels among youth in Huntington where the program was implemented in comparison to Morgantown. In fact, individuals reporting that they drank and drove during the past three months was 72 percent less likely in underage youth 16-20 years old and 30 percent less likely for drivers 21-24 years old in the program group relative to the comparison group.

High-Risk Drinking: **An Overview**

What are some of the negative primary physical effects of high-risk drinking?

The human brain continues to develop through an individual's mid-20s, and excessive alcohol use can result in brain deterioration, including impaired memory and decision-making functions as late regions of the brain are developing (source: American Medical Association, 2004). A 2009 study on binge drinkers found that binge drinkers tend to expend more effort to complete a given task, and have a deficiency in differentiating between relevant and irrelevant information (source: Crego et al., 2009). Moreover, the pattern of binge drinking and then abstinence until the next binge episode has significant negative neuro-cognitive effects. Other physical effects include weight gain and high blood pressure. Consider the fact that a student drinking five regular 12-ounce beers during a binge episode consumes 700-800 calories, nearly half of the daily caloric intake needed each day.

Alcohol Poisoning & Other Fatalities:

Every year, tens of thousands of college students wind up in emergency rooms suffering from the life-threatening effects of alcohol intoxication. Moreover, every year, about a dozen students, including some of the best and brightest and most athletically talented, die from acute alcohol poisoning. Overconsumption of alcohol can kill, or it could lead to irreversible brain damage. Alcohol can depress nerve cells that control breathing and the gag reflex, which can be fatal. Alcohol poisoning can also cause hypothermia and severe dehydration, which also can be fatal.

High-risk drinking is not good for a person's body—and a body responds with highly unpleasant after-effects:

- ✓ Hangovers
- ✓ Vomiting
- ✓ Dry Mouth

Are college students who engage in high-risk drinking behaviors more likely to engage in other risky behaviors?

Students who engage in high-risk drinking behaviors are more likely to practice unsafe sex, and drink and drive. Additionally, researchers have found that high school students who engage in high-risk drinking will more than likely also use drugs and drink, use drugs on school property, have lower grade point averages, carry guns and other weapons, and be injured in fights and suicide attempts (source: Hingson and Kenkel, 2004).

Does high-risk drinking affect college students who are not binge drinking themselves?

Yes. Not only are the students who participate in high-risk drinking affected by their alcohol consumption, their fellow students and neighbors in the surrounding community are affected as well. Those who live geographically closer to college campuses with high drinking rates are more likely to experience such negative secondhand effects as litter, noise disturbances, violence, study and sleep disruptions and vandalism than both those individuals not near a college campus and those not near a college campus with high binge-drinking levels. In fact,

High-Risk Drinking: **An Overview**

non- high-risk drinking students are twice as likely to be affected by such secondhand effects if they live on or near campuses in which over 50 percent of the students drink at high-risk levels (source: Wechsler et al., 1995b.) The 1999 College Alcohol Study (CAS) survey results estimated the following secondhand consequences due to binge drinkers:

- 23 percent had experienced an unwanted sexual advance
- 11 percent had been pushed, hit or assaulted
- 36 percent had been insulted or humiliated
- 16 percent had property damaged
- 71 percent had their sleep or study interrupted (Wechsler et al., 2000)

Is college high-risk drinking associated with increases in sexual violence on campus? Yes. Sexual victimization, sexual assaults and rape are major issues on college campuses and alcohol is involved in a majority of these incidents. A National Institute of Justice study estimated the extent of a wide-range of sexual victimization among college students including a range of sexual incidents, counting sexual threats, unwanted sexual touch and attempted and completed rape. For every 1,000 women attending a college, it was estimated that there might be 35 rapes during each academic year (source: Fisher, Cullen and Turner, 2000). Additionally, according to estimates from the CAS, one out of 20 college women are raped each year with alcohol involved in over 70 percent of these incidents (source: Kuo et al., 2004.)

What are the statistics on campus sexual assaults as related to college high-risk drinking? Up to 70 percent of college students report having sex primarily as a result of being under the influence of alcohol, or to having sex they would not have had if they had been sober (http://hcs.calpoly.edu/peerhealth/alcohol/info_students_stats.html).

Alcohol use is involved in more than half of campus rapes, by either the assailant or the victim.

Safe sex practices are frequently abandoned when students are drunk, even if they do protect themselves when they are sober.

One in twelve college males admit that, as a result of high-risk drinking, they have committed acts that meet the legal definition of rape.

60 percent of college women who are infected with STDs, including genital herpes and AIDS, report that they were under the influence of alcohol at the time they had intercourse with the infected person.

The Center for Disease Control reports that 1 in 1500 college students is HIV positive (http://hcs.calpoly.edu/peerhealth/alcohol/info_students_stats.html).

High-Risk Drinking: **An Overview**

For more information regarding a general overview of high-risk drinking and its consequences, see:

Resources on High-Risk Drinking: An Overview

Defining the Problem

Journal Articles

1. Bingham, CR, Shope, JT and Tang, X. "Drinking Behavior from High School to Young Adulthood: Differences by College Education." *Alcohol Clinical and Experimental Research*, 29(12): 2170-2180, 2005.
2. Grucza, RA, Norberg, KE and Bierut, LAJ. "Binge Drinking Among Youths and Young Adults in the United States: 1979-2006." *American Academy of Child and Adolescent Psychiatry*, 48(7): 692-702, 2009.
3. Hingson, R, Zha, W and Weitzman, ER. "Magnitude of and Trends in Alcohol-Related Mortality and Morbidity Among U.S. College Students Ages 18-14, 1998-2005." *Journal of Studies on Alcohol and Drugs*, Supplement 16: 12-20, 2009.
4. Hingson, R. and Kenkel, D. "Social, Health, and Economic Consequences of Underage Drinking. In National Research Council and Institute of Medicine" *Reducing underage drinking: A collective responsibility, background papers*. [CD-ROM]. Committee on Developing a Strategy to Reduce and Prevent Underage Drinking. Division of Behavioral and Social Sciences and Education. Washington, D.C.: The National Academies Press, 2004.
5. Johnston, LD, O'Malley, PM, Bachman, JG, et al. "Monitoring the Future: National Survey Results on Drug Use 1975-2007." *U.S. Department of Health and Human Services: National Institute of Health*, 2: 1-342, 2008.
6. Kreitman, N. "Alcohol Consumption and the Preventive Paradox." *Addiction*, 81(3): 307-442, 1986.
7. Masten, AS, Faden, VB, Zucker, RA, et al. "Underage Drinking: A Developmental Framework." *Pediatrics*. 121 Suppl, 235-251, 2008.
8. Naimi, TS, Brewer RD, Mokdad, A, et al. "Binge Drinking Among US Adults." *Journal of American Medical Association*, 289(1): 70-75, 2003.
9. Nelson DE, Naimi, TS, Brewer, RD, et al. "State Alcohol-Use Estimates Among Youth and Adults, 1993-2005." *American Journal of Preventive Medicine*, 36(3): 218-224, 2009.

High-Risk Drinking: **An Overview**

10. O'Malley, PM and Johnston LD. "Epidemiology of Alcohol and Other Drug Use Among American College Students." *Journal of Studies on Alcohol Supplement*, 14: 23-29, 2002.
11. Paulozzi, LJ and Xi, Y. "Recent Changes in Drug Poisoning Mortality in the United States by Urban-Rural Status and by Drug Type." *Pharmacoepidemiology and Drug Safety*, 17(10): 997-1005, 2008.
12. Slutske, WS. "Alcohol Use Disorders Among U.S. College Students and Their Non-College Attending Peers." *Archives of General Psychiatry*, 62: 321-327, 2005.
13. Timberlake, DS, Hopfer, CJ, Rhee, SH, et al. "College Attendance and its Effect on Drinking Behaviors in a Longitudinal Study of Adolescents." *Alcoholism, Clinical and Experimental Research*, 31(6): 1020-1030, 2007.
14. Wechsler, H and Nelson, TF. "What We Have Learned from the Harvard School of Public Health College Alcohol Study: Focusing Attention on College Student Alcohol Consumption and the Environmental Conditions That Promote It." *Journal of Studies on Alcohol and Drugs*, 69: 481-490, 2008.
15. Wechsler H, Lee JE, Kuo M, et al. "Trends in College Binge Drinking During a Period of Increased Prevention Efforts: Findings From Four Harvard School of Public Health Study Surveys, 1993-2001." *Journal of American College Health* 50(5): 203-217, 2002c.
16. Wechsler, H, Dowdall, GW, Davenport, A, et al. "A Gender-Specific Measure of Binge Drinking Among College Students." *American Journal of Public Health*, 85: 982-985, 1995a.
17. Weitzman ER. "Social Developmental Overview of Heavy Episodic or Binge Drinking Among U.S. College Students." *Psychiatric Times*, 21(2): 1-2, 2004.

Reports, Presentations and Books

1. *18/21: The Drinking Age*, a 13:41-minute televised report. New York: 60 Minutes, CBS, 2009.
2. *Be Vocal. Be Visible. Be Visionary*. Newton: The Higher Education Center for Alcohol and Other Drug Abuse and Violence Prevention Education Development Center, 1997. (No authors credited.)
3. Hingson, R. "Magnitude and Prevention of College and Underage Drinking Problems." *Presentation for Interagency Coordinating Committee on the Prevention of Underage Drinking (ICCPUD)*. Washington D.C., 2009.

High-Risk Drinking: **An Overview**

4. National Institute on Alcohol Abuse and Alcoholism. "Alcohol and Development in Youth: A Multi-Disciplinary Overview. *Alcohol Research and Health*, 28(3): 175, 2005.
5. *NIAAA Council Approves Definition of Binge Drinking*. Washington: National Institute on Alcoholism and Alcohol Abuse, 2004. (No authors credited.)
6. *Reduce the Proportion of Persons Engaging in Binge Drinking of Alcoholic Beverages*. Washington: U.S. Department of Health and Human Services. Office of Disease Prevention and Health Promotion: Healthy People 2010. (No authors credited.)
7. *The Surgeon General's Call to Action to Prevent and Reduce Underage Drinking*. U.S. Department of Health and Human Services. Washington: U.S. Department of Health and Human Services, Office of the Surgeon General, 2007. (No authors credited.)
8. *Underage Drinking in the United States: A Status Report, 2005*. Washington: Center on Alcohol Marketing and Youth, 2006. (No authors credited.)
9. *What Colleges Need to Know Now: An Update on College Drinking Research*. Washington: National Institute on Alcohol Abuse and Alcoholism (NIAAA), 2007. (No authors credited.)

Web Sites

1. American Academy of Pediatrics
<http://www.aap.org/>
2. American Medical Association (AMA)
<http://www.ama-assn.org>
3. Centers for Disease Control and Prevention (CDC)
 - a. Alcohol Team
http://www.cdc.gov/alcohol/alcohol_team.htm
 - b. Guide to Community Preventive Services
<http://www.thecommunityguide.org/alcohol/index.html>
4. College Alcohol Study (Harvard School of Public Health)
<http://www.hsph.harvard.edu/cas/>
5. The Core Institute
<http://www.siu.edu/~coreinst> www.siu.edu/~coreinst
6. Dartmouth Center on Addiction Recovery and Education (DCARE)
<http://www.dartmouth.edu/~dcare/>

High-Risk Drinking: **An Overview**

7. Healthy People 2010
<http://www.health.gov/healthypeople/>
8. Institute of Medicine of the National Academies
<http://www.iom.edu>
9. Laufer Green Isaac
<http://www.LGICommunications.com>
10. National Center on Addiction and Substance Abuse at Columbia University
<http://www.casacolumbia.org>
11. National Institute on Alcohol Abuse and Alcoholism (NIAAA)
<http://www.niaaa.nih.gov>
12. Robert Wood Johnson Foundation
<http://www.rwjf.org>
13. Substance Abuse & Mental Health Services Administration (SAMHSA)
<http://www.samhsa.gov>
 - a. Center for Substance Abuse Prevention (CSAP)
<http://prevention.samhsa.gov/>
 - b. National Clearinghouse on Alcohol and Drug Information
<http://ncadi.samhsa.gov/>
 - c. National Registry of Evidence-based Programs and Practices (NREPP)
<http://www.nrepp.samhsa.gov/>
 - d. Screening, Brief Intervention and Referral to Treatment
<http://sbirt.samhsa.gov>
14. Substance Abuse Policy Research Program (SAPRP)
<http://www.saprp.org>
15. The U.S. Department of Education's Higher Education Center for Alcohol and Other Drug Abuse and Violence Prevention
<http://www.higheredcenter.org/>

Tools

1. Alcohol Screening Tool-Boston University
<http://www.alcoholscreening.org/>

High-Risk Drinking: **An Overview**

2. The Core Alcohol and Drug Survey (assessing the nature, scope and consequences of alcohol and other drug use on college campuses)
<http://www.siu.edu/~coreinst>
3. Guide to Community Preventive Services
<http://www.thecommunityguide.org/alcohol/index.html>
4. National Institute on Alcohol Abuse and Alcoholism-College Drinking: Changing the Culture
<http://www.collegedrinkingprevention.gov>
5. National Institute on Alcohol Abuse and Alcoholism-Rethinking Drinking: Alcohol and Your Health.
<http://rethinkingdrinking.niaaa.nih.gov>
6. Wechsler, H, Dowdall, GW, Davenport, A, et al. "A Gender-Specific Measure of Binge Drinking Among College Students." *American Journal of Public Health*, 85: 982-985, 1995a.

Consequences of High-Risk Drinking

Journal Articles

1. Brewer, RD and Swahn, MH. "Binge Drinking and Violence." *Journal of American Medical Association*. 294(5): 616-618, 2005.
2. Crego, A, Holguin, SR, Parada, M et al., "Binge Drinking Affects Attentional and Visual Working Memory Processing in Young University Student." *Alcoholism: Clinical and Experimental Research*, 2009. In press.
3. Gordis, E. *Are Women More Vulnerable to Alcohol's Effects?* Washington: National Institute on Alcohol Abuse and Alcoholism, U.S. Department of Health and Human Services, 1999.
4. Grant, JD, Scherrer, JF, Lynskey, MT, et al. "Adolescent Alcohol Use is a Risk Factor for Adult Alcohol and Drug Dependence: Evidence From a Twin Design." *Psychological Medicine*, 36(1): 109-118, 2006.
5. Hingson, RW and Zha, W. "Age of Drinking Onset, Alcohol Use Disorders, Frequent Heavy Drinking, and Unintentionally Injuring Oneself and Others after Drinking." *Pediatrics*, 123(6): 1477-1484, 2009.

High-Risk Drinking: **An Overview**

6. Hingson, R, Heeren, T, Zakocs, R, Winter, M and Wechsler, H. "Age of First Intoxication, Heavy Drinking, Driving After Drinking and Risk of Unintentional Injury Among U.S. College Students." *Journal of Studies on Alcohol*, 64(1): 23-31, 2003a.
7. Hingson, R, Heeren, T, Winter, M and Wechsler, H. "Early Age of First Drunkenness as a Factor in College Students' Unplanned and Unprotected Sex Due to Drinking." *Pediatrics*, 111(1): 34-41, 2003b.
8. Knight, JR, Wechsler, H, Kuo, M, Seibring, M, Weitzman, ER and Schuckit, MA. "Alcohol Abuse and Dependence Among U.S. College Students." *Journal of Studies on Alcohol*, 63: 263-270, 2002.
9. Kuo, MM, Dowdall, GW, Koss, MP, and Wechsler, H. "Correlates of Rape While Intoxicated in a National Sample of College Women." *Journal of Studies on Alcohol*, 65: 37-45, 2004.
10. Wechsler, H, Lee, JE, Hall, J, Wagenaar, AC and Lee, H. "Secondhand Effects of Student Alcohol Use Reported by Neighbors of Colleges: The Role of Alcohol Outlets." *Social Science & Medicine*, 55: 425-435, 2002a.
11. Wechsler, H, Moeykens, B, Davenport, A, et al. "The Adverse Impact of Heavy Episodic Drinkers on Other College Students." *Journal of Student Alcoholism*, 56: 628-634, 1995b.
12. Weitzman, ER. "Controlling Misuse of Alcohol by College Youth: Paradigms and Paradoxes for Prevention." In *Social and Economic Control of Alcohol: The 21st Amendment in the 21st Century*, Jurkiewicz, CL, and Painter, MJ (Eds.). New York: CRC Press, 2008.

Reports, Presentations and Books

1. *Be Vocal. Be Visible. Be Visionary*. Newton: The Higher Education Center for Alcohol and Other Drug Abuse and Violence Prevention Education Development Center, 1997. (No authors credited.)
2. Fisher, BS, Cullen, FT and Turner MG. *The Sexual Victimization of College Women*. Washington: U.S. Department of Justice, 2000.
3. *Harmful Consequence of Alcohol Use on the Brains of Children, Adolescents and College Students*. Chicago: American Medical Association (AMA), 2004.
4. *The Surgeon General's Call to Action to Prevent and Reduce Underage Drinking*. U.S. Department of Health and Human Services. "Washington: U.S. Department of Health and Human Services, Office of the Surgeon General, 2007. (No authors credited.)

High-Risk Drinking: **An Overview**

Web Sites

1. American Academy of Pediatrics
<http://www.aap.org/>
2. American Medical Association (AMA)
<http://www.ama-assn.org>
3. College Alcohol Study (Harvard School of Public Health)
<http://www.hsph.harvard.edu/cas/>
4. The Core Institute
<http://www.siu.edu/~coreinst>
5. Institute of Medicine of the National Academies
<http://www.iom.edu>
6. National Council on Alcoholism and Drug Dependence
<http://www.ncadd.org>
7. National Highway Traffic Safety Administration (NHTSA)
<http://www.nhtsa.gov>
8. National Institute on Alcohol Abuse and Alcoholism (NIAAA)
<http://www.niaaa.nih.gov>
9. Office of the Assistant Secretary for Planning and Evaluation, Health and Human Services
http://aspe.hhs.gov/_/index.cfm
10. Office of the Surgeon General
<http://www.surgeongeneral.gov/>
11. Robert Wood Johnson Foundation
<http://www.rwjf.org>
12. Red Watch Band
<http://www.stonybrook.edu/sb/redwatchband/index.html>
13. Substance Abuse Policy Research Program (SAPRP)
<http://www.saprp.org>
14. World Health Organization (WHO)
http://www.who.int/topics/alcohol_drinking/en/

High-Risk Drinking: **An Overview**

Tools

1. The Alcohol Cost Calculator
<http://www.alcoholcostcalculator.org/>
2. Alcohol-Related Disease Impact (ARDI)
<https://apps.nccd.cdc.gov/ardi/Homepage.aspx>
3. National Institute on Alcohol Abuse and Alcoholism-College Drinking: Changing the Culture
<http://www.collegedrinkingprevention.gov>
4. The Core Alcohol and Drug Survey (assessing the nature, scope and consequences of alcohol and other drug use on college campuses)
<http://www.siu.edu/~coreinst>

EXHIBIT F

The Spur at Williams Brice
Rental Application

RECEIVED SEP 18 2011

Spur Unit # applied for: 101

Date: 9-10-2011

Name of All occupants

Andrew Heineck
Brian Alberts
Rich Ingram

Occupy Date: 6-1-2011

Term of Lease: 12mos

Applicant (1) (legal name): Andrew Heineck

Phone#: (816) 933 5780

Cell#: " "

Drive Lic # (Please attach copy): 100461591

State: SC

Email address: heinecka@gmail.com

By signing below, I certify that I am not attending a 2 or 4 year college, institute, or university; or renting on behalf of anyone attending a 2 or 4 year college, institute, or university. Per Article XIV of The Spur Master Deed, the rental of any unit to any student currently enrolled in a two (2) or four (4) year college, institute, or university is strictly prohibited. Additionally, any tenant of any Unit shall be prohibited from having any roommate that is enrolled in a two (2) or four (4) year college, institute, or university. Owner(s) may allow their child or grandchild that is attending a 2 or 4 year college, institute, or university, to reside in or rent their unit and have 1 roommate that is attending a 2 or 4 year college, institute, or university.

I also understand that I must follow all Spur rules and regulations.

[Signature]
Signature of Applicant

Applicant (2) (legal name): Brian Alberts

Phone#: (706) 836-2884

Cell#: " "

Drive Lic # (Please attach copy): 052044994

State: GA

Email address: sporthen5@gmail.com or brian.alberts@penske.com

By signing below, I certify that I am not attending a 2 or 4 year college, institute, or university; or renting on behalf of anyone attending a 2 or 4 year college, institute, or university. Per Article XIV of The Spur Master Deed, the rental of any unit to any student currently enrolled in a two (2) or four (4) year college, institute, or university is strictly prohibited. Additionally, any tenant of any Unit shall be prohibited from having any roommate that is enrolled in a two (2) or four (4) year college, institute, or university. Owner(s) may allow their child or grandchild that is attending a 2 or 4 year college, institute, or university, to reside in or rent their unit and have 1 roommate that is attending a 2 or 4 year college, institute, or university.

I also understand that I must follow all Spur rules and regulations.

[Signature]
Signature of Applicant

Spur at Williams Brice
Applicant Heineck to sign
heinecka@gmail.com
Andrew Heineck to sign
heinecka@gmail.com
Rich Ingram to sign
richingram@gmail.com
Brian Alberts to sign
brian.alberts@penske.com

The Spur at Williams Brice
Rental Application

RECEIVED SEP 16 2011

Spur Unit # applied for: 101

Date: 9-10-2011

Name of All occupants

Occupy Date: 6-1-2011
Term of Lease: 12 mos

Applicant (1) (legal name): Rich Ingram

Phone#: (864) 9181769 Cell#: " "
Drive Lic # (Please attach copy): 100405476 State: _____
Email address: richingram3@gmail.com

By signing below, I certify that I am not attending a 2 or 4 year college, institute, or university; or renting on behalf of anyone attending a 2 or 4 year college, institute, or university. Per Article XIV of The Spur Master Deed, the rental of any unit to any student currently enrolled in a two (2) or four (4) year college, institute, or university is strictly prohibited. Additionally, any tenant of any Unit shall be prohibited from having any roommate that is enrolled in a two (2) or four (4) year college, institute, or university. Owner(s) may allow their child or grandchild that is attending a 2 or 4 year college, institute, or university, to reside in or rent their unit and have 1 roommate that is attending a 2 or 4 year college, institute, or university.

I also understand that I must follow all Spur rules and regulations.

Rich Ingram
Signature of Applicant

Applicant (2) (legal name): _____

Phone#: _____ Cell#: _____
Drive Lic # (Please attach copy): _____ State: _____
Email address: _____

By signing below, I certify that I am not attending a 2 or 4 year college, institute, or university; or renting on behalf of anyone attending a 2 or 4 year college, institute, or university. Per Article XIV of The Spur Master Deed, the rental of any unit to any student currently enrolled in a two (2) or four (4) year college, institute, or university is strictly prohibited. Additionally, any tenant of any Unit shall be prohibited from having any roommate that is enrolled in a two (2) or four (4) year college, institute, or university. Owner(s) may allow their child or grandchild that is attending a 2 or 4 year college, institute, or university, to reside in or rent their unit and have 1 roommate that is attending a 2 or 4 year college, institute, or university.

I also understand that I must follow all Spur rules and regulations.

Signature of Applicant

For Board Use Only

Board Approved ____ Yes ____ No
Date _____
Approved _____

EXHIBIT G



PHONEBOOK

South Carolina's Flagship University

[HOME](#)[ADVANCED SEARCH](#)[HELP](#)[FAQ](#)[CORRECTIONS](#)[NEW SEARCH](#)[All Directories](#)

alberts brian p

email:	albertsb@email.sc.edu
phone:	(706) 836-2889
campus:	columbia
school:	college of arts and sciences
major:	political science
degree:	bachelor of arts

Disclaimer: Students, Faculty, and Staff are responsible for registering and maintaining their own email addresses and FAX numbers. Updates can be made through VIP.

It is a violation of South Carolina law to use this personal information for commercial solicitation.

[RETURN TO TOP](#)[USC LINKS:](#)[DIRECTORY](#)[MAP](#)[EVENTS](#)[VIP](#)[SITE INFORMATION](#)Columbia, SC 29208 • 803-777-7000 • ph@sc.edu

© University of South Carolina Board of Trustees

IN THE STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)
The SPUR at Williams Brice)
Owners Association, Inc.,)
Plaintiff,)
vs.)
Sunil V. Lalla and Sharon W. Lalla,)
Defendants.)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

CASE No.: 2011-CP-40-6704

AFFIDAVIT OF SUNIL V. LALLA

2013 JAN 22 PM 1:26

PERSONALLY APPEARED before me, Sunil V. Lalla, who first being duly sworn,
deposes and says:

1. My name is Dr. Sunil Lalla. I am over the age of eighteen and otherwise competent to execute this Affidavit. I am a licensed physician practicing in Georgetown, South Carolina.
2. In 2007, I purchased Condo Unit 101 at the Spur.
3. I purchased the condo to enjoy football games at USC.
4. The purchase price was \$470,000 for my three bedroom condo.
5. At the time of my purchase, the average price for like condos was \$450,000 to \$600,000.
6. I believed, based upon the sales representative's presentation, that this condo would increase in value and be an excellent long term investment.
7. I also had a daughter who was considering attending USC.
8. My intention was that my daughter would be occupying the condo with two roommates.

9. It was my intention to receive rental payments from my daughter's roommates.
10. It was my understanding this arrangement would be allowed by the Homeowner's Association (HOA).
11. I would not have purchased this condo if my daughter and her roommates could not have rented this condo, or I could not rent the condo to other students.
12. In 2008, the economy collapsed. The condo's price and value plummeted.
13. I considered selling the condo, but could find no buyers.
14. The condo was placed on the real estate market several times. It was listed for a year and a half. I took it off the market and then put it back on the market.
15. I have been trying to sell the condo for four years.
16. I have had no written or verbal offers of any amount for this condo.
17. I received a communication from the HOA dated May 5, 2008. Exhibit 1 is incorporated herein.
18. The HOA sought to address short term rentals and the displaying of flags and banners. The HOA also acknowledged the depressed economy and problems in obtaining condo sales financing.
19. I voted to allow the flying of banners and flags at all times. Exhibit 2 is incorporated herein.
20. I voted against an amendment to the master deed limiting leases or rentals to a minimum of six (6) months. Exhibit 3 is incorporated herein.
21. I received a copy of the HOA Minutes of 4/19/2008. The Minutes stated, "Proper reserves were not transferred at the time of association turnover, per Master Deed guidelines,"

indicating to me that the Master Deed was not being enforced by the HOA. Exhibit 4 is incorporated herein.

22. I received from the HOA a Rules & Regulations notification. Short term rentals were still allowed. No reference was specifically made to students renting units. Exhibit 5 is incorporated herein.

23. In the summer of 2010, I began renting this condo to defer my costs.

24. My choices were to either rent it or allow foreclosure.

25. I decided that renting my condo would help to preserve the value of my individual condo and the entire development by having the condo occupied rather than vacant.

26. I received from the HOA a memo addressing rental restrictions dated July 6, 2010. Exhibit 6 is incorporated herein. This was the first action taken by the HOA to specifically enforce rental requirements against students. The HOA allowed current leases to continue while recognizing that some condos had been rented to students.

27. July 19, 2010, the HOA acknowledged that I had complied with their requirements in providing information on the students who were renting my condo. Exhibit 7 is incorporated herein.

28. Upon information and belief, several condos were and are currently being rented to students.

29. The three students who were renting my condo were all over 21. Each student had a separate bedroom.

30. One student was a Miss Teen South Carolina.

31. These students complied with all association rules and were excellent tenants.

32. These students were seniors and would be occupying the condo as students for their senior year.

33. I met with their parents prior to renting to them.

34. The HOA originally stated that current students could finish their lease.

35. After the provisional time allowed by the HOA and the original students graduated, I rented to three fifth year students.

36. Two of these students were classified as fifth year students completing their paid internships and studies.

37. These students were also excellent tenants.

38. I received a document from the HOA dated May 25, 2011 which stated,

This is a reminder that July 6, 2010 you were sent notification that The Spur Board of Directors would be enforcing all provisions of the Master Deed and beginning June 1, 2011 these provisions will be strictly enforced.
Exhibit 8 is incorporated herein.

39. Upon information and belief, from the beginning of occupancy of units at The Spur, students rented condos through both short term and long term leases. Upon information and belief, prior to June 1, 2011, the HOA waived all non compliance with the Master Deed requirements regarding student rentals.

40. I received a memo from the HOA dated August 16, 2011 requesting rental information regarding my unit. Exhibit 9 is incorporated herein.

41. I complied with the HOA request and forwarded the Rental Application dated September 10, 2011 to the HOA. Exhibit 10 is incorporated herein.

42. These fifth year students graduated in December of 2011. Two of these students continue to occupy the condo as non-students who are currently employed.

43. Upon information and belief, these former students are now acceptable to the HOA, because they are no longer enrolled in college.

44. When the second group of student tenants was moving in, I was notified by the HOA that these fifth year students were also not allowed by the HOA.

45. I provided to the HOA all of the information requested about my tenants.

46. I provided their drivers' licenses numbers to the HOA.

47. I also provided the Rental Application dated May 6, 2012 to the HOA for my non-student renters. Exhibit 11 is incorporated herein.

48. I did all that I was asked to do by the HOA in identifying these tenants.

49. Upon information and belief, the HOA did not find nor has any reason for excluding my current tenants who are no longer students from renting my condo.

50. The HOA, I believe, has used me as an example to other homeowners who have rented their condos to students rather than suing all homeowners who have previously rented to students.

51. The HOA has provided no proven incidents of improper behavior by any of my tenants when they were students.

52. The Association has offered no compensation for my damages in addressing this situation.

53. The HOA has not provided to me a comprehensive plan of the HOA for addressing the decrease in condo values or my inability to sell my condo at any price.

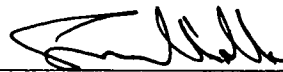
54. I am a physician and have taken a substantial amount of time from work in addressing this issue.

55. The HOA policy of selectively excluding students from renting condo units is unfair, improper, discriminatory, unenforceable, and has no rational basis.

56. All other condominium complexes in the allow rental of the condominium to students which makes them more desirable for resale. The HOA policy is exacerbating a decline in property values for the Spur by attempting to restrict rentals and is financially damaging to owners.

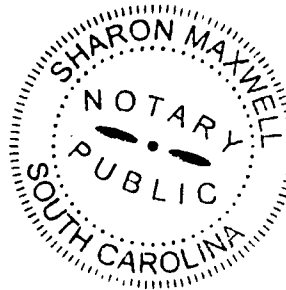
57. At the present time I am not renting my condo to students.

FURTHER AFFIANT SAYETH NOT.



Sunil V. Lalla

SWORN TO AND SUBSCRIBED
before me this 15th day of January 2013



NOTARY PUBLIC FOR SOUTH CAROLINA
My commission expires: 11-26-2017

EXHIBIT 1

THE SPUR AT WILLIAMS BRICE

OWNERS ASSOCIATION INC.

1100 Bluff Road

Columbia, SC 29201

Date: May 5, 2008
To: Spur Owners
From: Board of Directors
Re: Annual Meeting results

The Spur's annual owner's meeting was held on April 19, 2008 on the roof level. We would like to thank everyone who came out on that blustery day to attend. Enclosed are the meeting minutes for your review.

To update those that were not in attendance and to follow up for those that were, there were two crucial items of concern that were brought forth for discussion.

The first was a possible Master Deed amendment regarding rentals. The Board has deliberated on this since the football season last year and would like everyone to understand why they felt the need for this to be put out to the owners for a vote. Most of you do not realize the work that some of the Board put in last year during the weekend home games and the time they gave up spending with their own family and guests. They were constantly called upon to police the property, answering several calls a day in regards to problems not with just the building, but problems with people staying at the building. There were several times where these Board members had to confront people about issues regarding trash, public drunkenness, flag holders being drilled into the building and other items. When confronted, these people were not owners or even family member of owners but weekend renters. After several Board meeting discussions, the Board came to the conclusion that short term renters do not have the respect that owners or long term renters would have for the property. In less than a year someone has already vandalized the elevator walls and doors with scratched in graffiti. On top of this, with the economy at its present point, financing on condominiums is becoming harder to obtain. This will be even more difficult if Management has to keep answering condo questionnaires that state short term renting is allowed. Lenders do not like this as they look at it as a condo hotel and the harder it is to sell the more likely that property values will decrease. Enclosed you will find a voting sheet for you to vote your decision. If you have any questions regarding this vote, please contact Michelle with Landmark Resources or one of your Board members.

The second discussion was regarding the displaying of flags and banners. The majority of the Board has their feelings that only University of South Carolina items should be display because of the proximity of the stadium and what the building was intended for. After much discussion

Landmark Resources, LLC
1600 Park Circle, Ste. 104, Columbia, SC 29201

Office (803) 312-9999
Fax (803) 988-1067

3

Page 2 of 2
Annual Meeting Results

and debate at the annual meeting, we are asking for the opinions of the owners on this issue. You will find an opinion sheet on this item also enclosed. If you have any questions on this, again please call Michelle with Landmark Resources or one of your Board members.

We would like as much participation as possible for these items, so please fill out these forms and return them in the enclosed self addressed envelope.

Board of Directors:

President; Tommy Fowler 843-442-4380
Vice President; Robbie Dunton 803-309-1473
Sec/Treasurer; Jeff Herring 803-609-0919
Randy Cole 803-513-7404
Ted Talmage 803-237-4422
Greg Hensley 864-918-2924
Bill Hargrove 803-242-4935
Robert Shealy 803-960-8588

Please note that Landmark Resources' has a new office number (803) 312-9999.

Landmark Resources, LLC
1600 Park Circle, Ste. 104, Columbia, SC 29201

Office (803) 312-9999
Fax (803) 988-1067

EXHIBIT 2

THE SPUR AT WILLIAMS BRICE

OWNERS ASSOCIATION, INC.

1100 Bluff Road

Columbia, SC 29201

Opinion for Flags/banners allowed

I(we), being owner(s) of condominium # 101 within 1100 Bluff Road do hereby have the following opinion regarding the flying of flags or banners from The Spur at Williams Brice;

(please check one):

1. ☒ I (we) vote for the flying of any type of flag or banner
_____ at all times Or _____ only game weekends

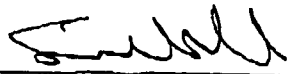
OR

2. _____ I (we) vote for the flying of only University of South Carolina flags or banners.
_____ at all times Or _____ only game weekends

OR

3. _____ I (we) vote that there be no flags/banners allowed.

This voting does not override that fact that per the master deed items are not to be attached to the building or railings.


Signature(s)

803-286-9780
Phone Number

5-30-08
Date

Please mail original signed form back in the enclosed self addressed stamped envelope by May 31, 2008.

Landmark Resources, LLC
1600 Park Circle, Ste. 104, Columbia, SC 29201

Office (803) 312-9999
Fax (803) 988-1067

EXHIBIT 3

THE SPUR AT WILLIAMS BRICE

OWNERS ASSOCIATION, INC.

1100 Bluff Road
Columbia, SC 29201

Vote for Amendment 1 to the Master Deed

I(we), being owner(s) of condominium # 101 within 1100 Bluff Road do hereby vote the following with all my(our) vote of interest in The Spur at Williams Brice

Article XIV is amended to add:

"Leases or rentals are limited to a minimum term of six (6) consecutive months. All signed lease and rental agreements must be submitted within seven (7) days of the agreements' inception date to the Association's Property Management Firm for review and retention. Failure to conform with these guidelines will result in an automatic termination of the lease/rental agreement. The leasor/renter will have thirty (30) days to vacate the unit. The unit owner will be assessed a fine of \$1,000 for the first infraction and up to \$5,000 for any infraction thereafter."

(please check one):

☐ I (we) approve the amendment as written as the first amendment to the master deed.

OR

☒ I (we) do not approve the amendment to the master deed.

Signature(s) [Signature]

Phone Number 803 - 286 - 9780

Date 5-30-08

Please mail original signed form back in the enclosed self addressed stamped envelope by May 31, 2008.

Landmark Resources, LLC
1600 Park Circle, Ste. 104, Columbia, SC 29201

Office (803) 312-9999
Fax (803) 988-1067

ROA 0319

6

EXHIBIT 4

The Spur HOA

Minutes 4/19/2008

9:09am Call to order by President Tommy Fowler

Annual meeting pronounced to be held in memory of Jack Springs and Robert Rogers.

Budget and Agenda handouts were distributed via mail and were available at the meeting.

Michelle Miller was introduced as the representative of Landmark Resources. She proclaimed a quorum with 51% of property owners and proxies present. Listing attached.

The Board members were introduced.

Reading of Minutes:

Approved unanimously.

Officer Reports:

1) President's report- Tommy Fowler announced the regime fees for the following year would remain the same. He also introduced Landmark Resources as the POA's property management company.

2) Vice President's report- Robbie Dunton discussed the landscaping work that was done during the year. New mulch and new palmetto trees have been placed. He discussed a new sign that was placed on the corner of Bluff Road and Berea Road featuring "The Spur." Also mentioned were new trash cans that are on order for the grounds.

3) Secretary/Treasurer's Report- Jeff Herring discussed the POA website "Thespuratwo.com" He also spoke about property taxes and attempts to contact the city regarding their assessment of The Spur as commercial property.

Old Business:

Tommy Fowler discussed fund transfer issues from the developer to the POA. Proper reserves were not transferred at the time of association turnover, per Master Deed guidelines. Michelle Miller discussed work she has been doing with an investor of The Spur to obtain a proper transfer of regime funds.

Tommy Fowler discussed a suggestion by property owners to obtain a bulk cable rate from Time Warner. In order to get a bulk rate, all units (sold or unsold) must subscribe. This would mean some of the regime fees would have to go to paying for cable. This item will be revisited when the unit is at 100%.

Budget

Michelle Miller reviewed and discussed the 2008 budget.

New Business

The following were items discussed as new business:

1. Security- a motion was made to add another security guard to the grounds on game days. It was approved unanimously.
2. A suggestion was made to place portable toilettes on the grounds during game days. The vote was not approved unanimously, but enough votes were in favor to allow the Board to make a decision based on interests.
3. Pest control- the POA does not have a pest control contract. A suggestion was made to obtain quotes for such. An update will be provided as soon as this is done.
4. Signs on property- a reminder was made that signs are not allowed to be displayed on limited common areas of The Spur.
5. Grills may be prohibited- Michelle Miller stated she met with the new insurance carrier for The Spur. They have mentioned to her gas grills may be disallowed on balcony units. She stated she will send an update if they confirm this.
6. New Placards- new placards will be ordered for each unit. They will be mailed by mid July.
7. Master Deed amendment proposals- 2 topics were discussed:
 - a. Limiting flags displayed on limited common areas to that of The University of South Carolina only. There were differing opinions. A vote will be made via mail that will have the following choices: ability to display any type of flag on limited common areas, prohibiting all flags from flying in limited common areas, allowing only that of The University of South Carolina at Columbia flags to be displayed on limited common areas.
 - b. Defining short term rentals. A vote via mail will be made on defining the minimum term an owner may lease or rent her/his unit(s). The amendment proposal defines this term as a minimum of six(6) months.

Questions/Topics

1. A suggestion was made to create a key access to the elevator for security purposes. As funds become available, this item will be further examined.

A motion was made to adjourn. It was second and passed unanimously.

EXHIBIT 5

THE SPUR AT WILLIAMS BRICE

OWNERS ASSOCIATION INC.

1100 Bluff Road

Columbia, SC 29201

Rules & Regulations

**All Owners, Residents and Guests
must adhere to these rules and regulations.**

Violations of these Rules and Regulations are subject to fines.

Condominium living necessitates rules and regulations to insure the comfort and safety of all residents and to protect the investment of all owners. In order to create a congenial and dignified residential atmosphere, your Board of Directors has adopted the following rules and regulations for the guidance of all owners, residents and guests.

1. Renting of Units

Owners are responsible for their resident's compliance with the rules and regulations of the Association no matter the length of the rental. *Any violation of the rules and regulations and any fines issued will be the responsibility of the unit owner.* Unit owner (or their rental agent) is responsible for incorporating these rules and regulations into their leases. We recommend that you also keep a copy of these posted in your unit at all times, especially for short term rentals. Association management company must be given at least 2 days in advance the leaser's name and contact number that will be occupying the unit at any given time. Failure to do this will result in a \$250.00 fine.

2. Parking And Use Of Vehicles

101

Parking is by assigned parking only. Any vehicle parking in another space without permission is susceptible to towing. This space is your responsibility. If an unauthorized vehicle is parked in your space you will need to call City Garage @ 765-9780 and have the vehicle towed. When the tow truck arrives you will need some type of identification to show the driver. If City Garage is unavailable, you have the right to call another tow company.

During game or special event weekends you must have your parking placards to have access to the parking lot. Anyone without the parking placard will not be allowed through the gate. There are no exceptions. Only two vehicles per unit are allowed during these times. If two vehicles have already been checked into your spots, any others will be denied access through the gate.

Automobiles in a state of disrepair or not having current tags shall not be left on The Spur property. Only passenger vehicles can park on the property and can not exceed the size of one space. All commercial vehicles, campers, boats, trailers and RVs are prohibited from parking on any portion of the condominium property.

Because of the critical need of access for fire equipment and trash removal trucks, vehicles parked anywhere other than the marked spaces will be towed.

Motor vehicles may not be washed, waxed or repaired on the premise.

Motorcycles and mopeds shall be parked in assigned parking areas only and shall not be brought into hallways, elevator or into individual apartments or parked on sidewalks. Motorcycles and mopeds are not permitted in the storage rooms in the garage.

Any motor vehicle in violation of parking rules will be towed at car owner's expense.

3. **Annoyances**

Being thoughtful of one's neighbor is essential in a multi-family community. Therefore, excessive disturbing noises in dwellings of the common elements that interfere with the rights, comforts or other conveniences of neighbors cannot be allowed.

Noise from televisions, stereo equipment, people, etc., should be kept to a minimum at all times and especially during the hours of 10:00 p.m. through 8:00 a.m.

The Columbia Police Department will be notified when excessive noise occurs. Owners will be held responsible and notified of complaints against their residents. Disturbances caused by any residents will result in police and/or Board action.

The use of weapons or noise makers is prohibited.

4. **Pets**

These rules will be strictly enforced for the comfort and well being of all pet and non-pet owners living at The Spur:

1. No animal should relieve themselves in the elevators, walkways, stairwells or any other hard surfaces.
2. You must immediately clean up after your pet.
3. All pets should be on a leash at all times. This is a city ordinance that must be followed along with all other City pet ordinances.
4. Pets should not be a nuisance to other residents. Any animal that is a continued nuisance will be asked to be removed from the building. Pets should not be housed on any balcony.

Violation of pet rules will be subject to immediate fines of \$50 for each instance.

5. **Signs**

No sign, advertising or notices of any kind or type, including but not limited to "For Rent" and "For Sale" shall be permitted or displayed on the exterior of any unit nor shall it be displayed in any manner as to be visible from the exterior of any unit.

6. **Banner/Flags**

Only University of South Carolina flags or banners are permitted. Banner or Flags can only be displayed during the football season, September through November. No flag or banner can be attached in any way to the building that will cause damage to the building.

1st offence verbal warning and immediate removal within 15 minutes of notice. \$500 fine if not removed as stated and immediate confiscation by security.

7. Exterior Items

No radio or television antenna or wiring for any such purpose may be installed on the exterior of the building. No mops, clothing, rugs, banners, or any other item shall be hung inside or outside windows or balconies in public view. No clotheslines are allowed. All window treatments from outside view should be white or off white in color. Balconies shall not be used as a storage area; including, but not limited to, bicycles, gym equipment, tools or furniture other than regular patio type furniture.

8. Elevator

Do not prop open the elevator doors for loading or unloading. Doing this will shut down the elevator and make it inoperable for others to use. Make sure that anyone you have moving in or out and if you have caterers catering an event that they know this.

There are to be no move-ins or move-outs on game day. No deliveries of furniture, appliances or other such items are to be delivered on game day. This includes special event furniture delivery. The only deliveries that will be allowed through the gate on game day will be food and catering.

9. Trash

Disposal of trash shall be by the use of the garbage chutes on each floor, or by the dumpster provided in the parking lot. Boxes, mops, brooms or other large items are not to be put into the chutes. These items must be carried down to the dumpster located in the parking lot. All household trash **MUST** be secured in bags. If you have a catered event, caterers must use the parking lot trash container. Any construction debris such as appliances, carpet, flooring or furniture must be hauled off the property.

10. Littering or Release of Bodily Fluids in common areas

There is to be no littering or releasing of body fluids in any common areas which include halls, stairwells, elevator, etc. This includes but is not limited to: trash, drinks, spitting, urinating and vomiting. Violation of this rule will be considered vandalism and have an automatic fine of \$1,000.

11. Outdoor Cooking

Outdoor cooking with charcoal grills strictly prohibited. No accelerants are allowed to be used on any type grills or stored on balconies. Gas grills are allowed to be used on balconies with caution. **Anyone using a gas grill is required to have a type ABC fire extinguisher on the balcony.**

12. Trespassing

Any unauthorized person found on the premises of The Spur will be reported to the police and repeat violators will be prosecuted to the fullest extent of the law.

13. Building Damage

Any damage to common, limited common areas or other units is the responsibility of the offending party and will be considered vandalism with a minimum \$1,000 fine plus the cost of

repairs. Residents or Owners are responsible for any damage caused to common areas by their guests.

14. Fire Procedures

If you discover a fire in your unit, please do the following:

- A. Immediately call the Fire Department (911) and tell the dispatcher the floor and unit number, as well as the buildings name and address – The Spur, 1100 Bluff Road.
- B. Without further delay, leave your apartment and be sure to close your door behind you.
- C. Alert the other residents on your floor by striking the nearest fire alarm along your exit route.
- D. Use the nearest stairway to leave your floor. **DO NOT USE THE ELEVATOR.**

The Penalty For Falsely Pulling A Fire Alarm OR Tampering With Any Fire Equipment Is A Fine Of \$1,000. This Is A Misdemeanor Offense Punishable by Law.

15. Alterations

For any interior architectural alterations please refer to the Master Deed for The Spur at Williams Brice.

No alteration or addition to any of the common elements or limited common areas shall be made by any owner or resident. All such work is the responsibility of the Board of Directors acting on behalf of the Association.

16. Occupancy

Refer to the Master Deed for The Spur at Williams Brice.

17. Guests

All residents are responsible for their guest's actions.

18. Smoking

There is to be NO smoking in the elevators or stairwells. Do not throw cigarette butts off the balconies or roof levels.

19. Rule Changes

The Board of Directors reserves the right to change or revoke existing rules and regulations and make such additional rules and regulations from time to time, as in their opinion, shall be necessary.

Residents and owners are encouraged to enforce these rules and regulations through notification of the Board, Managing Agent or Columbia Police Department, as necessary.

Violation of these Rules and Regulations, unless noted otherwise, will result in the following fines:

1st offense - written warning

2nd offense - \$100 fine

3rd offense - \$200 fine and possible legal action by Board of Directors

These fines are in effect for all violations except where individual fines are stated in each section.

Managing Company for The Spur:

Landmark Resources, LLC
1600 Park Circle, Ste. 104
Columbia, SC 29201
Office: (803) 312-9999

To report any common area problems or file a complaint against rule violators, please contact the Landmark Resources at (803) 312-9999 or email mlmiller@landmarkresources.biz.

After hours emergencies: Page (803) 551-0129 this pager does not pick up numbers from some cell phones, if no call back within 10 minutes, please try a land line.

What are after hour emergencies?

1. Unknown water leaking into hallways, common areas or your unit and you are unable to contact the person above or next to you.
2. Someone trapped in elevator call 911 then call emergency number.

EXHIBIT 6

To: The Spur at Williams Brice Horizontal Property Regime
 From: Board of Directors
 Re: Association Update
 Date: July 6, 2010

Since our election, we have held many Board meetings for the purpose of better organizing our community and to make certain that The Spur at Williams Brice Horizontal Property Regime is abiding by its governing documents and state law. We have retained a new law firm for the Association. We have met with our attorneys to discuss how to best operate The Spur. We have made the Association's legal counsel to make certain the Association is complying with state law. As a result, there are many changes. Here is an update on several significant issues.

RENTAL RESTRICTIONS

The Master Deed is the filed legal document that governs what can and cannot be done by members in the Association. It is part of the public record, and our attorneys have advised us that all provisions of the Master Deed must be followed. The Board does not have the authority to ignore or waive provisions of the Master Deed.

With that said, the Master Deed does contain a rental restriction provision. Specifically, Article XI, Section 1.1 of the Master Deed states: "The Restrictions and Limitations." While there are quite a few specific provisions:

- (1) No "For Sale" or "For Rent" signs shall be permitted on any General or Limited Common Element or any Condominium Unit to be taken from any General or Limited Common Element or public street or area.
- (2) Any rental agreement concerning the use of the Unit must be in compliance with the requirements of the Master Deed and the rules and regulations of the Association and terms adopted by the Board of Directors of the Association.
- (3) The rental of any unit to any person currently enrolled in a two (2) or four (4) year college, institute, or university is prohibited. Additionally, any tenant of any Unit shall be prohibited from having any roommate that is enrolled in a two (2) or four (4) year college, institute, or university.
- (4) Any tenant in violation of this restriction shall have their lease automatically terminated, and shall have thirty (30) days to vacate the Unit. Any residential lease agreement being used by any owner or owners shall contain notice of this provision.
- (5) Any owner or owner(s) may allow their child or grandchild to reside in, or rent, the Unit that they own, even if that child or grandchild is currently enrolled in a two (2) or four (4) year college, institute or university.
- (6) A child or grandchild of any owner or owners who reside in, or rent out, their parents or grandparents Unit shall be entitled to have one (1) roommate who is also currently enrolled in a two (2) or four (4) year college, institute, or university.

Without getting into whether these provisions are a good idea, the Board must enforce them. The Board has no authority to amend the Master Deed (which only the membership can do). As result, going forward ALL LEASES OF UNITS MUST BE SUBMITTED TO THE ASSOCIATION BOARD FOR REVIEW.

The Board recognizes that some units are currently rented that may not have gone through the review process. To properly address future rental applications, the Board must know which units are currently rented and which units are non-owner occupied. As a result, enclosed is a "STATUS OF UNIT OCCUPANCY" sheet. **THIS FORM MUST BE COMPLETED AND RETURNED TO THE ASSOCIATION BY JULY 31st, 2010.** If you rent a unit, any student currently leasing your property will be allowed to stay in the unit for a year lease. However, all student leases in violation of the Master Deed must terminate no later than May 31st, 2011. **In addition, anyone not reporting this form to the Association will be in violation of the Association's governing documents and may be subject to fines of up to \$200 per week.**

EMERGENCY ACCESS TO UNIT

The Master Deed also contains specific provisions to emergency access within the Association. Article XVII Right of Entry into Units in Emergencies provide as follows:

In case of any emergency threatening any Condominium, regardless of whether the owner is present at the time of such emergency, the Board of the Association or any other person or firm authorized by the Board of the Association, shall have the right to enter the Condominium for the purpose of remedying such emergency, and such right of entry shall be deemed to be a necessary and proper exercise of the Association's right to facilitate entry in the event of any such emergency into any such Condominium, if required by the Association, shall be deemed to be under the control of the Association and a key to such Condominium shall be provided to the Association.

At this time the Board of Directors requires all owners to register a valid key to your Condominium. Failure to do so will result in fines of up to \$200.00 per week and costs associated with having to enter the premises during emergency circumstances.

INSURANCE by OWNERS

Article XXV Section G. states that each owner shall be responsible for obtaining such amounts of the following types of insurance as he deems necessary or desirable. **Hazard** insurance on his Condominium for his own benefit; **Hazard** insurance on the contents of his Condominium and on improvements made to his Condominium; and **Liability** insurance covering accidents occurring within the boundaries of this Condominium.

will be
Sketch in
- Age
- Amounts/Limits
- C/L's/Limits
Explain

10/22/10 7:30
10/22/10 7:30

Any owner who obtains hazard insurance on his dwelling for his own benefit shall within thirty (30) days of obtaining the same deliver to the Board of Directors a copy of the policy insurance, should the Board request.

Therefore, at this time the Board of Directors for the Spur is requiring all owners to provide a Certificate of Insurance listing the Association as a Certificate Holder. The certificate holder box should read as follows: The Spur at Williams Brice Horizontal Property Regime, c/o Landmark Resources 1600 Park Circle, Suite #104, Columbia, SC 29201.

Please understand that the Board has addressed each of these issues carefully and with the advice of our Association's attorney. We are not being arbitrary in these decisions but are following the precise language of the Master Deed. These restrictions were designed to provide a uniform and well-maintained community, which protects property values and make the Spur a great community in which to live.

Without question, if you have any questions or concerns about the Association, feel free to contact me at (803) 312-9999 or via email at association@landmarkresources.com.

Kindly,

Dinetra Toney,
Association Manager

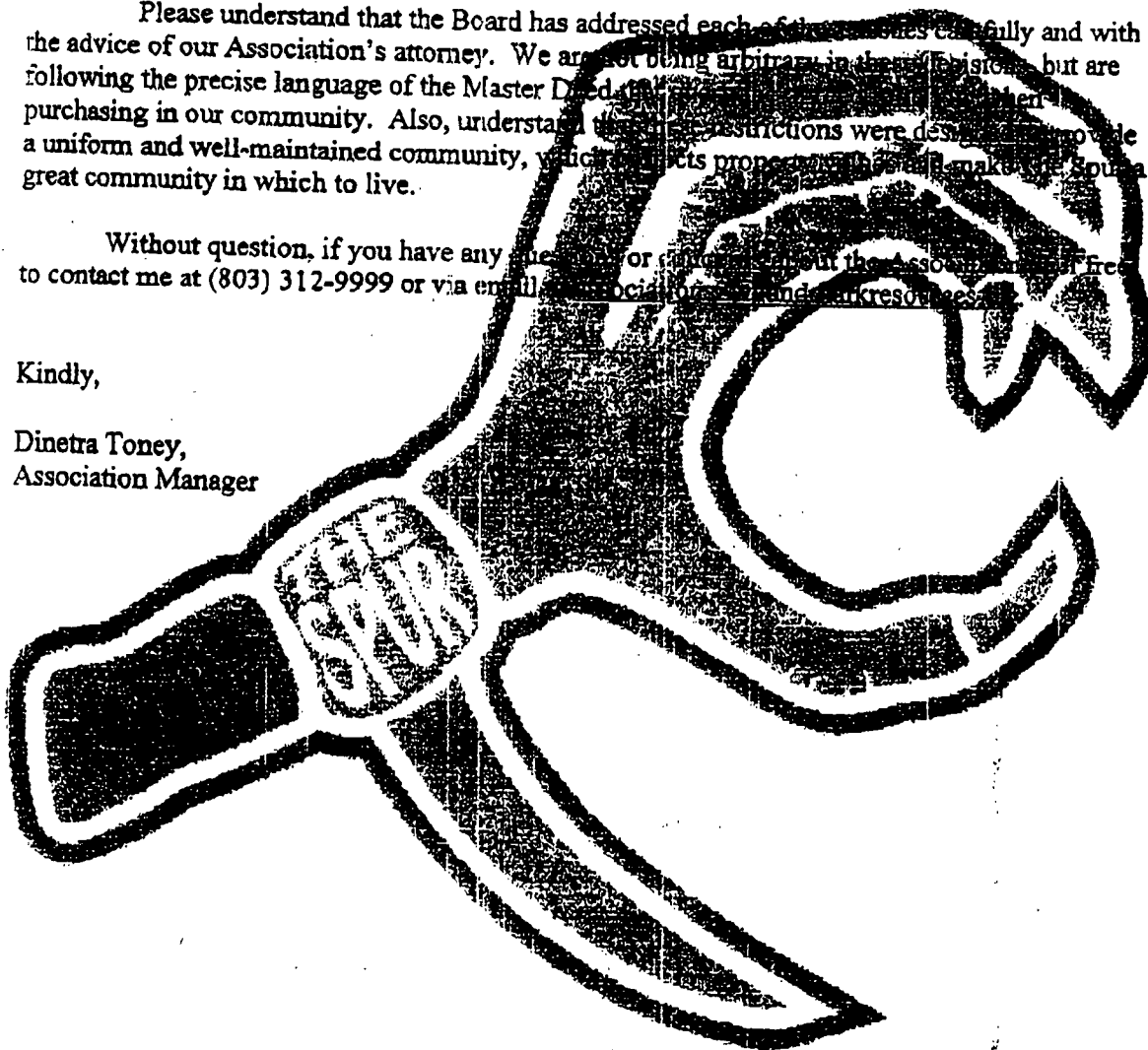


EXHIBIT 7

Sharon

From: "Associations2" <Associations2@landmarkresources.biz>
To: <slalla@comporium.net>
Sent: Monday, July 19, 2010 4:03 PM
Subject: The Spur (Unit #101-Confirmation)

Good Afternoon Mr. & Mrs. Lalla,

This email shall serve as confirmation that we have received the Homeowner/Resident Update Form.

Thank you for your prompt attention and compliance to our request.

*Kindly,
Dinetra Toney
Association Manager*

*Landmark Resources LLC
1600 Park Circle
Suite 104
Columbia, SC 29201*

*Phone #: (803) 312-9999
Fax #: (803) 988-1067
email address: associations2@landmarkresources.biz*

7/19/2010

19

ROA 0334

EXHIBIT 8



May 13, 2011

The Spur at Williams Brice Owners and Board

Subject: NO Student Rooms at The Spur

Dear Spur Owners:

This is a reminder that July 6, 2010 you were sent notification that The Spur Board of Directors would be enforcing all provisions of the Master Deed and beginning June 1, 2011 these provisions will be strictly enforced.

With that said, the Master Deed of The Spur at Williams Brice has a rental restriction provision. Specifically, Article XIV provides "Residential Use Restrictions and Limitations." While there are quite a few specifics, here are the main provisions:

- (1) Any lease or rental agreement concerning the use of the Condominium must be in writing and subject to the requirements of the Master Deed and the rules and regulations of the Association and terms adopted by the Board of Directors of the Association.
- (2) The rental of any unit in any status currently enrolled in a two (2) or four (4) year college, institute, or university is strictly prohibited. Additionally, any tenant of any Unit shall be prohibited from having any roommate that is enrolled in a two (2) or four (4) year college, institute, or university.
- (3) Any tenant in violation of this Association shall have their lease automatically terminated, and shall have thirty (30) days to vacate the Unit. Any residential lease agreement being used by any owner or owners shall contain notice of this provision.

NOTE: Anyone that has a student room in their unit will be in violation of the Association governing documents and subject to removal from the unit in 30 days.

- (4) Any owner or owners may allow their child/grandchild to reside in, or rent, the Unit that they own, even if that child or grandchild is currently enrolled in a two (2) or four (4) year college, institute or university.
- (5) A child or grandchild of any owner or owners who reside in, or rent out, their parents or grandparents Unit shall be charged to have one (1) roommate who is also currently enrolled in a two (2) or four (4) year college, institute, or university.

The SPUR Board and management company will be enforcing the SPUR Master Deed.

Please be aware that after May 31, 2011, student rooms are in violation of the Master Deed, and will automatically be terminated and the tenant shall have thirty days to vacate the unit, and additional fines may be charged to the property owner.

Thank you in advance for your time and cooperation. Please contact Kelly Egan Hill with any questions and/or concerns at (803) 312-9999 or kelly@spurmanagement.com.

Sincerely,

Kelly Barabli
Association Manager

Loudmark Remanum, LLC
1600 Park Circle, S.W. 104, Columbia, SC 29201

Office (803) 312-9999
Fax (803) 932-1067

EXHIBIT 9

To: Owner's of The Spur at Williams Brice Horizontal
Date: August 16, 2011

With Football season about to begin there are several topics that the Board of directors would like to address with the owners at The Spur.

Rental Application

To properly address rentals at the Spur, the board has approved the attached rental application. The purpose of the form is to determine which units are being rented and to make sure the rentals are in compliance with the Mater Deed. As a result, enclosed is a "Rental Application". This form must be completed for all new renters and must be approved by the Board BEFORE the renter moves in. Forms for potential renters must be turned in by the 15th of each month to give the Board time to review. The Board will only review applications once a month. After the Board has approved the rental application, the owners of that unit will be notified and the owner can proceed with the rental process.

Please complete the enclosed form so that we know if you rent your unit at The Spur. If you do rent your unit and currently have a renter, please have your tenant complete the rental application as well.

THIS FORM MUST BE COMPLETED AND RETURNED TO THE ASSOCIATION BY SEPTEMBER 15, 2011. Failure to return this form will be in violation of Association policy and subject to fines up to \$200 per week.

Placards and Decals

The Board of Directors of The Spur has decided to make a change in reference to the parking at the Spur.

Starting this year, placards will not have the year printed on them and will be used for multiple seasons.

Enclosed you will find 2 new placards and 2 new decals. Please remember all vehicles at the Spur on game day must have a decal or placard. If you would like purchase additional placards or decals, you may contact Landmark Resources at (803-312-9999. Additional placards are \$30.00 each and additional decals are \$15.00 each.

Additionally The Spur would like to enforce the towing of unauthorized vehicles. Enclosed is an authorization form to allow Collision One Towing to tow vehicles parked in your parking spaces that do not have a placard or decal that indicate that they can park in that space. If an owner opts out, the owner can still have the unauthorized vehicle towed but the owner will have to call Collision One Towing themselves.

If Landmark Resources does not receive a form for your spaces, those spaces will be added to the "opt out" list.

Owner Directory

It has been requested by several owners to have a Spur owners' directory. Enclosed is an owner's update form to complete to help compile this directory. Please complete the form and mail, fax or email back to Landmark Resources. The directory will be sent electronically to the email address indicated on the form.

Please note that any owner opting out of the directory will not receive a copy of the directory.

Annual Spur Rooftop Party

The Board of Directors for The Spur would like to plan a rooftop party for Friday September 30, 2011. This is the night before the Auburn game. Please complete the enclosed form and let us know if you would be interested in attending. The cost is \$10.00 per person.

Rooftop Parties

To make sure all owners have an opportunity to use the rooftop space at The Spur, all owners or their tenants must schedule the use of the rooftop with Landmark Resources. There is a \$25.00 fee and a \$200 refundable security deposit. Any unauthorized rooftop parties will result in a violation of the Association policy and subject to possible fines of up to \$200.

If you have any questions or concerns about these topics or the Association, feel free to contact me at (803) 312-9999 or via email at associations2@landmarkresources.biz.

Kindly,

Kelly Barnhill
Association Manager

EXHIBIT 10

The Spur at Williams Brice
Dental Application

Spur Unit # applied for: 101Date: 9-10-2011

Name of All occupants

Occupy Date: 6-1-2011Andrew HainekTerm of Lease: 12mosBrian AlbertoRich IngramApplicant (1) (legal name): Andrew HainekPhone#: [REDACTED] Cell#: " "Drive Lic # (Please attach copy): [REDACTED] State: SCEmail address: [REDACTED]

By signing below, I certify that I am not attending a 2 or 4 year college, institute, or university; or renting on behalf of anyone attending a 2 or 4 year college, institute, or university. Per Article XIV of The Spur Master Deed, the rental of any unit to any student currently enrolled in a two (2) or four (4) year college, institute, or university is strictly prohibited. Additionally, any tenant of any Unit shall be prohibited from having any roommate that is enrolled in a two (2) or four (4) year college, institute, or university. Owner(s) may allow their child or grandchild that is attending a 2 or 4 year college, institute, or university, to reside in or rent their unit and have 1 roommate that is attending a 2 or 4 year college, institute, or university.

I also understand that I must follow all Spur rules and regulations.

[Signature]
Signature of Applicant

Applicant (2) (legal name): Brian AlbertoPhone#: [REDACTED] Cell#: " "Drive Lic # (Please attach copy): [REDACTED] State: GAEmail address: [REDACTED]

By signing below, I certify that I am not attending a 2 or 4 year college, institute, or university; or renting on behalf of anyone attending a 2 or 4 year college, institute, or university. Per Article XIV of The Spur Master Deed, the rental of any unit to any student currently enrolled in a two (2) or four (4) year college, institute, or university is strictly prohibited. Additionally, any tenant of any Unit shall be prohibited from having any roommate that is enrolled in a two (2) or four (4) year college, institute, or university. Owner(s) may allow their child or grandchild that is attending a 2 or 4 year college, institute, or university, to reside in or rent their unit and have 1 roommate that is attending a 2 or 4 year college, institute, or university.

I also understand that I must follow all Spur rules and regulations.

[Signature]
Signature of Applicant

For Board Use Only

Board Approved Yes NoDate Approved

The Spur at Williams Brice
Rental Application

Spur Unit # applied for: 101Date: 9-10-2011Name of All occupants

_____Occupy Date: 6-1-2011Term of Lease: 12 mosApplicant (1) (legal name): Rich IngramPhone#: [REDACTED] Cell#: " "Drive Lic # (Please attach copy): [REDACTED] State: [REDACTED]Email address: [REDACTED]

By signing below, I certify that I am not attending a 2 or 4 year college, institute, or university; or renting on behalf of anyone attending a 2 or 4 year college, institute, or university. Per Article XIV of The Spur Master Deed, the rental of any unit to any student currently enrolled in a two (2) or four (4) year college, institute, or university is strictly prohibited. Additionally, any tenant of any Unit shall be prohibited from having any roommate that is enrolled in a two (2) or four (4) year college, institute, or university. Owner(s) may allow their child or grandchild that is attending a 2 or 4 year college, institute, or university, to reside in or rent their unit and have 1 roommate that is attending a 2 or 4 year college, institute, or university.

I also understand that I must follow all Spur rules and regulations.

Rich Ingram
Signature of Applicant

Applicant (2) (legal name): _____

Phone#: _____ Cell#: _____

Drive Lic # (Please attach copy): _____ State: _____

Email address: _____

By signing below, I certify that I am not attending a 2 or 4 year college, institute, or university; or renting on behalf of anyone attending a 2 or 4 year college, institute, or university. Per Article XIV of The Spur Master Deed, the rental of any unit to any student currently enrolled in a two (2) or four (4) year college, institute, or university is strictly prohibited. Additionally, any tenant of any Unit shall be prohibited from having any roommate that is enrolled in a two (2) or four (4) year college, institute, or university. Owner(s) may allow their child or grandchild that is attending a 2 or 4 year college, institute, or university, to reside in or rent their unit and have 1 roommate that is attending a 2 or 4 year college, institute, or university.

I also understand that I must follow all Spur rules and regulations.

Signature of Applicant

For Board Use Only

Board Approved ____ Yes ____ No

Date _____

Approved _____

EXHIBIT 11

The Spur at Williams Brice
Rental ApplicationSpur Unit # applied for: 101Date: 5/6/2012

Name of All occupants

Grant TuckerOccupy Date: 6/1/2012Term of Lease: 1 yearApplicant (1) (legal name): Grant Holden TuckerPhone#: [REDACTED] Cell#: [REDACTED]Drive Lic # (Please attach copy): [REDACTED] State: SCEmail address: [REDACTED]

By signing below, I certify that I am not attending a 2 or 4 year college, institute, or university; or renting on behalf of anyone attending a 2 or 4 year college, institute, or university. Per Article XIV of The Spur Master Deed, the rental of any unit to any student currently enrolled in a two (2) or four (4) year college, institute, or university is strictly prohibited. Additionally, any tenant of any Unit shall be prohibited from having any roommate that is enrolled in a two (2) or four (4) year college, institute, or university. Owner(s) may allow their child or grandchild that is attending a 2 or 4 year college, institute, or university, to reside in or rent their unit and have 1 roommate that is attending a 2 or 4 year college, institute, or university.

I also understand that I must follow all Spur rules and regulations.

[Signature]
Signature of ApplicantApplicant (2) (legal name): Andrew HeineckPhone#: [REDACTED] Cell#: [REDACTED]Drive Lic # (Please attach copy): 150701591 State: SCEmail address: [REDACTED]

By signing below, I certify that I am not attending a 2 or 4 year college, institute, or university; or renting on behalf of anyone attending a 2 or 4 year college, institute, or university. Per Article XIV of The Spur Master Deed, the rental of any unit to any student currently enrolled in a two (2) or four (4) year college, institute, or university is strictly prohibited. Additionally, any tenant of any Unit shall be prohibited from having any roommate that is enrolled in a two (2) or four (4) year college, institute, or university. Owner(s) may allow their child or grandchild that is attending a 2 or 4 year college, institute, or university, to reside in or rent their unit and have 1 roommate that is attending a 2 or 4 year college, institute, or university.

I also understand that I must follow all Spur rules and regulations.

[Signature]
Signature of Applicant

For Board Use Only

Board Approved Yes NoDate Approved

**The Spur at Williams Brice
Rental Application**

Spur Unit # applied for: 101Date: 5/6/12

Name of All occupants

Brian AlbertsOccupy Date: 6/1/2012Term of Lease: 1yrApplicant (1) (legal name): Brian Patrick AlbertsPhone#: [REDACTED] Cell#: 11Drive Lic # (Please attach copy): [REDACTED] GAEmail address: [REDACTED]

By signing below, I certify that I am not attending a 2 or 4 year college, institute, or university; or renting on behalf of anyone attending a 2 or 4 year college, institute, or university. Per Article XIV of The Spur Master Deed, the rental of any unit to any student currently enrolled in a two (2) or four (4) year college, institute, or university is strictly prohibited. Additionally, any tenant of any Unit shall be prohibited from having any roommate that is enrolled in a two (2) or four (4) year college, institute, or university. Owner(s) may allow their child or grandchild that is attending a 2 or 4 year college, institute, or university, to reside in or rent their unit and have 1 roommate that is attending a 2 or 4 year college, institute, or university.

I also understand that I must follow all Spur rules and regulations.


Signature of Applicant

Applicant (2) (legal name): _____

Phone#: _____ Cell#: _____

Drive Lic # (Please attach copy): _____ State: _____

Email address: _____

By signing below, I certify that I am not attending a 2 or 4 year college, institute, or university; or renting on behalf of anyone attending a 2 or 4 year college, institute, or university. Per Article XIV of The Spur Master Deed, the rental of any unit to any student currently enrolled in a two (2) or four (4) year college, institute, or university is strictly prohibited. Additionally, any tenant of any Unit shall be prohibited from having any roommate that is enrolled in a two (2) or four (4) year college, institute, or university. Owner(s) may allow their child or grandchild that is attending a 2 or 4 year college, institute, or university, to reside in or rent their unit and have 1 roommate that is attending a 2 or 4 year college, institute, or university.

I also understand that I must follow all Spur rules and regulations.

Signature of Applicant:

For Board Use Only

Board Approved ☐ Yes ☐ No

Date _____

Approved _____

SOUTH CAROLINA
TICKET GRANT HOLDEN
DL#:
Expires:
Class: Hgt: Wgt:
Sex: DOB:
Issued: 44082:
A
None



USA
Georgia
DRIVER'S LICENSE

DL NO. [REDACTED] CLASS [REDACTED] DOB [REDACTED]
[REDACTED] ALBERTS

Restric [REDACTED] End NO [REDACTED]
Sex [REDACTED] Eyes [REDACTED] Height [REDACTED] Wgt [REDACTED]
DOB: 02/22/2010 (10044585)

B. Alberts



SOUTH CAROLINA
LEARNER'S PERMIT

HEINECK, ANDREW JAMES
DOB: [REDACTED] Exp: [REDACTED]

Class: D Hgt: [REDACTED] Wt: [REDACTED]
Sex: [REDACTED] DOB: [REDACTED]
Issued: 04/04/10 0401

Andrew Heineck



ROA 0347

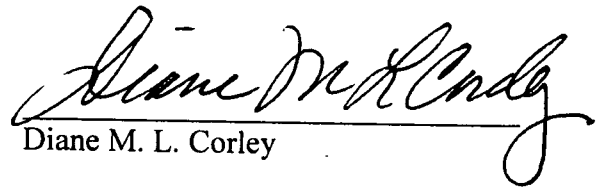
STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)

AFFIDAVIT OF SERVICE

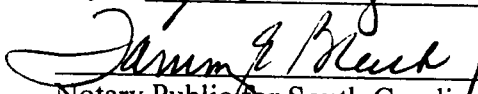
PERSONALLY appeared before me Diane M. L. Corley who, on oath, says that she is a legal assistant to S. Jahue Moore the Attorney for the Defendants in this action; and that she has this day, pursuant to his instructions, effected service of the **AFFIDAVIT OF SUNIL V. LALLA** upon the Attorney for the Plaintiff, by having a copy of said **AFFIDAVIT OF SUNIL V. LALLA** in an envelope in the United States Mail, with sufficient postage affixed hereto, addressed as follows:

D. Reece Williams, III, Esquire
CALLISON TIGHE & ROBINSON, LLC
P.O. Box 1390
Columbia, SC 29202-1390

FILED
2013 JAN 22 PM 1:26
CLERK OF COURT
J. C. P. & G.S.
W. McBRIDE


Diane M. L. Corley

SWORN to before me this 22nd
day of January, 2013.

 (SEAL)
Notary Public for South Carolina
My Commission Expires: 11/19/14

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF RICHLAND	)	FOR THE FIFTH JUDICIAL CIRCUIT
	)	
The SPUR at Williams Brice	)	Case No: 2011-CP-40-6704
Owners Association, Inc.,	)	
	)	
Plaintiff,	)	
	)	AFFIDAVIT OF
v.	)	KELLY BARNHILL
	)	
Sunil V. Lalla and Sharon W. Lalla,	)	
	)	
Defendants.	)	
_____	)	

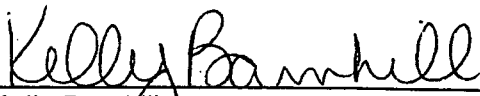
PERSONALLY APPEARED before me, Kelly Barnhill, who being first duly sworn,
testifies that:

1. My name is Kelly Barnhill.
2. I am a resident of the State of South Carolina.
3. I am over 18 years old.
4. I have personal knowledge of the truth of the facts stated herein.
5. I am employed by Landmark Resources, LLC as the Homeowners' Association Manager for the Spur at Williams Brice ("the Spur").
6. In my position as Homeowners' Association Manager for the Spur, one of my responsibilities is to oversee the enforcement of the Spur's Master Deed and the rules and regulations promulgated by the Spur's Board of Directors.
7. Landmark Resources LLC has managed the Spur since on or around July 1, 2007.
8. Section XXXIII.D of the Master Deed, **Exhibit A**, states the following:

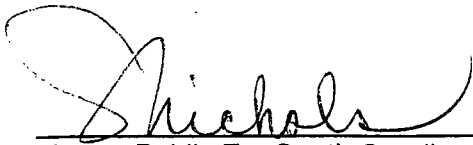
The failure of the Association or of the co-owners for an [sic] Condominium to enforce any right, provision, covenant, or condition which may be granted by this Master Deed or other above mentioned documents shall not constitute a waiver of the right of the Association or of the co-owner of an [sic] Condominium to enforce such right, provision, covenant, or condition in the future.

9. In the summer of 2008, the Spur's Homeowners' Association adopted Rules & Regulations applicable to all owners, residents, and guests at the Spur. See **Exhibit B**, Bates Stamp numbers SPUR 00115 through SPUR 00119.
10. Rule & Regulation No. 1 states that all "[o]wners are responsible for their resident's compliance with the rules and regulations of the Association."
11. Rule & Regulation No. 16 states that with respect to matters of occupancy, the Master Deed controls.
12. These Rules & Regulations were distributed to each owner at the Spur.
13. On July 6, 2010, Landmark Resources sent notice to each owner regarding the enforcement of the covenant in the Master Deed barring rentals to unrelated college students. See **Exhibit C**, Bates Stamp numbers SPUR 0111 through SPUR 0113.
14. The July 6, 2010 notice gave owners until May 31, 2011, to terminate their leases with unrelated college students.
15. On May 25, 2011, Landmark Resources sent notice to each owner reminding of the restrictive covenant prohibiting the rental of units to unrelated college students. See **Exhibit D**, Bates Stamp number SPUR 0110.
16. In December 2011, Landmark Resources initiated the eviction process against college students who were living in Unit 103.
17. Consistently, from 2008 through the present, Landmark Resources has taken steps to enforce the restrictive covenant that bars owners from renting to unrelated college students.

FURTHER AFFIANT SAYETH NOT.


Kelly Barnhill

SWORN to before me this 7 day of February, 2013.



Notary Public For South Carolina

My Commission Expires: 12/27/22

EXHIBIT A

to correct typographical or scrivener's errors, and to cause the Master Deed to conform to the requirements of the South Carolina Horizontal Property Act, the Federal National Mortgage Association, and/or the Federal Home Loan Mortgage Corporation, as set forth, respectively, in "FNMA Conventional Home Mortgage Selling Contract Supplement" and "Seller's Guide to Conventional Mortgages," as the same may be amended from time to time.

XXIII. Remedies in Event of Default

The co-owner or co-owners of each Condominium shall be governed by and shall comply with the provisions of this Master Deed, the Articles and the By-Laws of the Association, and its rules and regulations as any of the same are now constituted or as they may be adopted and/or amended from time to time. A default by the co-owner or co-owners of any Condominium shall entitle the Association or the co-owner or co-owners of other Condominium or Condominiums to the following relief:

A. Failure to comply with any of the terms of this Master Deed or other restrictions and regulations contained in the Articles of Incorporation, By-Laws of the Association, its rules and regulations, or decisions made pursuant thereto shall be grounds for relief which may include, without intending to limit the same, an action to recover sums due for damages, injunctive relief, foreclosure of lien or any combination thereof. Relief may be sought by the Association, or if appropriate, by an aggrieved co-owner of a Condominium or both;

B. The co-owner or co-owners of each Condominium shall be liable for the expense of any maintenance, repair, or replacement rendered necessary by his act, neglect, or carelessness, or by that of any member of his family, or his or their guests, employees, agents, or lessees, but only to the extent that such expense is not met by the proceeds of insurance carried by the Association. Such liability shall include any increase in fire insurance rates occasioned by use, misuse, occupancy, or abandonment of an Condominium or its appurtenances. Nothing herein contained, however, shall be construed so as to modify any waiver by insurance companies of rights of subrogation;

C. In any proceeding arising because of an alleged default by the co-owner of any Condominium, the Association, if successful, shall be entitled to recover the costs of the proceedings and such reasonable attorney's fees as may be determined by the Court, and the co-owner of any Condominium shall be entitled to such attorney's fees and costs if successful in such action;

D. The failure of the Association or of the co-owner of an Condominium to enforce any right, provision, covenant, or condition which may be granted by this Master Deed or other above mentioned documents shall not constitute a waiver of the right of the Association or of the co-owner of an Condominium to enforce such right, provision, covenant, or condition in the future;

E. All rights, remedies, and privileges granted to Association or the Co-owner or co-owners of an Condominium pursuant to any terms, provisions, covenants; or conditions of this Master Deed or other above mentioned documents, shall be deemed to be cumulative and the exercise of any one or more shall not be deemed to constitute an election of remedies nor shall it preclude the party thus exercising the same from exercising such other and additional right, remedies, or privileges as may be available to such party at law or in equity; and

EXHIBIT B

THE SPUR AT WILLIAMS BRICE

OWNERS ASSOCIATION INC.

1100 Bluff Road
Columbia, SC 29201

Rules & Regulations

**All Owners, Residents and Guests
must adhere to these rules and regulations.**

Violations of these Rules and Regulations are subject to fines.

Condominium living necessitates rules and regulations to insure the comfort and safety of all residents and to protect the investment of all owners. In order to create a congenial and dignified residential atmosphere, your Board of Directors has adopted the following rules and regulations for the guidance of all owners, residents and guests.

1. Renting of Units

Owners are responsible for their resident's compliance with the rules and regulations of the Association no matter the length of the rental. *Any violation of the rules and regulations and any fines issued will be the responsibility of the unit owner.* Unit owner (or their rental agent) is responsible for incorporating these rules and regulations into their leases. We recommend that you also keep a copy of these posted in your unit at all times, especially for short term rentals. Association management company must be given at least 2 days in advance the leaser's name and contact number that will be occupying the unit at any given time. Failure to do this will result in a \$250.00 fine.

2. Parking And Use Of Vehicles

Parking is by assigned parking only. Any vehicle parking in another space without permission is susceptible to towing. This space is your responsibility. If an unauthorized vehicle is parked in your space you will need to call City Garage @ 765-9780 and have the vehicle towed. When the tow truck arrives you will need some type of identification to show the driver. If City Garage is unavailable, you have the right to call another tow company.

During game or special event weekends you must have your parking placards to have access to the parking lot. Anyone without the parking placard will not be allowed through the gate. There are no exceptions. Only two vehicles per unit are allowed during these times. If two vehicles have already been checked into your spots, any others will be denied access through the gate.

Automobiles in a state of disrepair or not having current tags shall not be left on The Spur property. Only passenger vehicles can park on the property and can not exceed the size of one space. All commercial vehicles, campers, boats, trailers and RVs are prohibited from parking on any portion of the condominium property.

Because of the critical need of access for fire equipment and trash removal trucks, vehicles parked anywhere other than the marked spaces will be towed.

Motor vehicles may not be washed, waxed or repaired on the premise.

Motorcycles and mopeds shall be parked in assigned parking areas only and shall not be brought into hallways, elevator or into individual apartments or parked on sidewalks.

Motorcycles and mopeds are not permitted in the storage rooms in the garage.

Any motor vehicle in violation of parking rules will be towed at car owner's expense.

3. Annoyances

Being thoughtful of one's neighbor is essential in a multi-family community. Therefore, excessive disturbing noises in dwellings of the common elements that interfere with the rights, comforts or other conveniences of neighbors cannot be allowed.

Noise from televisions, stereo equipment, people, etc., should be kept to a minimum at all times and especially during the hours of 10:00 p.m. through 8:00 a.m.

The Columbia Police Department will be notified when excessive noise occurs. Owners will be held responsible and notified of complaints against their residents. Disturbances caused by any residents will result in police and/or Board action.

The use of weapons or noise makers is prohibited.

4. Pets

These rules will be strictly enforced for the comfort and well being of all pet and non-pet owners living at The Spur:

1. No animal should relieve themselves in the elevators, walkways, stairwells or any other hard surfaces.
2. You must immediately clean up after your pet.
3. All pets should be on a leash at all times. This is a city ordinance that must be followed along with all other City pet ordinances.
4. Pets should not be a nuisance to other residents. Any animal that is a continued nuisance will be asked to be removed from the building. Pets should not be housed on any balcony.

Violation of pet rules will be subject to immediate fines of \$50 for each instance.

5. Signs

No sign, advertising or notices of any kind or type, including but not limited to "For Rent" and "For Sale" shall be permitted or displayed on the exterior of any unit nor shall it be displayed in any manner as to be visible from the exterior of any unit.

6. Banner/Flags

Only University of South Carolina flags or banners are permitted. Banner or Flags can only be displayed during the football season, September through November. No flag or banner can be attached in any way to the building that will cause damage to the building.

1st offence verbal warning and immediate removal within 15 minutes of notice. \$500 fine if not removed as stated and immediate confiscation by security.

7. Exterior Items

No radio or television antenna or wiring for any such purpose may be installed on the exterior of the building. No mops, clothing, rugs, banners, or any other item shall be hung inside or outside windows or balconies in public view. No clotheslines are allowed. All window treatments from outside view should be white or off white in color. Balconies shall not be used as a storage area; including, but not limited to, bicycles, gym equipment, tools or furniture other than regular patio type furniture.

8. Elevator

Do not prop open the elevator doors for loading or unloading. Doing this will shut down the elevator and make it inoperable for others to use. Make sure that anyone you have moving in or out and if you have caterers catering an event that they know this.

There are to be no move-ins or move-outs on game day. No deliveries of furniture, appliances or other such items are to be delivered on game day. This includes special event furniture delivery. The only deliveries that will be allowed through the gate on game day will be food and catering.

9. Trash

Disposal of trash shall be by the use of the garbage chutes on each floor, or by the dumpster provided in the parking lot. Boxes, mops, brooms or other large items are not to be put into the chutes. These items must be carried down to the dumpster located in the parking lot. All household trash **MUST** be secured in bags. If you have a catered event, caterers must use the parking lot trash container. Any construction debris such as appliances, carpet, flooring or furniture must be hauled off the property.

10. Littering or Release of Bodily Fluids in common areas

There is to be no littering or releasing of body fluids in any common areas which include halls, stairwells, elevator, etc. This includes but is not limited to: trash, drinks, spitting, urinating and vomiting. Violation of this rule will be considered vandalism and have an automatic fine of \$1,000.

11. Outdoor Cooking

Outdoor cooking with charcoal grills strictly prohibited. No accelerants are allowed to be used on any type grills or stored on balconies. Gas grills are allowed to be used on balconies with caution. **Anyone using a gas grill is required to have a type ABC fire extinguisher on the balcony.**

12. Trespassing

Any unauthorized person found on the premises of The Spur will be reported to the police and repeat violators will be prosecuted to the fullest extent of the law.

13. Building Damage

Any damage to common, limited common areas or other units is the responsibility of the offending party and will be considered vandalism with a minimum \$1,000 fine plus the cost of

repairs. Residents or Owners are responsible for any damage caused to common areas by their guests.

14. Fire Procedures

If you discover a fire in your unit, please do the following:

- A. Immediately call the Fire Department (911) and tell the dispatcher the floor and unit number, as well as the buildings name and address – The Spur, 1100 Bluff Road.
- B. Without further delay, leave your apartment and be sure to close your door behind you.
- C. Alert the other residents on your floor by striking the nearest fire alarm along your exit route.
- D. Use the nearest stairway to leave your floor. **DO NOT USE THE ELEVATOR.**

The Penalty For Falsely Pulling A Fire Alarm OR Tampering With Any Fire Equipment Is A Fine Of \$1,000. This Is A Misdemeanor Offense Punishable by Law.

15. Alterations

For any interior architectural alterations please refer to the Master Deed for The Spur at Williams Brice.

No alteration or addition to any of the common elements or limited common areas shall be made by any owner or resident. All such work is the responsibility of the Board of Directors acting on behalf of the Association.

16. Occupancy

Refer to the Master Deed for The Spur at Williams Brice.

17. Guests

All residents are responsible for their guest's actions.

18. Smoking

There is to be NO smoking in the elevators or stairwells. Do not throw cigarette butts off the balconies or roof levels.

19. Rule Changes

The Board of Directors reserves the right to change or revoke existing rules and regulations and make such additional rules and regulations from time to time, as in their opinion, shall be necessary.

Residents and owners are encouraged to enforce these rules and regulations through notification of the Board, Managing Agent or Columbia Police Department, as necessary.

Violation of these Rules and Regulations, unless noted otherwise, will result in the following fines:

1st offense - written warning

2nd offense - \$100 fine

3rd offense - \$200 fine and possible legal action by Board of Directors

These fines are in effect for all violations except where individual fines are stated in each section.

Managing Company for The Spur:

Landmark Resources, LLC
1600 Park Circle, Ste. 104
Columbia, SC 29201
Office: (803) 312-9999

To report any common area problems or file a complaint against rule violators, please contact the Landmark Resources at (803) 312-9999 or email associations2@landmarkresources.biz.

After hours emergencies: Page (803) 551-0129 this pager does not pick up numbers from some cell phones, if no call back within 10 minutes, please try a land line.

What are after hour emergencies?

1. Unknown water leaking into hallways, common areas or your unit and you are unable to contact the person above or next to you.
2. Someone trapped in elevator call 911 then call emergency number.

EXHIBIT C

To: The Spur at Williams Brice Horizontal Property Regime
From: Board of Directors
Re: Association Update
Date: July 6, 2010

Since our election, we have held many Board meetings for the purpose of better organizing our community and to make certain that The Spur at Williams Brice Horizontal Property Regime is abiding by its governing documents and state law. We have retained a new law firm for the Association. We have met with our manager at Landmark Resources, LLC to discuss how to best operate The Spur. We have met with the Association's legal counsel to make certain the Association is complying with state law. As a result of these many efforts, here is an update on several significant issues.

RENTAL RESTRICTIONS

The Master Deed is the filed legal document that governs what can and cannot be done by members in the Association. It is part of the public record, and our attorneys have advised us that all provisions of the Master Deed must be enforced. The Board does not have the authority to ignore or waive provisions of the Master Deed.

With that said, the Master Deed of The Spur at Williams Brice has a rental restriction provision. Specifically, Article XIV provides "Residential Use Restrictions and Limitations." While there are quite a few specifics, here are the main provisions:

- (1) No "For Sale" or "For Rent" signs or the like shall be permitted on any General or Limited Common Element or any Condominium so as to be visible from any General or Limited Common Element or public street or area.
- (2) Any lease or rental agreement concerning the use of the Condominium must be in writing and subject to the requirements of the Master Deed and the rules and regulations of the Association and terms adopted by the Board of Directors of the Association.
- (3) The rental of any unit to any student currently enrolled in a two (2) or four (4) year college, institute, or university is strictly prohibited. Additionally, any tenant of any Unit shall be prohibited from having any roommate that is enrolled in a two (2) or four (4) year college, institute, or university.
- (4) Any tenant in violation of this Restriction shall have their lease automatically terminated, and shall have thirty (30) days to vacate the Unit. Any residential lease agreement being used by any owner or owners shall contain notice of this provision.
- (5) Any owner or owner(s) may allow their child/grandchild to reside in, or rent, the Unit that they own, even if that child or grandchild is currently enrolled in a two (2) or four (4) year college, institute or university.
- (6) A child or grandchild of any owner or owners who reside in, or rent out, their parents or grandparents Unit shall be entitled to have one (1) roommate who is also currently enrolled in a two (2) or four (4) year college, institute, or university.

Without getting into whether these provisions are a good idea, the Board must enforce them. The Board has no authority to amend the Master Deed (which only the membership can do). As result, going forward ALL LEASES OF UNITS MUST BE SUBMITTED TO THE ASSOCIATION BOARD FOR REVIEW.

The Board recognizes that some units are currently rented that may not have gone through the review process. To properly address future rental applications, the Board must know which units are currently rented and which units are non-owner occupied. As a result, enclosed is a "STATUS OF UNIT OCCUPANCY" sheet. **THIS FORM MUST BE COMPLETED AND RETURNED TO THE ASSOCIATION BY JULY 31ST, 2010.** If you return this sheet, any student currently leasing your property will be allowed to complete the remainder of their one year lease. However, all student leases in violation of the Master Deed must terminate no later than May 31st, 2011. **In addition, anyone not returning this form that has a renter in their unit will be in violation of the Association governing documents and subject to possible fines of up to \$200 per week.**

EMERGENCY ACCESS TO UNIT

The Master Deed also contains specific language as to emergency access within the Association. Article XVII. Right of Entry into Condominiums in Emergencies provide as follows:

In case of any emergency originating in or threatening any Condominium, regardless of whether the co-owner is present at the time of such emergency the Board of Directors of the Association or any other person or firm authorized by it, or the building superintendent or managing agent, shall have the right to enter such Condominium for the purpose of remedying or abating the cause of such emergency, and such right of entry shall be immediate. To facilitate entry in the even of any such emergency the co-owner of each Condominium, if required by the Association, shall deposit under the control of the Association a key to such Condominium.

At this time the Board of Directors requires all owners to register a valid key to your Condominium. Failure to do so will result in fines of up to \$200.00 per week and costs associated with having to enter the premises during emergency circumstances.

INSURANCE by OWNERS

Article XXV Section G. states that each owner shall be responsible for obtaining such amounts of the following types of insurance as he deems necessary or desirable. **Hazard** insurance on his Condominium for his own benefit; Hazard insurance on the contents of his Condominium and on improvements made to his Condominium; and **Liability** insurance covering accidents occurring within the boundaries of this Condominium.

Any owner who obtains hazard insurance on his dwelling for his own benefit shall within thirty (30) days of obtaining the same deliver to the Board of Directors a copy of the policy insurance, should the Board request.

Therefore, at this time the Board of Directors for the Spur is requiring all owners to provide a Certificate of Insurance listing the Association as a Certificate Holder. The certificate holder box should read as follows: The Spur at Williams Brice Horizontal Property Regime, c/o Landmark Resources 1600 Park Circle, Suite #104, Columbia, SC 29201.

Please understand that the Board has addressed each of these issues carefully and with the advice of our Association's attorney. We are not being arbitrary in these decisions, but are following the precise language of the Master Deed that everyone agreed to follow when purchasing in our community. Also, understand that these restrictions were designed to provide a uniform and well-maintained community, which protects property values and make The Spur a great community in which to live.

Without question, if you have any questions or concerns about the Association, feel free to contact me at (803) 312-9999 or via email at associations2@landmarkresources.biz.

Kindly,

Dinetra Toney,
Association Manager

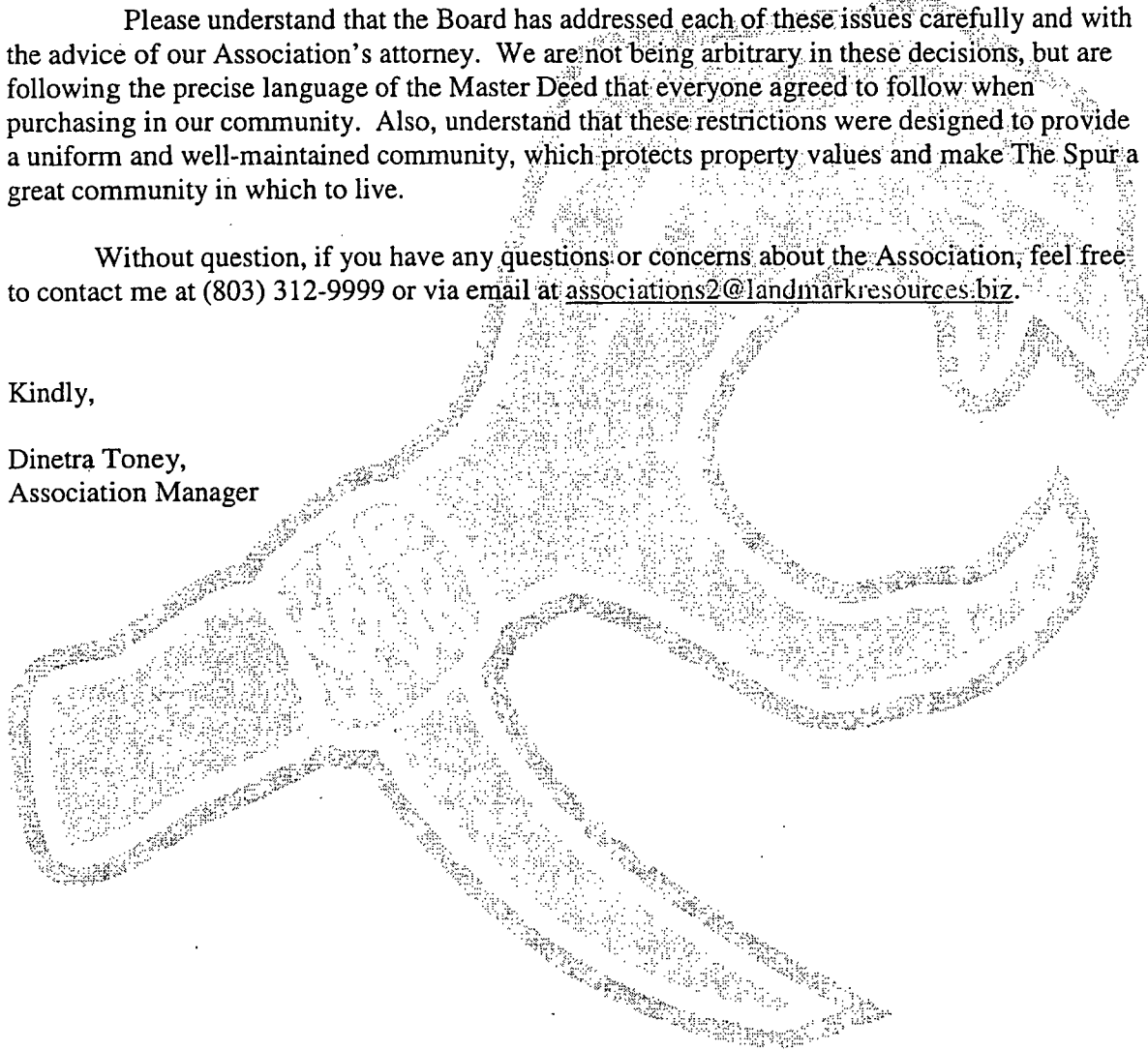


EXHIBIT D

THE SPUR AT WILLIAMS BRICE

OWNERS ASSOCIATION INC.

1600 Park Circle 104

Columbia, SC 29201

May 25, 2011

The Spur at Williams Brice Owners and Residents

Subject: NO Student Rentals at The Spur

Dear Spur Owners;

This is a reminder that July 6, 2010 you were sent notification that The Spur Board of Directors would be enforcing all provisions of the Master Deed and beginning June 1, 2011 these provisions will be strictly enforced.

With that said, the Master Deed of The Spur at Williams Brice has a rental restriction provision. Specifically, Article XIV provides "Residential Use Restrictions and Limitations." While there are quite a few specifics, here are the main provisions:

- (1) Any lease or rental agreement concerning the use of the Condominium must be in writing and subject to the requirements of the Master Deed and the rules and regulations of the Association and terms adopted by the Board of Directors of the Association.
- (2) The rental of any unit to any student currently enrolled in a two (2) or four (4) year college, institute, or university is strictly prohibited. Additionally, any tenant of any Unit shall be prohibited from having any roommate that is enrolled in a two (2) or four (4) year college, institute, or university.
- (3) Any tenant in violation of this Restriction shall have their lease automatically terminated, and shall have thirty (30) days to vacate the Unit. Any residential lease agreement being used by any owner or owners shall contain notice of this provision.

NOTE: Anyone that has a student renter in their unit will be in violation of the Association governing documents and subject to possible fines of up to \$200 per week.

- (4) Any owner or owner(s) may allow their child/grandchild to reside in, or rent, the Unit that they own, even if that child or grandchild is currently enrolled in a two (2) or four (4) year college, institute or university.
- (5) A child or grandchild of any owner or owners who reside in, or rent out, their parents or grandparents Unit shall be entitled to have one (1) roommate who is also currently enrolled in a two (2) or four (4) year college, institute, or university.

The SPUR Board and management company will be enforcing the SPUR Master Deed.

Please be aware that after May 31, 2011, student leases are in violation of the Master Deed. And will automatically be terminated and the tenant shall have thirty days to vacate the unit, and additional fines may be charged to the property owner.

Thank you in advance for your time and cooperation. Please contact Kelly Barnhill with any questions and/or concerns at (803) 312-9999 or associations2@landmarkresources.biz.

Sincerely

Kelly Barnhill
Association Manager

Landmark Resources, LLC
1600 Park Circle, Ste. 104, Columbia, SC 29201

Office (803) 312-9999
Fax (803) 988-1067

ROA 0365

Page left blank

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
In the Court of Common Pleas

Clifton Newman Presiding Judge

Case No. 2011-CP-40-6704

RECEIVED

JUL 01 2013

SC Court of Appeals

The SPUR at Williams Brice Owners Association, Inc., ... Respondent,

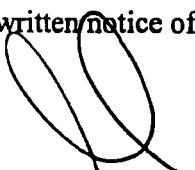
v.

Sunil V. Lalla and Sharon W. Lalla, ... Appellants

2013 JUL -1 PM 4:54

NOTICE OF APPEAL

Sunil V. Lalla and Sharon W. Lalla appeal the Order of the Honorable Clifton Newman dated May 23, 2013, and filed June 5, 2013. A copy of which is attached hereto and incorporated here. Appellants received written notice of entry of this Order on June 11, 2013.


S. Jahue Moore, Esquire
John C. Bradley, Jr., Esquire
MOORE, TAYLOR & THOMAS, P.A.
P.O. Box 5709
West Columbia, South Carolina 29171
(803) 796-9160
ATTORNEYS FOR THE APPELLANTS

Other Counsel of Record:

D. Reece Williams, III, Esquire

CALLISON TIGHE

1812 Lincoln Street, Suite 200

Post Office Box 1390

Columbia, SC 29202-1390

(803) 404-6900

ATTORNEYS FOR THE RESPONDENT

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
In the Court of Common Pleas

Clifton Newman Presiding Judge

2013-001479

The SPUR at Williams Brice Owners Association, Inc., ... Respondent,

v.

Sunil V. Lalla and Sharon W. Lalla, ... Appellants.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not other material.



S. Jahue Moore, Esquire
John C. Bradley, Jr. Esquire
MOORE, TAYLOR, & THOMAS, PA
Post Office Box 5709
West Columbia, SC 29169
(803)-796-9160
ATTORNEYS FOR APPELLANTS

West Columbia, South Carolina
December 9 2013

RECEIVED

DEC 09 2013

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
In the Court of Common Pleas

Clifton Newman Presiding Judge

2013-001479

The SPUR at Williams Brice Owners Association, Inc., ... Respondent,

v.

Sunil V. Lalla and Sharon W. Lalla, ... Appellants.

PROOF OF SERVICE

I certify that I have served the Record on Appeal by mail, to D. Reece Williams, III,
Esquire, Callison, Tighe & Robinson, Post Office Box 1390, Columbia, South Carolina 29202-
1390, on December 9, 2013.



S. Jahue Moore, Esquire
John C. Bradley, Jr. Esquire
MOORE, TAYLOR, & THOMAS, PA
Post Office Box 5709
West Columbia, SC 29169
(803)-796-9160
ATTORNEYS FOR APPELLANTS

RECEIVED

DEC 09 2013

SC Court of Appeals