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*Handwritten signature*

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**Record and return to:**  
Brian Hellman, Esq.  
Hellman & Yates, PA  
105 Broad Street  
Third Floor  
Charleston, SC 29401

**Please cross-reference to:**  
Declaration: Book 0846 at Page 099  
First Amendment: Book 0854 at Page 210  
Second Amendment: Book 1041 at Page 663  
Declarant Resolution: Book 9875 at Page 883  
Third Amendment: BP1135 at Page 470

**FOURTH AMENDMENT TO  
DECLARATION OF COVENANTS AND RESTRICTIONS FOR  
THE PRESERVE II AT FENWICK HALL  
AND  
PROVISIONS FOR AND BY-LAWS OF  
THE PRESERVE II AT FENWICK HALL PROPERTY OWNERS  
ASSOCIATION, INC.  
AND  
AGREEMENT WITH 1776, LLC**

THIS FOURTH AMENDMENT TO DECLARATION and AGREEMENT ("Fourth Amendment and Agreement") is made this 27 day of July 2023 by 1776, LLC (a South Carolina limited liability company), hereinafter referred to as the "Declarant" or "1776, LLC."

WHEREAS, Declarant made a Declaration of Covenants and Restrictions for The Preserve II at Fenwick Hall and Provisions for and By-Laws of The Preserve II at Fenwick Hall Property Owners Association, Inc. (the "Declaration"), which was recorded on December 12, 2019 at Book 0846 Page 099 with the Charleston County ROD Office;

WHEREAS, Declarant made a First Amendment to the Declaration, which was recorded on January 21, 2020 at Book 0854 at Page 210 with the Charleston County ROD Office;

WHEREAS, Declarant made a Declarant Resolution, which was recorded on April 22, 2020 at Book 0875 at Page 883 with the Charleston County ROD Office to provide for ARB Fence Guidelines, which Fence Guidelines are attached to the Declarant Resolution as Exhibit A (the "ARB Fence Guidelines");

WHEREAS, Declarant made a Second Amendment to Declaration, which was recorded on October 11, 2021 at Book 1041 at Page 663;

WHEREAS, Declarant made a Third Amendment to Declaration; which was recorded on September 2, 2022 at Book 1135 at Page 470;

WHEREAS, Declarant desires to further amend the Declaration to make certain existing and/or future Lots become subject to, and become members of, the Association if those certain Lots are used for residential purposes; and to accept title to any private roads serving two (2) or more Lots as Common Area; and

WHEREAS, 1776, LLC desires two (2) certain parcels of land, or subdivided lots of those parcels, that it currently owns to be members of the Association if any Lot, or Lots on such land, or Lots created by subdivision of these two (2) certain parcels, are used for residential purposes; and to transfer title to the Association any private roads serving two (2) or more Lots or either parcel as Common Area.

NOW THEREFORE, pursuant to the power reserved to Declarant under the Declaration, Declarant hereby amends the Declaration, and Declarant and 1776, LLC mutually agree as follows:

1. The Whereas paragraphs are made a part hereof and incorporated herein.
2. The defined terms in the Declaration, as amended, shall apply to the terms in this Fourth Amendment.
3. 1776, LLC owns: (a) a parcel of land at the corner of Fenwick Hall Allee and General Cornwallis Drive described in paragraph 1 (Fenwick Hall Allee and General Cornwallis Drive Property) on Exhibit A ("Fenwick Allee Property"); and (b) a parcel of land at the terminus of General Cornwallis Drive described in paragraph 2 (Property at Northern Terminus of General Cornwallis Drive) in Exhibit A ("General Cornwallis Property"). Exhibit A is made a part hereof and incorporated herein.
4. Declarant and 1776, LLC agree that if the Fenwick Allee Property and/or the General Cornwallis Property are used for single-family residential purposes, or if either the Fenwick Allee Property and/or the General Cornwallis Property are subdivided and one or more of the subdivided parcels are used for single-family residential purposes, then each parcel used for single-family residential purposes shall be considered a "Lot" and "Property" and shall be part of the "Association" with all the rights, benefits, and obligations as set forth in the Declaration, as amended.
5. If the Fenwick Allee Property and/or the General Cornwallis Property are used for single-family residential purposes and there is more than one single-family residential lot,

then the entrance road serving two or more single-family residential lots can be at 1776 LLC's, or its successor's election, deeded to the Association, and the Association shall accept the entrance road(s) as "Common Properties" so long as built to the specifications set forth in the Planned Unit Development Guidelines for The Shores at Fenwick Plantation a/k/a The Preserve at Fenwick approved by the City Council dated May 11, 2004 as Ordinance 2004-47, which required all roads/streets "to be private and will be maintained by the Homeowners Association, and shall be constructed to City standards for private roads."

6. This Fourth Amendment to Declaration and Agreement shall be construed and interpreted in accordance with, and governed by, the laws of the State of South Carolina. Should any provision herein conflict with such applicable law, such conflict shall be severed from this Fourth Amendment to Declaration and Agreement and shall not affect the validity of any non-conflicting provision of this Fourth Amendment to Declaration and Agreement.

7. The Fourth Amendment to Declaration and Agreement shall apply to the successors and assigns of each party.

Except as set forth in this Fourth Amendment to Declaration and Agreement and the First, Second, and Third Amendments to Declaration, the Declaration shall remain in full force and effect.

IN WITNESS THEREOF, the Declarant and 1776, LLC have set their hands and seals hereto as follows:

**DECLARANT**

1776, LLC, a South Carolina limited liability company

By: The Eugene Zurlo Living Trust  
Dated December 11, 1997  
Its: Member



WITNESSES:

Charlotte R. Zurlo  
Witness No. 1

Eugene J. Zurlo  
Witness No. 2

By: Eugene J. Zurlo  
Name: Eugene J. Zurlo  
Its: Trustee

Eugene J. Zurlo  
Witness No. 1

Charlotte R. Zurlo  
Witness No. 2

By: Charlotte R. Zurlo  
Name: Charlotte R. Zurlo  
Its: Trustee

STATE OF MAINE  
COUNTY OF CUMBERLAND

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of July 2023, at FALMOUTH, Maine, by EUGENE J. ZURLO and CHARLOTTE R. ZURLO, to be their free act and deed.

R. Terrance Duddy, Esq #2237  
Signature of Notary Public ~~Notary Public~~ ATTORNEY AT LAW

R. TERRANCE DUDDY  
Name of Notary Public (print your name)  
ATTORNEY AT LAW

SEAL

Notary Public, State of Maine  
My commission expires: N/A

1776, LLC, a South Carolina limited liability company

By: The Eugene Zurlo Living Trust  
Dated: December 11, 2007  
Its: Member

Eugene J. Zurlo

WITNESSES:

Charlotte R Zurlo

Witness No. 1

[Signature]

Witness No. 2

Eugene J Zurlo

Witness No. 1

[Signature]

Witness No. 2

By: Eugene J Zurlo

Name: Eugene J. Zurlo

Its: Member

By: Charlotte R Zurlo

Name: Charlotte R. Zurlo

Its: Member

STATE OF MAINE

COUNTY OF CUMBERLAND

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of July 2023, at FALMOUTH, Maine, by EUGENE J. ZURLO and CHARLOTTE R. ZURLO, to be their free act and deed.

R. Terrence Duddy, Esq #2237

Signature of Notary Public

ATTORNEY AT LAW

R. TERRANCE DUDDY

Name of Notary Public (print your name)

ATTORNEY AT LAW

SEAL

Notary Public, State of Maine

My commission expires: N/A

**Exhibit A**  
**1776 PROPERTY**

**1. Fenwick Hall Allee and General Cornwallis Drive Property**

ALL that certain piece, parcel or tract of land situate, lying and being in the City of Charleston, Charleston County, South Carolina, being shown as **“Tract 1 TOTAL ACREAGE UPLAND 69,285.43 SF 1.591 AC”** on a plat entitled **“A SUBDIVISION PLAT OF TMS #346-00-000-796 INTO TRACT 1 (1.591 AC) AND TRACT 2 (3.356 AC) OWNED BY 1776, LLC LOCATED IN THE CITY OF CHARLESTON, CHARLESTON COUNTY, SOUTH CAROLINA,”** dated June 11, 2019, last revised July 2, 2019, prepared by Philip A. Bryan S.C.P.L.S. No. 28597 of Southeastern Land Surveying LLC, and recorded on August 6, 2019 in Plat Book L19, Page 0337 in the ROD Office for Charleston County, South Carolina. Said parcel having such size, shape, buttings and boundings as will more fully appear by reference to said plat.

TMS # 346-00-00-796

**2. Property at Northern Terminus of General Cornwallis Drive**

ALL that certain piece, parcel or tract of land situate, lying and being in the City of Charleston, Charleston County, South Carolina, being shown as **“Lot 3 The Preserve at Fenwick Plantation TMS 356-00-00-259 Owner:1776 LLC 191,188.51 SF 4.389 AC”** on a plat entitled **“A SUBDIVISION PLANT OF TMS #346-00-00-259 INTO LOT 3 (4.389 AC) AND LOT 3A (4.547 AC) OWNED BY 1776, LLC LOCATED IN THE CITY OF CHARLESTON, CHARLESTON COUNTY, SOUTH CAROLINA,”** dated September 8, 2018, prepared by Philip A. Bryan S.C.L.P.S. No. 28597 of Southeastern Land Surveying, LLC, and recorded on November 15, 2018 in Plat Book L18 at Page 0568 in the ROD Office for Charleston County, South Carolina. Said parcel having such size, shape, buttings and boundings as will more fully appear by reference to said plat.

TMS #346-00-00-790