BP0383849

PGS: 12

After recording, please return to:

John W. Farrell
Buist Byars & Taylor, LLC
652 Coleman Blvd., Suite 200
Mount Pleasant, SC 29464

Please cross-reference to Declaration, First Amendment to Declaration, Second Amendment to Declaration, and Corrective Second Amendment to Declaration recorded at:

Declaration - Book T535 at Page 686
First Amendment - Book J583 at Page 054
Second Amendment – Book 0360 at Page 784
Corr. Second Amendment–Book 366 at Page 751

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

THIRD AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS FOR THE PRESERVE AT FENWICK HALL AND PROVISIONS FOR AND THE BYLAWS OF THE PRESERVE AT FENWICK HALL PROPERTY OWNERS ASSOCIATION, INC.

THIS THIRD AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS FOR THE PRESERVE AT FENWICK HALL AND PROVISIONS FOR AND THE BYLAWS OF THE PRESERVE AT FENWICK HALL PROPERTY OWNERS ASSOCIATION, INC. (the "Third Amendment") is made this 27th day of December, 2013, by and between Penny Creek Associates, LLC, a South Carolina limited liability company (the "Declarant"), The Preserve at Fenwick Hall Property Owners Association, Inc., a South Carolina non-profit corporation (the "Association"), Penny Creek Associates, LLC, True Homes, LLC, a Delaware limited liability company, John LaPlante, and Marianne LaPlante Scarlata (hereinafter collectively referred to as the "Owners").

WHEREAS, Epic Development, LLC, predecessor to Declarant, executed and filed that certain document entitled "Declaration of Covenants and Restrictions for The Preserve at Fenwick Hall and Provisions for and the ByLaws of the Preserve at Fenwick Hall Property Owners Association, Inc." dated April 29, 2005, and recorded in the RMC Office for Charleston County, South Carolina on May 4, 2005, in Book T535 at Page 686 (the "Declaration"); and

WHEREAS, Epic Development, LLC, predecessor to Declarant, executed and filed that certain document entitled "First Amendment to Declaration of Covenants and Restrictions for the Preserve at Fenwick Hall and Provisions for the ByLaws of the Preserve at Fenwick Hall Property Owners Association, Inc." dated April 20, 2006, and recorded in the RMC Office for Charleston County, South Carolina on May 12, 2006, in Book J583 at Page 054 (the "First Amendment"); and

WHEREAS, Epic Development, LLC, predecessor to Declarant, executed and filed that certain document entitled "Assignment and Second Amendment to Declaration of Covenants and Restrictions for the Preserve at Fenwick Hall and Provisions for the ByLaws of the Preserve at Fenwick Hall Property Owners Association, Inc." dated September 10, 2013, and recorded in the

RMC Office for Charleston County, South Carolina on September 13, 2013, in Book 0360 at Page 784 (the "Second Amendment"); and

WHEREAS, Epic Development, LLC, Declarant, and the Association executed and filed that certain document entitled "Corrective Assignment and Second Amendment to Declaration of Covenants and Restrictions for the Preserve at Fenwick Hall and Provisions for the ByLaws of the Preserve at Fenwick Hall Property Owners Association, Inc." dated September 30, 2013, and recorded in the RMC Office for Charleston County, South Carolina on October 9, 2013, in Book 0366 at Page 751 (the "Corrective Second Amendment"); and

WHEREAS, pursuant to the terms of Article IX, Section 9.02 of the Declaration, the Declarant, Association, and Owners desire to amend the Declaration to replace and/or supplement Exhibit "A" to the Declaration with Exhibit "A-1" and Exhibit "B" attached hereto; and

WHEREAS, True Homes, LLC, is the owner of those certain parcels of land known as Lot 52 and Lot 53, having TMS # 346-00-00-258, which Lot 52 and Lot 53 are located within the boundaries of "Lot 2" in Exhibit "A-1" and Exhibit "B"; and

WHEREAS, Penny Creek Associates, LLC, is the owner of that certain parcel of land known as Lot 13, having TMS # 346-00-00-259, which Lot 13 is located within the boundaries of "Lot 3" in Exhibit "A-1" and Exhibit "B"; and

WHEREAS, John LaPlante, is the owner of that certain parcel of land known as Lot 1, having TMS # 346-00-00-302, which Lot 1 is located within the boundaries of "Lot 3" in Exhibit "A-1" and Exhibit "B"; and

WHEREAS, Marianne LaPlante Scarlata, is the owner of that certain parcel of land known as Lot 40, having TMS # 346-00-00-739, which Lot 40 is located within the boundaries of "Lot 2" in Exhibit "A-1" and Exhibit "B"; and

WHEREAS, the Declarant, Association, and Owners desire and agree to the annexation of the additional property identified as Lot 2 and Lot 3 in Exhibit "A-1" and Exhibit "B" attached hereto, into the Association; and

WHEREAS, it is necessary to amend the Declaration to include the additional property known as Lot 2 and Lot 3 in Exhibit "A-1" and Exhibit "B" attached hereto, into the Association, and to bind all Persons having any right, title or interest in the aforesaid property, to the Declaration; and

NOW, THEREFORE, pursuant to the powers reserved to the Declarant, Association, and Owners under the Declaration and amendments thereto, the Declarant, Association, and Owners amend the Declaration as follows:

PROVISIONS IN THE DECLARATION

1. It is hereby agreed that the aforesaid Declaration, including all previous amendments thereto, shall be and the same is hereby ratified, confirmed and adopted in all respects and all particulars as to each and every provision thereof except as to those provisions expressly amended as set forth herein and shall be, and hereby are, binding upon all present and future Owners, their mortagees and lien holders. It is further agreed that this document shall, and does hereby constitute the Third Amendment to the aforesaid Declaration with regard to matters and things set forth herein.

2. This Third Amendment to the Declaration shall be binding upon and inure to the benefit of all parties having any right, title or interest in the described properties or any part thereof, their heirs, successors, successors-in-title and assigns, and shall inure to the benefit of each owner thereof.

AMENDMENT

Exhibit "A-1" and Exhibit "B" attached hereto and incorporated by reference, shall replace and/or supplement Exhibit "A" to the Declaration to further describe and identify the property bound by the Declaration, which shall forever bind its Owners, their heirs, successors, successors-in-title and assigns, and shall inure to the benefit of each owner thereof, to the Declaration.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]
[SIGNATURE PAGES TO FOLLOW]

IN WITNESS WHEREOF, Declarant has caused this Third Amendment to be executed on this 27th day of December, 2013.

DECLARANT:
Penny Creek Associates, LLC, a South Carolina limited liability company

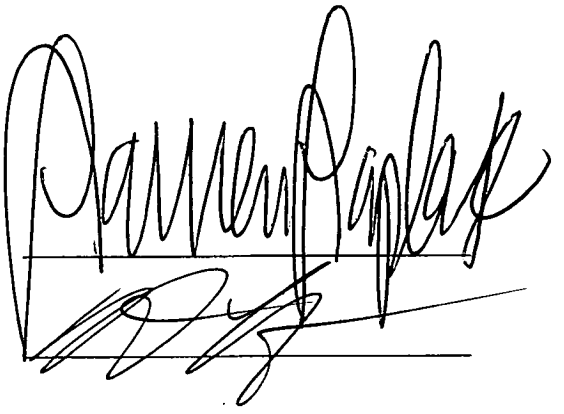
By: _____
Name: Mitch LaPlante
Its: Member

STATE OF SOUTH CAROLINA)
) ACKNOWLEDGMENT
COUNTY OF CHARLESTON)

The foregoing instrument was acknowledged before me by Penny Creek Associates, LLC, by Mitch LaPlante, its Member, this 27th day of December, 2013.

Notary Public for South Carolina
My Commission Expires: 1/15/19

IN WITNESS WHEREOF, the Association has caused this Third Amendment to be executed on this 27th day of December, 2013.



ASSOCIATION:
The Preserve at Fenwick Hall Property Owners Association, Inc., a South Carolina non-profit corporation

By:_____

Name: John LaPlante

Its: President

STATE OF SOUTH CAROLINA)
) ACKNOWLEDGMENT
COUNTY OF CHARLESTON)

The foregoing instrument was acknowledged before me by The Preserve at Fenwick Hall Property Owners Association, Inc., by John LaPlante, its President, this 27th day of December, 2013.

Darren Bailey

Notary Public for South Carolina
My Commission Expires: 1/15/19

IN WITNESS WHEREOF, True Homes, LLC, has caused this Third Amendment to be executed on this 27th day of December, 2013.

OWNER:

True Homes, LLC, a Delaware limited liability company

By: _____

Name: JEFF CARGNEL

Its: Member

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me by True Homes, LLC, by Jeff Cargnel, its Member, this 27th day of December, 2013.

Darren Bailey
Notary Public for SOUTH CAROLINA
My Commission Expires: 1/15/19

IN WITNESS WHEREOF, John LaPlante, has caused this Third Amendment to be executed on this 27th day of December, 2013.

OWNER:

John LaPlante

STATE OF SOUTH CAROLINA)
) ACKNOWLEDGMENT
COUNTY OF CHARLESTON)

The foregoing instrument was acknowledged before me by John LaPlante this 27th day of December, 2013.

Notary Public for South Carolina
My Commission Expires: 1/15/19

IN WITNESS WHEREOF, Marianne LaPlante Scarlata, has caused this Third Amendment to be executed on this 27th day of December, 2013.

OWNER:

Marianne LaPlante Scarlata

Marianne LaPlante Scarlata

STATE OF SOUTH CAROLINA)
) ACKNOWLEDGMENT
COUNTY OF CHARLESTON)

The foregoing instrument was acknowledged before me by Marianne LaPlante Scarlata this 27th day of December, 2013.

Darren Bailey
Notary Public for South Carolina
My Commission Expires: 1/15/19

IN WITNESS WHEREOF, Penny Creek Associates, LLC, has caused this Third Amendment to be executed on this 27th day of December, 2013.

OWNER:

Penny Creek Associates, LLC, a South Carolina limited liability company

By: _____

Name: Mitch LaPlante

Its: Member

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me by Penny Creek Associates, LLC, by Mitch LaPlante, its Member, this 27th day of December, 2013.

Darren Bailey
Notary Public for South Carolina
My Commission Expires: 1/15/19

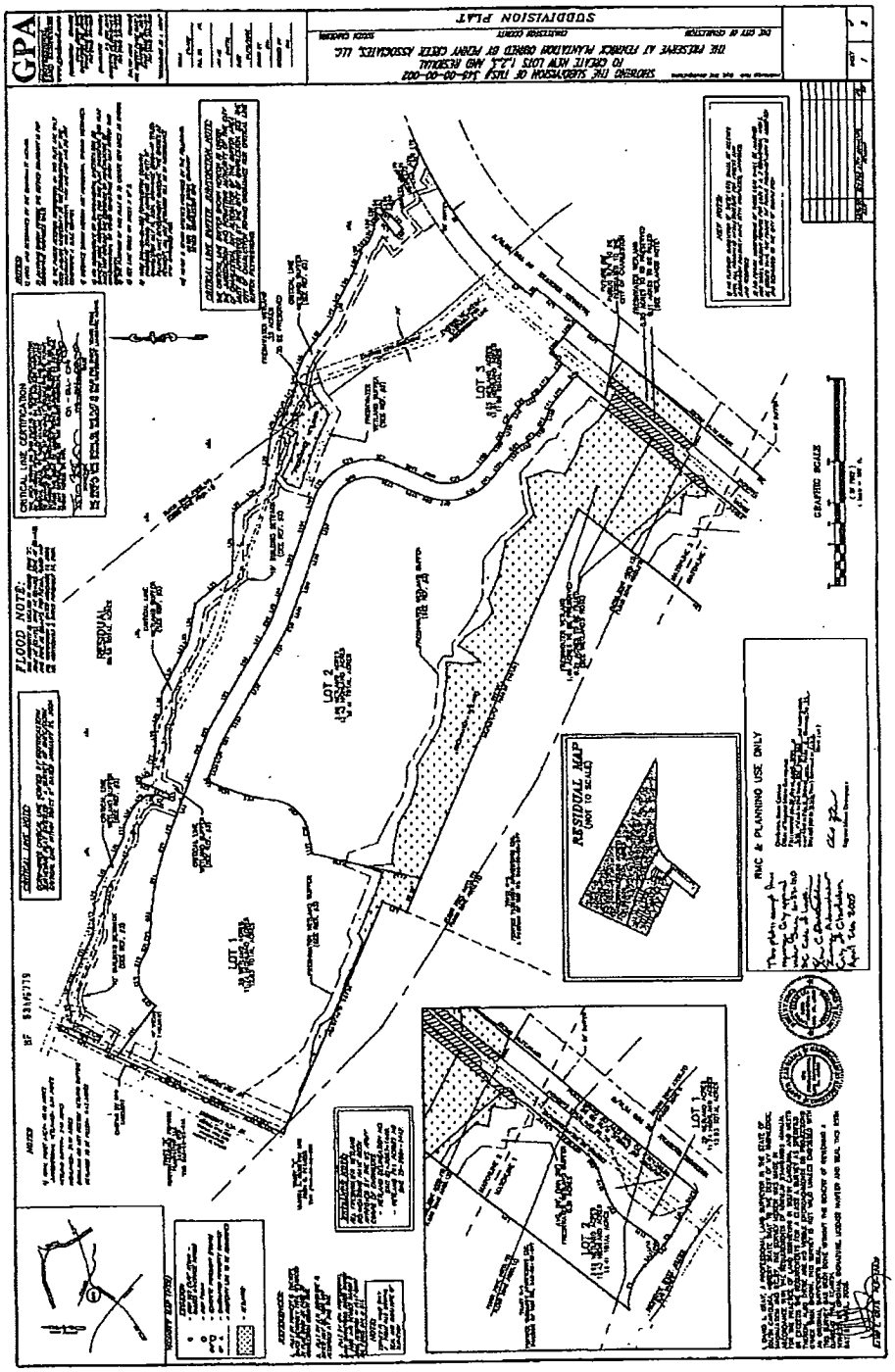
EXHIBIT "A-1"

ALL that certain piece, parcel or lot of land situate, lying and being in the City of Charleston, Charleston County, South Carolina, and more particularly described as "LOT 1", "LOT 2", and "LOT 3" on a plat prepared by GPA Professional Land Surveyors, David L. Gray, SCPLS No. 12639, entitled "SUBDIVISION PLAT SHOWING THE SUBDIVISION OF TMS# 346-00-00-002 TO CREATE NEW LOTS 1, 2, 3, AND RESIDUAL, THE PRESERVE AT FENWICK PLANTATION OWNED BY PENNY CREEK ASSOCIATES, LLC" dated April 12, 2005 , and recorded April 26, 2005, in Plat Book EH at Page 884 in the RMC Office for Charleston County, South Carolina.

This being the same property conveyed to Epic Development, LLC by deed of Penny Creek Associates, LLC, dated April 29, 2005 and recorded May 4, 2005, in Book P535 at Page 124 in the RMC Office for Charleston County, South Carolina.

TMS # 346-00-00-002 (portion)

EXHIBIT "B"


GPA
SUBDIVISION PLAT
LOT 1
LOT 2
LOT 3
RESIDUAL
FLOOD NOTE:
RESIDUAL MAP
(NOT TO SCALE)
RMC & PLANNING USE ONLY
GRAPHIC SCALE

RECORDER'S PAGE

NOTE: This page MUST remain with the original document

DWT

Filed By:

BUIST, BYARS, & TAYLOR, LLC
FRESHFIELDS VILLAGE
130 GARDNER'S CR PMB 138
JOHNS ISLAND SC 29455 (BOX)

cmt

RECORDED

Date:	January 14, 2014
Time:	11:45:27 AM

Book	Page	DocType
0383	849	Misc/Amend

Charlie Lybrand, Register
Charleston County, SC

MAKER:
PENNY CREEK ASSOCS ETAL

RECIPIENT:
NA

Original Book: T535

Original Page: 686

# of Sats:

Note:

# of Pages:	12
# of References:	
Recording Fee	$ 10.00
Extra Reference Cost	$ -
Extra Pages	$ 7.00
Postage	$ -
Chattel	$ -
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CLERK	LRR

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Book	Page	Recorded Date	# Pgs

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