

**SIMONS & DEAN**  
ATTORNEYS AT LAW

147 WAPPOO CREEK DRIVE, SUITE 604 | CHARLESTON, SC 29412 | 843.762.9132 | FAX: 843.406.9913

Keating L. Simons, III [klsimons@simonsanddean.com](mailto:klsimons@simonsanddean.com)

Derek F. Dean [dfdean@simonsanddean.com](mailto:dfdean@simonsanddean.com)

I. Sonja Taylor [istaylor@simonsanddean.com](mailto:istaylor@simonsanddean.com)

January 15, 2024

Ms. Cheryl Bailey  
Property Management Services  
1340-G Ben Sawyer Blvd.  
Mt. Pleasant, SC 29464

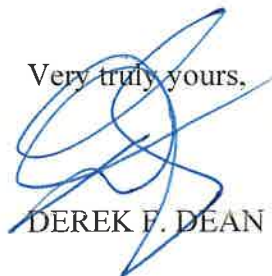
Re: *Pelican Pointe Homeowners Association, Inc.*

Dear Cheryl:

Enclosed is a copy of the recorded Third Amendment to Master Deed for Pelican Pointe Property Regime. Please distribute a copy thereof to the membership in accordance with the provisions of the S.C. HOA Act.

With kind regards, I am

Very truly yours,



DEREK F. DEAN

DFD/  
Enclosure



STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

**THIRD AMENDMENT TO  
MASTER DEED FOR PELICAN POINTE PROPERTY REGIME**

WHEREAS, this is the Third Amendment to Master Deed for Pelican Pointe Property Regime (“Amendment”).

WHEREAS, Pelican Pointe Homeowners Association, Inc. (“Association”) is constituted to provide and charged with the care, upkeep and maintenance of the Association and its property, and is also responsible for exercising for the Association all powers, duties and authority vested in or delegated to the Association and not reserved to the membership by the law or provisions of the Master Deed for Pelican Pointe Property Regime (“Master Deed”) and Bylaws of Pelican Pointe Homeowners Association, Inc. (“Bylaws”) recorded January 25, 2007, in Book E613 at Page 006 with the Charleston County Register of Deeds. The Master Deed was amended and/or supplemented by that: Amendment to Master Deed for Pelican Pointe Property Regime recorded April 19, 2012, in Book 0246 at Page 437; and Amendment to Master Deed for Pelican Pointe Property Regime recorded December 18, 2018, in Book 0767 at Page 012 with the Charleston County Register of Deeds. The Master Deed as amended and/or supplemented by the foregoing hereinafter individually and collectively also the “Master Deed”. Also applicable is/are that: Rules and Regulations of Pelican Pointe Homeowners Association, Inc. recorded December 17, 2018 in Book 0766 at Page 788; and that Rules and Regulations and Due Process Procedure recorded October 27, 2023 in Book 1210 at Page 594 with the Charleston County Register of Deeds. The Articles of Incorporation, Master Deed, Bylaws, the foregoing and any other promulgated rules, regulations, guidelines, policies and the like hereinafter collectively referred to as “Governing Documents”. The Association has determined it is in its best interests to amend the Master Deed in certain respects.

WHEREAS, Section B(1)(a) of Article XXI of the Master Deed deems an amendment to the assessment basis or liens is a Material Amendment.

WHEREAS, Section A(2) of Article XXI of the Master Deed states that the Master Deed may be amended with a Material Amendment “by the affirmative vote of at least sixty-seven percent (67%) of all Unit Owners authorized to vote and voting at a meeting in which a Quorum is present and by fifty one percent (51%) of the Institutional Lenders.

WHEREAS, Section 4 of Article III of the Bylaws states that the “presence at the meeting of Members or proxies entitled to cast twenty percent (20%) of the votes of the Membership shall constitute a quorum . . .”

WHEREAS, at a duly called meeting, this Amendment was put to a vote of the Members/Owners. The required quorum was present and this Amendment was approved and adopted on December 2, 2023, by the requisite number of Owners/Members, and fifty-one percent (51%) of the Institutional Lenders who were entitled to notice of a Material Amendment pursuant

to Section B(1)(b) of Article XX of the Master Deed and provide notice to the Association in order to receive the same per Section C of Article XX of the Master Deed. The vote was certified as having been duly adopted in Exhibit A, attached hereto and incorporated herein.

NOW, THEREFORE, in order to protect and preserve a safe, secure and attractive community, to maintain good order and property values, and to promote the common good, the Association hereby amends the Master Deed and the same is hereby approved and amended as follows:

1. The foregoing recitals are and shall be deemed material and operative provisions of this Amendment and not mere recitals, and are fully incorporated herein by this reference.

2. All capitalized terms used herein shall have the same meaning ascribed to them in the Master Deed.

3. The second paragraph of Section K of Article VII of the Master Deed is hereby amended by the deletion of the second and third sentences only of such section and their replacement in their entirety with the following new language in bold:

... conveyance of a Unit to the Unit Owner. **In addition to the above assessments, the Board may charge an annual Assessment to each Unit Owner to cover the costs of insurance. Such Assessment shall not be subject to the limitations on increasing assessments set forth hereinabove. The Board may, without a vote of the members, levy an Insurance Special Assessment to pay any premium charged to the Association in excess of the amount budgeted for insurance, or levy an Insurance Special Assessment to pay, when due, any third party financed premium.**

L. Assessments Collected. . . .

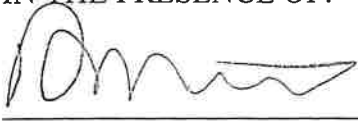
4. Except as expressly modified by this Amendment, the Master Deed shall remain in full force and effect. In the event of a conflict between the Master Deed and this Amendment, this Amendment shall control.

*Signatures on next page.*

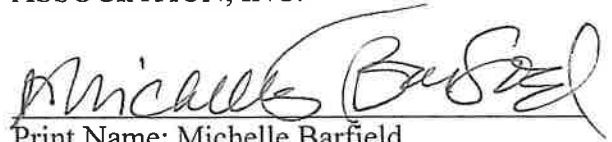
WITNESS my hand and seal this 23<sup>rd</sup> day of December 2023.

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:

PELICAN POINTE HOMEOWNERS  
ASSOCIATION, INC.

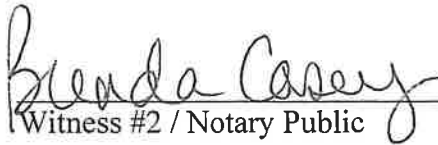
  
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Witness #1

  
\_\_\_\_\_

Print Name: Michelle Barfield

Title: Secretary

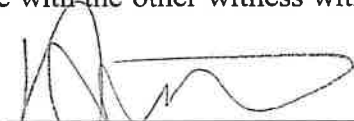
  
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Witness #2 / Notary Public

STATE OF SOUTH CAROLINA )


COUNTY OF CHARLESTON )

PERSONALLY appeared before me the undersigned witness and made oath that s/he saw Pelican Pointe Homeowners Association, Inc., by the within named Michelle Barfield, its Secretary, sign, seal, and as his/her act and deed, deliver the within the Third Amendment to Master Deed for Pelican Pointe Property Regime for the uses and purpose therein mentioned, that s/he is not a party to or beneficiary of the transaction, and that s/he with the other witness witnessed the execution thereof.

  
\_\_\_\_\_

Witness #1

SWORN and subscribed to before me this  
22<sup>nd</sup> day of December 2023.

  
\_\_\_\_\_

Notary Public for South Carolina

Printed Name of Notary: Brenda Casey

My commission expires: July 20, 2026

EXHIBIT A

CERTIFICATION

Personally appeared before me, the undersigned, who being duly sworn, allege and state as follows:

1. I am the duly elected Secretary of Pelican Pointe Homeowners Association, Inc., am over eighteen (18) years of age and competent, and make this Affidavit on personal knowledge.

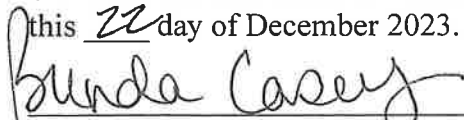
2. At a duly called meeting, the foregoing Third Amendment to Master Deed for Pelican Pointe Property Regime, to which this Exhibit A is attached, a Material Amendment was put to a vote of the Owners/Members. The required quorum was present and such Amendment was duly adopted and approved of by at least sixty-seven percent (67%) of all Owners/Members authorized to vote and voting.

3. I have certified, and am hereby certifying, the vote of the membership of Pelican Pointe Homeowners Association, Inc., and I certify the vote to have been as stated.

FURTHER THE AFFIANT SAYETH NOT.

  
Print Name: Michelle Barfield

SWORN and subscribed to before me  
this 22 day of December 2023.

  
Notary Public for South Carolina  
Printed Name of Notary: Brenda Casey  
My commission expires: July 20, 2024

# RECORDER'S PAGE



**NOTE:** This page **MUST** remain with the original document

**Filed By:**

SIMONS & DEAN ATTY AT LAW  
 147 WAPPOO CREEK DR  
 STE 604  
 CHARLESTON SC 29412 (MAILBACK)

RECORDED		
Date:	December 29, 2023	
Time:	3:14:58 PM	
<u>Book</u>	<u>Page</u>	<u>Doc Type</u>
1220	871	Amen/Mas/Deed
Karen Hollings, Register of Deeds Charleston County, SC		

**MAKER:**

PELICAN POINTE HOA

# of Pages: 5

Note:

**RECIPIENT:**

NA

Recording Fee	\$ 25.00
State Fee	\$ -
County Fee	\$ -
Extra Pages	\$ -
Postage	\$ -
Chattel	\$ -
<b>TOTAL</b>	<b>\$ 25.00</b>

**Original Book:**

E613

**Original Page:**

006

Drawer **Drawer 8**  
 Clerk **ANF**

AUDITOR STAMP HERE  
 RECEIVED From ROD  
 Jan 05, 2024  
 Peter J. Tecklenburg  
 Charleston County Auditor

PID VERIFIED BY ASSESSOR  
 RJB  
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 DATE 01/08/2024  
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