



BP0418478

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

After recording, please return to:

Costner Law Office  
10150 Mallard Creek Rd  
#106 Charlotte NC 28262

Declaration - Book T535 at Page 686  
First Amendment - Book J583 at Page 054  
Second Amendment - Book 0360 at Page 784  
Corrective Second Amendment - Book 366 at Page 751  
Third Amendment - Book 0383 at Page 849  
Corrective Third Amendment - Book \_\_\_ at Page \_\_\_

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

**FOURTH 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 FOURTH 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 "Fourth Amendment") is made this 15<sup>th</sup> day of April, 2014, 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"), and True Homes, LLC, a Delaware limited liability company, (the "Owner").

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, the Declarant, the Association, and the Owner executed and filed that certain document entitled "Third 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 December 27, 2013, and recorded in the RMC Office for Charleston County, South Carolina on January 14, 2014, in Book 0383 at Page 849 (the "Third Amendment"); and

WHEREAS, pursuant to the terms of Article IX, Section 9.02 of the Declaration, the Declarant, Association, and Owner desire to supplement the Declaration to annex the Property identified in Exhibit "A" attached hereto into the Association; and

WHEREAS, True Homes, LLC, is the owner of those certain parcels of land known as Lot 58, having TMS # 346-00-00-782, and Lot 59, having TMS # 346-00-00-783; and

WHEREAS, the Declarant, Association, and Owner desire and agree to the annexation of the additional property described in Exhibit "A" attached hereto, into the Association; and

WHEREAS, it is necessary to supplement the Declaration to include the additional property known as Lot 58 and Lot 59 in Exhibit "A" 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 Owner under the Declaration and amendments thereto, the Declarant, Association, and Owner supplement 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 and/or supplemented as set forth herein and shall be, and hereby are, binding

upon any present and future Owner, their mortgagees and lien holders. It is further agreed that this document shall, and does hereby constitute the Fourth Amendment to the aforesaid Declaration with regard to matters and things set forth herein.

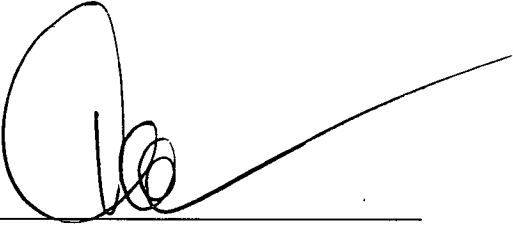
2. This Fourth Amendment to the Declaration shall be binding upon and inure to the benefit of all parties having any right, title or interest in the described properties or any part thereof, their heirs, successors, successors-in-title and assigns, and shall inure to the benefit of each owner thereof.

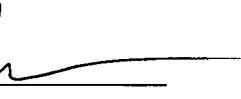
#### AMENDMENT

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

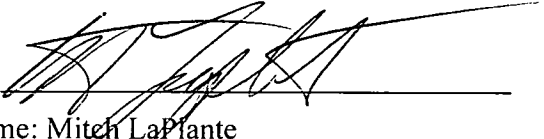
*[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]  
[SIGNATURE PAGES TO FOLLOW]*

IN WITNESS WHEREOF, Declarant has caused this Fourth Amendment to be executed on this 15<sup>th</sup> day of April, 2014.



Hannah 

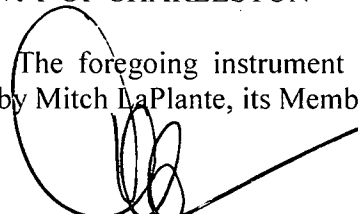
DECLARANT:  
Penny Creek Associates, LLC, a South Carolina limited liability company

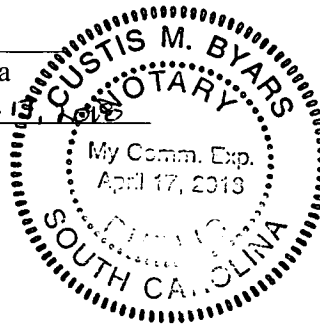
By:   
Name: Mitch LaPlante  
Its: Member

STATE OF SOUTH CAROLINA )  
                                          )  
COUNTY OF CHARLESTON )

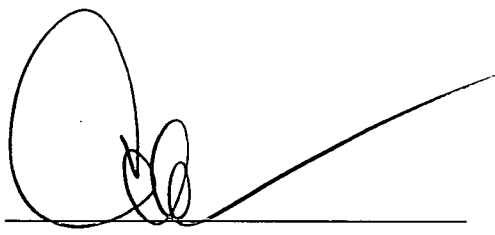
ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me by Penny Creek Associates, LLC, by Mitch LaPlante, its Member, this 15<sup>th</sup> day of April, 2014.

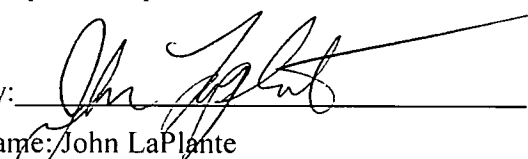
  
\_\_\_\_\_  
Notary Public for South Carolina  
My Commission Expires: April 17, 2013



IN WITNESS WHEREOF, the Association has caused this Fourth Amendment to be executed on this 15<sup>th</sup> day of April, 2014.

  
\_\_\_\_\_  
Hannah R. \_\_\_\_\_

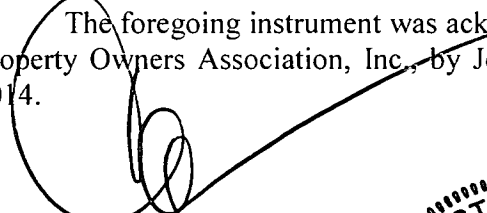
ASSOCIATION:  
The Preserve at Fenwick Hall Property  
Owners Association, Inc., a South Carolina  
non-profit corporation

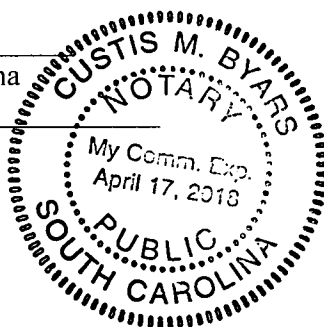
By:   
\_\_\_\_\_  
Name: John LaPlante  
Its: President

STATE OF SOUTH CAROLINA    )  
                                                          )  
COUNTY OF CHARLESTON     )

ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me by The Preserve at Fenwick Hall Property Owners Association, Inc., by John LaPlante, its President, this 15<sup>th</sup> day of April, 2014.

  
\_\_\_\_\_  
Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_



IN WITNESS WHEREOF, True Homes, LLC, has caused this Fourth Amendment to be executed on this 15<sup>th</sup> day of April, 2014.

OWNER:

True Homes, LLC, a Delaware limited liability company

[Signature]

By: [Signature]

Name: D. Hope Bergamini

Its: Member Land Development Coordinator

[Signature]

STATE OF North Carolina )  
                                                  )  
COUNTY OF Mecklenburg  )

ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me by True Homes, LLC, by D. Hope Bergamini, its Member, this 15<sup>th</sup> day of April, 2014.

\* Land Development Coordinator

[Signature]  
Notary Public for North Carolina  
My Commission Expires: 9/4/2016

Hannah E. Donaldson  
Notary Public  
Mecklenburg County  
North Carolina  
My Commission Expires 9/4/2016

## EXHIBIT A

All that piece, parcel or lot of land, lying, being and situate in the City of Charleston, County of Charleston and being known and designated as all of Lots 58 & 59 as shown on that map titled "A Subdivision Plat of Lot 2 Owned by Penny Creek Associates, LLC to Create Lot 58 #1612 Zurlo Way and Lot 59 #1608 Zurlo Way, The Preserve at Fenwick Plantation' said map being recorded in Plat Cabinet L14, Page 94, in the Office of the RMC for Charleston County, South Carolina.

Being in all respects a portion of the property conveyed by Deed from Fenwick Acres, a Partnership to Penny Creek Associates, LLC, dated March 25, 1999 and recorded March 25, 1999 in Book D323, Page 311 and by Deed from Julius H. Weil, Jr. to Penny Creek Associates, LLC, dated March 25, 1999 and recorded March 25, 1999 in Book D323, Page 439 in the Office of the RMC for Charleston County, South Carolina.

Property Address: 1612 Zurlo Way, Charleston, SC  
Parcel ID: 346-00-00-782

# RECORDER'S PAGE

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NOTE: This page MUST remain with the original document



**Filed By:**

COSTNER LAW OFFICE  
10150 MALLARD CREEK RD STE 106  
CHARLOTTE, NC 28262-4567

<b>RECORDED</b>		
Date:	July 23, 2014	
Time:	1:20:45 PM	
<u>Book</u>	<u>Page</u>	<u>DocType</u>
0418	478	Misc/Amend
Charlie Lybrand, Register Charleston County, SC		

**MAKER:**

PENNY CREEK ASSOCS ETAL

# of Sats:  # of Pages:   
# of References:

**RECIPIENT:**

NA

Note:

Recording Fee	\$ 10.00
Extra Reference Cost	\$ -
Extra Pages	\$ 3.00
Postage	\$ -
Chattel	\$ -
<b>TOTAL</b>	<b>\$ 13.00</b>

**Original Book:**

T535

**Original Page:**

686

**DRAWER**   
**CLERK**



0418  
Book



478  
Page



07/23/2014  
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