

COPY

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

**FIRST AMENDMENT TO
DECLARATION OF COVENANTS AND RESTRICTIONS FOR
HERITAGE AT DUNES WEST TOWNHOMES**

This First Amendment to Declaration of Protective Covenants and Easements for The Heritage at Dunes West Townhomes ("Amendment") is made this 3rd day of July, 2019.

WHEREAS, the Declaration of Protective Covenants and Easements for The Heritage at Dunes West Townhomes ("Declaration") and Bylaws of The Heritage at Dunes West Townhome Association, Inc. ("Bylaws") were recorded in December 3, 2009, in Book 0095 at Page 202 with the Charleston County Register of Deeds. The Declaration and Bylaws collectively hereinafter referred to as "Governing Documents".

WHEREAS, The Heritage at Dunes West Townhome Association, Inc. ("Association") is the homeowners' association for The Heritage at Dunes West Townhomes ("The Heritage Townhomes"). The Association is constituted to provide for the operation, care, upkeep and maintenance of the Association, and further, is charged with the duty and responsibility of exercising and enforcing the rights of the Association as set forth in the Governing Documents.

WHEREAS, for the benefit of the Association, its Members and The Heritage Townhomes, the Association has determined to amend the Declaration to include a provision for capital contributions.

WHEREAS, pursuant to Article XII, Section 4 of the Declaration, the "Declaration may be amended upon affirmative vote or written consent, or any combination thereof, of Owners of at least two-thirds (2/3) of the Townhomes." Further, the amendment shall be effective upon recording.

WHEREAS, this Amendment was put to a vote of the Owners/Members by written ballot. The required quorum was present and this Amendment was approved by the requisite number of Owners as reviewed and confirmed by the Board on April 4, 2019.

NOW, THEREFORE, in order to protect and preserve a safe, secure, valued and attractive community, to maintain good order and property values, and to promote the common good, the Association hereby amends the Declaration, and any prior amendments to any of them, and same are hereby amended as follows:

1. The Association acknowledges and agrees that the terms, including the Whereas and Now Therefore provisions, of this Amendment are contractual and not merely recital.
2. All capitalized terms used herein but not defined herein shall have the definitions set forth in the Declaration.

3. Article IV of the Declaration is hereby amended to include a new section, 11, as follows, in bold:

Section 11. Capital Reserve Contribution.

(a) Upon each sale of any unit, the purchaser shall deposit at closing with the Association an amount equal to ½ of 1% of the gross purchase price ("Capital Reserve Fee"). Such sum shall be non-refundable and shall be held, with or without interest, by the Association in an account as the reserve working capital.

(b) In the event a Capital Reserve Fee is not paid to the Association when due, a delinquent payment fee not to exceed five percent (5%) of the unpaid amount per month from the due date and each month thereafter until paid shall be added to the Capital Reserve Fee so long as any portion thereof remains unpaid.

4. Except as set forth in this Amendment, the Declaration shall remain in full force and effect, and any conflict between this Amendment and the Declaration shall be resolved in favor of this Amendment.

5. The Amendment shall become effective upon recordation.

IN WITNESS WHEREOF, the parties hereunto have set their hands and seals as of the date first above written.

IN THE PRESENCE OF:

K. O. Fletcher
Witness
M. L. Lube
Witness

The Heritage at Dunes West Townhome
Association, Inc.

[Signature]
By: Robert D. Prachas
Its: President

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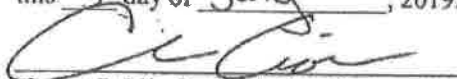
ACKNOWLEDGMENT

PERSONALLY APPEARED BEFORE ME the undersigned witness and made oath that he/she saw the within named The Heritage at Dunes West Townhome Association, Inc. by George T. Fraggos, its President, sign, seal and as his/her act and deed, deliver the within this First Amendment to Declaration of Protective Covenants and Easements for The Heritage at Dunes West Townhomes; and that he/she with the other witness above subscribed, did witness the due execution thereof.



Signature of Witness

SWORN and subscribed to before me
this 3 day of July, 2019.



Notary Public for South Carolina

Printed Name of Notary: Christine Ciocco

My commission expires: 3/7/24

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