

DUPLICATE HEADER

Recording Date: 10/02/2014

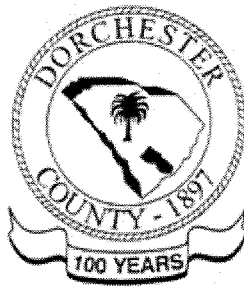
Instrument: 4

Book: 9456 Page: 264-269

FILED-RECORDED
RMC / ROD

2014 Oct 02 AM 10:14:52

DORCHESTER COUNTY
SC Deed Rec Fee: .00
Dor Co Deed Rec Fee: .00
Filing Fee: 11.00
Exemption #:
MARGARET L. BAILEY
Register of Deeds



THIS PAGE IS HEREBY ATTACHED AND MADE PART OF
THE PERMANENT RECORD OF THIS DOCUMENT. IT IS
NOT TO BE DETACHED OR REMOVED AND MUST BE
CITED AS THE FIRST PAGE OF THE RECORDED
DOCUMENT. THE TOP OF THE PAGE IS TO BE USED FOR
RECORDING PURPOSES AND IS NOT TO BE USED FOR
ANY OTHER PURPOSE.

REGISTER OF DEEDS
DORCHESTER COUNTY SOUTH CAROLINA
MARGARET L. BAILEY, REGISTER
POST OFFICE BOX 38
ST. GEORGE, SC 29477
843-563-0181 or 843-832-0181

STATE OF SOUTH CAROLINA)	FIRST AMENDMENT TO THE
)	DECLARATION OF COVENANTS,
)	CONDITIONS AND RESTRICTIONS
COUNTY OF DORCHESTER)	FOR THE PRESERVATION OF THE
)	RURAL DENSITY OF EAST EDISTO

THIS FIRST AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE PRESERVATION OF THE RURAL DENSITY OF EAST EDISTO (the "Amendment") is made as of this 1st day of October, 2014, by MWV-Charleston Land Partners, LLC, a Delaware limited liability company (together with its successors, and assigns "Declarant"), whose address is 201 Sigma Dr., Suite 400, Summerville, S.C. 29483 with the consent of those Owners (as hereinafter defined) that have joined in execution of this Covenant.

WITNESSETH

WHEREAS, the Conservation Easement Act, Section 27-8-10, *et seq.*, South Carolina Code of Laws, as amended, ("Conservation Easement Act") allows for the non-possessory interest of a nonprofit corporation in property for the purposes of protecting the open space aspects of the property, ensuring the availability of real property for agricultural and forest uses, and for preserving the historical and cultural aspects of real property; and

WHEREAS, the Declaration of Covenants, Conditions and Restrictions for the Preservation of the Rural Density of East Edisto dated June 27, 2014 and recorded June 27, 2014 in Book 9333, Page 74-149 of the Office of the Register of Deeds of Dorchester County, South Carolina ("Covenant") is designed to restrict residential development so as to achieve these goals, along with its other stated purposes, consistent with the Conservation Easement Act; and

WHEREAS, Section 27-8-60(A) of the Conservation Easement Act states that the Conservation Easement Act applies to such non-possessory interests that meet the definition of Conservation Easement under Section 27-8-20(1) of the Conservation Easement Act whether designated as a conservation easement or a covenant, therefore ensuring that the Covenant is consistent with the Conservation Easement Act and that East Edisto Conservancy, Inc. as holder and property owners subject to the Covenant enjoy the benefits thereof; and

WHEREAS, East Edisto Conservancy, Inc. meets the definition of a holder as a nonprofit corporation which has the non-possessory interest created by the Covenant with all of the rights of enforcements thereunder and obligations hereunder upon its acceptance of the Covenant and its recording; and

WHEREAS, the Conservation Easement Act further provides in Section 27-8-40(A) that any owner of an interest in the real property burdened by the Covenant has a right to bring an action affecting the Covenant as well as the holder and any other person otherwise authorized by law, thereby ensuring that East Edisto Conservancy, Inc. as the holder and all property owners have the requisite legal authority to bring an action of enforcement if necessary; and

WHEREAS, the Covenant shall not prevent any owner of real property subject to the Covenant from placing additional restrictions or conservation easements upon their property and the East Edisto Conservancy, Inc. shall be empowered to take any necessary action to facilitate such additional restrictions or conservation easements including, but not limited to, executing a subordination and non-disturbance agreement; and

NOW, THEREFORE, the Covenant is hereby amended to acknowledge and confirm that it is a Conservation Easement under the South Carolina Conservation Easement Act of 1991, Section 27-8-20, *et seq.*, South Carolina Codes of Laws, as amended. East Edisto Conservancy, Inc. has executed its acceptance of the Covenant as hereby amended.

The Covenant is further amended to clarify the notice requirements for purposes of ensuring that East Edisto Conservancy, Inc. will have advance notice in order to enable it to take action, if necessary to enforce the Covenant, and that property owners subject to the Covenant will have the obligation to provide such notice as follows:

Section 2.5. Transfers(a)(c) of the Covenant is deleted and replaced with the following:

“(c) Deliver a copy of such instrument to the Conservancy at the address specified herein no less than ten (10) days before the date of recording of the instrument effecting the Transfer and a copy of such instrument no less than then (10) days after it is recorded.


Section 2.6. Notice of Construction of Residential Dwellings and Accessory Residential Dwellings is modified by restating it as follows:


No later than ten (10) days prior to the date of submittal of an application for any (1) Development Permit, as listed in Section 7.1.2(a) of the East Edisto Form District Master Plan, as amended, (2) land development permit or approval identified in Article XVII of the Dorchester County Zoning and Land Development Ordinance, as amended, or (3) any other applicable similar city or town land development permit or approval, related to the development or construction of a Residential Dwelling or any Accessory Residential Dwelling on a Parcel, the Owner of such Parcel shall notify the Conservancy of the application and the allocated dwelling unit certificate numbers associated with or allocated to such Parcel.

(Signatures on the following pages)

Signature Pages for the First Amendment to the Declaration of Covenants, Conditions and Restrictions for the Preservation of the Rural Density of East Edisto

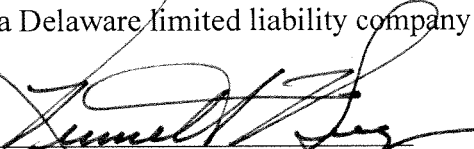
SIGNED, SEALED AND
DELIVERED IN THE PRESENCE OF:





DECLARANT:

MWV-CHARLESTON LAND PARTNERS, LLC,
a Delaware limited liability company

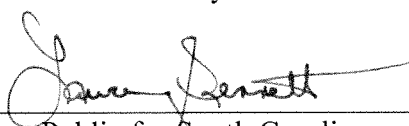


Kenneth T. Seeger, President

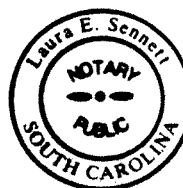
STATE OF SOUTH CAROLINA)
COUNTY OF BERKELEY)

I, the undersigned Notary Public, do hereby certify that Kenneth T. Seeger, President of MWV-Charleston Land Partners, LLC personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and seal this 1ST day of October, 2014



(L.S.)
Notary Public for South Carolina
My Commission expires: 10.27.2018



Laura E. Sennett
NOTARY PUBLIC
State of South Carolina
My Commission Expires
October 27, 2018

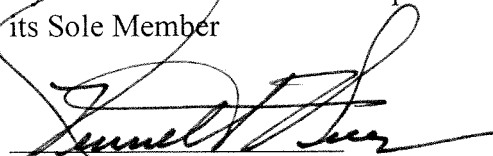
Signature Pages for the First Amendment to the Declaration of Covenants, Conditions and Restrictions for the Preservation of the Rural Density of East Edisto

SIGNED, SEALED AND
DELIVERED IN THE PRESENCE OF:




OWNER:

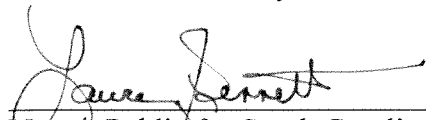
MWV-EAST EDISTO SUMMERS CORNER, LLC,
By: MWV-Charleston Development Holdings, LLC,
its Sole Member

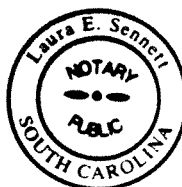

Kenneth T. Seeger, President

STATE OF SOUTH CAROLINA)
COUNTY OF BERKELEY)

I, the undersigned Notary Public, do hereby certify that Kenneth T. Seeger, President of MWV-Charleston Development Holdings, LLC, as sole member of MWV-East Edisto Summers Corner, LLC, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and seal this 1ST day of October, 2014

 (L.S.)
Notary Public for South Carolina
My Commission expires: 10.27.2018



**Laura E. Sennett
NOTARY PUBLIC
State of South Carolina
My Commission Expires
October 27, 2018**

**ACKNOWLEDGEMENT OF ACCEPTANCE OF THE DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE PRESERVATION OF
THE RURAL DENSITY OF EAST EDISTO AND THE FIRST AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE
PRESERVATION OF THE RURAL DENSITY OF EAST EDISTO
BY THE EAST EDISTO CONSERVANCY**

SIGNED, SEALED AND
DELIVERED IN THE PRESENCE OF:

CONSERVANCY:

EAST EDISTO CONSERVANCY, INC.

By:

[Signature]
[Signature]

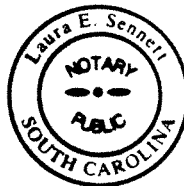
[Signature]
Chairman of Board

STATE OF SOUTH CAROLINA)
COUNTY OF BERKELEY)

I, the undersigned Notary Public, do hereby certify that *KENNETH T. SEEGER*, President of East Edisto Conservancy, Inc. personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and seal this 1ST day of October, 2014

[Signature] (L.S.)
Notary Public for South Carolina
My Commission expires: 10.27.2018



Laura E. Sennett
NOTARY PUBLIC
State of South Carolina
My Commission Expires
October 27, 2018