

MARGARET L BAILEY
DORCHESTER COUNTY
REGISTER OF DEEDS

201 Johnston Street ~ Saint George, SC 29477 (843) 563-0181

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***** EXAMINED AND CHARGED AS FOLLOWS *****

Recording Fee: \$25.00
Tax Charge: \$0.00



Margaret Bailey

Margaret Bailey - Register of Deeds

STATE OF SOUTH CAROLINA
 COUNTY OF DORCHESTER

**ASHBOROUGH EAST HOMEOWNERS'
 ASSOCIATION, INC.**

AMENDMENT TO DECLARATION OF
 COVENANTS AND RESTRICTIONS FOR
 ASHBOROUGH EAST SUBDIVISION,
 DORCHESTER COUNTY, S.C., AND
 PROVISIONS FOR THE ASHBOROUGH EAST
 HOMEOWNERS' ASSOCIATION, INC.

(Declaration originally recorded in Vol. 391, Pg. 210)

THIS AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS FOR ASHBOROUGH EAST SUBDIVISION, DORCHESTER COUNTY, S.C., AND PROVISIONS FOR THE ASHBOROUGH EAST HOMEOWNERS' ASSOCIATION, INC. (the "**Amendment**") is made on the Execution Date (hereinafter defined) by Ashborough East Homeowners' Association, Inc. (the "**Association**").

WHEREAS, the DECLARATION OF COVENANTS AND RESTRICTIONS FOR ASHBOROUGH EAST SUBDIVISION, DORCHESTER COUNTY, S.C., AND PROVISIONS FOR THE ASHBOROUGH EAST HOMEOWNERS' ASSOCIATION, INC. was recorded on October 2, 1979, in the Office of the Clerk of Court for Dorchester County, South Carolina, in Volume 391 at Page 210 (as amended and supplemented, the "**Declaration**"), which has been amended and supplemented, including but not limited to, by the following amendments/supplements:

1. Amendment recorded on April 10, 1980, in the Office of the Clerk of Court for Dorchester County in Vol. 408 at Page 95;
2. Amendment recorded on August 26, 1985, in the Office of the Clerk of Court for Dorchester County in Vol. 544 at Page 395;
3. Supplement recorded on June 24, 1988, in the Office of the Clerk of Court for Dorchester County in Vol. 612 at Page 400;
4. Supplement recorded on July 20, 1990, in the Office of the Register of Mesne Conveyances for Dorchester County in Book 773 at Page 303;
5. Amendment recorded on October 7, 1992, in the Office of the Register of Mesne Conveyances for Dorchester County in Book 1050 at Page 21;
6. Amendment recorded on February 9, 1996, in the Office of the Register of Mesne

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- Conveyances for Dorchester County in Book 1558 at Page 49;
7. Amendment recorded on February 22, 1996, in the Office of the Register of Mesne Conveyances for Dorchester County in Book 1562 at Page 228;
 8. Amendment recorded on August 6, 2001, in the Office of the Register of Mesne Conveyances for Dorchester County in Book 2785 at Page 15;
 9. Amendment recorded on April 22, 2002, in the Office of the Register of Mesne Conveyances for Dorchester County in Book 3062 at Page 328;
 10. Amendment recorded on September 17, 2010, in the Office of the Register of Deeds for Dorchester County in Book 7635 at Page 263;
 11. Amendment recorded on October 16, 2014, in the Office of the Register of Deeds for Dorchester County in Book 9477 at Page 330; and
 12. Amendment recorded on April 22, 2015, in the Office of the Register of Deeds for Dorchester County in Book 9700 at Page 151.

WHEREAS, Article VII of the Declaration provides that the Declaration may be amended by the Association if the proposed amendment is submitted to a vote of the Members at a duly called meeting of the Association and approved by three-fourths (3/4) of the votes cast at such meeting; and

WHEREAS, the amendments to the Declaration set forth herein were voted upon and duly approved by the Members in accordance with the requirements of the Declaration at the Association's annual meeting duly held on November 19, 2018 (the "**2018 Annual Meeting**"). Notice of the 2018 Annual Meeting was given to the Members at least thirty (30) days prior to the 2018 Annual Meeting by written notice mailed on October 17, 2018. The total number of eligible votes of the membership of the Association was 361 (372 Lots minus 11 Lots not in good standing). The number of votes required to constitute a quorum at the 2018 Annual Meeting was 185. The vote count as to each amendment, including the number of votes necessary to adopt each amendment, is set forth below with each amendment. The amendments to the Declaration set forth herein shall be effective on the date that this Amendment is recorded with the Office of the Register Deeds for Dorchester County, which is at least sixty (60) days after the date of the meeting of the Association at which such amendments were adopted; and

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that having met the amendment requirements of the Declaration, the Association hereby declares that the Declaration is amended as follows:

1. **The Paragraph of Article VII of the Declaration entitled "Prohibition of Commercial Use or Nuisance" is deleted in its entirety and replaced with the following:**

Prohibition of Commercial Use or Nuisance. No trade or business of any kind or character nor the practice of any profession, nor any building or structures designed or intended for any purpose connected with any trade, business, or profession shall be permitted upon any of the land, as shown upon the said Plats (with the exception of use of the community building by residents of Ashborough East only for hosting commercial sales events). Independent telecommuting that does not involve visits by

co-workers, customers, or delivery personnel is allowed. No nuisance shall be permitted or maintained upon any of the land shown upon the said Plats.

(331 votes in favor; 30 votes against); (271 votes in favor required to adopt amendment)

2. The Paragraph of Article VII of the Declaration entitled “Parking Restrictions and Use of Garages” is deleted in its entirety and replaced with the following:

Parking Restrictions and Use of Garages. No automobile shall be parked or left on any street overnight or on any property shown on any plat of Ashborough East Subdivision other than on a driveway or within a garage. Garage doors, if any, shall remain closed at all times excepting when entering or exiting. Vehicles parked or stored outside of the garage must have valid plates and registration.

(336 votes in favor; 24 votes against; 1 abstention); (270 votes in favor required to adopt amendment)

3. The Paragraph of Article VII of the Declaration entitled “Disposition of Trash and Other Debris” is deleted in its entirety and replaced with the following:

Disposition of Trash and Other Debris. Trash, garbage or other waste shall be kept only in sanitary containers. No Owner shall permit or cause any trash or refuse to be kept on any portion of a Lot or any other property subject to these Covenants other than in the receptacle customarily used therefore which, except on the scheduled day for trash pick-up, shall be located only in a garage or patio. At all other times such containers shall be stored in such a manner that they cannot be seen from adjacent and surrounding property. No lumber, metals, bulk materials, refuse or trash shall be kept, stored or allowed to accumulate on any Lot, except building materials during the course of construction for any approved structure. During the course of such approved construction, it shall be the responsibility of each Owner to insure that the construction site is kept free of unsightly accumulation of rubbish and scrap materials, and that the construction site is maintained in a neat and orderly manner. No burning of any trash and no accumulation or storage of litter or trash of any kind shall be permitted on any Lot; to include household refuse, lumber, leaves, grass, yard clippings, or pine straw. Firepits/places may only burn seasoned woods.

(331 votes in favor; 30 votes against); (271 votes in favor required to adopt amendment)

4. The first sentence of Article IV, Section 6 of the Declaration is amended to state as follows:

If the assessments are not paid on the date when due, or within thirty (30) days

following the date due (typically January 31st for annual assessments), such assessment shall become delinquent and shall bear a late payment penalty of \$25 for each month overdue.

(336 votes in favor; 24 votes against; 1 abstention); (270 votes in favor required to adopt amendment)

5. Subpart 7 of the Paragraph of Article VII of the Declaration entitled “Exterior Lighting” is amended to state as follows:

7. Colored Lights – Colored lights or lenses are not permitted with the exception of temporary holiday or special occasion lighting to be temporary in installation and not permanently mounted to home.

(349 votes in favor; 11 votes against; 1 abstention); (270 votes in favor required to adopt amendment)

6. The diagram entitled “PLAYGROUND STRUCTURES”¹ shall be labeled and identified as “EXHIBIT E” and the series of Diagrams entitled “FENCES”² shall be labeled and identified as “EXHIBIT D”.

(329 votes in favor; 30 votes against; 2 abstentions); (270 votes in favor required to adopt amendment)

7. The following provision of Article VII of the Declaration, which provides

c. **Walls and fences.** Boundary Walls may be erected and hedges grown but not higher than three (3’) feet from the street right-of-way to the rear building line. Fences, boundary walls and hedges shall not exceed six (6’) feet in height from the rear building line to the rear property line. See explanatory drawings on page 37.

is deleted in its entirety and replaced with the following:

c. **Walls and fences.** Boundary Walls may be erected and hedges grown but not higher than three (3’) feet from the street right-of-way to the rear building line. Fences, boundary walls and hedges shall not exceed six (6’) feet in height from the rear building line to the rear property line. See explanatory drawings: Exhibit D – Fences.

(329 votes in favor; 30 votes against; 2 abstentions); (270 votes in favor required to adopt amendment)

¹ Such diagram is specifically located at Book 3062, Page 351, Office of the Register of Deeds for Dorchester County.

² Such diagrams are specifically located at Book 3062, Pages 352-353, Office of the Register of Deeds for Dorchester County.

8. The Paragraph of Article VII of the Declaration entitled “Documents” is deleted in its entirety and replaced with the following:

Documents. All papers and instruments required to be filed with or submitted to the Association shall be sent by Registered Mail to Ashborough East Homeowners’ Association, Inc., or its agent.

(329 votes in favor; 30 votes against; 2 abstentions); (270 votes in favor required to adopt amendment)

9. Article VII of the Declaration is amended to add Paragraph/Section numbering/lettering to those Paragraphs/Sections of Article VII following the Paragraph entitled “h. Exteriors”. Such Paragraphs/Sections shall be numbered/lettered as set forth in the listing below, which listing is merely to illustrate the new Paragraph/Section numbering/lettering by using only the Paragraph/Section titles and omitting the remaining text for the sake of simplicity and brevity. The remaining text of those paragraphs remains unchanged, except as otherwise amended by this Amendment.

Listing of new numbering/lettering of Paragraphs/Sections:

- i. Enclosed dwelling area requirements.**
- j. Approval of Plans by the Association.**
- k. Dwelling Building Cost.**
- l. Completion of Construction.**
- m. Obstruction of View at Intersection and Delivery Receptacles.**
- n. Use of Outbuildings and Similar Structures.**
- o. Animals.**
- p. Sign Boards.**
- q. Aesthetics, Nature Growth, Screening, Underground Utilities Service.**
- r. Antenna.**
- s. Vehicle and Trailer Parking.**
- t. Prohibition of Commercial Use or Nuisance.**
- u. Changing Elevations.**
- v. Wells.**
- w. Easements. (subpart lettering to remain the same)**
- x. Disposition of Trash and Other Debris.**
- y. Maintenance Required by Owner.**
- z. Outside Drying and Laundering.**
- aa. Parking Restrictions and Use of Garages.**
- bb. Exterior Lighting. (subpart numbering to remain the same).**
- cc. Play Structures. (subpart numbering to remain the same).**
- dd. Documents.**
- ee. Applicability.**

- ff. Violation.
- gg. Amendments.

(329 votes in favor; 30 votes against; 2 abstentions); (270 votes in favor required to adopt amendment)

10. Article III, Section 1(b) of the Declaration is deleted in its entirety and replaced with the following:

b. Class "B" membership is voluntary and is composed of such owners who pay, in addition to the assessment paid by all Class "A" Members, a special assessment or fee to be used to defray the expenses of all amenities other than the expenses paid by the assessment charged to Class "A" Members. The assessment charged Class "B" Members shall be applied to defray the expenses arising from the maintenance of any special use facility including, but not limited to, a swimming pool, boat/rv storage, tennis courts, and any community building or function related thereto.

(331 votes in favor; 29 votes against; 1 abstention); (270 votes in favor required to adopt amendment)

11. Article IV, Section 1(c) of the Declaration, which states "c. Boat and camper storage facility", is deleted.

(331 votes in favor; 29 votes against; 1 abstention); (270 votes in favor required to adopt amendment)

12. Article IV, Section 1(g) of the Declaration is deleted in its entirety and replaced with the following:

g. As to Class "B" Members, the estimated costs of maintaining the amenity package, including any tennis courts, boat/rv storage, pool, and clubhouse and similar amenities. Notwithstanding the foregoing or any other provision in this Declaration or the Bylaws, the costs of maintaining the amenity package may also be funded through Assessments paid by Class "A" Members.

(331 votes in favor; 29 votes against; 1 abstention); (270 votes in favor required to adopt amendment)

13. Article V, Section 1 of the Declaration is deleted in its entirety and replaced with the following:

Section 1. Member's Easements of Enjoyment. Subject to the provisions of these Covenants and the rules and regulations of the Association, every Class "A" Member shall have a right and easement of enjoyment in and to the

pedestrian/leisure trails shown on the Plats and such easement shall be appurtenant to and shall pass with the title to every Lot. Class "A" Members shall also have the right and easement to store either one boat or one camper or one personal use trailer (noncommercial) per Lot owned by such Class "A" Member in the storage area provided therefor by the Association and maintained by assessments charged to Class "A" Members so long as space is available for said storage of boats and campers. The Association shall not be obligated to provide more space than is currently available for said boat and camper storage, and the space that is made available from time to time shall be offered to Class "A" Members only on a "first come, first serve" basis. Class "B" Members shall have a right and easement in the enjoyment of any amenity for which such Member has paid the necessary special assessment or fee set by the Board.

(331 votes in favor; 29 votes against; 1 abstention); (270 votes in favor required to adopt amendment)

Capitalized terms used herein shall have the meaning set out in this Amendment. Any capitalized terms used but not defined herein shall have the meaning set out in the Declaration.

All other terms and conditions of the Declaration shall remain in full force and effect unchanged, except as amended, supplemented, and/or modified by this Amendment.

This Amendment is intended to be and shall be deemed to be a sealed instrument, governed by a twenty (20) year statute of limitations per S.C. Code Ann. § 15-3-520.

Therefore, the above are annexed into the Declaration and become a part hereof.

The amendments to the Declaration set forth herein shall be effective on the date that this Amendment is recorded with the Office of the Register Deeds for Dorchester County, which is at least sixty (60) days after the date of the meeting of the Association at which such amendments were adopted.

IN WITNESS WHEREOF, the Association has by its duly authorized officers caused this Amendment to be properly executed on the signature date(s) below (the "***Execution Date***") and its seal to be affixed thereto. By executing this Amendment, the duly authorized officers certify, acknowledge, and affirm that the amendment requirements of the Declaration have been met and, therefore, the provisions contained in this Amendment have been duly approved and authorized. In the event the dates of signature below are different, the latest (i.e., most recent) of said signature dates shall constitute the Execution Date of this Amendment.

[SIGNATURE PAGES TO FOLLOW]

SIGNED SEALED AND DELIVERED
in the presence of:

**ASHBOROUGH EAST HOMEOWNERS'
ASSOCIATION, INC.**

[Signature]
(witness #1)

By: [Signature] (L.S.)

[Signature]
(witness #2)

Print Name: DOUBAUS

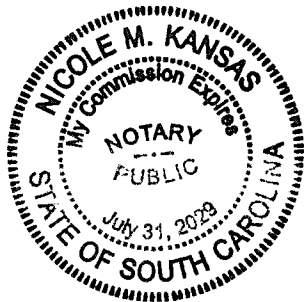
Its: President

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

ACKNOWLEDGEMENT

I, Nicole M. Kansas, Notary Public for the State of South Carolina, do hereby certify that Ashborough East Homeowners' Association, Inc., by Don Baus, its President, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 6 day of December, 2019.



Nicole M. Kansas
Notary Public for South Carolina
My Commission Expires: 7-31-2023

SIGNED SEALED AND DELIVERED
in the presence of:

**ASHBOROUGH EAST HOMEOWNERS'
ASSOCIATION, INC.**

Catherine M. Parker
(witness #1)

By: Jerry K. Stout (L.S.)

[Signature]
(witness #2)

Print Name: JERRY K. STOUT

Its: Secretary

ATTESTATION: By signing this Amendment, the above-signed Secretary of the Association also attests that Doug PAUL does in fact occupy the position of President of the Association, that the President is authorized to execute this Amendment on behalf of the Association, and that the signature of Doug PAUL on this Amendment is genuine.

STATE OF SOUTH CAROLINA)
)
COUNTY OF Dorchester)

ACKNOWLEDGEMENT

I, Franklin H. Harris, Notary Public for the State of South Carolina, do hereby certify that Ashborough East Homeowners' Association, Inc., by Jerry K. Stout, its Secretary, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 30th day of December, 2019.

[Signature]
NOTARY PUBLIC
Franklin H. Harris
Notary Public for South Carolina
My Commission Expires: 9/6/2028
September 6, 2019
STATE OF SOUTH CAROLINA