

4/10  
Bird  
Bing  
4/24

BEAUFORT COUNTY SC - ROD  
BK 02513 PGS 0827-0830  
FILE NUM 2007008289  
01/29/2007 10:15:27 AM  
REC'D BY B BING RCPT# 488176  
RECORDING FEES 10.00

STATE OF SOUTH CAROLINA ) FIRST SUPPLEMENTAL DECLARATION OF  
 ) COVENANTS, CONDITIONS AND  
 ) RESTRICTIONS FOR ALSTON PARK  
COUNTY OF BEAUFORT ) AT NEW RIVERSIDE

THIS FIRST SUPPLEMENTAL DECLARATION of Covenants, Conditions and Restrictions is made this 25<sup>th</sup> day of January, 2007 by **VILLAGE PARK COMMUNITIES, LLC**, a South Carolina limited liability company (hereinafter referred to as "Declarant").

W I T N E S S E T H:

**WHEREAS**, Declarant subjected certain lands (hereinafter referred to as the "Property") described in Exhibit "A" attached to this First Supplement to Declaration of Covenants, Conditions and Restrictions for Alston Park at New Riverside to certain restrictions, conditions, covenants, etc., all as contained in the Office of the Register of Deeds for Beaufort County, South Carolina in Deed Book 2448 at Page 960 (the "General Covenants"); and

**WHEREAS**, the General Covenants are applicable to all property at Alston Park at New Riverside, Bluffton Township, Beaufort County, South Carolina, including the within property; and

**WHEREAS**, Article IX, Section 9.2(a)(viii) of the General Covenants, Declarant reserves the right to amend the General Covenants if such amendment is deemed necessary or desirable by Declarant; provided any such amendment shall not in Declarant's sole opinion materially adversely affect any existing Owner's rights under this Declaration and/or materially adversely affect the title to any Owner's Homesite or Lot;

**WHEREAS**, the Declarant now deems it necessary and desirable to amend the General Covenants and Declarant determines that such amendment does not materially adversely affect any existing

92

Bird Coffee & Maise (KM)  
005-202-01

Owner's rights under this Declaration and/or materially adversely affect the title to any Owner's Homesite or Lot.

**NOW, THEREFORE,** the Declarant hereby declares:

1. **Article V, Section 5.3(c) shall be deleted and replaced by the following:**

"Beginning on the date this Declaration is executed through December 31, 2007, the annual maintenance charge and assessment will not exceed Four Hundred Eighty Dollars (\$480.00) per annum, said rate of charge being the "maximum annual assessment" for 2007. Beginning January 1, 2008, and from year to year thereafter, the maximum annual assessment may be increased by the Board of Directors but not more than the greater of fifteen percent (15%) above the maximum annual assessment for the previous year or an amount equal to the initial annual assessment compounded annually at fifteen (15%) percent per annum (unless such greater increase is approved by the Membership in the same manner as a special assessment).

In addition to the annual maintenance charge and assessment above, the Association may levy on each Lot or Homesite any charge paid by the Association to the Master Association. Any such charge shall not be subject to the fifteen (15%) percent increase limit, but shall be subject to any limit imposed by the Master Covenants. The charge levied by the Master Association for each Lot for the year ending December 31, 2007 is One Hundred Fifty Dollars (\$150.00)."

2. **Ratification.** All terms and conditions of this First Supplemental Declaration of Covenants and Restrictions referenced above are hereby ratified and confirmed by the Declarant herein and are made applicable to the property described in Exhibit "A".



IN WITNESS WHEREOF, the Declarant has caused this Declaration to be duly executed and sealed this 25<sup>th</sup> day of January, 2007.

**WITNESSES:**

**DECLARANT:**

**VILLAGE PARK COMMUNITIES, LLC**, a South Carolina Limited Liability Company

[Signature]  
[Signature]

By: [Signature]  
J. John Cardamone, Managing Member

**STATE OF SOUTH CAROLINA** )  
 ) **ACKNOWLEDGMENT**  
**COUNTY OF BEAUFORT** )

I, the undersigned notary, do hereby certify that J. John Cardamone, the Managing Member of VILLAGE PARK COMMUNITIES, LLC, a South Carolina limited liability company personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 25 day of January, 2007.

[Signature]  
Notary Public of South Carolina  
My Commission Expires: 3/15/2014

**EXHIBIT "A"**

All that certain piece, parcel or tract of land containing approximately 175.34 acres more or less more particularly shown and described as Parcel 5A North consisting of 88.14 Upland Acres, 23.32 Wetland Acres, and shown and described as Parcel 5A South consisting of 44.72 Upland Acres, 19.15 Wetland Acres, on that certain plat entitled "A Plat of Parcels 5A North and 5A South, A Portion of New Riverside, Town of Bluffton, Beaufort County, South Carolina," said plat prepared by Boyce L. Young, SCRLS No. 11079, dated August 10, 2005 and recorded in the Beaufort County Records in Plat Book 109 at page 92, Beaufort County Records.

*X*