

JS447

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

1587

FAIRWAY OAKS COMPANY,
a Limited Partnership)

MASTER DEED
ANNEXATION DECLARATION OF PHASE III

TO
FOREST BEACH VILLAS,
HORIZONTAL PROPERTY REGIME)

WHEREAS, on the 25th day of November, 1980, FAIRWAY OAKS COMPANY, hereafter referred to as Grantor, established Forest Beach Villas, Horizontal Property Regime by Master Deed filed in the Office of the Clerk of Court for Beaufort County, South Carolina in Deed Book 311 at Page 908, which said Master Deed and the Exhibits attached thereto are incorporated herein by this reference thereto; and

WHEREAS, the above referred to Master Deed contained the plan of development and other matters necessary for a three (3) phased condominium regime as required by Title 27, Chapter 31 of the Code of Laws of South Carolina, 1976, as amended; and

WHEREAS, upon the recording of the above referred to Master Deed by Grantor, Phase I of said Regime was established and dedicated to the Regime; and

WHEREAS, the Grantor has heretofore dedicated and annexed the "Pool and Recreation Area" to the plan of the regime by appropriate document in Beaufort County Deed Book 312 at Page 371; and

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Beaufort, S. C.

Beaufort County Tax Map Reference
Map 18 Parcel 232 Dist 060

WHEREAS, in the said Master Deed as annexed, Grantor reserved the right to determine in its sole discretion to elect, develop and submit any Phase and other Phases to condominium ownership without regard to any other Phase development and submission should it, the said Grantor, so decide; and

WHEREAS, said Grantor has previously annexed Phase II of Forest Beach Villas Horizontal Property Regime containing Units 107 thru 114, 207 thru 214, 307 thru 314, and 410 thru 421; and

WHEREAS, it is the intention hereof of Grantor to add to the previously established Phases the within described Phase III of the Forest Beach Villas Horizontal Property Regime containing Units 100 thru 106, 200 thru 206, 300-306 and 400-406; and

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS that Grantor does hereby state and declare:

1. The above "WHEREAS" clauses are hereby incorporated herein by an integral portion hereof.

2. That Grantor, by the execution and filing for record of this document, does hereby elect to exercise and does hereby exercise the option and right heretofore referred to and more particularly set forth in the annexed Master Deed as above described and as described and provided under the Laws of the State of South Carolina to amend said Master Deed and to include the herein described Phase III of Forest Beach Horizontal Property Regime to the plan of development in accordance with the subject to all provisions of the Master Deed recorded in the Office of the Clerk of Court for Beaufort County, South Carolina in Deed Book 311 at Page 908. Effective upon the filing of this document the property included in the said Forest Beach Villas Horizontal Property Regime shall henceforth be that property described as

Phases I, II, III and the "Pool and Recreation Area" and as described in the above referred to Master Deed of record and the new percentages of ownership shall be as set forth in Exhibit "B" as attached hereto.

3. The property herein added to the plan of development by the recording of this document shall be described in Exhibit "A" hereto and shall be henceforth herein referred to as the "Property".

4. That Grantor is the sole owner of the land described in Exhibit "A" herein, which said land is shown on a plat thereof, said plat being designated Exhibit "B" hereto, and recorded in the Office of the Clerk of Court for Beaufort County, South Carolina in Plat Book 29 at Page 32. Said land is identified thereon as Phase III.

5. That Grantor does hereby, by executing and recording this document, submit the Property referred to herein, together with the buildings and improvements erected thereon, and all easements, rights, and appurtenances belonging thereto (hereafter referred to as the "Property") to the provisions of the said Master Deed for Forest Beach Villas, Horizontal Property Phase III and also according to the provisions of the Horizontal Property Act of the State of South Carolina, and does hereby assert that it proposes to make the Property a part of Horizontal Property Regime known as Forest Beach Villas.

6. That this conveyance shall be subject to all of the terms, provisions, restrictions, declarations, covenants, warranties and provisions of the Master Deed for Forest Beach Villas, Horizontal Property Regime recorded in the Office of the Clerk of Court for Beaufort County, South Carolina, in Deed Book 311 at Page 908.

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7. That the within referred to Master Deed of record contains a general description of the nature and purpose of any additional common elements which the Grantor herein hereby annexes to the Property described in the Master Deed if such common elements might substantially increase the proportionate amount of the common expenses payable by the existing unit owners.

8. That the above referred to Master Deed contains a chart showing the percentage of interest in the common elements of each original and subsequent unit owner at various status of development. Now that the owner has elected to submit Phase III of said Regime to condominium ownership, the said applicable portions of said chart are now in full force and effect and should the Grantor elect to proceed with the further stage of development, the original chart shall be deemed to continue in full force and effect.

9. That the Property within Phase III which is being added to and combined with Phases I, II and "Pool and Recreation Area" of said Regime includes thirty-one (31) additional condominium units identified above and consists of 59,242 square feet with a total of 5,827 square feet total under roof, all as may be shown by reference to the plat of record identified above and incorporated herein as Exhibit "B" hereto. The apartments are capable of individual utilization of account of having their own exits to the common elements of Property, all as set forth in the above referred to Master Deed.

10. That the percentage of title and interest appurtenant to each apartment in Phases I, II and III of said annexed Regime are property shown and designated in the Master Deed for Forest Beach Villas Horizontal Property Regime recorded in the Office of the Clerk of Court for Beaufort County, South Carolina, in Deed Book 311 at Page 908 and this Annexation Declaration.

11. That the purpose of this document is to add the said Phase III property to Forest Beach Villas, Horizontal Property Regime so as to make it an integral part of said Regime, or provisions of the Master Deed establishing the said Horizontal Property Regime as recorded in the Office of the Clerk of Court for Beaufort County, South Carolina in Deed Book 311 at Page 908, which are now modified herein and expressly incorporated into and reaffirmed by this document in the same manner as if the same were expressly set forth herein and to recompute the percentage of ownership recognizing the dedication of Phases I and II before Phase III. This document is intended to comply with the provisions of the aforementioned Master Deed and the Horizontal Property Act of the State of South Carolina. In case any of the provisions stated above conflict with the provisions of said Statute, the provisions of the Statute shall be deemed controlling. The provisions hereof shall be deemed independent and severable, and the invalidity in whole or in part of any section, sub-section, sentence, clause, phrase or word, or other provision hereof shall not affect the validity or enforceability of the remaining portions hereof and in such event, all of the provisions of this document shall continue in full force and effect as if such invalid provision had never been included herein.

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IN WITNESS WHEREOF, FAIRWAY OAKS COMPANY, by its General Partner has this 1st day of April, 1981, signed, sealed and delivered for recording the within document in Beaufort County, South Carolina.

WITNESSES:

FAIRWAY OAKS COMPANY

By:

Robert B. Albright
General Partner

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT .)

PROBATE

PERSONALLY appeared before me Jane Ann Sanders, and made oath that s he saw the within named FAIRWAY OAKS COMPANY, by Robert B. Albright, its General Partner, sign, seal, and as its act and deed, deliver the within written instrument, and that s he with James F. Schneider, Jr. witnessed the execution thereof.

Jane Ann Sanders
SWORN to before me
this 1st day of April, 1981.

James F. Schneider, Jr. (SEAL)
Notary Public for South Carolina
My Commission Expires: 12-13-81

EXHIBIT "A"

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PHASE III, FOREST BEACH HORIZONTAL REGIME

All that certain piece, parcel or tract of land with improvements thereon containing 59,242 square feet and being known as Phase III of Forest Beach Horizontal Regime being a portion of the 4.630 acre tract of land more particularly described in that certain deed to Forest Beach Company (now known as Fairway Oaks Company) dated April 29, 1980, and recorded in the Office of the Clerk of Court for Beaufort County, South Carolina, in Deed Book 300 at Page 248. Said Phase III is shown on a plat prepared by Coastal Surveying Company, Inc., and signed by Jerry I. Richardson, R.L.S., dated October 21, 1980 and revised March 3, 1981, and recorded in the Office of the Clerk of Court for Beaufort County, South Carolina, in Plat Book 29 at Page 32. For a more detailed description of location, metes, bounds, distances, etc., reference to said plat of record is craved.

AND ALSO, all easements, declarations, etc. as shown and described in the Master Deed recorded in Beaufort County Deed Book 311 at Page 908 and as shown on the Plat recorded in Beaufort County Plat Book 29 at Page 32 including but not limited to an easement for non-exclusive ingress and egress from South Forest Beach Villa as shown on said plat and other records.

EXHIBIT "B"

Exhibit "B" is the plat of record prepared by Coastal Surveying Company, Inc., dated October 21, 1980, and recorded in the Office of the Clerk of Court for Beaufort County, South Carolina, in Plat Book 29 at Page 32.

RECORDED THIS 13th DAY
OF April 1981
IN BOOK m PAGE 380
FEE, \$
Mary Ann Gray
AUDITOR, BEAUFORT COUNTY, S. C.

De Bruns

FILED AT <u>9:30</u> O'CLOCK <u>A. M</u>	BEAUFORT COUNTY S. C. APR 7 1981	RECORDED IN BOOK <u>319</u> PAGE <u>1587</u>
CLERK OF COURT OF COMMON PLEAS		

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