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RECORDED BY S FRAZIER RCPT# 19061
RECORDED 09/11/2001 02:09:39 PM

STATE OF SOUTH CAROLINA	)	FIRST AMENDMENT TO DECLARATION OF
	)	COVENANTS, CONDITIONS AND
	)	RESTRICTIONS FOR OAKVIEW PROPERTY
COUNTY OF BEAUFORT	)	OWNERS' ASSOCIATION, INC. (PHASE II)

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR OAKVIEW PROPERTY OWNER'S ASSOCIATION, INC. (the "First Amendment"), is made this 28th day of August, 2001, by OAKVIEW GROUP, LLC, a South Carolina limited liability company (hereinafter referred to as "Declarant"), of Beaufort County, South Carolina.

## WITNESSETH:

WHEREAS, the Declarant recorded the "Declaration of Covenants, Conditions and Restrictions for Oakview Property Owners' Association, Inc." (the "Oakview Covenants") in the Beaufort County Records on December 6, 2000 in Book 1360 at Page 1335, and as amended and supplemented from time to time.

WHEREAS, the Declarant desires to further amend the Oakview Covenants as provided herein;

WHEREAS, the Oakview Covenants describe certain property therein which is held, transferred, sold, conveyed, given, donated, leased and occupied subject to said Oakview Covenants;

WHEREAS, in Section 2, Paragraph 2.2, of the Oakview Covenants, Declarant reserves the unrestricted right to submit additional property other than that described in the Oakview Covenants by recording a document of record in the Office of the Register of Deeds for Beaufort County, South Carolina describing such additional property and stating the Declarant's intent to submit the additional property to the Oakview Covenants;

WHEREAS, the Oakview subdivision is divided into two distinct parts; namely Silver Oak and Sterling Pointe, which terms are both defined within Section 1 of the Oakview Covenants;

WHEREAS, the property submitted to the Oakview Covenants by this First Amendment will be included within the Sterling Pointe section of the Oakview subdivision;

WHEREAS, Paragraph 11.5.1 of the Oakview Covenants provides that the Declarant may unilaterally amend the Oakview Covenants so long as it has the right to add additional property; and

WHEREAS, The Declarant now wishes to extend the Oakview Covenants by submitting the additional properties described herein to the Oakview Covenants.

## NOW, THEREFORE, the Declarant hereby declares:

- 1. Covenants. That the Property described in Exhibit "A" attached hereto and by this reference incorporated herein shall be held, transferred, sold, devised, assigned, conveyed, given, purchased, leased, occupied, possessed, mortgaged, encumbered and used subject to the Oakview Covenants. the Oakview Covenants, the benefit of the Oakview Covenants and the affirmative and negative burdens of the Oakview Covenants, whether pertaining to things, benefits and obligations presently existing or to be created or executed in the future, do and shall, in equity and at law, touch and concern, benefit and burden, and run with the real property described in Exhibit "A". The Bylaws of The Oakview Property Owners' Association, Inc. are likewise made applicable to the property described in Exhibit "A".
- 2. <u>Amendment</u>. Paragraph 1.17 of the Oakview Covenants is hereby deleted in full and replaced with the following:
  - "1.17 'Sterling Pointe' shall mean the specific section of the Property comprised of Lots 28 to 44, inclusive, and Lots 46 to 121, inclusive, and certain Common Property, including without limitation any roadways and pool, located adjacent to said Lots."
- 2. **Ratification.** All terms and conditions of the Oakview Covenants 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, Oakveiw Group, LLC, a South Carolina, limited liability company has caused these presents to be executed on the day and year first set forth above.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

## **DECLARANT:**

OAKVIEW GROUP, LLC, a South Carolina limited liability company

By:

Thomas C. Jacoby, Managing

STATE OF SOUTH CAROLINA

ACKNOWLEDGMENT

**COUNTY OF BEAUFORT** 

I, the undersigned Notary Public, do hereby certify that Thomas C. Jacoby, as Managing Member of Oakview Group, LLC, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal this **28** day of August, 2001.

Notary Public for South Carolina JOAN M. PICCIONE

My Commission Expires: NOTARY PUBLIC FOR SOUTH CAROLINA

IS DEMMISSION EXPIRES: MAY 30, 2006

## **EXHIBIT "A"**

ALL that certain piece, parcel or tract of land situate, lying and being on Hilton Head Island, Beaufort County, South Carolina, containing 31.59 acres, more or less, being known as Oakview Subdivision, and being comprised of the following areas: Phase I, containing 18.38 acres, more or less; Phase II, containing 10.22 acres, more or less; Island, containing 2.83 acres, more or less; Hammock, containing 0.12 acres, more or less; and Hammock, containing 0.04 acres, more or less. All of the foregoing are more particularly shown and described on a plat entitled "Oakview Subdivision, A Boundary Survey & Subdivision of a 31.59 Acre Parcel, Town of Hilton Head Island, Beaufort County, South Carolina", prepared by T-Square, Forrest L. Baughman, SCRLS #4922, dated May 3, 2001, last revised September 4, 2001, and recorded in the Office of the Register of Deeds for Beaufort County, South Carolina in Plat Book at Page

The property subject to this First Amendment is a portion of the same property conveyed to the within Declarant by Deed recorded in Deed Book 948 at Page 2507, Beaufort County Records.