

60981

98

7
15

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

FIRST AMENDMENT TO
MASTER DEED OF BERWICK GREEN
HORIZONTAL PROPERTY REGIME

WHEREAS, on the 14th day of September, 1998, Berwick Green Company, L.L.C., a South Carolina limited liability company (the "Declarant"), executed that certain Master Deed establishing the Berwick Green Horizontal Property Regime, which Master Deed was recorded on the 24th day of September, 1998, in the Office of the Register of Deeds for Beaufort County, South Carolina, in Book 1080 at Page 1067; and

WHEREAS, said Master Deed reserved the right at the sole option of the Declarant, its successors or assigns, that said project could be divided into phases, Phase I being activated by the aforementioned Master Deed with the provision that Future Phase Property could be made a part of the Berwick Green Horizontal Property Regime at the election of the Declarant and upon the filing of an Amendment submitting said property to said Regime; and

WHEREAS, Declarant has constructed improvements on a portion of the Future Phase Property and intends, by this First Amendment to annex such property and make such property a part of the Berwick Green Horizontal Property Regime.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS that the Declarant does hereby declare:

1. Exercise by Declarant: Declarant does hereby elect to exercise and does hereby exercise the option and right hereinabove referred to and more particularly set forth in the Master Deed of the Berwick Green Horizontal Property Regime to amend said Master Deed to include a portion of the Future Phase Property more particularly described and set forth in Exhibit "A" hereto (the "Property") as a part of the Berwick Green Horizontal Property Regime (the "Regime").

2. Submission to Act: Declarant does hereby, by duly executing this Amendment to the Master Deed, submit the Property, together with the buildings and improvements erected thereon, and all easements, rights and appurtenances belonging thereto to the provisions of the Master Deed, the provisions of the By-Laws of the Regime, and the provisions of the Horizontal Property Act of the State of South Carolina, (the "Act") and does hereby state that it proposes to make the Property a part of the Regime to be governed by the provisions of the aforementioned Master Deed and the provisions of the Act.

3. Improvements: The improvements constructed on and forming a part of the Property are constructed in accordance with the as-built survey and floor plans described on Exhibit "B" attached hereto and made a part hereof. Said plans are certified by the F.W.A. Group, Inc., architects duly licensed to practice in the State of South Carolina under Registration Number 2578, and attached to this Amendment as Exhibit "C" is a certificate by an architect licensed to practice in the State of South Carolina, that the condominium units constructed on the Property and added to the Regime by this Amendment were constructed substantially in accordance with said plans.

4. Improvements: The Property includes one (1) building consisting of four (4) individual dwelling units (the "Units"). The Units are capable of individual utilization on account of having their own exits to the common elements of the Regime, and a particular and exclusive property right thereto, and also an undivided interest in the General and Limited Common Elements of the Regime, as set forth in the recorded Master Deed.

5. Area Comprising Property: The Property has a total of 0.65 acres, of which approximately 7,646 square feet will constitute and be occupied by Units and a total of approximately 20,470 square feet will constitute the remainder of the Common Elements.

6. Statutory Percentage Interest: The percentage of title and interest appurtenant to each Unit and the Unit Owner's title and interest in the Common Elements (both General and Limited) of all of the property submitted to the Regime and their share in the profits and common monthly expenses as well as proportionate representation for voting purposes in the meeting of the Berwick Green Owners' Association, Inc. (the "Association") of the Regime is based upon the proportionate value of each Unit to the value of all of the Units within the Regime as more fully set forth on Exhibit "D" attached hereto. By executing and recording this First Amendment, Exhibit "H" to the Master Deed is deemed amended to be Exhibit "D" attached hereto.

7. Incorporation by Reference. The purpose of this Amendment being to add the Property to the Berwick Green Horizontal Property Regime so as to make it an integral part of said Regime, all provisions, including any reserved rights of Declarant, set forth in the Master Deed establishing the Regime, are expressly incorporated into and reaffirmed by this Amendment in the same manner as if the same were expressly set forth herein. As the Units contained in the Property are identical to the Units originally described in the Master Deed, reference is made to the walk through description of Units described on Exhibit "E" of the Master Deed. This Amendment is intended to comply with the provisions of the aforementioned Master Deed and the Act. In case any of the provisions stated above conflict with the provisions of said statute, the provisions of said statute shall control. 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 of this Amendment shall not affect the validity or enforceability of the remaining portions thereof and in such event, all of the other provisions of the Amendment shall continue in full force and effect as if such invalid provision had never been included therein.

8. Exhibits: Reference is made to all exhibits attached to this First Amendment. All such exhibits shall be an integral part of this instrument.

IN WITNESS WHEREOF, Berwick Green Company, L.L.C., a South Carolina limited liability company, has caused these presents to be executed this 4th day of December, 1998.

SIGNED, SEALED and DELIVERED
in the Presence of

BERWICK GREEN COMPANY, L.L.C., a
South Carolina limited liability company

James S. Shelby
Margaret B. Luckey

By: Melrose Asset Management
Company, Inc., a South Carolina
corporation, its Manager

By: [Signature]
Its: Vice President

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

ACKNOWLEDGEMENT

PERSONALLY appeared before me the undersigned Notary Public for the State of South Carolina, do hereby certify that James H. Nicksa, Vice President, of Melrose Asset Management Company, Inc., Manager of Berwick Green Company, L.L.C., a South Carolina limited liability company, personally appeared before me this day and, in the presence of the two witnesses above named, acknowledged the due execution of the foregoing instrument.

Witness my hand and seal this 4th day of December, 1998.

Margaret B. Luckey
Notary Public for South Carolina
My Commission Expires: 3/09/08

This Amendment was prepared by Edward M. Hughes, Hughes Law Firm, P.C., P. O. Box 23526, Hilton Head Island, SC 29925.

EXHIBIT "A" TO FIRST AMENDMENT TO MASTER DEED OF
BERWICK GREEN HORIZONTAL PROPERTY REGIME
DESCRIPTION OF LAND

PHASE II

All that certain piece, parcel or tract of land situate, lying and being on Hilton Head Island, Beaufort County, South Carolina, containing 0.65 acres, more or less, and being more particularly described and depicted as Berwick Green Phase II on a plat entitled "Lot 3 Berwick Green, a Section of Indigo Run", prepared by Coastal Surveying Co., Inc., dated December 3, 1998, and recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Plat Book 108 at Page 5.

Together with a non-exclusive easement for access, ingress and egress on, over and across that certain piece, parcel or tract of land situate, lying and being on Hilton Head Island, Beaufort County, South Carolina, containing 1.12 acres, more or less, and being shown as PARCEL "A" RIGHT-OF-WAY on a plat of BERWICK GREEN, PHASE I, a Section of Indigo Run, prepared by Richard L. Stroman, SC RLS #5496, dated August 7, 1997, and recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Plat Book 63 at Page 98.

SAVE AND EXCEPT THEREFROM, the right of ingress and egress unto the Declarant herein, its successors and assigns and Grantees.

FURTHER, SAVE AND EXCEPT THEREFROM, the right of ingress and egress over and across all roads and walkways shown on the above-described plat, said reservation being unto the Declarant herein, its successors and assigns and Grantees, said reserved easement expressly for, but not limited to, the purpose of construction and all construction related activities of the Future Phase Property.

FURTHER, SAVE AND EXCEPT from the above-described property, title to and ownership of all water and sewer lines located on the Property or hereafter installed thereon, together with all pipes, pumps, pumping stations, or other equipment or facilities located thereon, together with an easement to such lines, equipment or facilities to allow for the maintenance, repair or replacement of such lines, facilities or equipment or for the purpose of installing additional lines, equipment or facilities thereon from time to time.

FURTHER, the Declarant expressly reserves the right to improve the aforementioned property by clearing, tree pruning, constructing additional parking and common facilities, including, but not necessarily limited to recreational facilities, drainage facilities, lagoons, and the like, pertaining to BERWICK GREEN HORIZONTAL PROPERTY REGIME.

FURTHER, Declarant expressly reserves the right to install lines, equipment and facilities for utility and drainage purposes and to grant easements over the property for the installation of additional lines, equipment or facilities for utility and drainage purposes from time to time.

FURTHER, the above property is submitted to the BERWICK GREEN HORIZONTAL PROPERTY REGIME subject to that certain Declaration of Covenants, Conditions and Restrictions for Indigo Run Plantation, dated May 2, 1985, and recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Deed Book 418 at Page 1716, and as further amended from time to time.

The property described above is a portion of the property conveyed to the BERWICK GREEN COMPANY, L.L.C., by Deed of Indigo Run Limited Partnership, dated December 31, 1997, recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Deed Book 1005 at Page 2403.

EXHIBIT "B" TO FIRST AMENDMENT TO MASTER DEED OF
BERWICK GREEN HORIZONTAL PROPERTY REGIME
PLAT/AS-BUILT SURVEY OF PROPERTY

PHASE II

All that certain piece, parcel or tract of land situate, lying and being on Hilton Head Island, Beaufort County, South Carolina, containing 0.65 acres, more or less, and being more particularly described and depicted as Berwick Green Phase II on a plat entitled "Lot 3 Berwick Green, a Section of Indigo Run", prepared by Coastal Surveying Co., Inc., dated December 3, 1998, and recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Plat Book 68 at Page 3.

FLOOR PLANS

Those certain floor plans described as:

<u>Sheet Nos.</u>	<u>Description</u>	<u>Prepared By</u>
4A.1	First Floor Plan	The FWA Group
4A.2	Second Floor Plan	The FWA Group
4B.1	Front and Rear Elevations	The FWA Group
4B.2	Side Elevations	The FWA Group

and recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Plat Book 68 at Page 3.

EXHIBIT "C" TO FIRST AMENDMENT TO MASTER DEED OF
BERWICK GREEN HORIZONTAL PROPERTY REGIME
ARCHITECT'S CERTIFICATE

PHASE II

To the best of my knowledge with the information available this is to certify the BERWICK GREEN HORIZONTAL PROPERTY REGIME, consisting of the four (4) Phase II Units are built substantially in accordance with the floor plans attached to the First Amendment to Master Deed, as Exhibit "B" to be recorded in the RMC Office for Beaufort County, South Carolina, except for minor variations which are customary in projects of this nature.

THE FWA GROUP

By: Julie Vaughn
S. C. Registration # 3544

Certified to this 21st
day of December 1998
Daniela J. Cuthbertson
Notary Public for Beaufort County, SC
My Commission Expires 9/29/08

EXHIBIT "D" TO FIRST AMENDMENT TO MASTER DEED
BERWICK GREEN HORIZONTAL PROPERTY REGIME
PERCENTAGE OF UNDIVIDED INTEREST IN THE COMMON ELEMENTS
AND VALUE FOR SOUTH CAROLINA STATUTORY PURPOSES

PHASE I AND II

For purposes of the South Carolina Horizontal Property Act and pursuant to the terms of the Master Deed, the percentage interest appurtenant to each Unit of the Regime shall be established in accordance with the following formula:

$$\frac{V}{A} = P$$

- "P" - Percentage Interest of each Unit.
- "V" - Valuation of the respective Units as set forth in this Exhibit "H" and in the amendments to Master Deed for Future Phase Property.
- "A" - Aggregate Valuation of all Units existing in the Regime and added to the Regime as provided in Articles VIII and IX of the Master Deed.

UNIT TYPES/STATUTORY VALUES:

There are two (2) basic types of Units in Phase I and Phase II. These Residence Types have the following statutory value for purposes of the South Carolina Horizontal Property Act:

Aberdeen	=	\$ 400,000
Carlton	=	\$ 600,000

STATUTORY PERCENTAGE INTEREST:

Based upon the above values, the percentage of undivided interest in the common elements appurtenant to each Unit in BERWICK GREEN HORIZONTAL PROPERTY REGIME is set forth below:

<u>Unit No./Type</u> <u>Phase I and II</u>	<u>Statutory Value</u>	<u>Percentage</u> <u>Phase I and II</u>
Aberdeen	\$ 400,000	10%
Aberdeen	\$ 400,000	10%
Carlton	\$ 600,000	15%
Carlton	\$ 600,000	15%

OVERALL SUMMARY - COMPOSITE CHART:

Subsequent to the filing of the Master Deed and this Amendment, the total number of Units by Type and Percentage Interest is as follows:

<u>Residence Type</u>	<u>Individual % Interest</u>	<u>Total # of Residences</u>	<u>Total Percentage</u>
1. Aberdeen	1.05265	38	40%
2. Carlton	1.57895	38	60%
			<hr/> 100.00%

THESE VALUATIONS ARE FOR PURPOSES OF THE SOUTH CAROLINA
HORIZONTAL PROPERTY ACT.

Hughes 6159

FILED
JOHN A. SULLIVAN - RMC
TRANSPORT COUNTY, S.C.

107

98 DEC -7 AM 10:35

/MLL

BK *1114* PG *98*
FOLDER#