

The within instrument has been transferred on 03/01/2010 12:12:47 PM , and recorded in the Jasper County Assessor's Office.

Tax Map No.:

Transfer No.: 10-27-193

Deani Hall

- JASPER COUNTY, SC



201000000838 02/25/2010 AT 03:12 PM
OR Volume 0785 Page 0679 - 0689
Filed for Record in JASPER COUNTY ROD
Deed Fee: \$17.00

**STATE OF SOUTH CAROLINA) SECOND AMENDMENT OF MASTER
) DEED OF HAMPTON POINTE VILLAS
FOR COUNTY OF JASPER) HORIZONTAL PROPERTY REGIME**

THIS SECOND AMENDMENT OF MASTER DEED OF HAMPTON POINTE VILLAS HORIZONTAL PROPERTY REGIME (“Second Amendment”) is made this 23 day of February, 2010, by **TOLL SC III, L.P.**, a South Carolina limited partnership, having its address at 250 Gibraltar Road, Horsham, PA 19044 (the “Declarant”).

WITNESSETH:

WHEREAS, Declarant holds title in fee simple to the certain lands described in Exhibit “A” attached to this Second Amendment and incorporated herein (being hereinafter referred to as the “Added Portion Of Future Phase Property” or as “Tract 1A1” or as “Phase 1A1”); and

WHEREAS, Declarant established the Hampton Pointe Horizontal Property Regime (the “Regime”) by filing a Master Deed dated November 7, 2007 and recorded in the Office of the Register of Deeds for Jasper County, South Carolina in Book 606 at Pages 1-71 (the “Master Deed”), which was Phase 1; and

WHEREAS, Declarant filed a First Amendment to the Master Deed dated December 12, 2007 and recorded in the Office of the Register of Deeds for Jasper County, South Carolina in Book 618 at Pages 93-103 to add Phase 1A2 to the Regime; and

WHEREAS, Declarant reserved the unrestricted right in Article III, Section 6(b) and Section 7, and in Article VIII, Section 2 of the Master Deed to unilaterally amend the Master Deed to submit all or any portion of the Future Phase Property to the Master Deed by the recording (on or before December 31, 2022) of record of an amendment in the Office of the Register of Deeds for Jasper County, South Carolina describing such property and stating the Declarant’s intent to submit such property to the provisions of the Master Deed and to have such property become a part of the Regime in the same manner as if part of the Master Deed in every particular as originally filed; and

WHEREAS, the Declarant now wishes to submit the Added Portion Of Future Phase Property (also known as Phase 1A1) to the provisions of the Master Deed and to have the Added Portion Of Future Phase Property become a part of the Regime in the same manner as if part of the Master Deed in every particular as originally filed;

DEED BOOK: 0785 PAGE: 0489

DATE: 03/01/2010 09:51:43 AM

Hazel Holmes / EM

AUDITOR JASPER COUNTY, SC

NOW, THEREFORE, the Declarant hereby declares that:

1. The Added Portion Of Future Phase Property (also known as Tract 1A1), including all improvements thereon, such property being described in **Exhibit "A"** attached to this Second Amendment and by this reference incorporated herein (and the term "Land" shall include the land described on **Exhibit "A"** attached hereto) shall be held, transferred, sold, devised, assigned, conveyed, given, purchased, leased, occupied, possessed, mortgaged, encumbered and used subject to the Master Deed and shall be a part of the Regime (including being subject to the By-Laws attached to the Master Deed as **Exhibit "B"**) in the same manner as if such Added Portion Of Future Phase Property, as improved, was described and included as a part of the Master Deed in every particular as originally filed. The benefits and burdens of the Master Deed and this Second Amendment, 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 Added Portion Of Future Phase Property described in Exhibit "A", and all improvements thereon, and shall be binding on all parties having any rights, title or interest in the Added Portion Of Future Phase Property described in Exhibit "A", and all improvements thereon, or any part thereof, their heirs, successors and assigns. The term "Property" as used in the Master Deed shall include the Added Portion Of Future Phase Property together with all improvements thereon.

2. Article I, Section 3 of the Master Deed is amended to add the following:

Section 3. Improvements. The location of the improvements constructed on the Added Portion Of Future Phase Property (such Added Portion Of Future Phase Property being referred to as a portion of Tract 1, Units V-1 Thru V-4, a portion of Phase 1 on the As-Built Survey as described below) is shown on the As-Built Survey (as defined below) and the applicable Units thereon have been constructed generally in accordance with the floor plans described in **Exhibit "D"** attached to the Master Deed and incorporated by reference herein and made a part hereof as fully as if attached hereto (the "Plans"), which Plans have been certified to by Michael R. LeBlanc, AIA, an architect duly licensed to practice in South Carolina, Registration No. 7417. The as-built survey attached to this Second Amendment as **Exhibit "C"** is entitled "An AsBuilt Survey of Tract 1, Units V-1 Thru V-4, a portion of Phase 1, Hampton Pointe", has been prepared by Coastal Surveying Co., Inc., Mack W. Thomas, III, S.C.P.L.S. No. 14531, is dated February 16, 2010, and has been approved for recording by the City of Hardeeville, South Carolina (the "As-Built Survey"). Attached to this Second Amendment as **Exhibit "E"** is the architect's certificate stating that the condominium units located on the Added Portion Of Future Phase Property appear to be generally constructed substantially in compliance with the Plans, except for minor variations as allowed by this Master Deed and/or which are customary in projects of this nature.

3. Article III, Section 2 of the Master Deed is amended by adding the following:

Section 2. Individual Units of Added Portion Of Future Phase Property. The improvements of the Added Portion Of Future Phase Property consist of one Building containing four (4) Units. The Unit number and type of plan of each Unit of the Added

Portion Of Future Phase Property are listed below. The location of the Building and the Units therein of the Added Portion Of Future Phase Property are shown on the As-Built Survey attached to this Second Amendment as **Exhibit "C"**. The layout and approximate area of the plan of each applicable Unit, as the plan for each applicable Unit is listed below (i.e., whether the Aldridge plan or the Keller plan), is shown by the Plans attached to the Master Deed as **Exhibit "D"** and incorporated herein by reference. Each of the Units within the Building located on the Added Portion Of Future Phase Property described on **Exhibit "A"** attached to this Second Amendment are all located in and will have a mailing address of the City of Hardeeville, South Carolina 29927 as listed below:

<u>Unit No.</u>	<u>Mailing Address</u>
Unit V-1 (approximately 2,045 sq. ft.) (Aldridge plan)	Villa 161A, Azalea Drive
Unit V-2 (approximately 2,595 sq. ft.) (Keller plan)	Villa 161B, Azalea Drive
Unit V-3 (approximately 2,045 sq. ft.) (Aldridge plan)	Villa 169A, Azalea Drive
Unit V-4 (approximately 2,595 sq. ft.) (Keller plan)	Villa 169B, Azalea Drive

4. Article III, Section 5 of the Master Deed is amended as follows:

Area Comprising the Property. The Property, upon the filing of this Second Amendment, has a total of approximately 1.553 acres on which is situated three (3) Buildings with the remaining property being made up of drives, walkways, outside landscapes areas and other Common Elements, both General and Limited Common Elements, as applicable.

5. Chart One and Chart Two of **Exhibit "F"** of the Master Deed are hereby amended as follows:

CHART ONE

PROPERTY STATUTORY VALUES. Units V-1 to V-12 of the Property will have the following statutory value for purposes of the Act:

<u>Unit</u>	<u>Statutory Value</u>
V-1	\$360,000.00
V-2	\$360,000.00
V-3	\$360,000.00
V-4	\$360,000.00
V-5	\$360,000.00
V-6	\$360,000.00
V-7	\$360,000.00
V-8	\$360,000.00
V-9	\$360,000.00
V-10	\$360,000.00
V-11	\$360,000.00
V-12	\$360,000.00
Total:	\$2,880,000.00

FUTURE PHASE/STATUTORY VALUE. Each Unit of each Building of the Future Phase Property will have a total statutory value of \$360,000.00.

CHART TWO

PROPERTY STATUTORY PERCENTAGE INTEREST. Based upon the above values, the percentage of undivided interest in the Common Elements appurtenant to each Unit of the Property as currently submitted to the Regime (Units V-1 to V-12) is set forth below:

<u>Unit</u>	<u>Percentage Interest</u>
V-1	8.33 $\frac{1}{3}$ %
V-2	8.33 $\frac{1}{3}$ %
V-3	8.33 $\frac{1}{3}$ %
V-4	8.33 $\frac{1}{3}$ %
V-5	8.33 $\frac{1}{3}$ %
V-6	8.33 $\frac{1}{3}$ %
V-7	8.33 $\frac{1}{3}$ %
V-8	8.33 $\frac{1}{3}$ %
V-9	8.33 $\frac{1}{3}$ %
V-10	8.33 $\frac{1}{3}$ %
V-11	8.33 $\frac{1}{3}$ %
<u>V-12</u>	<u>8.33$\frac{1}{3}$%</u>
Total	100.00%

6. All terms not specifically defined in this Second Amendment shall have the definitions as set forth in the Master Deed, subject to such amendments and changes in said definitions as are made pursuant to this Second Amendment.

7. Except as amended herein, all provisions of the Master Deed as previously amended shall continue in full force and effect.


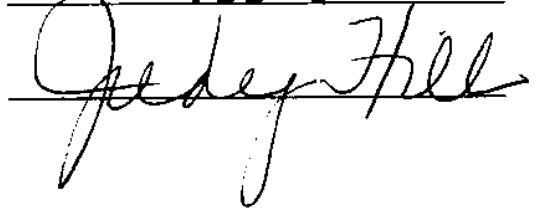
IN WITNESS WHEREOF, Declarant has caused these presents to be executed by its duly authorized partner effective as of the date first above written.

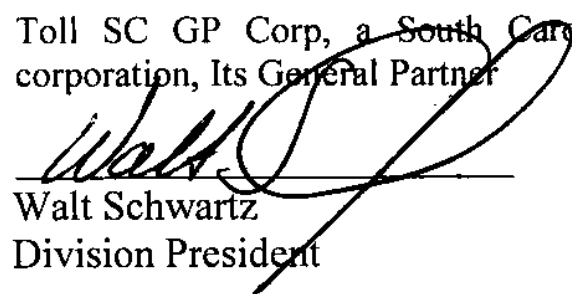
**SIGNED SEALED AND DELIVERED
IN THE PRESENCE OF:**

DECLARANT:

TOLL SC III, L.P., a South Carolina limited partnership

By: Toll SC GP Corp, a South Carolina corporation, Its General Partner

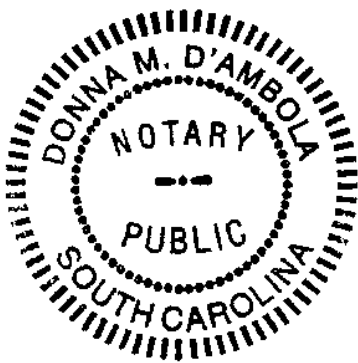
By: 
Name: Walt Schwartz
Title: Division President

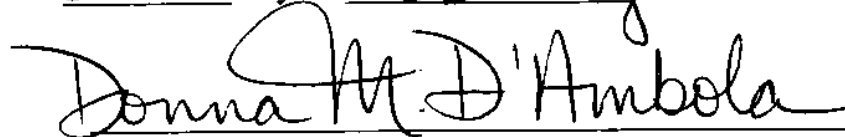
STATE OF SOUTH CAROLINA)
)
COUNTY OF JASPER)

ACKNOWLEDGMENT

I, the undersigned Notary Public, do hereby certify that Walt Schwartz, the Division President of Toll SC GP Corp., a South Carolina corporation, General Partner of TOLL SC III, L.P., a South Carolina limited partnership, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal this 23rd day of February 2010.





Notary Public for South Carolina **My Commission Expires**
My Commission Expires: **November 23, 2015**

EXHIBIT "A"

**HAMPTON POINTE VILLAS
HORIZONTAL PROPERTY REGIME**

**DESCRIPTION OF THE LAND OF ADDED PORTION OF FUTURE PHASE
PROPERTY**

All that certain piece, parcel or tract of land, situate, lying and being in the East Argent P.D.D., City of Hardeeville, Jasper County, South Carolina at Hampton Pointe, having and containing approximately 0.534 acres, more or less (which now forms part of the "Land"), and being more particularly shown and designated as Tract 1A1 on that certain plat entitled "Hampton Pointe Phase 1 Lots" prepared for Toll SC III, L.P. by Thomas & Hutton Engineering Company, Boyce L. Young, S.C.R.L.S. No. 11079, dated March 3, 2006, last revised October 25, 2007 and recorded in the Office of the Register of Deeds/Clerk of Court for Jasper County, South Carolina in Plat Book 30 at Pages 240-248 (the "Plat"). The Plat has 9 Sheets and Tract 1A1 is shown on Sheet 7 of the Plat. For a metes and bounds description of said Tract 1A1, reference is made to the aforementioned Plat of record.

Said Tract 1A1 and all improvements thereon are submitted to the Regime subject to all covenants, conditions, restrictions, easements, use rights and grants which are recorded in the Jasper County, South Carolina Public Records and/or which are shown on the aforementioned Plat and/or the As-Built Survey.

This being a portion of the same property conveyed to Toll SC III, L.P. by deed of JPR Properties, LLC dated February 1, 2006 and recorded in the Office of the Register of Deeds/Clerk of Court for Jasper County, South Carolina in Book 339 at Pages 283-285.

A Portion of TMP # 043-00-00-0001

EXHIBIT "B"

**HAMPTON POINTE VILLAS
HORIZONTAL PROPERTY REGIME**

**BY-LAWS
OF
HAMPTON POINTE VILLAS
HORIZONTAL PROPERTY REGIME**

**AND
HAMPTON POINTE VILLAS OWNERS ASSOCIATION, INC.**

See Exhibit "B" attached to Master Deed dated November 7, 2007 and recorded in the Office of the Register of Deeds for Jasper County, South Carolina in Book 606 at Pages 1-71, such Exhibit "B" being incorporated herein by reference, as such By-Laws may be amended from time to time.

EXHIBIT "C"

HAMPTON POINTE VILLAS
HORIZONTAL PROPERTY REGIME

AS-BUILT SURVEY FOR ADDED PORTION OF FUTURE PHASE PROPERTY

See attached As-Built Survey

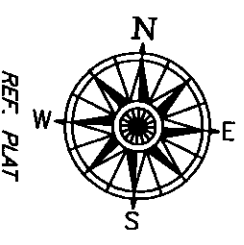
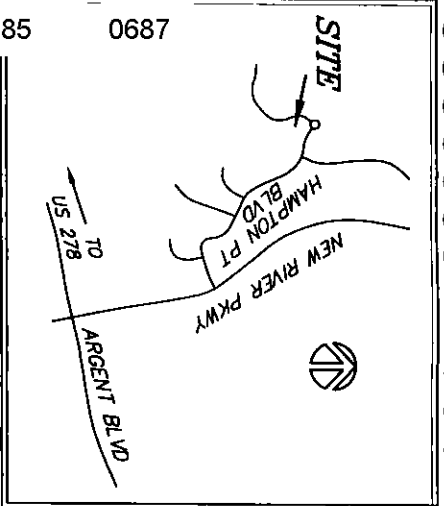
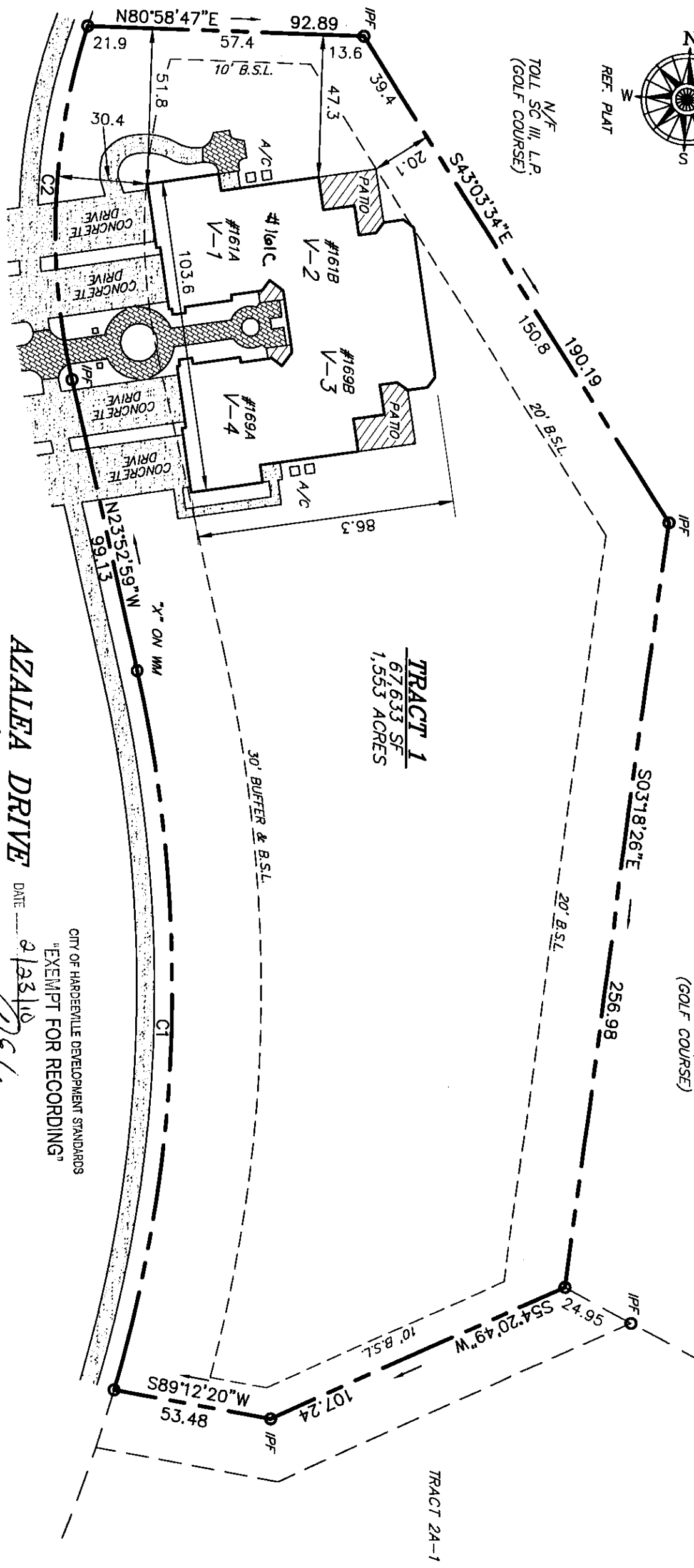


EXHIBIT "C"

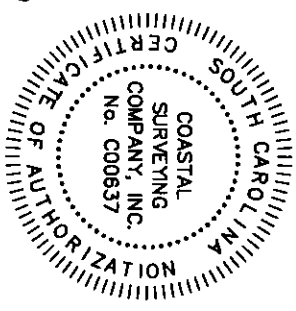


REFERENCE PLAT:
- PLAT BOOK 30, PAGE 240

LEGEND:
IPF OLD IRON PIN FOUND
B.S.L. BUILDING SETBACK LINE
WM WATER METER

- NOTES:
1. THIS LOT IS LOCATED IN FLOOD ZONE "C", NO B.F.E. REQUIRED PER F.L.R.M. NO. 4501202008, EFFECTIVE 9/29/06.
 2. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR. NO INVESTIGATIONS FOR EASEMENTS, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE OR ANY OTHER FACTS HAVE BEEN MADE THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
 3. THIS PLAT DOES NOT CERTIFY THE ABSENCE OR PRESENCE OF U.S. ARMY CORPS OF ENGINEERS JURISDICTIONAL WETLANDS.
 4. THIS SURVEY IS INTENDED ONLY FOR WHOM IT WAS PREPARED AND IS NOT TRANSFERABLE TO ANYONE, INCLUDING WITHOUT LIMITATION, SUCCESSOR OWNERS OF THIS PROPERTY.
 5. THE CERTIFIER HAS NOT INVESTIGATED OR BEEN INSTRUCTED TO INVESTIGATE THE EXISTENCE OR NONEXISTENCE OF ANY OVERLAY DISTRICTS, SUCH AS: AIRPORT, MILITARY, NOISE, CRASH POTENTIAL OR ENVIRONMENTAL ISSUES.
 6. THERE IS A 10' UTILITY/DRAINAGE EASEMENT ON THE REAR LOT LINE SUBJECT TO REDUCTION TO 5' BY DECLARATION OR HAMPTON POINTE PROPERTY OWNERS WHEN IT DEEMS NECESSARY EXCEPT AS OTHERWISE PROVIDED IN THE DECLARATION (AS DEFINED IN PLAT BOOK 31, PAGE 113).
 7. THERE IS A 7.5' UTILITY/DRAINAGE EASEMENT ON THE SIDE LOT LINES SUBJECT TO REDUCTION TO 1' BY HAMPTON POINTE PROPERTY OWNERS WHEN IT DEEMS NECESSARY EXCEPT AS OTHERWISE PROVIDED IN THE DECLARATION (AS DEFINED IN PLAT BOOK 31, PAGE 113).
 8. ALL SETBACKS ARE GOVERNED SOLELY BY PRIVATE COVENANTS PURSUANT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR HAMPTON POINTE PROPERTY OWNERS. THESE SETBACKS ARE SUBJECT TO VARIANCES AS MAY BE GRANTED IN WRITING BY THE HAMPTON POINTE AEA.
 9. ALL LAKES/LAGOONS HAVE A 15' MAINTENANCE EASEMENT ALONG THE PERIMETER OF THE TOP OF BANK TO NORMAL WATER LEVEL.

#161A	TM 067-03-00-192.01
#161B	TM 067-03-00-192.02
#169A	TM 067-03-00-192.03
#169B	TM 067-03-00-192.04



PREPARED FOR: TOLL SC III, L.P.

AZALEA DRIVE
60' R/W

DATE: 2/16/10
SIGNED: [Signature]

CITY OF HARDEEVILLE DEVELOPMENT STANDARDS
"EXEMPT FOR RECORDING"

AN ASBUILT SURVEY OF
TRACT 1
UNITS V-1 THRU V-4
A PORTION OF
HAMPTON POINTE
PHASE 1

CITY OF HARDEEVILLE, JASPER COUNTY, SOUTH CAROLINA

SCALE: 1" = 40'
DATE: 2/16/10
JOB No.: 44858

SURVEYED BY: LC
DRAWN BY: MT
CHECKED BY: EI

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN. ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

[Signature]
MACK W. THOMAS III
S.C.P.L.S. 14531

COASTAL SURVEYING CO., INC.
49 RIVERWALK BLVD., BLD. 8
RIDGELAND, S.C. 29896
(843) 845-4446

EXHIBIT "D"

HAMPTON POINTE VILLAS
HORIZONTAL PROPERTY REGIME

FLOOR PLANS

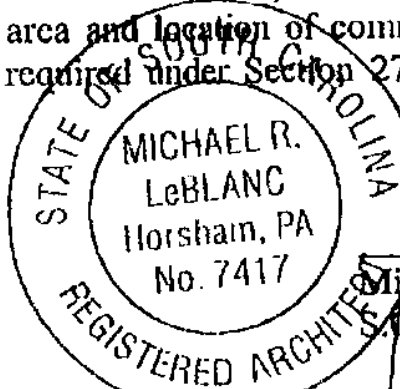
See Exhibit "D" attached to Master Deed dated November 7, 2007 and recorded in the Office of the Register of Deeds for Jasper County, South Carolina in Book 606 at Pages 1-71, such Exhibit "D" being incorporated herein by reference.

EXHIBIT "E"

HAMPTON POINTE VILLAS
HORIZONTAL PROPERTY REGIME

ARCHITECT'S CERTIFICATE

This is to certify that the improvements known as V-1, V-2, V-3, and V-4 on the Added Portion Of Future Phase Property known as a portion of Tract 1 (Phase 1A1) (the whole of Tract 1 includes Phase 1, Phase 1A1 and Phase 1A2 on which have been constructed the Buildings for Units V-1 through V-12, all of which are part of the Hampton Pointe Villas Horizontal Property Regime), the Hampton Pointe Villas Horizontal Property Regime, consisting of one (1) Building containing Unit numbers V-1, V-2, V-3, and V-4, appear to be generally built substantially in accordance with the Plans described on Exhibit "D" attached to the Master Deed (recorded in the Office of the Register of Deeds for Jasper County, South Carolina in Book 606 at Pages 1-71) and on the sheets forming part of Exhibit "D" attached to the Master Deed (Sheets A-2, A-3, A-5, and A-5A which have been stamped with my seal by me), except for minor variations as allowed by the Master Deed and/or which are customary in projects of this nature. The first floor of the Building on this portion of the Added Portion Of Future Phase Property contains (i) two (2) Aldridge plan Units, including a garage for each such Unit, (ii) an approximately 8 sq. ft. fire sprinkler room attached to the left hand side Aldridge garage (which has been assigned an address of #161C) and an approximately 8 sq. ft. room attached to the right hand side Aldridge garage (both of which rooms are general common elements), and (iii) the entry foyers and garages of the two (2) Keller plan Units. The second floor of the Building on this portion of the Added Portion Of Future Phase Property contains two (2) Keller plan Units. The undersigned further certifies that the Plans show graphically the dimensions, area, and location of each condominium unit therein and the dimension, area and location of common elements affording access to each condominium unit as required under Section 27-31-110 of the Code of Laws of South Carolina, 1976.



[Signature]
Michael R. LeBlanc, Architect
S.C. Registration No. 7417

I, the undersigned Notary Public, do hereby certify Michael R. LeBlanc personally appeared before me and acknowledged due execution of this Architect's Certificate this 23 day of FEBRUARY, 2010.

[Signature]
Notary Public for Pennsylvania
My Commission Expires: 11/14/2011

