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STATE OF SOUTH CAROLINA )  
  )  
COUNTY OF CHARLESTON     ) **FIFTH AMENDMENT TO DECLARATION  
  ) OF COVENANTS, CONDITIONS,  
  ) RESTRICTIONS AND EASEMENTS FOR  
  ) THE GARDENS AT WHITNEY LAKE**

**THIS FIFTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR THE GARDENS AT WHITNEY LAKE** (the "Fifth Amendment") is made this 19 day of October, 2016, by Southeastern Recapitalization Group, LLC a South Carolina limited liability company ("Declarant").

**WHEREAS**, Southeastern Recapitalization Group, LLC is the Declarant as stated in the Declaration of Covenants, Conditions, Restrictions and Easements for the Gardens at Whitney Lake Phase 2A dated July 10, 2012, and recorded in the RMC Office For Charleston County on July 12, 2012, in Book 0263, at Page 646, as amended by Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for the Gardens at Whitney Lake Phase 2A dated October 17, 2012, and recorded in the RMC Office for Charleston County on October 24, 2012, in Book 0286, at Page 705, as further amended by Second Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for the Gardens at Whitney Lake Phase 2A dated April 8, 2013, and recorded in the RMC Office for Charleston County on April 10, 2013, in Book 0322, at Page 955, as further amended by Third Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for the Gardens at Whitney Lake dated October 8, 2014, and recorded in the RMC Office for Charleston County on October 9, 2014, in Book 0434, at Page 093 and as further amended by Fourth Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for the Gardens at Whitney Lake dated December 1, 2015, and recorded in the RMC Office for Charleston County on December 3, 2015, in Book 0521, at Page 155 (collectively the "Restrictions and Covenants"); and

**WHEREAS**, Article XI, General Provisions, Section 11.3 Amendment, paragraph (a) (v) of the Declaration of Covenants, Conditions, Restrictions and Easements for the Gardens at Whitney Lake Phase 2A recorded in the RMC Office for Charleston County in Book 0263, at Page 646 provides, in relevant part, that the Declarant shall have the right to amend the Restrictions and Covenants without a vote or consent of the Owners for the purpose of annexing all of any portion of the Additional Property to the terms and conditions of the Restrictions and Covenants; and

**WHEREAS**, Declarant now desires to annex Additional Property to the terms and conditions of the Restrictions and Covenants.

**NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS**, that Declarant does hereby declare that the following pieces, parcels and lots of land shall be annexed and subject to the Restrictions and Covenants:

**ALL those certain pieces, parcels or lots of land situate, lying and being on Johns Island, City of Charleston, Charleston County, South Carolina, known and designated as: “Lots: Lot 2B-1, Lot 2B-2, Lot 2B-3, Lot 2B-4, Lot 2B-5, Lot 2B-6, Lot 2B-7, Lot 2B-8, Lot 2B-9, Lot 2B-10, Lot 2B-11, Lot 2B-12, Lot 2B-13, Lot 2B-14, Lot 2B-15, Lot 2B-16, Lot 2B-17, Lot 2B-18, Lot 2B-19, Lot 2B-20, Lot 2B-21, Lot 2B-22, Lot 2B-23, Lot 2B-24, Lot 2B-25, Lot 2B-26, Lot 2B-27, Lot 2B-28, Lot 2B-29, Lot 2B-30, Lot 2B-31, Lot 2B-32, Lot 2B-33, Lot 2B-34, Lot 2B-35, Lot 2B-36, Lot 2B-37, Lot 2B-38, Lot 2B-39, Lot 2B-40, Lot 2B-41, Lot 2B-42, Lot 2B-43, Lot 2B-44, Lot 2B-45, Lot 2B-46, Lot 2B-47, Lot 2B-48, Lot 2B-49, Lot 2B-50, and Lot 2B-51”; two (2) variable drainage easements designates as “VARIABLE D. E.”; three (3) drainage easements designated as: “NEW 16' CITY OF CHARLESTON DRAINAGE EASEMENT”; two (2) drainage easement designated as “NEW 20' CITY OF CHARLESTON DRAINAGE EASEMENT”; one sewer easement designated as “20' CHARLESTON WATER SYSTEM SEWER EASEMENT”; five (5) general utility easements designated as “5' GUE”; one (1) Berkeley Electric Cooperative power easement designated as “5' B.E.C.”; “HOA AREA 1”; “HOA AREA 2”; “HOA AREA 3”; “WATERLEAF ROAD (TYPE 2, 50' R/W)”; “WATERLEAF ROAD (TYPE 2, 42' R/W)”; “SPARKLEBERRY LANE (TYPE 2, VARIABLE R/W (55' MIN))”; “STAR FLOWER ALLEY (TYPE 5, 25' R/W)”; “PETUNIA ALLEY (TYPE 5, 20' R/W)” all as more particularly shown on the plat entitled:**

**“FINAL SUBDIVISION PLAT SHOWING 51 LOTS, 3 HOA AREAS, RIGHTS-OF-WAY, & VARIOUS EASEMENTS LOCATED IN THE GARDENS AT WHITNEY LAKE, PHASE 2B, JOHNS ISLAND, CITY OF CHARLESTON, CHARLESTON COUNTY, SOUTH CAROLINA OWNED BY SOUTHEASTERN RECAPITALIZATION GROUP, LLC” dated May 20, 2016, revised July 25, 2016, prepared by John David Bass, P.L.S. S.C. Registration No. 15388 and recorded in the RMC Office for Charleston County on 8-29-2016, 2016, in plat Book 116, at Page 0410.**

**Said pieces, parcels and lots of land having such size, shape, buttings and boundings as will be reference to said plat more fully appear.**

By this Fifth Amendment the Declarant subjects the real property described above to the Restrictions and Covenants.

Except as amended and supplemented herein, all other terms and conditions of the Restrictions and Covenants shall remain in full force and effect.

IN WITNESS WHEREOF, the Declarant has hereunto set its hand and seal this 6 day of JUNE, 2016.

WITNESSES:

\*SOUTHEASTERN RECAPITALIZATION GROUP, LLC  
a South Carolina limited liability company

[Signature]  
[Signature]

By: [Signature]  
Its: AUTHORIZED SIGNATORY

\*

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )

ACKNOWLEDGMENT

I, ROBERT ELLIOTT LOCKLAIR, the undersigned Notary Public, do hereby certify that JASON LONG, the AUTHORIZED SIGNATORY of Southeastern Recapitalization Group, LLC, personally appeared before me this 6 day of ~~May~~ JUNE 2016 and acknowledged the due execution of the foregoing instrument.

Subscribed to and sworn before me this 6 day of JUNE, 2016.

[Signature] (SEAL)  
NOTARY PUBLIC FOR SOUTH CAROLINA  
My Commission Expires: 25 JAN '17

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SOUTHEASTERN RECAP ETC

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