



BP0145794

STATE OF SOUTH CAROLINA)	EIGHTH AMENDMENT TO DECLARATION
)	OF COVENANTS, CONDITIONS AND
CHARLESTON COUNTY)	RESTRICTIONS FOR RICE FIELDS AT
)	BULLS BAY RECORDED IN BOOK O-432
)	AT PAGE 179

WHEREAS, the Declaration of Covenants, Conditions and Restrictions for Rice Fields at Bulls Bay ("Declaration") dated January 8, 2003, were recorded January 10, 2003, in Book O-432 at page 179 in the RMC Office for Charleston County, South Carolina; and

WHEREAS, the Declaration was amended by First Amendment to Declaration of Covenants, Conditions and Restrictions for Rice Fields at Bulls Bay dated April 4, 2003 and recorded April 17, 2003 in Book B-445 at page 220; and

WHEREAS, the Declaration was amended by Second Amendment to Declaration of Covenants, Conditions and Restrictions for Rice Fields at Bulls Bay dated October 6, 2003, and recorded October 9, 2003, in Book B471 at page 158; and

WHEREAS, the Declaration was amended by Third Amendment to Declaration of Covenants, Conditions and Restrictions for Rice Fields at Bulls Bay dated October 16, 2003, and recorded October 20, 2003, in Book G472 at page 862; and

WHEREAS, the Declaration was amended by Fourth Amendment to Declaration of Covenants, Conditions and Restrictions for Rice Fields at Bulls Bay dated August 13, 2004, and recorded August 19, 2004 in Book P-506 at page 743 in the RMC Office for Charleston County, South Carolina; and

WHEREAS, the Declaration was amended by Fifth Amendment to Declaration of Covenants, Conditions and Restrictions for Rice Fields at Bulls Bay dated February 8, 2007, and recorded February 8, 2007 in Book Y-614 at page 514 in the RMC Office for Charleston County, South Carolina; and

WHEREAS, the Declaration was amended by Sixth Amendment to Declaration of Covenants, Conditions and Restrictions for Rice Fields at Bulls Bay dated October 22, 2007, and recorded October 23, 2007 in Book Y-642 at page 658 in the RMC Office for Charleston County, South Carolina; and

WHEREAS, the Declaration was amended by Seventh Amendment to Declaration of Covenants, Conditions and Restrictions for Rice Fields at Bulls Bay dated August 15, 2008, and recorded August 18, 2008 in Book 0004 at page 611 in the RMC Office for Charleston County, South Carolina; and

WHEREAS, the Declaration as amended by the seven amendments and this Eighth Amendment is hereby referred to as the "Declaration"; and

WHEREAS, under a Covenant for Maintenance of Easement dated October 24, 2001, and recorded in Book B-386 at page 362, it was provided that Lots 1 thru 3, as more fully described on Exhibit A attached hereto and made a part hereof by this reference would be required to join the Property Owners Association to be formed and to be known as Rice Fields at Bulls Bay Homeowners Association, Inc. and the current owners of Lots 1 thru 3, subject to the exceptions as hereinafter provided, wish to subject their Lots to the Declaration of Covenants, Conditions, Restrictions for Rice Fields at Bulls Bay recorded in Book O-432 at page 179, as amended in the RMC Office for Charleston County, South Carolina; and

WHEREAS, pursuant to Article 2.2.3 of the Declaration, the Board of Directors may permit Lots 1, 2, and 3, to become Added Property as that term is defined in the Declaration and the Board has met and agreed to allow Lots 1, 2, and 3, subject to the exceptions as hereinafter provided, to become subject to the Declaration as Added Property; and

WHEREAS, under Article 9.2, the Declarant reserved the right to amend the Declaration in order to clarify any provision of this Declaration and it has been determined that in Article 5.2 that the reference under the Class D Associate provision should be amended to correct a typographical error as hereinafter provided; and

WHEREAS, the Third Amendment to the Declaration recorded in Book G-472 at page 862 in the RMC Office for Charleston County, South Carolina, provided that property to be developed as Bulls Bay Cottages would be subjected to the Declaration and pay a reduced fee that was based upon the anticipation that these Lots would be outside the gate. The Lots are now inside the gate, and Declarant wishes to clarify the amount of the assessments due for these Lots, as well as to provide that the Association fees will only be charged once a certificate of occupancy is issued for a Unit built at Bulls Bay Cottages upon a Condominium Lot and no fee will be due for a vacant Lot; and

WHEREAS, under Section 9.1. of the Declaration, the Board of Directors may propose and an Amendment to the Declaration by a vote of not less than seventy-five (75%) percent of the existing Board of Directors; and

NOW, THEREFORE, pursuant to Section 9.1 of the Declaration and the vote by seventy-five (75%) per cent or more of the existing Board of Directors at its meeting held on the _____ day of September, 2010, the President of the Association was authorized to execute the within Amendment along with the Declarant to hereby amend the Declaration as follows:

1. AER, LLC and Seewee Bay Company, LLC, owner of Lot 1; Forrest Fezler, owner of Lot 2; and Heidi W. Strantz, owner of Lot 3; as more fully described on Exhibit A, hereby subject their Lots to the Declaration of Covenants, Conditions, Restrictions for Rice Fields at Bulls Bay ("Declaration") recorded in Book O-432 at page 179, as amended, in the RMC Office for Charleston County, South Carolina, with the following exceptions:
 - a. Section 8.1 of the Declaration reads in part, ".....that a Supplemental Declaration approved by Declarant subjecting

Added Property to this Declaration may define other permitted uses for such Added Property.” Therefore, Declarant has decided that given the nature and location of Lots 1, 2 and 3 and their size with respect to other lots, that notwithstanding Paragraph 8.1 and 8.3 of the Declaration, these Lots may have horses, a horse barn and other outbuildings for private use in keeping with such use so long as all such use is in compliance with the Charleston County Zoning Regulations and Building Requirements. There shall be no commercial operations or commercial boarding of horses on any Lot. In addition all plans for a horse barn or other building must be approved by the Architectural Review Board (“ARB”) under the Rules and Regulations, which are attached as Exhibit “C” to the Declaration.

- b. As to Lots 1, 2, and 3, Exhibit “C” Rules and Regulations, Paragraph 1 is hereby amended to provide that the initial enclosed heated area of each Dwelling shall be at least 2400 square feet; provided, however, that the Owner agrees to increase the square footage to 3000 square within four (4) years from the date of the initial construction permit. Failure of the Owner to complete the additional square footage shall be deemed a violation of the Covenants subject to

- enforcement by the Declarant as provided in Section 9.3 of the Declaration.
- c. As to Lots 1, 2, and 3, Exhibit "C" Rules and Regulations, Paragraphs 2 and 3 are hereby amended to provide that the ARB can approve fences and gates within any setbacks under Paragraph 2 and the ARB can approve barns and outbuildings on Lots 1, 2 and 3 as being a Permitted Use so long as they are permitted under the Charleston County Zoning Regulations and built in accordance with the Building Requirements of Charleston County.
 - d. As to Lots 1, 2 and 3, Exhibit "C" Rules and Regulations Paragraph 15, is hereby amended to provide that notwithstanding the provisions of Paragraph 15 that Lots 1, 2 and 3 may have horses which may be raised, bred or kept on these Lots.
 - e. As to Lot 1, a portion of a detention pond is located within a Drainage Easement on Lot 1 and the Owner of Lot 1 shall be subject to the restrictions with regard to Detention Ponds as set forth in the Declaration, as amended, the Rules and Regulations and specifically the Sixth Amendment which added Section 8.5.5.

2. Article 5.2 of the Declaration under "Class D" is hereby amended by deleting the first sentence and amending the first sentence to read as follows:

The Class D Associates shall be the Declarant. As long as the Declarant has a Controlling Interest, the Class D Associates shall have the same number of votes as the combined number of votes for all Class A, Class B and Class C Associates, plus one additional vote.

3. Paragraph 3 of the Third Amendment dated October 16, 2003, as recorded October 20, 2003, in Book G-472 at page 862 in the RMC Office for Charleston County, South Carolina is hereby deleted and amended to read as follows:

Pursuant to the above-referenced paragraph 5.2, and in recognition that the property owned by Bulls Bay will use only a limited portion of Bulls Bay Boulevard, the parties have determined and agreed that the equitable Regular Assessment and voting formula for each such Unit under the aforesaid paragraph 5.2 of the Declaration shall be fifteen (15%) per cent of the amount paid by Class A Associates; PROVIDED, HOWEVER, that the amount paid shall not be less than One Hundred Fifty and 00/100 (\$150.00) Dollars, and that each Unit developed by Bulls Bay as a Class C Associate shall have .15 of one (1) vote. Such Assessment shall commence, as of the date the Certificate of Occupancy is issued for Condominium Unit built and constructed at Bulls Bay Cottages. This provision applies only to Condominium Units developed at Bulls Bay Cottages and does not apply to

any other property owned by AER, LLC until such time as AER, LLC, or its successors or assigns, elect to develop the property. At that time, a determination shall be made as to the amount of the Assessments and when the Assessments will become due and owing.

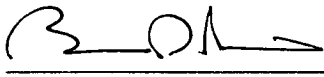
Except as provided herein, all other terms and conditions of the Declaration, as amended, shall remain and be the same.

IN WITNESS WHEREOF, the undersigned have set their Hands and Seals this 17th day of September, 2010..

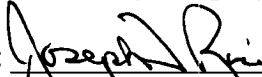
WITNESS:

DECLARANT:

RICE FIELDS LLC, a South Carolina limited liability company



First Witness Signs Here

By: 

Joseph F. Rice

Is: Member



Notary Signs Here AS WITNESS


STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

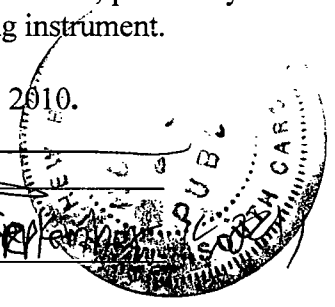
ACKNOWLEDGMENT

I the undersigned Notary Public for the State of South Carolina do hereby certify that Rice Fields LLC, a South Carolina limited liability company, by Joseph F. Rice, its Member, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Subscribed to and sworn before me this 17th day of September, 2010.


Notary Public SC

My commission expires: SEP 2011



The undersigned, as President of Rice Fields at Bulls Bay Homeowners Association, Inc. joins in the within Eighth Amendment to subject Lots 1, 2 and 3 to the Declaration as Added Property as approved by the Board of Directors as of this 17th day of September, 2010.

[Handwritten Signature]

Witness

[Handwritten Signature]

Witness

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

RICE FIELDS AT BULLS BAY
HOMEOWNERS ASSOCIATION, INC.
BY [Handwritten Signature]
ITS: PRESIDENT

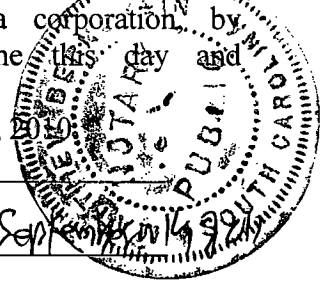
ACKNOWLEDGMENT

I the undersigned Notary Public for the State of South Carolina do hereby certify that Rice Fields at Bulls Bay Homeowners association, Inc., a South Carolina corporation, by Joseph H. Rice, its President, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Subscribed to and sworn before me this 17th day of September,

[Handwritten Signature]
Notary Public SC

My commission expires: September 14, 2011



The undersigned Manager of AER, LLC. joins in the within Eighth Amendment to subject Lot 1 to the Declaration, with the exceptions as provided herein as of this 17th day of September, 2010.

[Signature]

Witness

Carolyn Young

Witness

AER, LLC

BY [Signature]

Joseph F. Rice
Its: Manager

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

ACKNOWLEDGMENT

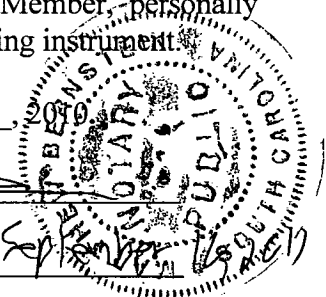
I the undersigned Notary Public for the State of South Carolina do hereby certify that AER, LLC, a South Carolina limited liability company, by Joseph F. Rice, its Member, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Subscribed to and sworn before me this 17th day of September

[Signature]

Notary Public SC

My commission expires: September 15, 2011



The undersigned Seewee Bay Company, LLC joins in the within Eighth Amendment to subject Lot 1 to the Declaration, with the exceptions as provided herein, as of this 17th day of September 2010.

[Signature]
Witness

Carolyn Young
Witness

SEEWEE BAY COMPANY, LLC

BY Joseph F. Rice
Joseph F. Rice
Its: Member

STATE OF SOUTH CAROLINA

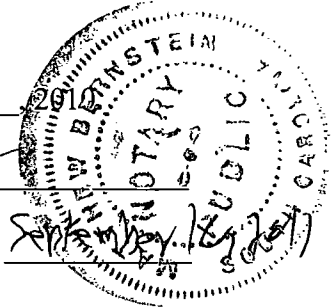
COUNTY OF CHARLESTON

ACKNOWLEDGMENT

I the undersigned Notary Public for the State of South Carolina do hereby certify that SEEWEE BAY COMPANY, LLC, a South Carolina limited liability company, by Joseph F. Rice, its Member, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Subscribed to and sworn before me this 17th day of September

[Signature]
Notary Public SC
My commission expires: September 18, 2011



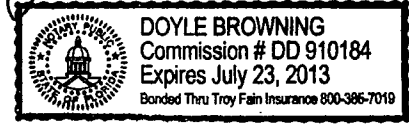
The undersigned Forrest Fezler joins in the within Eighth Amendment to subject his Lot 2 to the Declaration, with the exceptions as provided herein, as of this 18 day of Sept, 2010.

[Signature]
Witness

[Signature]
Witness

[Signature]
Forrest Fezler

Florida
STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
Leon



ACKNOWLEDGMENT

I the undersigned Notary Public for the State of South Carolina do hereby certify that Forrest Fezler personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Subscribed to and sworn before me this 18th day of September, 2010.

[Signature]
Notary Public ~~SC~~ *Florida*
My commission expires: July 23, 2013

The undersigned Heidi W. Strantz joins in the within Eighth Amendment to subject her Lot 3 to the Declaration, with the exceptions as provided herein, as of this 21 day of Sept, 2010.

Lea Anne Brown
Witness

Heidi W. Strantz
Heidi W. Strantz

[Signature]
Witness

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

ACKNOWLEDGMENT

I the undersigned Notary Public for the State of South Carolina do hereby certify that Heidi W. Strantz personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Subscribed to and sworn before me this 21 day of Sept, 2010.

[Signature]
Notary Public SC
My commission expires: 1-17-2013

EXHIBIT A

ALL those parcels, pieces and lots of land, situate, lying and being in Christ Church Parish, near Awendaw, Charleston County, South Carolina, shown and designated as “Lot 1 Total 7.423 AC Highland 3.826 AC Marsh 3.597 AC”, “Lot 2 Total 8.528 AC Highland 4.845 AC Marsh 3.737 AC; and “Lot 3 Total 27.345 AC Highland 22.711 AC”, on a plat entitled, “A PLAT OF 32.089 ACRES, A BOUNDARY LINE ADJUSTMENT OF 532.912 ACRES AND A SUBDIVISION OF LOTS 1-3 OWNED BY SEEWEE BAY COMPANY, LLC, T-TOWN HOTEL, INC & AER, LLC LOCATED IN CHRIST CHURCH PARISH, NEAR AWENDAW CHARLESTON COUNTY SOUTH CAROLINA” by Southeastern Surveying, Inc. dated November 16, 2001, last revised February 1, 2002 and recorded in Plat Book EF at pages 397-399 in the RMC Office for Charleston County, South Carolina. Said size, shape, dimensions, buttings, and boundings as will by reference to said plat more fully appear,

RECORDER'S PAGE



NOTE: This page **MUST** remain with the original document

Filed By:

DERFNER, ALTMAN & WILBORN, LLC
 PO BOX 600
 CHARLESTON SC 29402

RECORDED		
Date:	September 27, 2010	
Time:	1:32:07 PM	
<u>Book</u>	<u>Page</u>	<u>DocType</u>
0145	794	Misc/Amend
Charlie Lybrand, Register Charleston County, SC		

RMC BK 0145 Pg 794 : pg 15 *

Maker:

RICE FIELDS LLC

of Pages:
 # of Sats: # of Refs:

Recipient:

RICE FIELDS @ BULLS BAY

Note:

Recording Fee	\$ 10.00
Extra Reference Cost	\$ -
Extra Pages	\$ 10.00
Postage	\$ -
Chattel	\$ -
TOTAL	\$ 20.00

Original Book:

Original Page:

Drawer
 Clerk



0145
Book



794
Page



09/27/2010
Recorded Date



15
Pgs



O432
Original Book



179
Original Page



D
Doc Type



13:32:07
Recorded Time