

LT-1528

STATE OF SOUTH CAROLINA	)	THIRD AMENDMENT TO DECLARATION OF
	)	COVENANTS, CONDITIONS AND
	)	RESTRICTIONS FOR RICE FIELDS AT BULLS
CHARLESTON COUNTY	)	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 Oct. 9, 2003, in Book \_\_\_\_\_ at page \_\_\_\_\_; and

WHEREAS, Paragraph 2, Section 2.2.3 Subjecting Added Property to the Declaration states as follows:

**"2.2.3. Subjecting Added Property to the Declaration**

Any Person may apply to the Association to subject Added Property to this Declaration. Upon approval of the Board of Directors of the Association, the owner of the Added Property and the Association shall execute a Supplemental Declaration subjecting said Added Property to this Declaration and to such other terms and conditions as shall be required by the Association as a condition of such approval. Declarant reserves the right to allow AER, LLC and Copahee Sound Company LLC to subject any portion of their property to the Declaration as Added Property, without the consent of the Board of Directors, provided that (i) the Declarant and AER, LLC shall comply with the provisions of Section 5.2 relating to Class C Associates, (ii) a copy of the document subjecting the property to the Declaration shall be approved in writing by Declarant and recorded and (iii) a copy of such recorded document shall be promptly provided to the Board of Directors."

WHEREAS, Bulls Bay Cottages, LLC, a South Carolina limited liability company, is this date purchasing a portion of the property owned by AER, LLC known as Tract III, 7.909 acres, and

property, as more particularly described on Exhibit A attached hereto and incorporated herein by reference, to the Declaration; and

WHEREAS, Rice Fields LLC, a South Carolina limited liability Company, the Developer under the beforementioned Declaration, has consented to the addition of the property described on said Exhibit A to the Declaration;

NOW THEREFORE, for and in consideration of the sum of Five Dollars and other valuable consideration:

1. Rice Fields LLC, a South Carolina limited liability company, does hereby amend the Declaration of Covenants, Conditions and Restrictions for Rice Fields at Bulls Bay ("Declaration") as dated January 8, 2003 and recorded January 10, 2003, in Book O-432 at Page 179, in the RMC Office for Charleston County, South Carolina, as heretofore amended, by adding Tract III, 7.909 acres, as more particularly described on Exhibit A attached hereto and incorporated herein by reference.

2. Bulls Bay, its successors and assigns, hereby agrees to comply with all terms and conditions of the aforesaid Declaration and acknowledges its status under paragraph 5.2 Classes of Associates thereof as a Class C Associate.


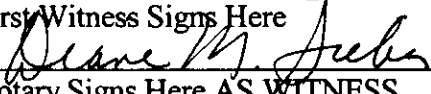
3. Pursuant to the above-referenced paragraph 5.2, and in recognition that the property owned by Bulls Bay is located outside the gate and will use only a limited portion of Bulls Bay Boulevard, the parties have determined and agreed that the equitable Regular Assessment and voting formula for each such 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.

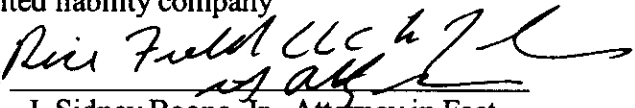
Except as amended herein, all other terms and conditions of the Declaration of Covenants, Conditions and Restrictions for Rice Fields at Bulls Bay, as it may have been amended from time to time, shall remain in full force and effect.



IN WITNESS WHEREOF, the undersigned have set their Hands and Seals this 16<sup>th</sup> day of October, 2003.

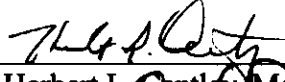
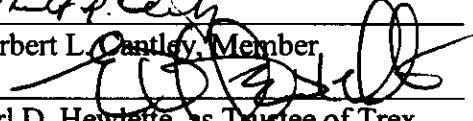
WITNESS:

DECLARANT:

  
\_\_\_\_\_  
First Witness Signs Here  
  
\_\_\_\_\_  
Notary Signs Here AS WITNESS

RICE FIELDS LLC, a South Carolina limited liability company  
By:   
\_\_\_\_\_  
J. Sidney Boone, Jr., Attorney in Fact

  
\_\_\_\_\_  
First Witness Signs Here  
  
\_\_\_\_\_  
Notary Signs Here AS WITNESS

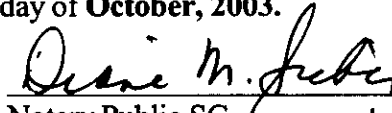
BULLS BAY COTTAGES, LLC, a South Carolina limited liability company  
By:   
\_\_\_\_\_  
Herbert L. Cantley, Member  
By:   
\_\_\_\_\_  
Earl D. Hewlette, as Trustee of Trex Corporation Profit Sharing Plan and Trust, Member

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 J. Sidney Boone, Jr., its Attorney in Fact, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Subscribed to and sworn before me this 16th day of October, 2003.

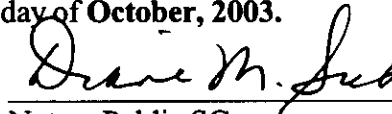
  
\_\_\_\_\_  
Notary Public SC  
My commission expires: 4/17/13

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

ACKNOWLEDGMENT

I the undersigned Notary Public for the State of South Carolina do hereby certify that Bulls Bay Cottages, LLC, a South Carolina limited liability company, by its Members, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Subscribed to and sworn before me this 16th day of October, 2003.

  
\_\_\_\_\_  
Notary Public SC  
My commission expires: 4/17/13

BK G 472 PG 866

EXHIBIT "A"

TRACT III, 7.909 AC.

ALL that certain piece, parcel and tract of land, together with any improvements located thereon, situate, lying and being in Christ Church Parish, Charleston County, South Carolina, known as "**AER, LLC TRACT III 7.909 AC**" and shown on page 1 of a 5-page plat entitled, "A CONDITIONAL SUBDIVISION PLAT OF RICE FIELDS AT BULLS BAY LOTS 4 - 45 and TRACTS I, II, & III PHASES I & II OWNED BY RICE FIELDS LLC and AER, LLC LOCATED IN CHRIST CHURCH PARISH, CHARLESTON COUNTY, SOUTH CAROLINA", made by Southeastern Surveying of Charleston, Inc., dated August 20, 2003, last revised September 10, 2003, and recorded September 19, 2003, in Plat Book EG at pages 634 through 638, inclusive.

Said tract of land having such sizes, shapes, dimensions, buttings and boundings, more or less, as will by reference to said plat more fully and at large appear.

TMS: 632-00-00-147

McNair Law  
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CHARLIE LYBRAND  
REGISTER  
CHARLESTON COUNTY SC

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