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BEAUFORT COUNTY SC - ROD
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2009 Feb -03 08:40 AM

Sharon D. Burnie
BEAUFORT COUNTY AUDITOR

STATE OF SOUTH CAROLINA)
) **AMENDMENT OF MASTER DEED**
) **FOR WINDMILL HARBOUR MARINA**
COUNTY OF BEAUFORT) **HORIZONTAL PROPERTY REGIME**

THIS AMENDMENT OF MASTER DEED FOR WINDMILL HARBOUR MARINA HORIZONTAL PROPERTY REGIME ("Amendment") is made effective October 1, 2008 by the **WINDMILL HARBOUR MARINA ASSOCIATION, INC.**, a South Carolina non-profit corporation ("Association").

WHEREAS, on February 11, 1995, Windmill Harbour Company established the Windmill Harbour Marina Horizontal Property Regime by Master Deed recorded in the Beaufort County RMC Office on February 14, 1985 in Deed Book 413 at Page 547, which Master Deed was amended in Deed Book 518 at Page 1931, Deed Book 520 at Page 699, Deed Book 522 at Page 519, and Deed Book 560 at Page 208 ("Master Deed"); and

WHEREAS, the Master Deed established the Association and set forth bylaws for the operation and administration of the Association, said bylaw amended in 1996 by Amendment of Windmill Harbour Marina Association, Inc. Bylaws recorded in the Beaufort County Register of Deeds Office in Official Record Book 892 at Page 924 and Official Record Book 911 at Page 1718 ("Bylaws"); and

WHEREAS, Article XI, Section 1 of the Association's Bylaws provides that at least sixty-seven percent (67%) of the votes of the Association are required to, among other things, alter the boundaries of any Unit, as that term is defined in the Master Deed; and

WHEREAS, the Association conducted a referendum among its members seeking approval of the below Amendment to the Master Deed; and

WHEREAS, on September 30, 2008, the Association had received written consent of over sixty-seven percent (67%) of the votes of the Association approving such an amendment to the Master Deed as more particularly set forth below, specifically, seventy-two percent (72 %) of the votes of the Association were in favor of the Amendment set forth below.

WHEREAS, the undersigned President of the Association does hereby execute this Amendment effective October 1, 2008 to give record notice of the Amendment to the Association's Master Deed set forth below.

- 1 -

ADD DMP Record 2/2/2009 10:05:22 AM
BEAUFORT COUNTY TAX MAP REFERENCE

Dist	Map	SMap	Parcel	Block	Week
R501	006	00A	0283	0000	00

NOW, THEREFORE, the Association hereby amends this Master Deed in the following manner:

1. Exhibit "C" "Description of Units" to the Fourth Expansion Amendment to Master Deed establishing Windmill Harbour Marina Horizontal Property Regime ("Phase V") recorded in the Beaufort County Register of Deeds Office in Official Record Book 560 at Page 208 is hereby amended by deleting the following text:

Units M-1 and M-2 are 5.5' in width, 45' in length and are constructed of wood. These units are parallel to the bulkhead of the harbor access zone and are connected by a wooden ramp.

and replacing the deleted text with the following text:

Units M-1 and M-2 are 16' in width, 45' in length and project into the Marina Basin from the bulkhead of the Harbour Access Zone. Said areas are reserved for the exclusive use of the Owner(s) of Units M-1 and M-2. Access to Units M-1 and M-2 is from the Harbour Access Zone and each Unit contains a tower/water supply located adjacent to said Unit on the Harbor Access Zone. The Units include the right to encroach on the surface of the bulkhead of the Harbour Access Zone for the installation and maintenance of up to two (2) ladders for each Unit to access watercraft within the Unit(s). The Units include easement rights throughout the six foot (6') area between the Units. Three feet (3') of such easement area shall be allocated to each of Unit M-1 and M-2. Said easement area shall be reserved only for the encroachment of watercraft from Unit M-1 and M-2. No permanent installations shall be allowed in the easement area between the Units.

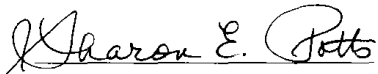
2. The above Amendment does not affect the statutory value or percentage value of Units M-1 or M-2, or any other Unit in the Regime.

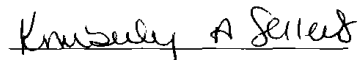
3. Attached as Exhibit "A" to this Amendment is an engineer's drawings of the Units M-1 and M-2 and attached as Exhibit "A-1" is an Engineer's Certificate certifying that Units M-1 and M-2 are constructed substantially in compliance with the engineering diagrams attached hereto as Exhibit "A".

4. Attached hereto is the consent of the Declarant, as defined in the Master Deed, to this Amendment.

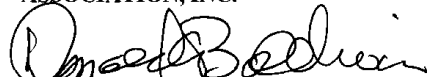
IN WITNESS WHEREOF, the undersigned Windmill Harbour Marina Association, Inc. has executed this Amendment effective October 1, 2008.

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





**WINDMILL HARBOUR MARINA
ASSOCIATION, INC.**


By: Donald Baldwin, Its: President

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

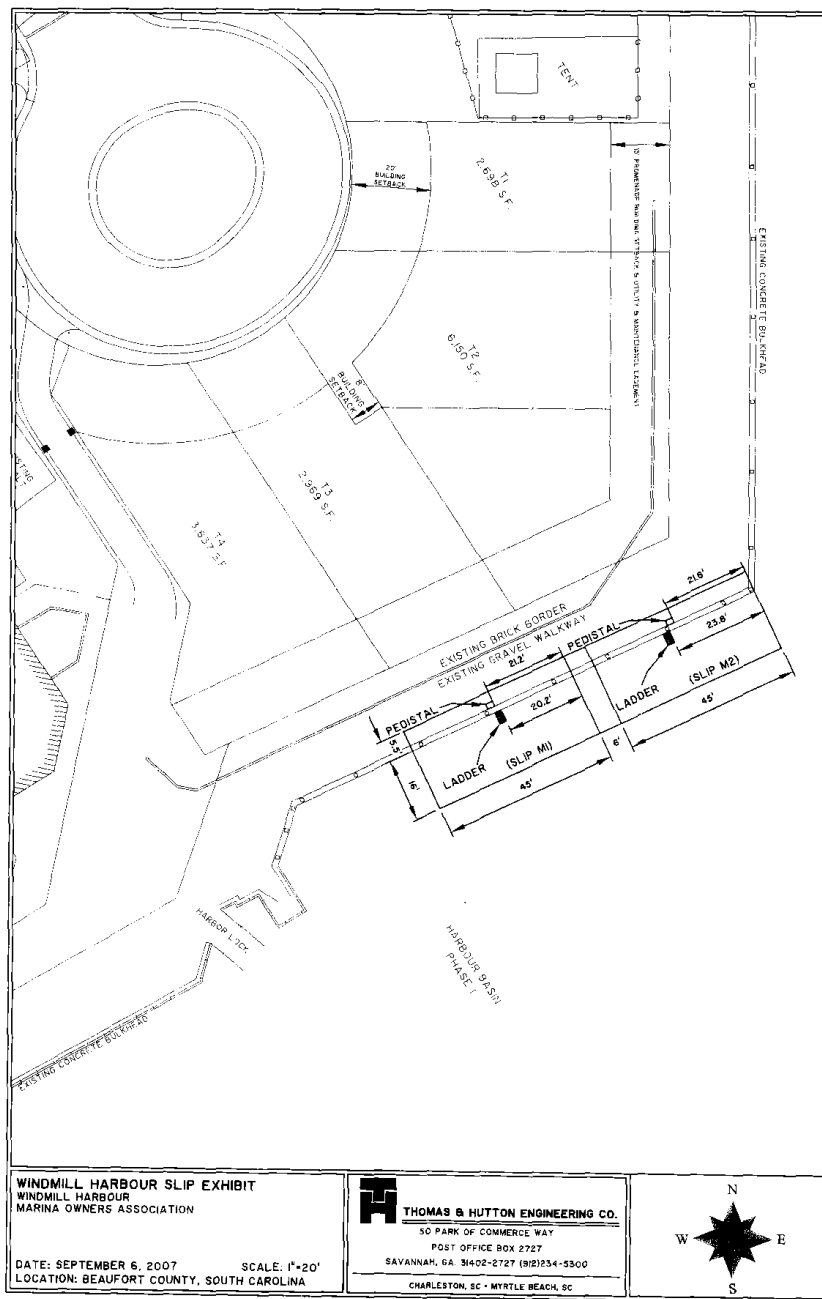
ACKNOWLEDGMENT

I, the undersigned Notary Public, do hereby certify that **Donald Baldwin, as President of Windmill Harbour Marina Association** personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 17 day of OCTOBER 2008.

Sharon E. Potts (SEAL)
NOTARY PUBLIC FOR South Carolina
My commission expires: 6-27-2010

EXHIBIT "A"
Engineering Drawing



WINDMILL HARBOUR SLIP EXHIBIT
 WINDMILL HARBOUR
 MARINA OWNERS ASSOCIATION

DATE: SEPTEMBER 6, 2007 SCALE: 1"=20'
 LOCATION: BEAUFORT COUNTY, SOUTH CAROLINA

THOMAS & HUTTON ENGINEERING CO.
 50 PARK OF COMMERCE WAY
 POST OFFICE BOX 2727
 SAVANNAH, GA 31402-2727 (912)234-5300
 CHARLESTON, SC • MYRTLE BEACH, SC



EXHIBIT A-1

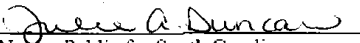
Engineer Certificate

The undersigned certifies that to the best of the undersigned's knowledge, Units M-1 and M-2 of the Windmill Harbour Marina Horizontal Property Regime were completed in accordance with the engineering drawings attached hereto as Exhibit "A".



Thomas & Hutton Engineering Co.
Registration No. **19867**

Certified to this 11th day of June, 2008



Notary Public for South Carolina
My commission expires _____ **JULIE A. DUNCAN**
Notary Public, Effingham County, GA
My Commission Expires October 16, 2010

EXHIBIT "B"

Declarant's Consent

THE UNDERSIGNED Declarant consents to the above Amendment pursuant to Article XII, Section 1 of the Association's Bylaws.

IN WITNESS WHEREOF, the undersigned Windmill Harbour Company, Inc. executes its consent effective 16, October, 2008.

WITNESSES:

WINDMILL HARBOUR COMPANY, INC.
Jenkins Island Realty Corp., a South
Carolina corporation d/b/a Windmill
Harbour Co.

[Signature]

[Signature]
By: _____
Its: Vice President

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

ACKNOWLEDGMENT

I, the undersigned Notary Public, do hereby certify that James N. Richardson Jr. as President of Windmill Harbour Company, Inc. personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 16 day of October, 2008.

[Signature] (SEAL)
NOTARY PUBLIC FOR South Carolina
My commission expires: 8-8-2011