

A.2 HMB201

STATE OF SOUTH CAROLINA )  
COUNTY OF BEAUFORT )

FIRST AMENDMENT TO THE FIFTH  
SUPPLEMENTARY DECLARATION OF COVENANTS  
CONDITIONS AND RESTRICTIONS AND  
DECLARATION OF INTERVAL OWNERSHIP  
FOR KINGSTON COVE PHASE V

WHEREAS, on or about the seventh (17) day of March, 1982 Ewing, Hungiville and Trew placed of record its Second Supplemental Declaration to Declarations of Covenants, Conditions and Restrictions and Declaration of Interval Ownership Phrase II (hereinafter referred to as "Declaration of Interval Ownership") on real property described on Exhibit "A" to the Declaration of Interval Ownership, said Declaration of Interval Ownership being recorded in the Office of the Clerk of Court for Beaufort County, South Carolina in Deed Book 343 at Page 1266;

WHEREAS, pursuant to Article II, Section II (a) of the Declaration of Interval Ownership, Ewing, Hungiville and Trew, successors and assigns, retained the right without the consent of the Interval Ownership Association (as defined in the Declaration of Interval Ownership) to bring within the plan an operation of the Declaration of Interval Ownership additional property within Kingston Cove Subdivision Shipyard Plantation, Hilton Head Island, South Carolina;

WHEREAS, Ewing Hungiville and Trew assigned all of its rights and obligations as set forth in the Declaration of Interval Ownership to Kingston Cove II Joint Venture, a joint venture consisting of Scioto Valley Mortgage Company, an Ohio corporation and Ewing, Hungiville and Trew, a South Carolina general partnership (hereinafter referred to as the "Declarant");

FILED IN DEED - C BOOK 388 PAGE 1298  
FILED AT 113000 ON 02/28/84

A.2 HMB201

WHEREAS, on or about August 18, 1983 the Declarant executed the Fifth Supplemental Declaration to Declaration of Covenants, Conditions and Restrictions and Declaration of Interval Ownership Kingston Cove Phase V which brought Lots 20, 21, 22, 23, 24, 25, 26, 27 and 28, Kingston Cove Phase V within the plan and operation of the Declaration of Interval Ownership;

WHEREAS, said Fifth Supplemental Declaration was recorded in the Office of the Clerk of Court for Beaufort County, South Carolina on December 12, 1983 in Deed Book 377 at Page 1342;

WHEREAS, the Declaration of Interval Ownership provides among other things that so long as the Declarant owns more than twenty-five (25%) per cent of the lot unit weeks in the Interval Ownership Property, the Declarant reserves the right at any time to amend the Declaration of Interval Ownership in such manner as the Declarant may determine to be necessary to carry out the purpose of this project; and

WHEREAS, Declarant has determined that to carry out the purposes of the project, it is necessary to amend the Declaration of Interval Ownership.

NOW, THEREFORE, Kingston Cove II Joint Venture, a South Carolina joint venture consisting of Scioto Valley Mortgage Company, an Ohio corporation and Ewing, Hungiville and Trew, a South Carolina general partnership hereby amends and adds the following paragraph to the Fifth Supplemental Declaration to Declarations of Covenants, Conditions and Restrictions and Declaration of Interval Ownership for Kingston Cove Phase V:

In order to promote good water conservation practices and to lessen the burden of treating and disposing of sewage effluent, so as to benefit the Interval Ownership Property and the surrounding areas, all water facets,

A.2 HMB201

shower heads and nozzles located within any structure shall provide for a maximum flowage rate not to exceed two and one-half (2 1/2) gallons of water permitted, and toilets and commodes located within the Lot Units shall have maximum flowage rates not to exceed three and one-half (3 1/2) gallons of water per flush.

IN WITNESS WHEREOF, Kingston Cove II Joint Venture, a joint venture consisting of Scioto Valley Mortgage Company, an Ohio corporation and Ewing, Hungiville and Trew, a South Carolina general partnership, makes this First Amendment to Fifth Supplemental Declaration to Declarations of Covenants, Conditions and Restrictions and Declaration of Interval Ownership for Kingston Cove Phase V this 1st day of December, 1983.

WITNESSES:

KINGSTON COVE II JOINT VENTURE, consisting of Scioto Valley Mortgage Company, an Ohio corporation and Ewing, Hungiville and Trew, a South Carolina general partnership

B. Diane Sabely  
Edward M. Hughes

By: Daniel R. Trew  
Its authorized signatory

STATE OF SOUTH CAROLINA  
COUNTY OF BEAUFORT

PROBATE

PERSONALLY appeared before me B. DIANE SABELY who states on oath that ~~she~~ saw the within named KINGSTON COVE II JOINT VENTURE, consisting of Scioto Valley Mortgage Company, an Ohio corporation and Ewing, Hungiville and Trew, a South Carolina general partnership by DANIEL R. TREW its AUTHORIZED SIGNATORY as its act and deed sign, seal and deliver the within Fifth Amendment to Declaration of Interval Ownership for Kingston Cove, and that she with EDWARD M. HUGHES witnessed the execution of same.

SWORN TO before me this

1st day of December, 1983.  
Edward M. Hughes  
Notary Public for South Carolina  
My Commission Expires: 11/1/84

B. Diane Sabely  
Hughes  
FILED IN DEED - C BOOK 388 PAGE 1302  
FILED AT 113000 ON 02/20/84 31926  
BOOK NUMBER 388 PAGES 1298- 1302  
FILING FEE 4.00  
STATE STAMPS .00  
COUNTY STAMPS .00  
TOTAL FEES 4.00  
HENRY JACKSON  
CLERK OF COURT BFT CNTY, SC