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STATE OF SOUTH CAROLINA )  
COUNTY OF BEAUFORT )  
**FOURTH AMENDMENT TO THE  
CHINABERRY RIDGE  
DECLARATION OF  
COVENANTS, RESTRICTIONS AND  
LIMITATIONS**

**THIS FOURTH AMENDMENT TO THE CHINABERRY RIDGE DECLARATION OF COVENANTS, RESTRICTIONS AND LIMITATIONS** ("Fourth Amendment") is made and executed to be effective this 12<sup>th</sup> day of September, 2001, by **B C & W, L.L.C.**, a South Carolina Limited Liability Company ("Owner"), with consent of **SUMMERFIELD LAND, L.P.**, a South Carolina Limited Partnership ("Declarant") and **CHINABERRY RIDGE PROPERTY OWNERS' ASSOCIATION, INC.**, a South Carolina non-profit Corporation ("POA").

**WITNESSETH:**

**WHEREAS**, Owner holds title and fee simple to certain lands described in Exhibit "A" attached hereto and incorporated herein ("Property"); and

**WHEREAS**, Declarant recorded the Chinaberry Ridge Declaration of Covenants, Restrictions and Limitations and Provisions for Membership in Chinaberry Ridge Owners' Association, Inc. running with certain land of Summerfield Land on Hilton Head Island, Beaufort County, South Carolina, in the Office of the Register of Deeds for Beaufort County, South Carolina, on May 4, 1995, in Official Record Book 775 at Page 1518, and as amended in the First Amendment to the Chinaberry Ridge Declaration of Covenants, Restrictions and Limitations which was recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Official Record Book 886 at Page 1094 and re-recorded in Official Record Book 907 at Page 2279, and as amended in the Second Amendment to the Chinaberry Ridge Declaration of Covenants, Restrictions and Limitations which was recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Official Records Book 1148 at Page 1863, and as amended in the Third Amendment to the Chinaberry Ridge Declaration of Covenants, Restrictions and Limitations which was recorded in the

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Office of the Register of Deeds for Beaufort County, South Carolina, in Official Record Book 1319 at Page 2409, and as supplemented in the Termination of Class "B" Voting Rights of Declarant Under Chinaberry Ridge Covenants which was recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Official Record Book 1369 at Page 1092, and as amended from time to time (hereinafter collectively referred to as the "Covenants"), which Covenants affect those lands generally known as Chinaberry Ridge; and

**WHEREAS**, the Covenants provide that certain property described therein shall be held, transferred, sold, devised, assigned, conveyed, given, purchased, leased, occupied, possessed, mortgaged, encumbered and used subject to the Covenants; and

**WHEREAS**, in Article I, Section 1.2 of the Covenants, Declarant reserved the unrestricted right to consent to the submittal of additional property to the Covenants in addition to that property described in Article I, Section 1.1 and in Exhibit "A-1" to the Covenants, by the recording of a document of record in the Office of the Register of Deeds for Beaufort County, South Carolina, such document describing the additional property and stating Owner's intent to submit the additional property to the Covenants and Declarant's consent to the submittal; and

**WHEREAS**, Owner now wishes to extend the Covenants by submitting the Property described herein to the Covenants as more set forth below.

**NOW, THEREFORE**, Owner hereby declares:

1. **Covenants Application to Property**: The Property described in Exhibit "A" attached hereto and incorporated herein by this reference shall be held, transferred, sold, devised, assigned, conveyed, given, purchased, leased, occupied, possessed, mortgaged, encumbered and used, subject to the Covenants, as amended. The Covenants, together with this Fourth Amendment, the benefit of the Covenants and this Fourth Amendment, the affirmative and negative burdens of the Covenants in this Fourth Amendment, whether pertaining to things, benefits and/or obligations presently existing or to be created or executed in the future, do and shall, in equity and at law, touch and concern, benefit and burden and run with the Property described in Exhibit "A". The Bylaws of the Chinaberry Ridge Owners' Association, Inc., which are attached as Exhibit "B" to the Covenants, are likewise made applicable to the Property described in Exhibit "A".

2. **Ratification**: All the terms and conditions of the Covenants are hereby ratified and confirmed by Owner herein and are made applicable to the Property described in Exhibit "A". Both Declarant and POA hereby ratify and confirm that Owner will subdivide the Property into thirteen (13) lots.

3. **Assessments:** No assessments shall be due for the Lots within the Property for the remainder of 2001 from Owner; however, Lots conveyed within the remainder of 2001 shall require pro-ration and payment of the remainder of the 2001 POA fees for said Lots by the purchasers thereof.

**IN WITNESS WHEREOF,** Owner has executed this Fourth Amendment to the Chinaberry Ridge Declaration of Covenants, Restrictions and Limitations, with the consent of Declarant, as of the day and year first written above.

Signed, sealed and delivered  
in the presence of:

**OWNER:**

**B C & W, L.L.C.,** a South Carolina Limited  
Liability Company

By: 

Christopher P. Gannon

Its: Managing Member




STATE OF SOUTH CAROLINA    )  
  )  
COUNTY OF BEAUFORT         )

**ACKNOWLEDGEMENT**

The undersigned notary public does hereby certify that Christopher P. Gannon, as Managing Member of B C & W, L.L.C., a South Carolina Limited Liability Company, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 3<sup>rd</sup> day of September, 2001.

  
Notary Public for South Carolina  
My commission expires: 3/28/2007

**DECLARANT:**

**SUMMERFIELD LAND, L.P.**, a South  
Carolina Limited Partnership

By: Summerfield Land Development  
Corporation, Inc., a South  
Carolina Corporation  
Its General Partner

*David W. Staley*

By: *David W. Staley*  
David W. Staley  
Its: President

*David W. Staley*

STATE OF SOUTH CAROLINA )  
COUNTY OF BEAUFORT )

**ACKNOWLEDGEMENT**

The undersigned notary public does hereby certify that David W. Staley, as President of Summerfield Land Development Corporation, Inc., a South Carolina Corporation, General Partner of Summerfield Land, L.P., a South Carolina Limited Partnership, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 10<sup>th</sup> day of September, 2001.

*David W. Staley*  
Notary Public for South Carolina  
My commission expires:  
**My Commission Expires**  
**December 10, 2009**

## DECLARANT:

**CHINABERRY RIDGE PROPERTY OWNERS' ASSOCIATION, INC.**, a South Carolina non-profit Corporation

Laura B. Clark

By: Robert Fletcher  
 Name Printed: Robert Fletcher  
 Its: \_\_\_\_\_

William J. Bryan

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF BEAUFORT )

## ACKNOWLEDGEMENT

The undersigned notary public does hereby certify that Robert Fletcher  
 \_\_\_\_\_, as President of Chinaberry Ridge Property  
 Owners' Association, Inc., a South Carolina non-profit Corporation, personally  
 appeared before me this day and acknowledged the due execution of the  
 foregoing instrument.

Witness my hand and official seal this 12<sup>th</sup> day of September, 2001.

Felecca Martel  
 Notary Public for South Carolina  
 My commission expires: July 22, 2002

**EXHIBIT "A"**

## Legal Description

All that certain piece, parcel or lot of land lying and being on Hilton Head Island, Beaufort county, South Carolina, being shown and depicted as Revised Lot 3 on that certain plat as prepared entitled "Revised Lot 3, 4.180 Acres Formerly the Land of Richard Oriage Tract" prepared by Terry Hatchell, of Surveying Consultants, Inc., NO. C00835, dated February 7, 2000, and recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, on March 22, 2000, in Plat Book 73 at Page 173. For a more detailed description as to courses, metes and bounds, reference is made to said plat of record.

This being the same property conveyed to Christopher Gannon by Deed of Richard C. Orage a/k/a Richard C. Oriage a/k/a Richard C. Orige dated March 16, 2000, and recorded March 22, 2000, in the Office of the Register of Deeds for Beaufort County, South Carolina, in Deed Book 1272 at Page 1268.

The within Amendment was prepared by Mark S. Simpson, Esquire, of the Law Firm Jones, Scheider & Patterson, P.A., Post Office Drawer 7049, Hilton Head Island, South Carolina 29938-7049, without benefit of title examination.

TMS: R510/3/20D/0