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STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

**FIFTH AMENDMENT TO THE
CHINABERRY RIDGE
DECLARATION OF COVENANTS,
RESTRICTIONS AND LIMITATIONS**

THIS FIFTH AMENDMENT TO THE CHINABERRY RIDGE DECLARATION OF COVENANTS, RESTRICTIONS AND LIMITATIONS ("Fifth Amendment") is made and executed to be effective this 6th day of November, 2001, by the Chinaberry Ridge Owners' Association, Inc. ("Association") and consented to by Summerfield Land, L.P., a South Carolina Limited Partnership ("Declarant").

WITNESSETH:

WHEREAS, the Declarant recorded the Chinaberry Ridge Declaration Of Covenants, Restrictions And Limitations and Provisions for Membership in Chinaberry Ridge Owners' Association, Inc. running with certain lands of Declarant 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, et seq., 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, on September 10, 1996 in Official Record Book 886 at Page 1094 and re-recorded in Official Record Book 907 at Page 2279, 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, on March 18, 1999 in Official Record Book 1148 at Page 1863, the Third 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, on August 4, 2000 in Official Record Book 1319 at Page 2413, and the Fourth 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, on September 17, 2001, in Official Record Book 1471 at Page 2539, as may be supplemented and amended from time to time (the "Covenants"); 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 VII, Section 7.1 of the Covenants, it states that the Covenants may be amended in the event three-fourths of the votes cast at a duly called meeting of the Association are in favor of the Amendment; and

WHEREAS, this Amendment was voted upon at the 2000 Annual Meeting of the Association, which was held on December 5, 2000, for which notice was provided by November 3, 2000.

WHEREAS, at said Annual Meeting 39 votes were necessary to pass the Amendment, 51 votes were cast in favor of this Amendment, and 1 vote was cast against this Amendment.

WHEREAS, the Association now wishes to amend the Covenants as set forth more fully herein.

NOW, THEREFORE, the Association hereby declares, and Declarant consents, to the following:

1. **Additional Sections to Covenants:** The following Sections shall be added to the Covenants:

Section 6.4.1 Specific Assessment. The Board of Directors shall have the power to levy specific assessments against a particular Lot as follows:

- (a) to cover the costs, including overhead and administrative costs, of providing services to Lots upon request of an Owner. Specific assessments for special services may be levied in advance of the provision of the requested service; and
- (b) to cover costs or fines incurred in bringing the Lot into compliance with the Covenants, Bylaws, or rules and regulations, or costs or fines incurred as a consequence of the conduct of the Owner, their tenants, agents, contractors, employees, licenses, invitees, or guests; provided, the Board of Directors shall give the Owner prior written notice and an opportunity to cure, before levying any specific assessment under this Section 6.4.1.

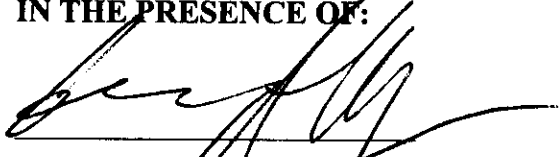
Failure of the Board of Directors to exercise its authority under this Section 6.4.1 shall not be grounds for any action against the Association or the Board of Directors and shall not constitute a waiver of the Board of Director's right to exercise its authority under this Section 6.4.1 afterwards.

Section 7.6.1 Fines. The Board of Directors shall have the right to include within the rules and regulations of the Association, the ability to levy fines against Owners, their tenants, agents, contractors, employees, licenses, invitees, or guests for non-compliance with the Covenants, Bylaws or the rules and regulations. Prior to levying any fine, the Board of Directors shall include a schedule of fines and a reasonable period of time to cure the non-compliance prior to invoking a fine, within the rules and regulations.

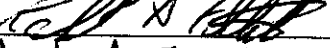
2. Consent: By its execution hereof, Declarant consents to the foregoing amendment to the Covenants.


IN WITNESS WHEREOF, the Association has executed this Fifth Amendment to the Chinaberry Ridge Declaration Of Covenants, Restrictions And Limitations, and Summerfield Land, L.P. has consented to same, on the date and year first written above.

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


Mary R. Ginter

**ASSOCIATION:
CHINABERRY RIDGE OWNERS'
ASSOCIATION, INC.**

By: 
Robert A. Fletcher, President

Attest: 
Laura Clark, Secretary

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

ACKNOWLEDGMENT

I, the undersigned notary, do hereby certify that Robert Fletcher as President of the Chinaberry Ridge Owners' Association, Inc., personally appeared before me this day and acknowledged the due execution of the foregoing instrument, and Laura Clark as Secretary attested to same.

Witness my hand and official seal this 6th day of November, 2001.

Rebecca Martel
Notary Public for South Carolina
My Commission Expires: July 22, 2002

SIGNED AND DELIVERED
IN THE PRESENCE OF:

Don McElroy
Gene Shansky

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

DECLARANT:

SUMMERFIELD LAND, L.P.

By: Summerfield Land Development Corporation, Inc. its general partner

By: David W. Staley
David W. Staley, President

ACKNOWLEDGMENT

I, the undersigned notary, do hereby certify that David W. Staley, President of Summerfield Land Development Corporation, Inc., general partner of Summerfield Land, L.P., personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 18th day of October, 2001.

Gene Shansky
Notary Public for South Carolina
My Commission Expires: December 10, 2009

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