

Prepared by and when recorded return to:

Burr & Forman LLP
23-B Shelter Cove Lane, Suite 400
Post Office Drawer 3
Hilton Head Island, SC 29938

JLS

STATE OF SOUTH CAROLINA)
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COUNTY OF BEAUFORT)

**THIRD AMENDMENT TO THE FIRST
AMENDED AND RESTATED DECLARATION
OF COVENANTS, CONDITIONS AND
RESTRICTIONS AND PROVISIONS FOR
MEMBERSHIP IN THE ROSE HILL
PLANTATION PROPERTY OWNERS
ASSOCIATION, INC.**

**Indexing References: Book 2838 Pages 1829-1905
 Book 3054 Pages 1051-1053
 Book 3658 Pages 3090-3092**

THIS THIRD AMENDMENT TO THE FIRST AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND PROVISIONS FOR MEMBERSHIP IN THE ROSE HILL PLANTATION PROPERTY OWNERS ASSOCIATION, INC. (the "Amendment") is made effective the 28th day of March, 2023, by the **ROSE HILL PLANTATION PROPERTY OWNERS ASSOCIATION, INC.** (hereinafter referred to as the "**Association**") to amend certain provisions of the First Amended And Restated Declaration of Covenants, Conditions and Restrictions and Provisions for Membership in the Rose Hill Plantation Property Owners Association, Inc., recorded in the Office of the Register of Deeds for Beaufort County, South Carolina (the "**ROD**") in Book 2838 at Pages 1829-1905, as amended by that First Amendment to the First Amended And Restated Declaration of Covenants, Conditions and Restrictions and Provisions for Membership in the Rose Hill Plantation Property Owners Association, Inc., recorded in the ROD in Book 3054 at Pages 1051-1053, as amended by the Second Amendment to the First Amended and Restated Declaration of Covenants, Conditions and Restrictions and Provisions for Membership in the Rose Hill Plantation Property Owners Association, Inc., recorded in the ROD in Book 3658 at Pages 3090-3092 (hereinafter collectively the "**Covenants**").

WITNESSETH

WHEREAS, Section 12.1 of the Covenants provides that all proposed amendments to the Covenants shall be submitted to the vote of the Members at a duly called meeting of the Association for which notice of the proposed amendment was given in the official Notice of the meeting, and at which meeting not less than fifty percent (50%) of the Members eligible to cast a vote do so; and

WHEREAS, Section 33-31-708(a) of the South Carolina Code of Laws provides that, unless otherwise prohibited in its by-laws, any action by members of a not for profit corporation may be taken

by written, or electronic ballot provided that the ballot and solicitations for the ballot meet the requirements thereof; and

WHEREAS, the Association is a South Carolina not for profit corporation, and the By-Laws do not prohibit the Association's use of the provisions of Section 33-31-708(a) of the South Carolina Code of Laws; and

WHEREAS, pursuant to the Notice provisions of Section 4.04 of the Bylaws of the Association (the "**Bylaws**") Notice was mailed to the Association's Membership noticing a special meeting of the members and the matters to be determined thereat including the vote on proposed amendments to the Covenants, together with a ballot meeting the requirements in Section 33-31-708(a) of the South Carolina Code of Laws; and

WHEREAS, pursuant to a vote of the Members made and delivered in accordance with the Notice, on the 28th day of March 2023, the amendments to the Covenants were approved by the requisite vote of the Members voting with a quorum in satisfaction of Section 3.03 of the By-Laws.

NOW, THEREFORE, the Association, by and through its undersigned officers, does hereby declare that effective the 28th day of March, 2023, the Covenants are amended as hereinafter provided:

1. Section 7.6 of the Covenants is hereby deleted in its entirety and replaced with the following:

"7.6 Transfer Fee. The Association shall impose a fee equal to one and one-half (1 and 1/2) times the annual assessment for Family Dwelling Units ("Reserve Fund Fee") plus a \$1,500.00 Community Enhancement Fee ("Community Enhancement Fee") upon the sale of any residential or unimproved properties in Rose Hill Plantation (the Reserve Fund Fee and Community Enhancement Fee are together hereinafter referred to as the "Transfer Fee"). The Community Enhancement Fee shall increase five percent (5%) annually. The Reserve Fund Fee shall increase as the annual assessment for Family Dwelling Units is increased. This Transfer Fee is to be paid to the Association by the Purchaser at closing of the transaction conveying any residential or unimproved property in Rose Hill. The funds derived from this Reserve Fund Fee are to be used exclusively to finance a Reserve Fund as defined in Section 7.7 below. The funds derived from the Community Enhancement Fee are to be used to fund infrastructure and amenities improvements. No Transfer Fee shall be owed by a Property Owner who buys a new property within Rose Hill Plantation within one hundred eighty (180) days after the closing of the sale of a previously owned Rose Hill Plantation property. No Transfer Fee will be due upon any transfer by an Owner to his/her parents and/or children and/or as part of a bona fide estate plan. Funds derived from the Reserve Fund Fee are to be used exclusively to fund the Reserve Fund, and not for operating expenses."

[Signature Page Follows]

IN WITNESS WHEREOF, the Association has caused this Amendment to be executed the day and year above first written.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

ROSE HILL PLANTATION PROPERTY
OWNERS ASSOCIATION, INC.
A South Carolina Non-Profit Corporation

Cystal Higginbotham
Julian Wallace
Caroline Adams
[Signature]

J. Michael Hagen
By:
Its: President

M.C. Carver
By:
Its: Secretary

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

ACKNOWLEDGMENT

I, Lisa Darraz do hereby certify that J. Michael Hagen, President of the Rose Hill Plantation 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 the 27 day of June, 2023.

[Signature] (SEAL)
NOTARY PUBLIC FOR SOUTH CAROLINA
My commission expires: 12/28/2028

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

ACKNOWLEDGMENT

I, Lisa Darraz do hereby certify that Marguerite Carver, Secretary of the Rose Hill Plantation 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.

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J. Michael Hagen
By:
Its: President

Julian Walls

Caroline Adams

M.C. Carver
By:
Its: Secretary

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