

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)



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FOURTH AMENDMENT TO DECLARATION OF
COVENANTS AND RESTRICTIONS FOR HAMLIN PLANTATION
AND SECOND AMENDMENT TO BY-LAWS OF
HAMLIN PLANTATION PROPERTY OWNERS ASSOCIATION, INC.

WHEREAS, this is the Fourth Amendment to Declaration of Covenants and Restrictions for Hamlin Plantation and Second Amendment to By-Laws of Hamlin Plantation Property Owners Association, Inc.

WHEREAS, the Board of Directors ("Board") of Hamlin Plantation Property Owners Association, Inc. ("Association") is responsible for management and operation of Hamlin Plantation and the Association, and is also responsible for exercising for the Association all powers, duties and authority vested in or delegated to the Association and not reserved to the membership by other provisions of the Declaration of Covenants and Restrictions for Hamlin Plantation ("Declaration") and the By-Laws of Hamlin Plantation Property Owners Association, Inc. ("By-Laws") recorded December 14, 1999, in Book F339 at Page 567; Amended Declaration of Covenants and Restrictions for Hamlin Plantation recorded March 5, 2002, in Book B399 at Page 878; Amended Declaration of Covenants and Restrictions for Hamlin Plantation recorded March 30, 2004, in Book Z488 at Page 663; Amendment to Declaration of Covenants and Restrictions for Hamlin Plantation recorded December 20, 2011, in Book 0223 at Page 738; Assignment of Developer Rights recorded December 15, 2014 in Book 0446, at Page 446; and Amendment to Declaration of Covenants and Restrictions for Hamlin Plantation December 15, 2014 in Book 0446 at Page 447 and Board Resolution Affirmation and Adoption of Guidelines for Community Living recorded November 29, 2022, in Book 1150 at Page 379 in the Charleston County Register of Deeds (collectively hereinafter, the Declaration and Bylaws may be referred to as "Governing Documents").

WHEREAS, Section 8.5b of Article VIII of the Declaration provides that the Declaration may be amended and approved by "Owners holding at least majority of the total votes in the Association."

WHEREAS, Section 9a of the By-Laws states "Amendments to these By-Laws may be proposed by the Board of Directors of the Association acting upon vote of the majority of the directors, or by members of the Association holding one-fourth (1/4) of the class A votes in the Association..." and 9c states "the same must be approved by a vote of the members holding at least a majority of the total votes at which a quorum is present."

WHEREAS, Section 4, Sub-Section 11 of the By-Laws states "A majority of the number of directors shall constitute a quorum for the transaction of business. Every act or decision done or made by a majority of the directors present at a duly held meeting at which a quorum is present shall be regarded as the act of the Board."

WHEREAS, via a written or electronic ballot in lieu of a meeting, the Amendments were put to a vote of the Owners/Members. The required quorum was present and these Amendments were approved by the requisite number of Members/Owners on _____, and have been certified as provided in **Exhibit A**, attached hereto and incorporated herein by reference.

NOW, THEREFORE, in order to protect and preserve a safe, secure, valued and attractive community, to maintain good order and property values, and to promote the common good, the Declaration and By-Laws are hereby amended as follows.

1. The foregoing recitals are and shall be deemed material and operative provisions of this Amendment and not mere recitals, and are fully incorporated herein by this reference.

2. All capitalized terms used herein shall have the same meaning ascribed to them in the Declaration and By-Laws.

Amendments to Declaration

3. Section 7.4 of Article VII of the Declaration is hereby amended by the deletion of the language of that section and its replacement in its entirety with the following new language as follows, in bold:

Section 7.4. Fences. No fence or change in existing fence(s) shall be undertaken or constructed without prior approval of the Architectural Review Board (hereafter "ARB"). The ARB reserves the right to approve any type of fencing in any of the Common Areas. The following guidelines and specifications for fences shall inform the ARB's decisions:

- (a) Fences generally (1) shall be permitted only around back yards, not front or side yards; (2) may come off the back corners of a house and run as far as to the lot property line; (3) may not come off the sides of any house or structures in the Subdivision.**
- (b) All fences built on any lot in the Subdivision shall be no higher than four (4') feet. No fences shall be permitted that obstruct the view of any marsh, creek, lake or other body of water when viewed from inside any adjacent lot.**
- (c) The rear fence line shall be no closer to the back of the house than twenty (20') feet from the rear property line. The fence setback may be greater for lots located on the marsh or lagoons.**
- (d) No fences shall be built in any easements, wetlands, or wetland buffer that exists on the lot.**

- (e) Only fencing styles already in place in Hamlin Plantation will be permitted. If painted, fences should coordinate with a color of the principal house structure.
- (f) New or replacement fences should strive to match any existing fences on adjoining properties. Owners should seek and receive permission from neighbors prior to ARB application if wishing to tie into an existing fence between the properties.
- (g) Fences should be incorporated into the overall landscape plan for the property. Landscaping may be required and enforced by the ARB in certain situations to help buffer visibility of fences.

4. Section 7.20 of Article VII of the Declaration is hereby amended by the deletion of the language of that section and its replacement in its entirety with the following new language as follows, in bold:

Section 7.20. Garbage Disposal. Each Owner shall use garbage and recycling receptacles provided by the town or county. Garbage and recycling receptables and household trash (e.g., furniture) shall be placed at the curb for pickup no earlier than 2:00 pm the day prior to scheduled pickup. Receptacles must be stored against the side or behind the back of the house or in the garage by no later than 9:00 am the day after pickup. Owners are encouraged to store receptacles such that they are not visible from the streets and are not a nuisance to their neighbors. No garbage or trash incinerator shall be permitted upon the premises. No burning, burying or other disposal of garbage or trash on any Lot or within the Subdivision shall be permitted. Yard waste in paper bags, tree limbs, and branches shall be placed at curbside no earlier than the Saturday before scheduled pickup.

5. Section 7.21 of Article VII of the Declaration is hereby amended by the deletion of the language of that section and its replacement in its entirety with the following new language as follows, in bold:

Section 7.21. Sign Controls. No signs shall be erected on any Lot except "For Sale" signs, signs indicating the name of one contractor only (not subcontractors) during the period of work, signs that are holiday decorations during the holiday or holiday season, and celebratory signs. No other signage, including political signs, will be approved or acceptable. One sign per celebratory event may be displayed for two weeks per event. For Sale signs must meet specifications provided by the Association management office. Signs shall only refer to the premises on which they are displayed and not be placed on any rights of way or Common Areas. This restriction shall not apply to signs used to identify and advertise the Subdivision as a whole.

6. Section 7.46 of Article VII of the Declaration is hereby amended by the deletion of the language of that section and its replacement in its entirety with the following new language as

follows, in bold:

Section 7.46 (a). Gardens. Grass, ornamental plants and shrubbery (and only the foregoing) may be planted in the front or side yard of any Lot, except that all other planting in these yards may be done with the prior approval of the Architectural Review Board. No vegetable garden, hammocks or statuary may be placed, erected, allowed or maintained upon the front or side yard of any Lot without the prior approval of the ARB.

Section 7.46 (b). Recreational Equipment. Permanent basketball goals that are in ground or affixed to a home are permissible subject to prior approval by the Architectural Review Board. Portable basketball goals are permissible, but must be unobtrusive and placed at least halfway up the driveway as measured from the curb to the garage doors. All basketball goals must be kept upright. All basketball goals and recreational equipment must be maintained in good condition.

Section 7.46 (c). Flags. The United States flag, official or replica flags of the branches of the U.S. armed forces, the South Carolina state flag, and garden flags may be flown at any time. United States school and sports team flags may be flown on game days. Flags in celebration of U.S. holidays may be flown during the holiday or holiday season and shall be removed from display after the holiday. All other flags are prohibited. All flags, except garden flags, must be flown using a bracket or other device attached to the homeowner's structure. Garden flags may also be displayed from a stand staked into the ground. Garden flags shall not exceed twelve and a half (12.5) inches by eighteen (18) inches in size. All other flags shall not exceed four (4) feet by six (6) feet in size. Each property is limited to two flags of any type at a time. Flags must be kept in good condition.

7. Section 7.47 of Article VII of the Declaration is hereby amended by the deletion of the language of that section and its replacement in its entirety with the following new language as follows, in bold:

Section 7.47. Lighting. The following exterior lighting may be installed without the necessity of obtaining the prior approval of the Architectural Review Board: (a) landscape lighting; (b) bistro and other types of area lighting in the back yard, not in the front or side yards; (c) seasonal decorative lights during a holiday season which are limited to 30 days before or after the date of the holiday; and (d) other lighting originally installed by the Developer. All lighting must be installed and utilized in such a way as to not cause a nuisance to neighboring properties. Plans for all other exterior lighting must be approved by the ARB.

8. That portion of Section 8.5 of Article VIII of the Declaration entitled "Amendments by Developer" is hereby deleted in its entirety. The remainder of Section 8.5 shall remain in full force and effect.

Amendment to By-Laws

9. Section 13.3 of the By-Laws is hereby amended by the deletion of the language of that section and its replacement in its entirety with the following new language as follows, in bold:

13.3 Procedure. Except with respect to the failure to pay assessments, the Association shall follow the following procedure for violations of the Declaration, By-Laws or any rules and regulations of the Association (“Governing Documents”). The following rules will be applied on a rolling twelve-month basis:

- 1. If a violation is cited, and it is the owner's first offense, the owner will receive a courtesy letter and/or e-mail informing them of a violation, with an attached picture, and a request to correct the issue within seven (7) days. This notification will serve as a warning.**
- 2. If a second violation of the same covenant/rule is cited, the same administrative process will be followed except instead of a warning the owner will receive a letter and/or e-mail with an attached picture of the violation and be assessed a \$50.00 fine. Each fine will be assessed on a per occurrence basis.**
- 3. If a third violation of the same covenant/rule is cited, the fine will increase to \$100.00 for each violation.**
- 4. For a fourth and any subsequent violation of the same covenant/rule the fine will increase to the maximum amount permitted by the Governing Documents for each violation. Voting rights and/or other rights, including amenity access, of the owner may also be suspended, at the discretion of the Board of Directors.**
- 5. If a property owner provides evidence that a citation has been issued in error, he/she may contact the Board of Directors via the on-site property manager to offer any proof of mitigating circumstances. The Board will consider this information and make a final decision.**

If an owner feels they need special consideration for a unique circumstance, he/she should contact the on-site property manager, preferably prior to the occurrence of any violation.

At any point in this process an owner has the right to request a meeting with the Board of Directors, which will meet in executive session to listen to the owner's concerns. Meeting requests will be reviewed, and a response offered or meeting scheduled, after discussion to occur during the next scheduled meeting of the Board of Directors. For any scheduled meeting with an owner, minutes will be taken of the meeting, and the Board will issue a written statement together with a final ruling on the incident or violation in question.

10. Except as modified in this Amendment, the Declaration and By-Laws shall remain in full force and effect. To the extent there is a conflict between the Declaration and/or the By-Laws and this Amendment, this Amendment shall control.

WITNESS my hand and seal this 28 day of November, 2023.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

HAMLIN PLANTATION PROPERTY
OWNERS ASSOCIATION, INC.

Raige Murray
Witness #1

Matthew Langford
By: Matthew Langford
Its: President

Jenna Knudsen
Witness #2 / Notary Public

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

PERSONALLY appeared before me the undersigned witness and made oath that s/he saw the within named, Matthew Langford, President of Hamlin Plantation Property Owners Association, Inc., sign, seal, and as his/her act and deed, deliver the within Fourth Amendment to Declaration of Covenants and Restrictions for Hamlin Plantation and Second Amendment to By-Laws of Hamlin Plantation Property Owners Association, Inc. for the uses and purpose therein mentioned, that s/he is not a party to or beneficiary of the transaction, and that s/he with the other witness witnessed the execution thereof

Raige Murray
Witness #1

SWORN and subscribed to before me
this 28 day of November, 2023.

Jenna Knudsen
Notary Public for South Carolina
Printed Name of Notary: Jenna Knudsen
My commission expires: 07-07-2033



EXHIBIT A
CERTIFICATION

Personally appeared before me: Matthew Langford, President of Hamlin Plantation Property Owners Association, Inc., who being duly sworn, allege and state as follows:

1. I am the duly elected President of the Hamlin Plantation Property Owners' Association, Inc.
2. I am over eighteen (18) years of age, competent, and make this Certification on personal knowledge.
3. Via written consent/written-electronic ballot in lieu of a meeting the foregoing Fourth Amendment to Declaration of Covenants and Restrictions for Hamlin Plantation and Second Amendment to By-Laws of Hamlin Plantation Property Owners Association, to which this Exhibit A is attached, was put to a vote of the Owners/Members. The required quorum was present and such amendment was approved by the requisite number of Owners/Members, and the agreement of the required parties was lawfully obtained.
4. I have certified, and am hereby certifying, the vote of the Owners/Members of Hamlin Plantation Property Owners Association, Inc., and I certify the vote to have been as stated herein.

FURTHER THE AFFIANTS SAYETH NOT.

HAMLIN PLANTATION PROPERTY OWNERS ASSOCIATION

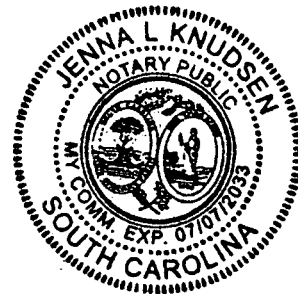
Matthew Langford
By: Matthew Langford
Its: President

SWORN and subscribed to before me
this 28 day of November, 2023.

Jenna Knudsen
Notary Public for South Carolina

Printed Name of Notary: Jenna Knudsen

My Commission Expires: 07-07-2033



RECORDER'S PAGE



NOTE: This page **MUST** remain with the original document

Filed By:

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RECIPIENT:

NA

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