

**PREPARED BY AND RETURN TO:**

Jonathan F. Young, Esq.  
John Wieland Homes and Neighborhoods  
1950 Sullivan Road  
Atlanta, GA 30337

**CROSS-REFERENCE:**  
Deed Book E566, Page 543

**AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS AND  
EASEMENTS FOR WAVERLY AT HAMLIN PLANTATION TOWNHOMES**

This Amendment is made as of the 24<sup>TH</sup> day of April, 2006, by John Wieland Homes and Neighborhoods of the Carolinas, Inc., a Georgia corporation (hereinafter referred to as "Declarant"), for the purposes of amending the Declaration of Protective Covenants and Easements for Waverly at Hamlin Plantation Townhomes.

**BACKGROUND STATEMENT**

Declarant has executed that certain Declaration of Protective Covenants and Easements for Waverly at Hamlin Plantation Townhomes, which was recorded in Deed Book E566, Page 543 *et seq.*, Charleston County, South Carolina land records (hereinafter, as supplemented and/or amended from time to time, the "Declaration"). The Declaration provides in Article XII, Section 4 thereof that the Declaration may be amended by the affirmative vote or written consent, or any combination thereof, of Owners of at least two-thirds (2/3) of the Units and the consent of the Declarant (so long as Declarant owns any property for development and/or sale in the Community or has the right to unilaterally annex additional property to the Community). Declarant is the Owner of at least two-thirds (2/3) of the Units, has the right to unilaterally annex additional property to the Community, and votes in favor of and consents to this Amendment, as evidenced by its execution of this Amendment.

**WITNESSETH:**

NOW THEREFORE, pursuant to the procedures set forth in Article XII, Section 4 of the Declaration, and in accordance with the provisions of that section, the Declaration is hereby amended as follows:

1.

Article VI, Section 29(b) of the Declaration is hereby amended by deleting in its entirety and substituting therefore the following:

(b) Leasing Permits. An Owner's request for a leasing permit shall be approved if (i) the number of then current, outstanding leasing permits, including the request then under consideration, would be less than or equal to 40% of the total Units in the Building in which the Unit sought to be leased is located (exception: one (1), and only one (1), Unit may be leased in a Building containing only two (2) Units, if otherwise permitted hereunder), and (ii) the number of then current, outstanding leasing permits, including the request then under consideration, would be less than 30% of the total Units in the Community. A leasing permit shall be automatically revoked upon the happening of any of the following events: (i) the sale or transfer of the Unit to a third party (excluding sales or transfers to (a) an Owner's spouse, (b) a person cohabiting with the Owner, and (c) a corporation, partnership, company, or legal entity in which the Owner is a principal); (ii) the failure of an Owner to lease such Owner's Unit within 90 days of the leasing permit having been issued; or (iii) the failure of an Owner to have such Owner's Unit leased for any consecutive 90-day period thereafter. If the number of current leasing permits, including the request then under consideration, would be more than the numbers allowed as stated above, no additional leasing permits shall be issued (except for hardship leasing permits) until the number of outstanding current leasing permits, including the next request under consideration, would comply with the numbers allowed as stated above. Owners who have been denied a leasing permit shall automatically be placed on a waiting list for a leasing permit and shall be issued the same if they so desire when the number of current outstanding leasing permits, including the next one to be issued, would comply with the numbers allowed as stated above. The issuance of a hardship leasing permit to an Owner shall not cause the Owner to be removed from the waiting list for a leasing permit.

Except as supplemented and modified hereby, the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, Declarant has executed this Amendment and affixed the corporate seal as of the day and year first written above.

JOHN WIELAND HOMES AND NEIGHBORHOODS OF THE CAROLINAS, INC., a Georgia corporation

By: F. David Debar

Jonathan P. Gray  
Witness

Paula Hausford  
Witness

Print Name: F. David Durham  
Title: Vice President

[CORPORATE SEAL]

Jonathan P. Fry  
Witness  
Paula Hausford  
Witness

Attest: Andrea Lofstrand  
Print Name: Andrea Lofstrand  
Title: Assistant Secretary

STATE OF GEORGIA  
COUNTY OF CLAYTON

Personally appeared before us the undersigned witnesses, who, being duly sworn, say that they saw the corporate seal of John Wieland Homes and Neighborhoods of the Carolinas, Inc., a Georgia corporation, affixed to the foregoing instrument, that they also saw F. David Durham, Vice President of said corporation, and Andrea Lofstrand, Assistant Secretary of said corporation, sign and attest the same, and that they with the other witness witnessed the execution and delivery thereof as the act and deed of said corporation.

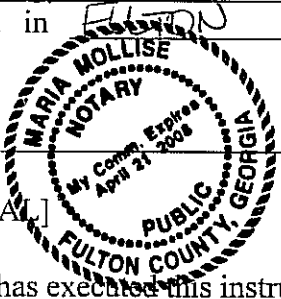
Sworn to before me this 24th  
day of April, 2006

Jonathan P. Fry  
Witness  
Paula Hausford  
Witness

[Signature]  
Notary (Public for and in Fulton  
County, Georgia.

My Commission Expires:

[NOTARIAL SEAL]



The Association has executed this instrument and affixed the seal below this 24th day of April, 2006 for the purpose of consenting to and acknowledging the due adoption and approval of this Amendment.

WAVERLY AT HAMLIN PLANTATION  
TOWNHOME ASSOCIATION, INC., a South  
Carolina nonprofit corporation

Jonathan P. Fry  
Witness

By: Richard B

BK Y580PG515

Paula Hausford  
Witness

Print Name: RICHARDA BACON  
Title: PRESIDENT

[CORPORATE SEAL]

Jonathan P. Gray  
Witness

Attest: Dan Fields

Paula Hausford  
Witness

Print Name: DAN FIELDS  
Title: VICE PRESIDENT

STATE OF GEORGIA  
COUNTY OF CLAYTON

Personally appeared before us the undersigned witnesses, who, being duly sworn, say that they saw the corporate seal of Waverly at Hamlin Plantation Townhome Association, Inc., a South Carolina nonprofit corporation, affixed to the foregoing instrument, that they also saw RICHARDA BACON PRESIDENT of said corporation, and DAN FIELDS VICE PRESIDENT of said corporation, sign and attest the same, and that they with the other witness witnessed the execution and delivery thereof as the act and deed of said corporation.

Sworn to before me this 24TH day of April, 2006.

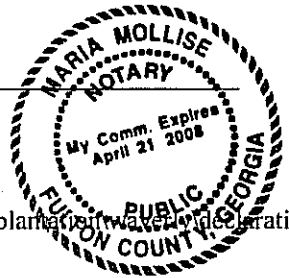
Jonathan P. Gray  
Witness

MW HOUSE  
Notary Public for and in FULTON County, Georgia.

Paula Hausford  
Witness

My Commission Expires: \_\_\_\_\_

[NOTARIAL SEAL]

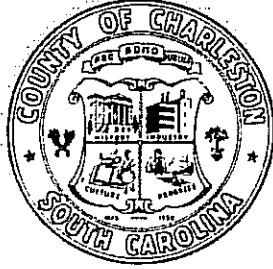


*Fraser*

BK Y580PG516

**RECORDER'S PAGE**

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



**FILED**  
 April 25, 2006  
 11:42:05 AM  
 BK Y580PG512  
 Charlie Lybrand, Register  
 Charleston County, SC

**Filed By:**

John Wieland Homes  
 1950 Sullivan Rd.  
 Atlanta GA 30337  
 env

DESCRIPTION	AMOUNT
AMEND/COV/ESMT	\$ 10.00
Postage	

<b>TOTAL</b>	<b>\$ 10.00</b>
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**DRAWER:**

	B - ecp
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DO NOT STAMP BELOW THIS LINE