

11-25-20
PB
Bull Point
1/6/2

BEAUFORT COUNTY SC - ROD
BK 3880 Pgs 180-190
FILE NUM 2020034775
07/01/2020 02:49:28 PM
REC'D BY pbaxley RCPT# 981983
RECORDING FEES \$25.00

COUNTY OF BEAUFORT
STATE OF SOUTH CAROLINA

Re-recording Pertaining to Declaration of Covenants, Condition and Restrictions

AFFIDAVIT OF ROBERT WOLFSON

IN RE: TENTH AMENDMENT TO DECLARATIONS OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BULL POINT PLANTATION dated 20 April, 2000, as recorded April 20, 2000, in Book 1282 at Page 2186, Office of Register of Deeds, Beaufort County, South Carolina; and

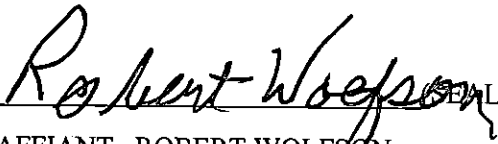
IN RE: SIXTH AMENDMENT TO DECLARATIONS OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BULL POINT PLANTATION dated 24 February, 1997, as recorded on March 26, 2007, in Book 930 at Page 2193, Office of the R.M.C., Beaufort County, South Carolina

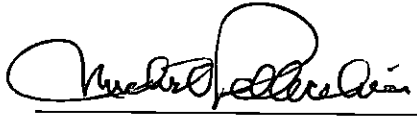
BEFORE me the undersigned Officer duly authorized to administer oaths, appeared the AFFIANT, who upon being first sworn, deposed and said ,

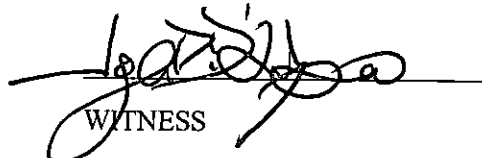
1. That he is ROBERT L. WOLFSON; and
2. That he is over 21 years of age and competent to make this Affidavit; and
3. That he executed as Managing Member of Declarant, Bull Point, LLC, both the TENTH AMENDMENT TO DECLARATIONS OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BULL POINT PLANTATION, and the SIXTH AMENDMENT TO DECLARATIONS OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BULL POINT PLANTATION, which documents are referenced above; and
4. That he also executed as Managing Member of Bull Point, LLC, the NINTH AMENDMENT TO DECLARATIONS OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BULL POINT PLANTATION, dated January 17, 2000, and recorded February 4, 2000, in Book 1257 at Page 1959, Office of the R.M.C., Beaufort County, South Carolina; and
5. That the said NINTH AMENDMENT deleted the previously recorded SIXTH AMENDMENT; and
6. That as recited in the Premises of the TENTH AMENDMENT referenced above, Declarant, Bull Point, LLC did not intend to delete certain provisions of the said SIXTH AMENDMENT; and desired to add them back as a part of the TENTH AMENDMENT; and
7. That Section 5. of the TENTH AMENDMENT captioned , "Limit on Docks" was a part of the provisions of the SIXTH AMENDMENT that were to be added back; and
8. That , in the TENTH AMENDMENT, the said Section 5. Limit on Docks, states that exhibit "C" is "attached hereto and incorporated herein by reference"; and
9. That somewhere during the recording process of the TENTH AMENDMENT, the said exhibit "C" was lost and was not included in the recorded document; and
10. That the intended , exhibit "C" to the TENTH AMENDMENT was in fact identical with the exhibit "C" attached to the previously recorded SIXTH AMENDMENT ; and
11. That for clarity, Affiant has attached an exact copy of the intended exhibit "C" to this Affidavit; and
12. That in exhibit "C" there appears the statement, "Subject to all applicable covenants, conditions, restrictions, and easements filed of record"; and

13. That Affiant intended this statement to refer to both, DECLARATIONS OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BULL POINT PLANTATION dated September 22, 1995, and recorded on September 26, 1995 in Book 805 at Page 218, Office of R.M.C. , Beaufort County, South Carolina , as amended; and to the DECLARATION OF RESTRICTIVE COVENANTS FOR WETLANDS PRESERVATION , dated March 24, 1997, and recorded on March 26, 1997, in Book 930 at Page 2184, Office of the R.M.C. , Beaufort County, South Carolina, as amended.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 1 day of July, 2020.


AFFIANT, ROBERT WOLFSON


WITNESS


WITNESS

STATE OF SOUTH CAROLINA)

)

PROBATE

COUNTY OF BEAUFORT)

PERSONALLY appeared before me the undersigned witness who, under oath, says that s/he saw the within-named AFFIANT ROBERT WOLFSON, sign, seal and as his act and deed delivery the within written AFFIDAVIT and that s/he with the other witness whose signature appears above witnessed the execution thereof.

WITNESS

SWORN to before me this 1 day

Of July, 2020.

NOTARY PUBLIC for South Carolina

My Commission Expires : _____



5
10/24/00

19111

2186

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BEAUFORT)

TENTH AMENDMENT TO
 DECLARATIONS OF COVENANTS,
 CONDITIONS AND RESTRICTIONS
 FOR BULL POINT PLANTATION

This Tenth Amendment to Declaration of Covenants, Conditions and Restrictions for Bull Point Plantation is made this 20th day of April, 2000, by Bull Point, LLC, a South Carolina Limited Liability Company (hereinafter referred to as "Declarant").

WITNESSETH

WHEREAS, Bull Point, LLC and Metropolitan Properties, Inc., executed a Declaration of Covenants, Conditions and Restrictions for Bull Point Plantation dated the 22nd day of September, 1995, which was recorded in the Office of the Register of Deeds for Beaufort County on September 26, 1996 in Book 805 at Page 218 (hereinafter referred to as "Declaration"); and

WHEREAS, Declarant has executed Nine (9) Amendments to the Declaration which have been recorded in the Office of the Register of Deeds for Beaufort County; and

WHEREAS, all of the previous Amendments have been deleted with the exception of the Eighth and Ninth Amendments; and

WHEREAS, Declarant did not intend to delete certain provisions of the Sixth Amendment and desires to add those provisions to the "Declaration".

WHEREAS, Declarant is desirous of entering into this Tenth Amendment amending the Declaration.

NOW, THEREFORE, Declarant hereby amends the Declaration as follows:

1. Article 10.06. Landscaping Approval. Article 10.06 is hereby amended to add the

CERTIFIED TRUE COPY
of the document recorded in the Offices of the
Register of Deeds for Beaufort County, S.C., on
(date): 4/20/2000
in OR Book 1292 Page 2186
This document contains 10 pages.
Camelia Bailey
Register of Deeds - Beaufort County, SC
July 1, 2020

following paragraph: In the event the owner of any lot desires to alter the natural vegetation within seventy-five feet of the critical area line to install a lawn, structure, driveway, or other improvements, the owner must obtain approval from the BPS Architectural Review Board (ARB) and the landscape plan referred to in this Article must provide plans for a buffer using natural, native vegetation, or a berm or other structure designed to slow down and reasonably impede and treat runoff from the lot and its improvements. The buffer, berm or other structure shall utilize Best Management practices and take into consideration the size and nature of the structure, lawn, driveway or other improvements, as proposed on the individual lot landscape plan. The "critical line area" as used herein refers to the critical area line as established by the South Carolina Department of Health and Environmental Control, Office of the Ocean and Coastal Resource Management, pursuant to S.C. Code Ann. §48-39-10 et seq.

2. Article X. Architectural Standards and Use Restrictions. Article X is hereby amended to add the following: Section 10.24. Approval of Exterior Lighting on Lots, Dwellings and Docks. Lighting on exterior and on docks shall be allowed for safety, general appearance and limited site accents. All exterior lighting, including dock lights and security lighting, must be approved by the BPS ARB; must be installed and placed in a functional and not a decorative manner; and must be shielded so that the source(s) of illumination may not be seen from any amenity off the rear property line, and be limited so as to not be offensive to or unreasonably interfere with the use and enjoyment of the surrounding property owners other than the BPS lot owners. Front

walk pole lamps may be used only if shielded to the street. All lighting shall avoid glare into adjacent properties. For patio home-sites, an owner cannot directly light any part of the home-site within ten (10) feet of the rear property line. Front yard landscape lighting will require extensive shielding for approval.

3. Amendments. The terms of this Amendment to Articles 2.04, 10.06 and 10.24 shall not be further amended without the express written consent of the Northern Beaufort County Committee, its successors and/or assigns.
4. Applicability of Covenants to Additional Bull Point Properties. Articles 2.04, 10.06 and 10.24 shall be applicable to all property all Bull Point Plantation, as described in Exhibit "A" attached to the Declaration of Covenants, Conditions and Restrictions for Bull Point Plantation, as amended by the instrument recorded in the Office of the Register of Deeds for Beaufort County in Deed Book 836 at Page 689.
5. Limit on Docks.
 - A. For the purpose of this provision, Phase III of Bull Point is as described in exhibit "C", attached hereto and incorporated herein by reference.
 - B. In Phase III of Bull Point, the following limitations on docks shall apply: (i) there shall be a limit of ten (10) deep water dock permits; (ii) there shall be no limitation on crabbing docks as defined by regulations of the DHEC Office of the Ocean and Coastal Resource Management, except as stated in Part (iii); (iii) no Phase III crabbing docks shall be located on the main channel of Huspah Creek.

Except as amended herein, the Declaration of Covenants, Conditions and Restrictions shall

remain in full force and effect.

2189

IN WITNESS WHEREOF, the undersigned have set their hands and seals the day and year first written above.

Declarant:
BULL POINT, LLC
A South Carolina Limited Liability Company

James Sullivan
Roberta H. Kirkland
James Sullivan
Roberta H. Kirkland

BY: *Debra E. Kirkland*
ITS: Managing Partner

BY: *Robert D. Watson*
ITS: Managing Partner

S. Kirkland
5821

FILED
JOHN A. SULLIVAN, JR.
CLERK
BEAUFORT COUNTY, S.C. 100

2191

00 APR 20 PM 4:37

BK 1282 PG 2186
FOLDER #

Mc
Exhibit 'G'

All that certain piece, parcel or tract of land, situate, lying and being in Sheldon Township, Beaufort County, South Carolina, being that portion of Tomotley Plantation known as Bull Point, consisting of 694.1 acres, more or less, and two out islands containing 18.5 acres and 5.0 acres, as will be more fully shown on that certain plat entitled plat of Tomotley Plantation, Sheldon Township, Beaufort County, South Carolina, prepared by Rod C. Spann, R.L.S., and R.D. Trogdon, Jr., R.L.S., dated March 31, 1981, and recorded in the RMC Office for Beaufort County, South Carolina on January 23, 1985, in Book 32 of Plats, at Page 201.

AND ALSO: All of Seller's right, title and interest in and to all marshlands, tidelands and freshwater and saltwater wetlands as shown on the above referred to plat of Tomotley Plantation.

LESS AND EXCEPTING THEREFROM: All that certain piece, parcel or tract of land, with improvements thereon, containing 15.08 acres and being more particularly described in the Title to Real Estate from Norman H. Volk, as Trustee, (Seller), to the South Carolina Department of Highways and Public Transportation, (Purchaser), dated the 19th day of October, 1992, and recorded in the RMC Office for Beaufort County, South Carolina on March 10, 1993, in Book 620 of Deeds, at Page 1240.

ALSO, LESS AND EXCEPTING THEREFROM: All that certain piece, parcel or tract of land, situate, lying and being in Sheldon Township, Gardner's Corner, Beaufort County, South Carolina, being shown as Phase I on a boundary survey on a portion of Bull Point, containing a total of 160.8 acres, on a plat prepared by Gasque and Associates, Inc., David E. Gasque, R.L.S., dated the 14th day of January, 1995, and recorded in the Office of the RMC for Beaufort County, South Carolina, on January 23, 1995, in Plat Book 51 at Page 165. Said plat being incorporated herein and made a part hereof for a more complete description.

This being the property deeded by the Grantor to the Grantee herein by deed dated the 23rd day of January, 1995 and recorded on the 23rd day of January, 1995 in Book 756 at Page 196.

ALSO, LESS AND EXCEPTING THEREFROM: All that certain piece, parcel or lot of land, with improvements thereon, situate, lying and being in the Sheldon Township, Gardner's Corner, Beaufort County, South Carolina, and being shown as Phase II on a plat of Bull Point Subdivision containing a total of 92.91 acres, prepared by Gasque and Associates, Inc., David E. Gasque, R.L.S., dated the 8th day of November, 1995 and recorded in the Office of the RMC for Beaufort County, South

Carolina, on February 5, 1996, in Plat Book 55 at Page 76: Said plat being incorporated herein and made a part hereof by reference for a more complete description.

This being the property deeded by the Grantor to the Grantee herein by deed dated the 8th day of January, 1996 and recorded on the 5th day of February, 1996 in Book 834 at Page 834.

ALSO, LESS AND EXCEPTING THEREFROM: All that certain piece, parcel or tract of land, with improvements thereon, situate, lying and being in Sheldon Township, Gardner's Corner, Beaufort County, near Beaufort, South Carolina containing 5.0 acres, more or less, and being shown as a five acre island located on the eastern side of the Bull Point tract and fronting on the western side of a tributary of Buspah Creek and also being more fully shown as the five acre out island on that certain plat entitled plat of Tomotley Plantation, Sheldon Township, Beaufort County, South Carolina, prepared by Rod C. Spann, R.L.S., and R.L. Trogdon, Jr., R.L.S., dated March 31, 1981, and recorded in the RMC Office for Beaufort County, South Carolina, on January 23, 1985 in Book 32 of Plats, at Page 201.

This being the property deeded by the Grantor to the Grantee herein by deed dated the 17th day of October, 1996 and recorded on the 29th day of October, 1996 in Book 898 at Page 245.

ALSO, LESS AND EXCEPTING THEREFROM: The 18.5 acre, more or less, island known as Big Bull Island.

ALSO, LESS AND EXCEPTING THEREFROM: All marshlands, tidelands and freshwater and saltwater wetlands associated with the less and excepted parcels described herein.

The plat of Tomotley Plantation is incorporated herein and made a part hereof by reference for a more complete description of the 694.1 acre tract, the 18.5 acre tract, the 5.0 acre tract and all marshlands, tidelands and freshwater and saltwater wetlands as shown on the above referred to plat.

Subject to all applicable covenants, conditions, restrictions and easements filed of record.

This is a portion of the property conveyed to Metropolitan Properties, Inc., by Deed of Norman H. Volk, as Trustee, dated the 20th day of January, 1995 and recorded in the RMC Office for Beaufort County, South Carolina in Book 756 of Deeds, at Page 159.

Tax Reference:

R700-020-000-0054-0000

R700-026-000-0148-0000

Grantee's Address:

Post Office Box 5709

West Columbia, SC 29171