

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF YORK )

AMENDMENT TO THE THIRD AMENDED AND RESTATED DECLARATION OF  
COVENANTS AND RESTRICTIONS FOR THE COVES ON RIVER OAKS –  
PHASES II AND III

PREAMBLE

WHEREAS, by the Third Amended and Restated Declaration of Covenants and Restrictions for The Coves on River Oaks-Phases II and III, the Declarant modified prior Restrictions affecting Phases II and III of The Coves on River Oaks, which prior Restrictions were respectively recorded in Record Book 12914, Page 223, Record Book 13727, Page 249, and Record Book 13784, Page 234; and

WHEREAS, the properties affected by the aforementioned Restrictive Covenants as amended are the Phase II properties described in the plat recorded in Plat Book E-185, Page 7, and the Phase III properties described by the plat recorded in Plat Book E-220, Page 4; and

WHEREAS, by amendments which were approved by two-thirds (2/3) of the property owners in Phases II and III, the Third Amended and Restated Restrictive Covenants recorded in Record Book 14384, Page 214, are hereby amended as follows:

1. Paragraph 6(c) entitled "Construction. Sheds or Auxiliary Buildings:" is hereby amended to read as follows:

Only two (2) auxiliary buildings per tract are allowed. Any auxiliary buildings, whether shed, storage building, detached garage, or secondary residence shall be veneered with brick, stone, stucco, or hardi plank provided that if hardi plank is used, that the front elevation must be at least sixty (60%) percent brick, stone, or stucco. The total square footage of all auxiliary buildings including the secondary residence shall not exceed 3,000 square feet, and the secondary residence itself shall not exceed 1,500 heated square feet. Garages shall not exceed 2,000 square feet in size. In the event that the property owner chooses to construct an auxiliary building that combines a secondary residence and a garage into one building, then such combined secondary residence and secondary garage may not exceed 3,000 square feet in size; provided, however, that under the applicable York County zoning and building standards, a second residence may not exceed 50% of the square footage of the primary residence. As a result, any structure which includes a secondary residence shall be limited in square footage to the square footage as provided in these Restrictions or the York County zoning standards, whichever is lower. Such combined building shall have architecture that is similar to the primary and must be approved the Architectural Review Committee (ARC). Where the property owner chooses to build one structure combining the garage and the secondary residence, only one (1) auxiliary structure shall be permitted.

The color of a shed or storage building shall match the siding or trim used on the residence. No exposed concrete block is permitted. Placement of a shed, storage building, or detached garage must be behind the residence and placement must be approved by the Architectural Review Committee. Sheds, storage buildings, and detached garages must have a minimum roof pitch of 8:12 and must use architectural or three dimensional shingles; provided, however, that for sheds only, a 5:12 pitch may be used unless the ARC determines that a different style/pitch (barn style) is determined to be similar to the primary residence pitch. Any and all such structures must be approved by the Architectural Review Committee. All auxiliary buildings must use the same construction criteria as the primary residence described in Paragraph 6(a). Plans for construction and placement of all buildings, whether residential or auxiliary, must be approved by the Declarant (or Architectural Review Committee when established) before construction begins, as stated in Paragraph 27 of the Restrictive Covenants.

2. Paragraph 22 of the Third Amended and Restated Declaration of Covenants and Restrictions for The Coves on River Oaks-Phase II and III is hereby revoked and replaced by the following provision:

**Except as otherwise specifically provided, the owner of each tract by acceptance of a deed to property affected hereby shall become a member of The Coves on River Oaks Property Owners Association, Inc. (The "Association") upon its formation and each owner of a tract is deemed to covenant and agree to, and shall pay to the Association, an annual assessment to pay for the cost of maintaining and repairing the Common Areas, as hereinafter defined, within the subdivision. Each owner of a tract subject to this assessment obligation, including owners of tracts in subsequent sections or phases of The Coves on River Oaks, Phases II and III who are subject to these restrictions by amendment or supplemental filings, shall pay the same annual and special assessment amount, irrespective of the size of the tract, the location of such tract or any other factor. The combination of two or more tracts by a single owner through the recording of a revised plat map shall reduce the number of assessments for the combined tracts to the number of tracts shown on the revised plat maps.**

The assessment and charges created herein shall constitute a continuing lien upon each tract, and if not paid within sixty (60) days after the due date thereof, shall be subject to a \$50.00 late charge. The lien may be enforced as by law allowed. The lien created herein is specifically subordinated to the lien of any valid first mortgage upon any tract in the subdivision. The property owners shall have the right to promulgate rules and regulations concerning the use of the Common Areas. Each person acquiring title to a tract binds himself, his heirs, and assigns to be members of the Association should it be formed pursuant to these restrictions and conditions, and further binds and obligates himself, his heirs, and assigns to pay the assessment to the Association once it has been levied by the Association. The obligations imposed by

this paragraph shall exist whether or not the Association has been formed as of the date these restrictions are recorded or as of the date of any tract is sold, if at any time that these restrictions are in effect the Association is formed as a non-profit corporation, the principal purpose of which is to maintain the Common Areas.

The "Common Area" as used in these Restrictions shall include (a) one or more signs identifying The Coves on River Oaks (b) any landscaping or lighting associated with any Common Area, (c) street lighting, (d) walking trails and (e) any other land, improvement, facility or amenity which Declarant or the Association may construct on property subject to these restrictions and designated by Declarant, or identified on a recorded plat map, as Common Area. With respect to any walking trails, such trails shall be limited to pedestrian use, except electric golf carts only maybe permitted on portions of the trails specifically designated for such use.

3. Except as hereby amended, all of the provisions of the Third Amended and Restated Declaration of Covenants and Restrictions for The Coves on River Oaks, Phases II and III recorded in Record Book 14384, Page 214 shall remain in full force and effect.
4. Consents of two-thirds (2/3) of the property owners affected hereby and their approval of these amendments is attached hereto.

Signed and sealed in the presence of:

Cynthia R. Bradford

MAY GREEN PROPERTIES, LLC

By: Thomas F. Smith  
Thomas F. Smith, Member/Manager

[Signature]

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF YORK )

ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me this 26<sup>th</sup> day of JANUARY, 2016 by Thomas F. Smith, Member/Manager of May Green Properties, LLC.

Sworn to before me this 26<sup>th</sup>  
day of JANUARY, 2016.

[Signature] (SEAL)  
Notary Public for South Carolina  
My Commission Expires: 2/16/21