

94-P 6646

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG) **ASSIGNMENT AND ASSUMPTION OF
 RIGHTS AND RESPONSIBILITIES
 TO HOMEOWNER'S ASSOCIATION**

THIS ASSIGNMENT AND ASSUMPTION is made this 14 day of August, 2009, effective January 1, 2009, by River Falls Plantation Golf, Inc. and River Falls Plantation Home Owners Association, Inc.

WHEREAS, River Falls Plantation Golf, Inc. (hereinafter the "Developer") did develop a certain residential community in Spartanburg County known as River Falls Plantation; and

WHEREAS, Developer has recorded, or caused to be recorded, in the Spartanburg County Register of Deeds Office, certain Declarations of Covenants and Restrictions concerning said residential community, including those recorded on: January 12, 1990 at Deed Book 56D, page 805 (Phase I); July 22, 1993 at Deed Book 60G, page 548 (Section 3); August 16, 1993 at Deed Book 60J, page 508 (Section 2); August 29, 1995 at Deed Book 63E, page 147 (Section IV); August 18, 1998 at Deed Book 68K, page 434 (Phases V & VI); July 11, 2000 at Deed Book 72H, page 1 (Phase VII Section A1); September 26, 2000 at Deed Book 72S, page 820 (Phase VII, Section 2); December 30, 2003 at Deed Book 79J, page 973 (Phase VII, Section 4), and April 4, 2005 at Deed Book 82S at page 576 (Phase VII, Section 4) (collectively referred hereinafter as "Developer's Declarations of Covenants and Restrictions"); and

WHEREAS, pursuant to Developer's Declarations of Covenants and Restrictions, Developer has established a South Carolina non-profit corporation known as River Falls Plantation Home Owners Association, Inc. ("HOA"); and

WHEREAS, on April 29, 2008, at an annual meeting of HOA, after proper notice was mailed to all HOA members, and with a quorum of HOA members present, in person or by proxy, an overwhelming majority of those HOA members present, consisting of ninety-three percent (93%), voted to transfer all of Developer's rights and interest created by or in Developer's Declarations of Covenants and Restrictions to HOA.

NOW THEREFORE, pursuant to the vote on April 29, 2008, and Developer's Declarations of Covenants and Restrictions, Developer, for valuable consideration, receipt of which is hereby acknowledged, hereby transfers and assigns all of its rights and responsibilities created by or in Developer's Declarations of Covenants and Restrictions, and any amendments thereto, to HOA, its successors and assigns, and HOA accepts all such rights and responsibilities, with the following exceptions:

1. The Architectural Review Committee shall hereafter consist of three individuals, with two to be appointed by Developer and one by HOA.
2. The Golf Course Easement referred to in the Developer's Declarations of Covenants and Restrictions shall remain in full force and effect, perpetually.

DEE-2009-38478
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 Recording Fee: \$10.00 Documentary Stamps: \$0.00
 Office of Register of Deeds, Spartanburg, S.C.
 Stephen Ford, Register



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3. Developer shall retain the non-exclusive right to enforce the Developer's Declarations of Covenants and Restrictions.
4. Developer shall retain the right to continue to charge and collect the "pool/tennis regime fee" referred to in the Developer's Declarations of Covenants and Restrictions.
5. Developer will be responsible for all HOA taxes, if any, for years prior to 2009 and will hold harmless and indemnify HOA from and against any and all liability relating to the operation and management of HOA for all prior years.
6. It is recognized and agreed that neither the Developer nor Weizenecker Homes, Inc. shall owe dues at any time for any lots, improved or unimproved, which have not been sold to a third party, nor shall any dues be charged to any homebuilder for the first full year of ownership.

IN WITNESS WHEREOF, the undersigned River Falls Plantation Golf, Inc. and River Falls Homeowners Association, Inc. have caused this instrument to be signed and sealed by its duly authorized officers as recited above.

In the Presence of:

C. Stirling
Michelle B. Splawn
Jenett H. Black
Dawanda Evans

**RIVER FALLS PLANTATION
GOLF, INC.**

By: *John T. Sealing*
Its: *V. Pres.*

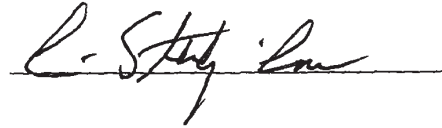
**RIVER FALLS PLANTATION
HOMEOWNERS ASSOCIATION
INC.**

By: *Ray Mays*
Its: *PRESIDENT, RFHOA*
8-17-09

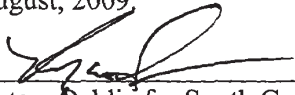
STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

PROBATE

PERSONALLY appeared before me the undersigned witness and made oath that (s)he was present and saw the within named River Falls Plantation Golf, Inc., by its duly authorized officer sign and seal the within written instrument and that the other witness subscribed above also witnessed the execution thereof.



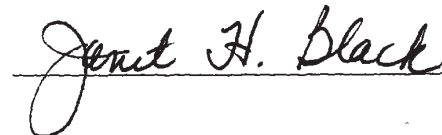
SWORN to before me this 14 day of August, 2009,


Notary Public for South Carolina
My Commission Expires: 9/16/18


STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

PROBATE

PERSONALLY appeared before me the undersigned witness and made oath that (s)he was present and saw the within named River Falls Plantation Home Owners Association, Inc., by its duly authorized officer sign and seal the within written instrument and that the other witness subscribed above also witnessed the execution thereof.



SWORN to before me this 17 day of August, 2009.


Notary Public for South Carolina
My Commission Expires: 10/13/2010