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FILED IN GREENVILLE COUNTY, SC

**CONSERVATION RESTRICTIVE COVENANTS  
AND CONSERVATION EASEMENT  
FOR OPEN SPACE IN  
SHELLBROOK PLANTATION SUBDIVISION**

Conservation Restrictive Covenants and Conservation Easement for Open Space ("Conservation Declaration and Easement") made this 19<sup>th</sup> day July, 2006, by Shellbrook Plantation, LLC, a South Carolina limited liability company ("Grantor"), with respect to certain real property owned by Declarant/Grantor as hereinafter defined as the "Base Tract" and known generally as the Shellbrook Plantation Subdivision ("Shellbrook Plantation") for the benefit of the owners of Lots within Shellbrook Plantation and their heirs, successors and assigns and the Shellbrook Plantation Homeowners' Association, Inc., a South Carolina non-profit corporation, and its successors and assigns forever.

Whereas, Declarant/Grantor is developing Shellbrook Plantation as a single-family residential subdivision pursuant to and in accordance with the Cluster Development Zoning Ordinance of Greenville County, as amended (the "Cluster Ordinance");

Whereas, Declarant/Grantor intends to impose a Declaration of Covenants, Conditions, Restrictions, and Easements for Shellbrook Plantation Subdivision, (the "Shellbrook Plantation Declaration") on Shellbrook Plantation, subject to this Conservation Declaration and Easement, for the orderly residential development and maintenance of its residential lots, amenities, and common areas in addition to, but not in place of, this Conservation Declaration and Easement;

Whereas, the Cluster Ordinance expressly requires, as a condition of the use of such zoning for residential development, the imposition of a perpetual conservation easement over and upon the open space required to be set aside within a residential development;

Whereas, Declarant/Grantor hereby expressly reserves the real property right, title, and interest to impose restrictions and grant and convey easements over and upon the Open Space (as hereinafter defined) portion of Shellbrook Plantation to effect the intent and purposes of protection of open space and compatible uses as required and permitted by the Cluster Ordinance;

Whereas, the Open Space within Shellbrook Plantation is shown on the Plat as hereinafter defined;

Whereas, Shellbrook Plantation possesses natural, open space, and recreational values (collectively, "Conservation Values") within the Open Space of importance to Declarant/Grantor, the residential owners in Shellbrook Plantation, and, to the extent provided, the public at large;

Whereas, Declarant/Grantor intends that the Conservation Values of the Open Space be preserved for the benefit of the residential owners of Shellbrook Plantation and, to the extent provided, the public at large, and maintained in perpetuity by the continuation of the land use pattern of open space existing as shown on the Plat;

Whereas, Declarant/Grantor intends hereby, as owner of the Base Tract including Shellbrook Plantation, create and impose a Conservation Easement over and upon the Base Tract for the benefit of Shellbrook Plantation Subdivision, the owners of Lots therein, and the Shellbrook Plantation Homeowners' Association, Inc. (the "Association") subject to the terms and conditions of this Conservation Declaration and Easement;

Whereas, the Association shall preserve and protect in perpetuity the Conservation Values of the Open Space separate and apart from any other rights and obligations of the Association under and pursuant to the Shellbrook Plantation Declaration for the benefit of the residential owners in Shellbrook Plantation and, to the extent imposed and granted, the public at large.

Now, therefore, in consideration of the mutual promises, terms, conditions and restrictions contained herein, receipt and legal sufficiency of which are hereby acknowledged by the parties, Declarant/Grantor and the co-Grantors hereby create and impose a Conservation Easement in perpetuity over and upon the Open Space as described and designated herein and as shown on the Plat for the preservation and protection of the Conservation Values and Open Space for the benefit of the Base Tract, the owners of Lots within Shellbrook Plantation Subdivision, and the Shellbrook plantation Homeowners' Association, Inc., which shall be binding on the owners of Lots within Shellbrook Plantation Subdivision, the Association, the Co-Grantors and all parties having any right, title, or interest in Shellbrook Plantation or any part thereof, and their respective heirs, successors and assigns, and shall inure to the benefit of the Association, the Lots and each owner thereof, and their respective heirs, successors, and assigns forever.

### **Article I Definitions**

In addition to any other terms defined in this Conservation Declaration and Easement, the following terms shall have the following meanings when used herein:

1. "**Association**" means Shellbrook Plantation Homeowners' Association, Inc., a South Carolina non-profit corporation, its successors and assigns, as the same may be constituted.

2. "**Base Tract**" means that certain tract of real property with improvements thereon containing 43.02 cumulatively, more or less, as more particularly set forth on that certain plat prepared by 3D Land Surveying, Inc., recorded in the Office of the Register of Deeds for Greenville County, South Carolina ("Register of Deeds") in Plat Book 1012 at Page 94, owned by Declarant/Grantor.

2. "**By-Laws**" means the By-Laws of the Association as the same may from time to time be in effect.

3. "**Common Area**" means all real property (including improvements and fixtures thereon or thereto), and other property, real personal, or mixed, which from time to time may be

designated by Declarant for the common use and enjoyment of the Owners or conveyed to the Association in fee simple; together with all rights-of-way, easements appurtenant, improvements and hereditaments described herein or in the Declaration or designated as Common Area on any recorded plats of the Development, including, but not limited to, landscape and sign easements, utility easements, amenities, and appurtenances as shown on the Plat, as hereinafter defined. Open Space designated in this Conservation Declaration and Easement is included within Common Areas but Common Area may include land and amenities not restricted as Open Space.

4. **“Conservation Covenants”** means and refers to this Conservation Restrictive Covenants and Conservation Easement for Open Space, as amended.

5. **“Conservation Easement”** means and refers to the easement for protection of Open Space conveyed hereunder.

6. **“Declarant/Grantor”** means and refers to Shellbrook Plantation, LLC, a South Carolina limited liability company, and its successors and assigns in interest.

7. **“Declaration”** means the Declaration of Covenants, Conditions, Restrictions and Easements for Shellbrook Plantation Subdivision, as the same may be imposed, amended, renewed or extended from time to time in the manner to be prescribed therein.

8. **“Development”** means Shellbrook Plantation, a single-family, clustered, residential development proposed to be developed by the Declarant on the Property.

9. **“Lot”** means any numbered plot of land and improvements thereon, with delineated boundary lines intended for single-family residential use, appearing on the Plats of Shellbrook Plantation and Shellbrook Plantation, and expressly excluding Common Areas and roads and streets shown on the Plats.

10. **“Member”** means every person or legal entity that holds membership in the Association.

11. **“Mortgage”** means any mortgage constituting a lien on a Lot.

12. **“Mortgagee”** means the owner and holder of a Mortgage at the time such term is being applied.

13. **“Open Space”** means the areas designated as “Open Space,” “Common Open Space Area,” “Common Open Area,” “Buffer Yard” or similar designations on the Plats.

14. **“Owner”** means the record owner, whether one or more persons or legal entities, of the fee simple title to any Lot, including Declarant/Grantor if it owns any Lot, and contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

15. **“Plat” or ‘Plats”** means one or more plats of the Base Tract or Shellbrook Plantation recorded in the Office of the Register of Deeds including, but not limited to, that certain plat entitled “Shellbrook Plantation” prepared by 3D Land Surveying, Inc., recorded in the Register of Deeds in Plat Book 1012 at Page 94 (the “Plat”) and any plat of the Property constituting Additional Properties (if they are annexed pursuant to Article II hereof) which may be recorded by Declarant in the Office of the Register of Deeds hereafter.

**“Open Space Plat” or “Open Space Plats”** means one or more plats of the Development recorded in the Office of the Register of Deeds, that delineate Open Space within the Development including, but not limited to, the Plat defined above.

16. **“Property”** means the Base Tract and such other additional real estate of the Development or otherwise which may hereafter be made subject to these Conservation Restrictive Covenants pursuant to numeral 2 above of this Declaration and the Open Space of which is conveyed to the Association.

IN WITNESS WHEREOF, Declarant, by and through its authorized representative, has caused this instrument to be executed the day and year first above written.

Witness:  
By: *Kenneth C. Clifton*  
Elizabeth M. Sikorski

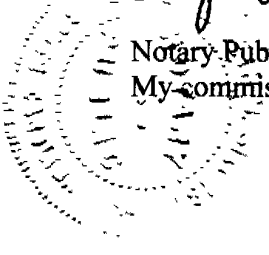
Shellbrook Plantation, LLC  
*[Signature]*  
Title: Member

STATE OF SOUTH CAROLINA )  
  ) PROBATE  
COUNTY OF GREENVILLE )

Personally appeared before me the undersigned witness, who says on oath that (s)he saw the within named Kenneth C. Clifton of Shellbrook Plantation, LLC, a South Carolina limited liability company, sign, seal and, as the act and deed of said limited liability company, deliver the within written Declaration of Covenants, Conditions, Restrictions, and Easements for Shellbrook Plantation Subdivision, and (s)he with the other witness, witnessed the execution thereof.

Sworn to before me this 19 day of July, 2006

*Kenneth C. Clifton*  
Witness Signature  
Elizabeth M. Sikorski



Notary Public for the State of South Carolina  
My commission expires: 4-29-12

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*Timothy J. Hanney*