

Prepared by:
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STATE OF SOUTH CAROLINA)
) AMENDMENT TO RESTRICTIVE COVENANTS
COUNTY OF BEAUFORT)

THIS AMENDMENT TO RESTRICTIVE COVENANTS (this “Amendment”) is made effective this 3th day of May, 2021, by **FORINO PROPERTIES SC 2, LLC**, a South Carolina limited liability company (the “Declarant”).

WHEREAS, the Declarant is the current developer of a subdivision in Beaufort County, South Carolina known as Coosaw Point (the “Community”);

WHEREAS, the Community is subject to that certain Amended and Restated Declaration of Covenants, Easements, Conditions and Restrictions for Coosaw Point dated November 21, 2005 and Recorded on November 28, 2005 in Book 2275 at Page 2068 in the Beaufort County Records, as amended in:

- Book 2962 at Page 1073,
- Book 3113 at Page 1354,
- Book 3143 at Page 0001,
- Book 3396 at Page 1242,
- Book 3788 at Page 799, and
- Book 3975 at Page 2407,

all being in the Beaufort County Records (collectively, the “Covenants”);

WHEREAS, the Declarant received and assumed its rights as Declarant of the Community under that certain Assignment and Assumption of Declarant’s Rights recorded in Book 3975 at Page 2704 in the Beaufort County Records;

WHEREAS, Paragraph 17.1 of the Covenants provides that during the Declarant Control Period, Declarant may unilaterally amend the Covenants for any purpose Declarant deems to be in the best interest of the Community;

WHEREAS, as of this date the Community is in the Declarant Control Period; and

WHEREAS, it is the Declarant’s desire to amend the Covenants and amendments thereto as set forth herein, having deemed such amendment to be in the best interests of the Community.

NOW, THEREFORE, the Covenants are hereby amended as follows:

1. Paragraph 5.9 of the Covenants is amended to read as follows:

5.9 Builder Program. The Declarant has established a Builder Program for Coosaw Point. The Declarant shall have the authority to set forth rules, regulations and requirements for the Builder Program. Before any contractor or builder may perform or engage in any construction activity on a Unit, such contractor or builder shall: (i) be required to submit a builder application to the Declarant; (ii) be approved by the Declarant to participate in the Builder Program; and (iii) agree to comply with all terms and conditions of the Governing Documents and the rules, regulations and requirements of the Builder Program. Under the terms of the Builder Program, all builders must pay to Declarant or its designee a fee equal to **six percent (6%)** of the final contract price for construction of a home. Approval of a contractor or builder shall not be construed as an endorsement of the contractor or builder by the Declarant, nor shall the Declarant be liable for any loss, damage or injury to any person arising out of an Owner's election to use such contractor or builder.

2. All minimum square footage requirements for homes in the Covenants and in the Governing Documents (as defined in the Covenants), as amended (including those in Paragraphs 2 and 3 of that certain Amendment to Restrictive Covenants recorded on August 23, 2019 in Book 3788 at Page 799 the Beaufort County Records) are hereby deleted, null, and void, and replaced with the following minimum square footage requirements:

a. The minimum square footage is **1,400 square feet** for homes built on:

- i. Lots 1 through 51,
- ii. Lots 159A through 164A, and
- iii. Lots 159B through 164B.

b. The minimum square footage is **2,000 square feet** for homes built on:

- i. Lots 52 through 82,
- ii. Lots 84 through 94,
- iii. Lots 169 through 188,
- iv. Lots R1 through R5
- v. Lots R12 through R16,
- vi. Lots R48 through R51,
- vii. Lots 165A through 168A,
- viii. Lots 165B through 168B, and
- ix. Lots 1E through 36E.

c. The minimum square footage is **2,400 square feet** for homes built on:

- i. Lots 189 through 200,
- ii. Lots 255 through 343,
- iii. Lot 200A, and

iv. Lots R6 through R11.

IN WITNESS WHEREOF, Forino Properties SC 2, LLC, has caused these presents to be executed in its name by its duly authorized officer and its seal to be hereto affixed, this 13th day of May, 2021.

**SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:**

Roger Bright
Signature of 1st Witness
Janetsy Douglas
Signature of 2nd Witness/Notary Public

**FORINO PROPERTIES SC 2, LLC,
a South Carolina limited liability company**

By: Forino Co., L.P.,
a Pennsylvania limited partnership
Its: Manager

John G. Smith
By: John G. Smith
Its: President

**STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)**

ACKNOWLEDGMENT

I, the undersigned Notary Public, do hereby certify that John G. Smith, President of Forino Co., L.P., a Pennsylvania limited partnership, duly authorized Manager of Grantor, by and on behalf of the Limited Partnership, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 13th day of May, 2021.

Janetsy Douglas
Notary Public for South Carolina
My Commission Expires: 5/30/2021

