



Recording Date: 06/21/2010

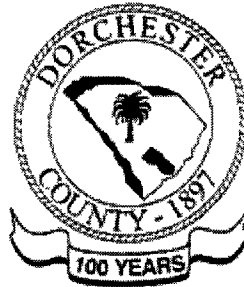
Instrument: 77

Book: 7534 Page: 304-308

FILED-RECORDED  
RMC / ROD

2010 Jun 21 AM 11:36:06

DORCHESTER COUNTY  
SC Deed Rec Fee: .00  
Dor Co Deed Rec Fee: .00  
Filing Fee: 10.00  
Exemption #:  
MARGARET L. BAILEY  
Register of Deeds



THIS PAGE IS HEREBY ATTACHED AND MADE PART OF  
THE PERMANENT RECORD OF THIS DOCUMENT. IT IS  
NOT TO BE DETACHED OR REMOVED AND MUST BE  
CITED AS THE FIRST PAGE OF THE RECORDED  
DOCUMENT. THE TOP OF THE PAGE IS TO BE USED FOR  
RECORDING PURPOSES AND IS NOT TO BE USED FOR  
ANY OTHER PURPOSE.

REGISTER OF DEEDS  
DORCHESTER COUNTY SOUTH CAROLINA  
MARGARET L. BAILEY, REGISTER  
POST OFFICE BOX 38  
ST. GEORGE, SC 29477  
843-563-0181 or 843-832-0181

FILED/RECORDED  
June 19, 2010  
DORCHESTER COUNTY  
REGISTER OF DEEDS

STATE OF SOUTH CAROLINA  
COUNTY OF DORCHESTER

DECLARATION OF  
RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS is made this 7<sup>th</sup> day of JUNE, 2010, by **Lennar Carolinas, LLC**, a Delaware limited liability company (the "Declarant").

**RECITALS**

WHEREAS, Declarant is the owner of certain real property including a total of 0.628 acres of jurisdictional freshwater wetland preservation and approximately 0.427 acres of variable width upland buffer located along the wetland areas within the Wentworth Hall subdivision ("Wentworth Hall"), located in Dorchester County, South Carolina. An attached plat (**Exhibit 1**) entitled "Plat of a Boundary Survey Showing a 0.118 Acre Portion of Tract 2, TMS 128-00-00-039, Being Dedicated to the South Carolina Department of Transportation, Property of Villages of Summerville, LLC, Located in The Knightsville Area, Dorchester County, SC", prepared by Horner, Eelman & Gearhart, LLC, dated June 20, 2005, and recorded September 6, 2005 in the Dorchester County Register of Deeds Office in Plat Book K-169 (#238) (the "Plat") depicts the site's preserved areas described above (said preserved sites are referred to herein as the "Property"), which are subject to these restrictive covenants.

WHEREAS, as compensatory mitigation under State law for the stormwater certification and permits issued by the South Carolina Department of Health and Environmental Control's ("SCDHEC") Office of Ocean and Coastal Resource Management ("OCRM"), and the satisfaction of mitigation for the OCRM Stormwater permit SW#18-05-05-03 (the "Permit") and in recognition of the continuing benefit to the permitted Property, and for the protection of waters of the United States and scenic, resource, environmental, and general property values, Declarant has agreed to place certain restrictive covenants on the Property, in order that the Property shall remain substantially in its natural condition forever.

NOW THEREFORE, Declarant hereby declares that the Property shall be held, transferred, conveyed, leased, occupied or otherwise disposed of and used subject to the following restrictive covenants, which shall run with the land and be binding on all heirs, successors, assigns (they are included in the term, "Declarant," below), lessees, or the occupiers and users.

1. **Prohibitions.** Declarant is and shall be prohibited from the following: filling, draining, flooding, dredging, impounding, burning, cultivating, excavating, erecting, constructing, releasing wastes, or otherwise doing any work on the Property; introducing exotic species into the Property (except biological controls pre-approved in writing by the OCRM); and from changing the grade or elevation, impairing the flow or circulation of waters, reducing the reach of waters, and any other discharge or activity requiring a permit under clean water or water pollution control laws and regulation, as amended. The following are expressly excepted from this paragraph: a) cumulatively very small impacts associated with hunting (excluding planting or burning), fishing and similar recreational or educational activities, consistent with the continuing natural condition of the Property; b) removal or trimming of vegetation hazardous to person or property, or of timber downed or damaged due to natural disaster; c) restoration or mitigation required under law.

2. **Amendment.** After recording, these restrictive covenants may only be amended by a recorded document signed by SCDHEC-OCRM and Declarant. The recorded document, as amended, shall be consistent with the OCRM model conservation restrictions at the time of amendment. An amendment shall be allowed at the discretion of the OCRM, in consultation with resource agencies as appropriate, and then only as exceptional circumstances. Mitigation for amendment impacts will be required pursuant to OCRM mitigation policies at the time of amendment. There shall be no obligation to allow an amendment.

3. **Notice to Government.** Any permit application or request for certification or modification, which may affect the Property, made to any governmental entity with authority over wetlands or other waters of the United States, shall expressly reference and include a copy (with the recording stamp) of these restrictive covenants.

4. **Reserved Rights.** It is expressly understood and agreed that these restrictive covenants do not grant or convey to members of the general public any rights of ownership, entry or use of the Property. These restrictive covenants are created solely for the protection of the Property, and for the consideration and values set forth above, and Declarant reserves the ownership of the fee simple estate and all rights appertaining thereto, including without limitation the rights to exclude others and to use the Property for all purposes not inconsistent with these restrictive covenants.

5. **Compliance Inspections.** The SCDHEC-OCRM and their authorized agents shall have the right to enter and go upon the lands of Declarant, to inspect the Property and take actions necessary to verify compliance with these restrictive covenants.

6. **Enforcement.** The Declarant grants to the SCDHEC-OCRM, a discretionary right to enforce these restrictive covenants in a judicial action against any persons or other entities violating or attempting to violate these restrictive covenants; provided, however, that no violation of these restrictive covenants shall result in a forfeiture or reversion of title. In any enforcement action, an enforcing agency shall be entitled to a complete restoration for any violation, as well as any other judicial remedy such as civil penalties. Nothing herein shall limit the right of the OCRM to modify, suspend, or revoke the Permit.

7. **Property Transfers.** Declarant shall include the following notice on all deeds, mortgages, plats or any other legal instruments used to convey any interest in the Property (failure to comply with this paragraph does not impair the validity or enforceability of these restrictive covenants):

NOTICE: This Property Subject to Declaration of Restrictive Covenants  
Recorded at (*plat book, page, county, date of recording*).

8. **Marking of Property.** The perimeter of the Property shall at all times be plainly marked by permanent signs saying, "Protected Natural Area," or by an equivalent, permanent marking system.

9. **Recording of Plat.** A drawing depicting the boundaries of the Property subject to these restrictive covenants shall be recorded in the deed records office for each county in which the Property is situated prior to the recording of these restrictive covenants. The recorded Plat, as previously described herein, is attached hereto as "**Exhibit 1.**"

10. **Separability Provision.** Should any separable part of these restrictive covenants be held contrary to law, the remainder shall continue in full force and effect.

IN WITNESS WHEREOF, the Declarant has duly executed this Declaration of Restrictive Covenants on the date written above.

IN THE PRESENCE OF:

**Lennar Carolinas, LLC**, a Delaware limited liability company

Jennifer Petrus  
(Witness) Jennifer Petrus

By: [Signature] (SEAL)

Name: ROBERT H. HILLIARD

Josephyn Aegre  
(Witness) JOSEPHYN AEGRE

Title: VICE PRESIDENT

Date: JUNE 7, 2010

**STATE OF SOUTH CAROLINA**

**COUNTY OF**

**PROBATE**

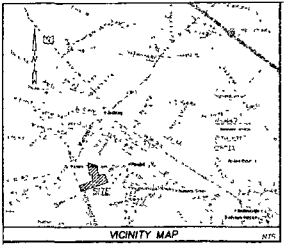
PERSONALLY appeared before me Jennifer Adams (name of witness #1), the undersigned witness, and made oath that he saw the within named Declarant execute this Declaration of Restrictive Covenants; and that he with the other witness named above witnessed the execution thereof.

[Signature]  
(signature of witness #1)

Sworn to and subscribed before me this 7<sup>th</sup> day of JUNE, 2010.

[Signature]  
NOTARY PUBLIC FOR SOUTH CAROLINA  
My Commission Expires: 1/26/2019

*Parker Poe  
PO Box 160  
Chas., SC 29402*



VICINITY MAP

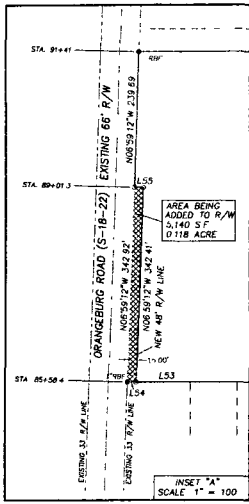
HORNER EELMAN & GEARHART LLC  
 672 Morris Drive, Suite 204  
 Charleston, SC 29492  
 Ph 843 881 9804  
 Fax 843 881 9807



REFERENCE PLATS BY:

1. PAUL C LAWSON - MARCH 4, 2002
2. PAUL C LAWSON - DEC 1, 2003
3. B J KING - MARCH 20, 2002
4. SMYTH CY GORDON - JULY 23, 2002
5. PAUL C LAWSON JR - JUNE 16, 2000
6. PAUL C LAWSON JR - MAY 17, 2000
7. PAUL C LAWSON JR - MARCH 25, 2002
8. B J KING - JANUARY 10, 2000
9. GEORGE WILLIAM BECKER - FEB 12, 2004
10. PAUL C LAWSON JR - JULY 17, 2004
11. JOSEPH O EELMAN - MARCH 22, 2005

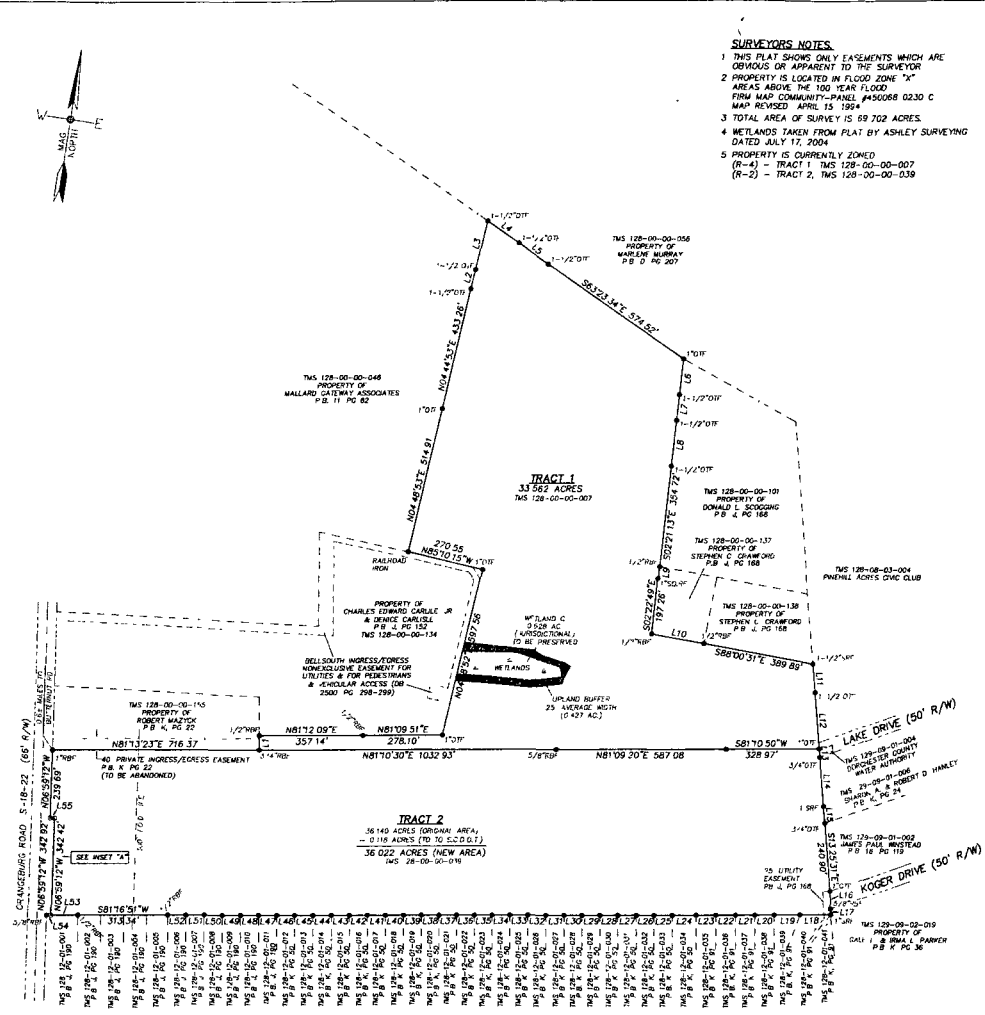
RECORDED IN THE  
 DEPT. OF LAND & WATER  
 P & C OFFICE  
 K-30  
 L-18  
 K-22  
 K-36  
 J-168  
 J-190  
 K-174  
 J-152  
 K-83  
 NOT RECORDED  
 K-143



INSET "A"  
 SCALE 1" = 100'

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SUBDIVISION SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS DESCRIBED THEREIN.

HORNER EELMAN & GEARHART LLC  
 672 Morris Drive, Suite 204  
 Charleston, SC 29492



- LEGEND**
- PROPERTY LINE W/ 5/8" R/S
  - PROPERTY LINE W/ CORNER FOUND
  - 5/8" REBAR UNLESS OTHERWISE SHOWN
  - RIGHT OF WAY
  - ADJACENT PROPERTY LINE
  - EASEMENT LINE
  - CENTER LINE
  - OVERHEAD POWER LINE
  - REBAR FOUND
  - REBAR SET
  - CRUMPED TOP PIPE FOUND
  - OPEN TOP PIPE FOUND
  - SOLID ROD FOUND

FOR OFFICIAL USE

APPROVED FOR RECORDING BY:

*[Signature]*

SELF 2/20/05

- SURVEYOR'S NOTES**
1. THIS PLAT SHOWS ONLY EASEMENTS WHICH ARE OBVIOUS OR APPARENT TO THE SURVEYOR
  2. PROPERTY IS LOCATED IN FLOOD ZONE "X" AREAS ABOVE THE 100 YEAR FLOOD FIRM MAP COMMUNITY-PANEL #450068 0230 C MAP REVISED APRIL 15, 1994
  3. TOTAL AREA OF SURVEY IS 69.702 ACRES
  4. WETLANDS TAKEN FROM PLAT BY ASHLEY SURVEYING DATED JULY 17, 2004
  5. PROPERTY IS CURRENTLY ZONED (R-4) - TRACT 1, TMS 128-00-00-007 (R-2) - TRACT 2, TMS 128-00-00-038

REC'D RECORDED  
 27 FEB 2005  
 2005 FEB 23 10 29  
 ASHLEY SURVEYING  
 1001 S. MAIN ST.  
 CHARLESTON, SC  
 #238

NUMBER	DIRECTION	DISTANCE
L1	N 08 48'45" W	60.05
L2	N 05 00'15" E	68.47
L3	N 04 38 52" E	175.53
L4	S 63'25 13" E	134.21
L5	S 63'22 44" E	126.55
L6	S 02'17 51" E	125.85
L7	S 02'24 02" E	90.77
L8	S 02'16 13" E	161.44
L9	S 02'25 42" E	41.42
L10	S 88'07 59" E	183.19
L11	S 12'52 59" E	89.26
L12	S 12'56 13" E	197.97
L13	S 13'01 23" E	30.18
L14	S 12'22 28" E	123.74
L15	S 13'30 54" E	38.98
L16	S 12'04 58" E	62.24
L17	S 12 35 42" E	20.34
L18	S 81'15 33" W	112.21
L19	S 81'15 26" W	32.22
L20	S 81'12 44" W	67.48
L21	S 81'15 41" W	67.44
L22	S 81'12 55" W	87.54
L23	S 81'17 36" W	67.50
L24	S 81'14 36" W	82.52
L25	S 81'14 55" W	62.53
L26	S 81'11 49" W	61.50
L27	S 81'14 20" W	63.48
L28	S 81'17 21" W	62.54
L29	S 81'17 35" W	62.46
L30	S 81'14 28" W	62.46
L31	S 81'15 45" W	62.52
L32	S 81'10 16" W	62.48
L33	S 81'14 15" W	62.56
L34	S 81 22 07" W	62.58
L35	S 81'11 20" W	62.50
L36	S 81'12 45" W	62.46
L37	S 81'10 46" W	62.60
L38	S 81'19 59" W	62.42
L39	S 81'18 11" W	62.44
L40	S 81'16 20" W	62.50
L41	S 81 27 15" W	62.68
L42	S 81'10 21" W	62.46
L43	S 81'22 56" W	62.65
L44	S 81'15 52" W	62.46
L45	S 81'14 57" W	62.50
L46	S 81'14 11" W	62.54
L47	S 81'16 50" W	62.48
L48	S 81'15 52" W	62.48
L49	S 81'14 05" W	62.52
L50	S 81'16 27" W	62.50
L51	S 81'11 44" W	62.50
L52	S 81'15 57" W	62.54
L53	S 81'05 31" W	63.76
L54	S 81'05 33" W	15.01
L55	S 83'00 48" W	15.00

PLAT  
 OF A  
**BOUNDARY SURVEY**  
 SHOWING A 0.118 ACRES PORTION OF  
**TRACT 2**  
 TMS 128-00-00-038  
 BEING DEDICATED TO THE  
**SOUTH CAROLINA**  
**DEPARTMENT OF TRANSPORTATION**  
**VILLAGES OF SUMMERVILLE, LLC**  
 LOCATED IN  
**THE KNIGHTSVILLE AREA**  
**DORCHESTER COUNTY, SC**  
 SCALE 1" = 200'    JUNE 20, 2005