

YORK COUNTY, SC	
2017006682	RESTR COVEN
RECORDING FEES	\$13.00
STATE TAX	\$0.00
COUNTY TAX	\$0.00
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BK:RE 16265	PG:72-78

Prepared by and return to:

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**TWELFTH SUPPLEMENT**

**TO**

**MASTER COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS**

**FOR**

**RIVERWALK**

**THIS TWELFTH SUPPLEMENT TO MASTER COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR RIVERWALK (this “Supplemental Declaration”) is made effective as of the 3<sup>rd</sup> day of March, 2017, by THE GREENS OF ROCK HILL LLC, a South Carolina limited liability company (“Declarant”), whose address is 998 Riverwalk Parkway, Suite 202, Rock Hill, South Carolina, 29730. VELOWAY OFFICE BUILDING, LLC, a South Carolina limited liability company, owns the Annexed Property (as hereinafter defined) and joins herein to consent to the making and terms hereof.**

**BACKGROUND STATEMENT**

**A. Declarant made those certain Master Covenants, Conditions, Easements, and Restrictions for Riverwalk, executed May 26, 2011 (the “Original Declaration”), which was recorded June 3, 2011, in Record Book 12008, Page 242 in the Office of the Clerk of Court for York County, South Carolina, with respect to certain real property located in the City of Rock Hill, York County, South Carolina, described and defined in the Declaration as the “Development Property.” Capitalized terms used herein and not defined herein have the meanings given such terms in the Original Declaration. The Original Declaration, as amended and supplemented from time to time, is referred to herein as the “Declaration.”**

**B.** Pursuant to Section 20(H) of the Original Declaration, Declarant reserved the right and option to submit any or all of the Additional Property described in Exhibit B to the Original Declaration by filing one or more Supplements. Pursuant to Section 20(A)(ii) of the Original Declaration, Declarant also reserved the right and option, on the terms set forth therein, to amend the terms and provisions of the Original Declaration. Since the recordation of the Original Declaration, Declarant has recorded the following Supplements in the York County real estate records:

<u>Supplement No.</u>	<u>Book</u>	<u>Page</u>
One	12440	247
Two	13808	118
Three	13955	45
Four	14306	1
Five	14378	136
Six	14728	271
Seven	14729	54
Eight	14742	38
Nine	15599	144
Ten	15825	293
Eleven	16263	8

**C.** Declarant desires to annex a portion of the Additional Property to the General Plan of Development set forth in the Original Declaration, the legal description for which is attached hereto in Exhibit A and incorporated herein by this reference (the “Annexed Property”).

**D.** This Supplemental Declaration is designed to create equitable servitudes and covenants applicable to and running with the land for the Annexed Property made subject hereto, and to further benefit and burden the Development Property by creating or reserving additional equitable servitudes and covenants pertaining thereto, as and to the extent provided for herein.

**E.** Declarant hereby declares that the Annexed Property made subject to the Original Declaration by this Supplemental Declaration shall be owned, encumbered, used, occupied, maintained, altered and improved subject to the covenants, conditions, restrictions, limitations, reservations, exceptions and terms hereinafter set forth for the term and duration thereof, all of which are declared to be part of, pursuant to, and in furtherance of, a common and general plan of

development, improvement and enhancement of the Development Property and the Annexed Property. The provisions of this Supplemental Declaration are expressly intended to touch, concern, and run with the title to the Annexed Property and the Development Property, and shall be binding upon and inure to the benefit of Declarant, its successors and assigns, and all persons having or acquiring any right, title, or interest in such properties, and their respective heirs, successors, executors, administrators and assigns.

**NOW, THEREFORE,** Declarant hereby declares as follows:

1. Submission of Annexed Property. Declarant hereby exercises its option to submit the Annexed Property to the Original Declaration and further declares that the Annexed Property shall be held, transferred, sold, conveyed, leased, occupied and used subject to the Original Declaration, as amended and supplemented from time to time, and the covenants, conditions, restrictions, easements, charges and liens contained therein which shall touch, concern and run with the title to the Annexed Property, and which shall be binding upon and inure to the benefit of all parties having any right, title, or interest in the Annexed Property, or any portion thereof, along with their respective heirs, successors, executors, administrators, and assigns.

2. Effect of Submission. Pursuant to the Original Declaration, each purchaser of a Parcel or any other component of the Development Property (as enlarged by Supplements adding Additional Property), by acceptance of a deed thereto, is subject to the terms of the Declaration. Each Mortgagee, by accepting a mortgage upon a Parcel or other component of the Development Property subject to the terms of the Declaration, shall be deemed to have also consented to the powers of annexation and amendment reserved by Declarant in the Original Declaration and exercised by the Declarant through this Supplemental Declaration.

3. Upon recordation of this Supplemental Declaration, the Declaration shall apply to the Annexed Property in the same manner as if the Annexed Property had originally been subject to the Original Declaration and had originally constituted a portion of the Development Property; and therefore, the rights, privileges, duties and liabilities of the parties which own any portion of the Annexed Property shall be the same as those involving all of the Development Property previously made subject to the Declaration, and the rights, obligations, privileges, duties and liabilities of the Owners, lessees and occupants of the Parcels in the Annexed Property shall be the same as though the Annexed Property had originally been subject to the Declaration, except as expressly provided in this Supplemental Declaration.

4. Interpretation.

(a) All of the provisions of this Supplemental Declaration and the Declaration shall be liberally construed together to promote and effectuate the fundamental concepts of the property as set forth in the Original Declaration, which is incorporated herein by this reference.

(b) Each of the provisions of this Supplemental Declaration shall be deemed independent and severable, and the invalidity or partial invalidity of any provision or portion thereof shall not affect the validity or enforceability of any other provision.

(c) Whenever the context may require, any pronouns used shall include the corresponding masculine, feminine or neuter forms, and the singular shall include the plural and vice versa.

(d) All captions and titles used in this Supplemental Declaration are intended solely for convenience of reference only and shall not affect the meaning or interpretation of any of the provisions hereof.

(e) This Supplemental Declaration shall be construed in accordance with and governed by the laws of the State of South Carolina.

(f) The above preamble and Background Statement are incorporated herein by this reference as fully as though re-set forth here verbatim.

5. Nothing contained herein shall be construed to limit the right of Declarant to add any other portion of the Additional Property to the Development Property by filing one or more additional supplements.

6. Except as expressly set forth in this Supplemental Declaration, all terms, covenants, conditions and restrictions contained in the Declaration shall remain unchanged and shall apply as fully to the Annexed Property as though they were set forth herein. Declarant confirms the making and validity of the Declaration and its application to all of the Development Property.

**SIGNATURE PAGES TO FOLLOW**





**Exhibit A**

**Legal Description**

Being, lying and situate in the City of Rock Hill, County of York, State of South of Carolina, all that certain parcel described as 0.459 acres on plat entitled "Riverwalk Office Parcel Lot 2" prepared by CEG Group Engineers, LLP and recorded in Plat Book 153, Page 352, Office of the Clerk of Court of York County and more particularly described as follows:

Beginning at NGS Monument "Doug Mackey" with a Northing of 1143003.86 and an Easting of 2014645.90; thence N 84°35'52" W a distance of 7,657.50 feet to a #5 rebar, the true POINT OF BEGINNING; thence S 05°35'25" E a distance of 31.81 feet to a #5 rebar; thence following a curve to the right with an arc length of 8.12 feet and a radius of 27.50 feet and with a chord bearing of S 75°57'12" W and a chord length of 8.09 feet to a #5 rebar; thence S 84°24'35" W a distance of 38.68 feet to a #5 rebar; thence along a curve to the right with an arc length of 49.57 feet and a radius of 164.00 feet and with a chord bearing of N 86°55'52" W with a chord length of 49.38 feet to a #5 rebar; thence along a curve to the right with an arc length of 42.50 feet and a radius of 164.00 feet and a chord bearing of N 70°50'54" W with a chord length of 42.38 feet to a set mag nail; thence turning and running N 10°07'59" E a distance of 145.13 feet to a #5 rebar; thence turning and running N 04°30'56" W a distance of 26.29 feet to a #5 rebar; thence with a curve to the left with an arc length of 55.86 feet and a radius of 317.52 feet and a chord bearing of N 80°34'08" E and a chord distance of 55.79 feet to a #5 rebar; thence with a curve to the right with an arc length of 31.97 feet and a radius of 20.00 feet and a chord bearing of S 58°31'34" E and a chord distance of 28.68 feet to a #5 rebar; thence running S 12°43'35" E a distance of 105.86 feet to a #5 rebar; thence with a curve to the right with arc length of 39.67 feet and a radius of 318.50 feet and a chord bearing of S 09°09'30" E with a chord distance of 39.64 feet to a #5 rebar, this being the POINT OF BEGINNING, containing approximately 0.459 acres, more or less.

TMS: being a portion of 662-07-01-094

Derivation: Being the same property conveyed to the Grantor by Deed recorded in Book 16263, Page 179, Office of the Clerk of Court of York County.