

Prepared by and return to:

① Joshua B. Vann, Esq.  
MORTON & GETTYS, LLC  
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Post Office Box 707  
Rock Hill, South Carolina 29731

**CORRECTIVE FIFTH SUPPLEMENTAL DECLARATION OF COVENANTS,  
CONDITIONS, EASEMENTS AND RESTRICTIONS FOR RIVERWALK  
RESIDENTIAL, PROPERTY ONE**

(SINGLE FAMILY: PHASE 1D)

THIS CORRECTIVE FIFTH SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR RIVERWALK RESIDENTIAL, PROPERTY ONE (this "Fifth Supplemental Declaration") is made as of this 27 day of MARCH, 2015 by THE GREENS OF ROCK HILL, LLC, a South Carolina limited liability company ("Declarant") whose address is 2850 Cherry Road, Rock Hill, South Carolina, 29730. GRH 2014, LLC, a South Carolina limited liability company, is the owner of all or a portion of the real property subject hereto, and joins herein to consent to the making and terms hereof.

**BACKGROUND STATEMENT**

A. Declarant made that certain Declaration of Covenants, Conditions, Easements and Restrictions for Riverwalk Residential, Property One, executed August 4, 2011 (the "Original Declaration"), which was recorded August 4, 2011, in Record Book 12097, Page 1 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 "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 Article II, Section 2.2 of the Original Declaration, Declarant reserved the option to submit any or all of the Additional Property described in Exhibit B to the Original Declaration by filing one or more Supplemental Declarations. Since the recordation of the Original Declaration, Declarant has recorded the following Supplemental Declarations in the York County real estate records:

<u>Supplement No.</u>	<u>Book</u>	<u>Page</u>
One	12440	254

1 of 1

Two	13662	289
Three	13808	124
Four	13808	139
Five	14742	44

C. Declarant desires to annex a portion of the Additional Property to the general scheme of the Development Plan 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 Fifth Supplemental Declaration is designed to create equitable servitudes and covenants applicable to and running with the land for all Annexed Property made subject hereto, and to further benefit and burden the 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 those portions of the Annexed Property made subject to the Original Declaration by this Fifth 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 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 Property and the Annexed Property. The provisions of this Fifth Supplemental Declaration are expressly intended to touch, concern, and run with the title to the Annexed Property subjected to this Fifth Supplemental Declaration, and the Property, as set forth herein, 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. Annexation of Annexed Property. Declarant is hereby exercising its option to submit the Annexed Property described in the attached Exhibit A 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 within-described Annexed Property, or any portion thereof, along with their respective heirs, successors, executors, administrators, and assigns.

2. Binding Effect of Annexation. Pursuant to the Original Declaration, each purchaser of a Lot or Dwelling, by acceptance of a deed thereto, is subject to the terms of the Declaration by this Fifth Supplemental Declaration. Each Mortgagee, by accepting a Mortgage

upon a Lot or Dwelling 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 Fifth Supplemental Declaration.

3. Effect of Recordation. Upon recordation of this Fifth 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 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 Property previously made subject to the Declaration, and the rights, obligations, privileges, duties and liabilities of the Owners, lessees and occupants of the Lots and Dwellings 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 Fifth Supplemental Declaration.

4. Interpretation.

(a) All of the provisions of this Fifth 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 Statement of Purpose to the Original Declaration, which is incorporated herein this reference.

(b) Each of the provisions of this Fifth 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 Fifth Supplemental Declaration are intended solely for convenient of reference only and shall not affect the meaning or interpretation of any of the provisions hereof.

(e) This Fifth 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.

(g) Except as herein specifically supplemented and/or amended, the provisions of the Declaration are ratified and confirmed and, as specifically supplemented and/or amended hereby, the Declaration shall continue in full force and effect in accordance with its terms.

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

IN WITNESS WHEREOF, Declarant has executed this Corrective Fifth Supplemental Declaration as of the date first above written.

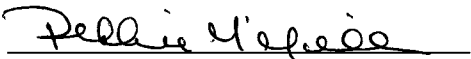
Signed, sealed and delivered in the presence of

DECLARANT:  
THE GREENS OF ROCK HILL, LLC  
BY: ASSURED ADMINISTRATION, LLC,  
its Manager

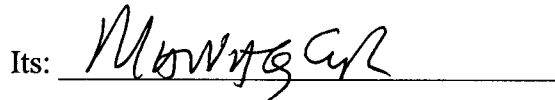


Witness 1

By: 



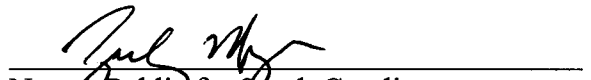
Witness 2

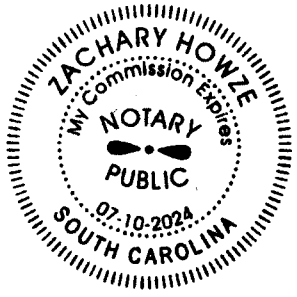
Its: 

**ACKNOWLEDGEMENT**

PERSONALLY APPEARED before me MAR MATHER, as the MANAGER of Assured Administration, LLC, the Manager of the within named Declarant, who, after being duly sworn, acknowledged his/her execution of the within instrument in the said capacity and for the uses and purposes set forth within.

SWORN TO before me this 27<sup>th</sup> day of MARCH, 2015

  
Notary Public for South Carolina  
My Commission Expires: 7/10/2024  
[SEAL]



GRH 2014, LLC JOINS IN THE EXECUTION HEREOF FOR THE PURPOSES WITHIN MENTIONED.

Signed, sealed and delivered in the presence of

GRH 2014, LLC  
BY: THE GREENS OF ROCK HILL, LLC,  
its Manager  
BY: ASSURED ADMINISTRATION, LLC,  
its Manager

[Signature]  
Witness 1

By: [Signature]

[Signature]  
Witness 2

Its: Manager

**ACKNOWLEDGEMENT**

PERSONALLY APPEARED before me MARK MATROK, as the MANAGER of Assured Administration, LLC, the Manager of the The Greens of Rock Hill, LLC, the Manager of GRH 2014, LLC, who, after being duly sworn, acknowledged his/her execution of the within instrument in the said capacity and for the uses and purposes set forth within.

SWORN TO before me this 27<sup>th</sup> day of APRIL, 2015

[Signature]  
Notary Public for South Carolina  
My Commission Expires: 7/10/2021  
[SEAL]



**EXHIBIT A**

**Legal Description of Annexed Property**

ALL those certain pieces, parcels, or tracts of land lying, being, and situate in the City of Rock Hill, County of York, State of South Carolina, shown and described on that certain plat of survey entitled "FINAL PLAT SURVEY OF PHASE 1D FOR GRH 2014, LLC," prepared by Pittman Professional Land Surveying, dated February 23, 2015, last revised March 6, 2015, and recorded March 26, 2015, in Plat Book E-306, at Pages 9 and 10, in the York County, South Carolina, real estate records, reference to which plat is hereby made for a more complete and accurate description of the afore-described property.