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Filed: 2-3-98

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STATE OF SOUTH CAROLINA ) FIRST AMENDMENT TO DECLARATION  
 ) OF COVENANTS, CONDITIONS AND  
 ) RESTRICTIONS FOR THE RIVER  
COUNTY OF BEAUFORT ) CLUB WEST SUBDIVISION

WHEREAS, on or about November 5, 1992, BROAD CREEK LIMITED PARTNERSHIP, a South Carolina limited partnership ("BCLP") executed that certain Declaration of Covenants, Conditions and Restrictions for RIVER CLUB WEST SUBDIVISION which were duly recorded in the RMC Office for Beaufort County, South Carolina, in Book 611 at Page 579 (the "Declaration"); and

WHEREAS, the Declaration constitutes the set of covenants, conditions, restrictions, affirmative obligations and easements which guide, control and direct the development and utilization of that certain area within the Indigo Run planned unit development known as RIVER CLUB WEST. The real property described on Exhibit "A" of the Declaration constitutes the lands which have been subjected to the operation and control of the Declaration (the "Property"), and the real property described on Exhibit "B" of the Declaration constitutes those additional properties which may be submitted to the operation and control of the Declaration (the "Additional Property"); and

WHEREAS, pursuant to the provisions of Article II of the Declaration, BCLP possesses the option and the right to submit from time to time portions of the Additional Property to the operation and control of the Declaration to be included as part of the Property, and said option may be exercised at the sole discretion of BCLP by the execution of amendment to the Declaration which is filed in the aforesaid public records; and

WHEREAS, INDIGO RUN LIMITED PARTNERSHIP, a South Carolina limited partnership ("IRLP") is the successor in interest to all rights held by BCLP pursuant to that

certain Assignment of Declarant Rights which was executed and effective on the 31st day of August, 1995, and is recorded in the RMC Office for Beaufort County, South Carolina, in Book 63 at Page 174; and

WHEREAS, IRLP is the owner of that certain real property which is more particularly described on Exhibit "A" attached hereto which is property constituting Additional Property under Article II of the Declaration ("RIVER CLUB II"); and

WHEREAS, it is the intent of IRLP as the Declarant under the terms and provisions of the Declaration to submit RIVER CLUB II to the lien, operation, encumbrance and control of the Declaration; and

WHEREAS, in order to accomplish the foregoing, IRLP has executed this First Amendment to Declaration of Covenants, Conditions and Restrictions for The River Club West Subdivision (the "First Amendment").

NOW, THEREFORE, IRLP, as the Declarant under the terms and provisions of the Declaration, pursuant to the provisions of Article II of the Declaration, hereby amends the Declaration as follows:

1. All that piece, parcel and tract of land, which is more particularly known as RIVER CLUB II and described on Exhibit "A" attached hereto is hereby submitted to the provisions of the Declaration effective as of the date and time of the execution of this First Amendment.
2. Exhibit "A" to the Declaration is hereby amended to provide that RIVER CLUB II is hereby incorporated therein as part of the Property and shall be subject to the operation and control of the Declaration.
3. All other covenants, conditions, restrictions, terms and provisions as contained in the Declaration as amended shall remain in full force and effect and shall fully and completely apply to RIVER CLUB II.

IN WITNESS WHEREOF, IRLP has caused its duly authorized general partner to execute this First Amendment this 30<sup>th</sup> day of January, 1998.

SIGNED, SEALED and DELIVERED  
in the Presence of

INDIGO RUN LIMITED PARTNERSHIP,  
a South Carolina limited partnership  
By: IRP Associates Limited Partnership,  
a South Carolina limited partnership

By: The Melrose Company, Inc.,  
a South Carolina corporation  
Its: General Partner

  
\_\_\_\_\_

Margaret B. Lucky

By:  
Its:

  
Vice President

STATE OF SOUTH CAROLINA )

COUNTY OF BEAUFORT )

ACKNOWLEDGEMENT

I, the undersigned Notary Public for the State of South Carolina, do hereby certify that James H. Nicksa, Vice-President of The Melrose Company, a South Carolina corporation, as General Partner for IRP Associates Limited Partnership, General Partner for INDIGO RUN LIMITED PARTNERSHIP, personally appeared before me this day and, in the presence of the two witnesses above named, acknowledged the due execution of the foregoing instrument.

Witness my hand and seal this 30<sup>th</sup> day of January, 1998.

Margaret B. Lucky  
Notary Public for South Carolina  
My Commission expires: 3/17/98

This Amendment was prepared in the law office of Hughes Law Firm, PC, P. O. Box 23526, Hilton Head Island, SC 29925, by Gregory M. Alford, Esquire.

## EXHIBIT "A"

ALL those certain pieces, parcels or lots of land situate, lying and being on Hilton Head Island, Beaufort County, South Carolina, designated as LOTS NUMBER 46, 47, 48, 49 & 50 RIVER CLUB II, a Section of INDIGO RUN, and being more particularly shown and described on the plat thereof prepared by Michael R. Dunigan, SC RLS #11905, dated March 29, 1996, and recorded in the RMC Office for Beaufort County, South Carolina, in Plat Book 63 at Page 174.

ALSO, all those certain pieces, parcels or tracts of land situate, lying and being on Hilton Head Island, Beaufort County, South Carolina, containing 1.52 acres, more or less, designated as COMMON AREAS 'A' and 'B', RIVER CLUB II, a Section of INDIGO RUN, and being more particularly shown and described on the plat thereof prepared by Michael R. Dunigan, SC RLS #11905, dated March 29, 1996, and recorded in the RMC Office for Beaufort County, South Carolina, in Plat Book 63 at Page 174.

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JOHN A. SULLIVAN - RMC  
BEAUFORT COUNTY, S.C.

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