

BK 40 748202

LINDA T. MESSERVY
DORCHESTER COUNTY, SC

2004 APR -6 AM 10:55

FILED - RECORDED
RMC / ROD

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)

DECLARATION OF RESTRICTIVE
COVENANTS FOR STORMWATER
PROTECTION

WHEREAS, Declarant is the owner of certain real property located in Dorchester County, South Carolina, known as Boyle Plantation and being more particularly described on Exhibit "A" attached hereto and made a part hereof (the Property); and

WHEREAS, in consideration of the issuance of a land disturbance/stormwater permit from S. C. DHEC-OCRM and for other good and valuable consideration and for resource, environmental and other values, the sufficiency of which is hereby acknowledged, Declarant has agreed to place the following covenants on the Property for stormwater protection as provided herein.

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:

A stormwater filter buffer of 15-foot average width shall be located landward along the established DHEC-OCRM critical line as shown on the approved plans for the Property. This stormwater buffer is intended to provide a strip of natural vegetation through which runoff from yards will be filtered prior to entering the marsh (to remove/reduce fertilizers, pesticides, and/or pet waste). No clear-cutting, filling, excavation or construction activity (other than that necessary for permitted drainage or water access structures) or permanent structures (other than that necessary for permitted drainage or water access structures) shall be allowed within this buffer. Limited non-mechanized clearing of trees and ground cover shall be allowed to provide

and maintain adequate sight vistas. Only indigenous vegetation or species that are naturally adapted to local conditions without fertilization shall be planted.

It is expressly understood and agreed that this restrictive covenant does 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 stormwater protection 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.

The Declarant grants to OCRM and its successors and to the homeowners association for the Property the right to enter and go upon the Property to inspect the Property and to take actions deemed necessary to verify and to enforce compliance with these restrictive covenants, however, violations of these restrictive covenants shall not result in a forfeiture or reversion of title. In any action to enforce compliance with these restrictive covenants, OCRM and the homeowners association for the Property shall be entitled to complete restoration from the violating parties as well as any other remedy available at law or in equity. In addition, court costs and attorney's fees may be recovered by OCRM and the homeowners association for the Property from the violating parties in any action in which relief is obtained.

These restrictive covenants may only be amended by a written document executed by DHEC-OCR.M.

IN WITNESS WHEREOF, the Declarant has duly executed this Declaration of Restrictive Covenants as of the 3 day of April, 2004.

WITNESSES:

DECLARANT:
DIROCCO ENTERPRISES, LLC

Diana Shrivastava

[Signature]

[Signature]

BY: JOHN DIROCCO
ITS: MEMBER

STATE OF CONNECTICUT

COUNTY OF FAIRFIELD

I, DILIP SHRIVASTAVA, a Notary Public for the State of CONNECTICUT, do hereby certify that DiRocco Enterprises, LLC by John DiRocco, its Member, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Subscribed to and sworn before me this 3rd day of April, 2004.

[Signature]
Notary Public for the State of CT
My Commission Expires: _____

DILIP SHRIVASTAVA
Notary Public
My commission expires
March 31, 2007

EXHIBIT "A"

All that certain property known as Boyle Plantation, and shown on a plat by GPA Professional Land Surveyors, dated April 5, 2004, entitled "Boyle Plantation, Phase I, Near the Town of Summerville," which said plat was recorded on April 6, 2004, in the RMC Office for Dorchester County in Plat Cabinet K at Page 97.