

4896-115

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER) FIRST AMENDMENT TO THE RESTRICTIVE
COVENANTS APPLICABLE TO
BOYLE PLANTATION

THIS FIRST AMENDMENT to the Restrictive Covenants applicable to Boyle Plantation (hereinafter referred to as the "First Amendment") is made this 29 day of August, 2005, by DiRocco Enterprises, LLC (hereinafter referred to as the "Declarant").

WITNESSETH:

WHEREAS, DiRocco Enterprises, LLC, having acquired the fee interest to the property known as Boyle Plantation, as more fully described in the Restrictive Covenants applicable to Boyle Plantation (hereinafter referred to as the "Restrictive Covenants"), established Restrictive Covenants dated April 3, 2004, and recorded April 6, 2004, in the Dorchester County RMC Office in Book 4074, at Page 186; and

WHEREAS, pursuant to Paragraph 35 of the Restrictive Covenants, entitled Modification, the Declarant may amend the Restrictive Covenants at any time and for any purpose so long as it owns one Lot in the Development; and

WHEREAS, Declarant currently owns one Lot in the Development; and

WHEREAS, Declarant desires to amend a portion of the Restrictive Covenants as more particularly set forth below.

NOW, THEREFORE, for and in consideration of the premises and the benefits to be derived by the Declarant and each and every Owner and subsequent Owner of any of the property located in Boyle Plantation, the Declarant does hereby amend the Restrictive Covenants as follows:

Paragraph 4 - Architectural Review Board

Declarant shall institute an Architectural Review Board (hereinafter known as "ARB") in order to ensure consistent and appropriate house design, color schemes, landscaping, and all other aesthetic aspects of the Development. The ARB shall initially consist of Karl A. McMillan and R. L. Sellers. At any time after Declarant has sold seventy-five (75%) percent of the Lots, Declarant shall appoint three (3) Owners to the ARB, with Karl A. McMillan and R. L. Sellers rotating off of the ARB. One (1) of the appointed Owners shall serve a term of one (1) year, one of the appointed Owners shall serve a term of two (2) years, and the third appointed Owner shall serve a term of three (3) years.

MARGARET L. BAILEY
DORCHESTER COUNTY, SC
2005 AUG 30 PM 3:41
FILED - RECORDED
RMC / ROD

Knight Law Firm, LLC
207 East 3rd North St.
Summerville, SC 29485

Once the terms of the appointed Owners have run, the replacement Owners shall be elected by the then Lot Owners in the Development as follows: The President or Secretary of the Boyle Plantation Homeowners Association, Inc. shall cause notice to be give to all Owners that a meeting shall be held at a designated time and place in Dorchester County not earlier than seven (7) days after the date such notice is given for election of Owners to the ARB. The notice shall note that Owners may make nominations at the meeting. Each Lot Owner elected to the ARB shall serve a term of three (3) years. Each Owner shall be authorized to cast as many votes as the number of Owners to be elected to the ARB. (Example: If two Owners are being elected to the ARB, then each Owner may vote for two nominees. If the Owner owns two Lots, then the Owner may cast two votes for two nominees.) In subsequent elections for Owners to the ARB, the same procedure as set forth above shall be followed.

Paragraph 24 – Notices

All plans, papers, instruments and notices required to be given or submitted to the Declarant, the Association, or the ARB pursuant to these restrictions shall be delivered personally or sent by certified mail to 117 Rhett's Way, Summerville, SC 29485, or to such other address as may be designated from time to time.

The Restrictive Covenants are also hereby amended to reflect that the Declarant shall assign its rights under the Restrictive Covenants to either the Association and/or the ARB, to include without limitation, as follows: any rights of the Declarant outlined in Paragraph 10 of the Restrictive Covenants shall hereafter be assigned to the ARB; any rights of the Declarant outlined in Paragraph 13 shall hereafter be assigned to the ARB; any rights of the Declarant outlined in Paragraph 21 shall hereafter be assigned to the ARB; any rights of the Declarant outlined in Paragraph 28 shall hereafter be assigned to the ARB; any rights of the Declarant outlined in Paragraph 31 shall hereafter be assigned to the ARB; any rights of the Declarant outlined in Paragraph 32 regarding natural growth, flora and/or trees shall hereafter be assigned to the Association; any rights of Declarant outlined in Paragraph 32 regarding fences, awnings, ornamental screens, screen doors, sunshades or walls shall be hereafter assigned to the ARB.

Notwithstanding anything herein to the contrary, the revisions made in this First Amendment shall not be enforceable until the date on which the First Amendment is filed in the Office of the Dorchester County RMC.

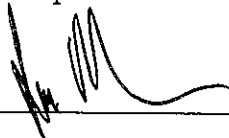
All other provisions and terms of the Restrictive Covenants shall remain in full force and effect.

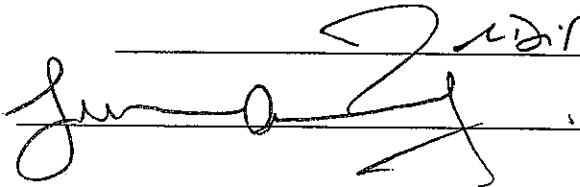
IN WITNESS WHEREOF, Declarant has caused these presents to be executed by its duly authorized officer as of the day and year first above written.

Signed, sealed and delivered
in the presence of:

Declarant:

DIROCCO ENTERPRISES, LLC

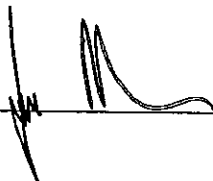




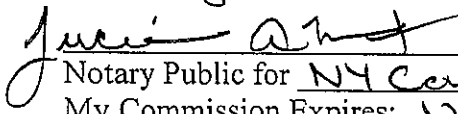
BY: JOHN DIROCCO
ITS: MEMBER

STATE OF SOUTH CAROLINA)
)
COUNTY OF NY)

Personally appeared before me Jeffrey Mazur, who, on oath, states that (s)he saw the within named DiRocco Enterprises, LLC by John DiRocco, its Member, sign the within First Amendment to the Restrictive Covenants Applicable to Boyle Plantation, and the said Declarant, by said officer, seal said First Amendment to the Restrictive Covenants Applicable to Boyle Plantation, and as its act and deed, deliver the same and that (s)he with LUCIA AHRENS witnessed the execution thereof.



SWORN to before me this 29 day
of August, 2005.

 (SEAL)
Notary Public for NY County
My Commission Expires: 12-12-06

LUCIA AHRENS
Notary Public, State of New York
No. 01AH6084211
Qualified in New York County
Commission Expires December 02, 2008