

THIS SUPPLEMENTAL DECLARATION "F" TO DECLARATION OF COVENANTS, RESTRICTIONS, EASEMENTS, LIMITATIONS AND PROVISIONS FOR MEMBERSHIP IN THE PONDS COMMUNITY ASSOCIATION, is made this 512 day of January, 2015, by KH Ponds LLLP.

**WHEREAS**, on or about the May 17, 2007, Greenwood Communities and Resorts, Inc., executed a **Declaration of Covenants, Restrictions, Easements, Limitations and Provisions for Membership In The Ponds Community Association** (generally known as the "Declaration") which Declaration was recorded May 22, 2007 in the Register of Deeds Office for Dorchester County, South Carolina, in Book 6035 at Page 618, together with all amendments and/or supplements thereto; and

**WHEREAS**, Article II, Section 2.2 of the Declaration provides that Declarant may bring within the plan and operation of the Declaration additional property by subjecting the same to the Declaration by the filing of a Supplemental Declaration; and

**WHEREAS**, the Additional Property consists of a parcel that contains 25.91 acres~~±~~ and will be known as “Cresswind at The Ponds Phase 1” for development of single-family detached residences with related amenities and improvements; and in light of the physical characteristics of this subdivision and the desire for an integrated, uniform and harmonious common plan of development, Declarant finds that private controls over the use of the land, including the use of covenants, restrictions, easements, and conditions are the most effective means of preserving and enhancing the economic and other values pertaining to the Community; and

1

NOW THEREFORE, KH Ponds LLLP declares as follows:

1. **Covenants:** That the Additional Property described on Exhibit "A" attached hereto shall be held, transferred, sold, devised, assigned, conveyed, given, purchased, leased, occupied, possessed, mortgaged, encumbered and used subject to the Declaration of Covenants, Restrictions, Easements, Limitations and Provisions for The ponds, dated May 17, 2007, and recorded May 22, 2007 in the Register of Deeds Office for Dorchester County, South Carolina, in Book 6035 at Page 618 and as may be amended and/or supplemented from time to time. This Declaration, the benefits of this Declaration, and the affirmative and negative burdens of this Declaration, whether pertaining to items, benefits, and obligations presently existing or to be created or executed in the future, do and shall, in equity and at law, touch and concern and run with the land and estate in the land herein referred to as the Additional Property. These covenants, restrictions, easements, and limitations set forth in the Declaration are intended to be running covenants and servitudes burdening and benefitting the parties to this Declaration, their successors, assigns, and all persons now or hereafter deriving an interest in the Additional Property. Any rights and easements reserved by Declarant under the Declaration shall also be reserved to the assigns and successors-in-interest of Declarant. The Declaration, the By-Laws of Ponds Community Association attached as Exhibit "C" to the Declaration, as well as the other Governing Documents referenced in the Declaration, are likewise made applicable to the Additional Property.
2. **Property:** The Additional Property consists of 25.91 acres+, is known as "Cresswind at The Ponds Phase 1" and is more fully described on Exhibit "A" which is attached hereto and incorporated herein by reference.
3. **Ratification:** All terms and conditions of the Declaration referenced above are hereby ratified and confirmed by the Declarant herein and are made applicable to the Additional Property.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the undersigned Declarant has executed this Ponds Supplemental the date and year first written above.

IN THE PRESENCE OF:

DECLARANT:

James B. Mung  
Witness

KH PONDS LLLP

C. J. Allen  
Witness

By: Mike McLendon (Seal)  
Name: Mike McLendon  
Its: Authorized Signatory

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

PERSONALLY APPEARED BEFORE me the undersigned witness and made an oath that s/he saw Mike McLendon, as Authorized Signatory of KH Ponds LLLP, sign seal and as the act and deed of said company, deliver the foregoing Supplemental Declaration; and that s/he, together with the other Witness, witnessed the execution thereof.

James B. Mung (SEAL)  
Witness

Sworn to before me this 12  
day of January, 2015

C. J. Allen  
Notary Public for South Carolina  
My Commission Expires: 2/6/23

## **EXHIBIT "A"**

All that certain piece, parcel or tract of land situate, lying and being in Dorchester County, South Carolina, identified as Cresswind at The Ponds Phase I, containing 25.91 acres, and being more fully shown and delineated on the plat entitled "Final Subdivision Plat of Cresswind at The Ponds Phase I" dated August 21, 2014, prepared by Thomas & Hutton, and recorded August 22, 2014 in Plat Cabinet M, Page 35, said tract having such size, shape, form, courses, distances, buttings, boundaries and delineations as are more fully shown on the above referred to plat; reference is hereby craved to said plat and same is made a part and parcel of this description.

STATE OF SOUTH CAROLINA )  
 )  
 )  
COUNTY OF DORCHESTER ) FIRST AMENDMENT TO DECLARATION  
OF COVENANTS, CONDITIONS AND  
RESTRICTIONS FOR CRESSWIND  
AT THE PONDS

This First Amendment to Declaration of Covenants, Conditions and Restrictions for Cresswind at The Ponds ("First Amendment") is entered into as of this 29 day of March, 2016, by KH Ponds LLLP, a Delaware limited liability limited partnership (hereinafter called "Declarant").

FILED/RECORDED  
APRIL 5, 2016  
DORCHESTER COUNTY  
REGISTER OF DEEDS

WITNESSETH:

WHEREAS, the Declaration of Covenants, Conditions and Restrictions for Cresswind at The Ponds was recorded on February 18, 2015 in Deed Book 9620 at Page 57 (the "Declaration") in the Office of the Register of Deeds for Dorchester County, South Carolina; and

WHEREAS, Section 2.2 of the Declaration provides that Declarant may subject Additional Property to the Declaration by recording an amendment to the Declaration; and

WHEREAS, Declarant desires to add to the plan and operation of the Declaration the property identified as "Cresswind at The Ponds Phase 2" containing a total of 20.21 acres, more or less, being more fully described on Exhibit A which is attached hereto and incorporated herein by this reference (the "Additional Property").

**KNOW ALL MEN BY THESE PRESENTS THAT** the Declarant does hereby declare as follows:

- I. Definitions. The words used in this First Amendment, unless the context shall clearly indicate otherwise, shall have the same meanings as set forth in the Declaration.
- II. Submission of Additional Property to Declaration. The Additional Property is and shall be, held, mortgaged, transferred, sold, conveyed, leased, donated, occupied and used subordinate and subject to the Declaration, and to the covenants, restrictions, conditions, easements and affirmative obligations set forth therein, as further amended by this First Amendment.
- III. Completeness. Except as herein provided, the Declaration shall remain in full force and effect, without modification, the said Declaration being the complete text of said instrument as of the date hereof.

IN WITNESS WHEREOF, the Declarant has caused this instrument to be executed the day and year first above written.

FILED/RECORDED  
APRIL 5, 2016  
DORCHESTER COUNTY  
REGISTER OF DEEDS

Signed, Sealed and Delivered  
in the Presence of:

Steven D. Grimes  
Reka Penland

KH PONDS LLLP

By: Mike McLendon (Seal)  
Mike McLendon  
Its: Authorized Signatory

STATE OF SOUTH CAROLINA )  
COUNTY OF DORCHESTER )

ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me this 29 day of March, 2016 by KH Ponds LLLP, by Mike McLendon, its Authorized Signatory.

Therese Munroe (SEAL)

Notary Public for South Carolina

My Commission Expires: 09-11-2025

THERESE MUNROE

**EXHIBIT A**  
**(Additional Property Description)**

All that certain piece, parcel or tract of land situate, lying and being in Dorchester County, South Carolina, identified as "Cresswind at The Ponds Phase 2" containing a total of 20.21 acres, and being more fully shown and delineated on the plat entitled "Final Subdivision Plat of Cresswind at The Ponds Phase 2" dated December 14, 2015, prepared by Thomas & Hutton, and recorded December 23, 2015 in Plat Cabinet M, Page 72, said tract having such size, shape, form, courses, distances, buttings, boundaries and delineations as are more fully shown on the above referred to plat; reference is hereby craved to said plat and same is made a part and parcel of this description.

STATE OF SOUTH CAROLINA )  
 )  
 )  
COUNTY OF DORCHESTER )      **SECOND AMENDMENT TO DECLARATION  
OF COVENANTS, CONDITIONS AND  
RESTRICTIONS FOR CRESSWIND  
AT THE PONDS**

This Second Amendment to Declaration of Covenants, Conditions and Restrictions for Cresswind at The Ponds ("Second Amendment") is entered into as of this 7 day of September, 2016, by KH Ponds LLLP, a Delaware limited liability limited partnership (hereinafter called "Declarant").

WITNESSETH:

WHEREAS, the Declaration of Covenants, Conditions and Restrictions for Cresswind at The Ponds was recorded on February 18, 2015 in Deed Book 9620 at Page 57 in the Office of the Register of Deeds for Dorchester County, South Carolina; as amended by the First Amendment to Declaration of Covenants, Conditions and Restrictions for Cresswind at The Ponds recorded April 5, 2016 in the Office of the Register of Deeds for Dorchester County in Book 10165 at Page 294 (the "Declaration"); and

WHEREAS, Section 2.2 of the Declaration provides that Declarant may subject Additional Property to the Declaration by recording an amendment to the Declaration; and

WHEREAS, Declarant desires to add to the plan and operation of the Declaration the property identified as "Cresswind at The Ponds Phase 3" containing a total of 12.82 acres, more or less, being more fully described on Exhibit A which is attached hereto and incorporated herein by this reference (the "Additional Property").

**KNOW ALL MEN BY THESE PRESENTS THAT** the Declarant does hereby declare as follows:

- I. Definitions. The words used in this Second Amendment, unless the context shall clearly indicate otherwise, shall have the same meanings as set forth in the Declaration.
- II. Submission of Additional Property to Declaration. The Additional Property is and shall be, held, mortgaged, transferred, sold, conveyed, leased, donated, occupied and used subordinate and subject to the Declaration, and to the covenants, restrictions, conditions, easements and affirmative obligations set forth therein, as further amended by this Second Amendment.
- III. Completeness. Except as herein provided, the Declaration shall remain in full force and effect, without modification, the said Declaration being the complete text of said instrument as of the date hereof.

IN WITNESS WHEREOF, the Declarant has caused this instrument to be executed the day and year first above written.

Signed, Sealed and Delivered  
in the Presence of:

Andrew  
Charles Bryson

KH PONDS LLLP

By: Mike McLendon (Seal)

Its: Authorized Signatory

STATE OF SOUTH CAROLINA )  
COUNTY OF DORCHESTER )

ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me this 7 day of September, 2016 by KH Ponds LLLP, by Mike McLendon, its Authorized Signatory.

Theresa Munroe (SEAL)  
Notary Public for South Carolina  
My Commission Expires: 09-11-2025

**EXHIBIT A**  
**(Additional Property Description)**

All that certain piece, parcel or tract of land situate, lying and being in Dorchester County, South Carolina, identified as "Cresswind at The Ponds Phase 3" containing a total of 12.82 acres, and being more fully shown and delineated on the plat entitled "Final Subdivision Plat of Cresswind at The Ponds Phase 3" dated April 26, 2016, prepared by Thomas & Hutton, and recorded May 17, 2016 in Plat Cabinet M, Page 85, said tract having such size, shape, form, courses, distances, buttings, boundaries and delineations as are more fully shown on the above referred to plat; reference is hereby craved to said plat and same is made a part and parcel of this description.

## CORRECTIVE

AUGUST

**WITNESSETH**

**WHEREAS**, the Declaration of Covenants, Conditions and Restrictions for Cresswind at The Ponds was recorded on February 18, 2015 in Deed Book 9620 at Page 57 in the Office of the Register of Deeds for Dorchester County, South Carolina; as amended by the First Amendment to Declaration of Covenants, Conditions and Restrictions for Cresswind at The Ponds recorded April 5, 2016 in the Office of the Register of Deeds for Dorchester County in Book 10165 at Page 294, and the Second Amendment to Declaration of Covenants, Conditions and Restrictions for Cresswind at The Ponds recorded September 8, 2016, in Book 10417, at page 235 (together, the “Declaration”); and

WHEREAS, Section 2.2 of the Declaration provides that Declarant may subject Additional Property to the Declaration by recording an amendment to the Declaration; and

**WHEREAS**, Declarant and various lot owners hold title in fee simple to those certain lands (hereinafter referred to as “Additional Property”) described in Exhibit “A” attached to this Corrective Third Amendment; and

**WHEREAS**, Declarant desires to add to the plan and operation of the Declaration the Additional Property;

**WHEREAS**, the Additional Property consists of the property known as “Cresswind at The Ponds Phase 4” (“Phase 4”) which is planned for the development of single-family detached residences with related amenities and improvements; and in light of the physical characteristics of this subdivision and the desire for an integrated, uniform and harmonious common plan of development, Declarant finds that private controls over the use of the land, including the use of covenants, restrictions, easements, and conditions are the most effective means of preserving and enhancing the economic and other values pertaining to the Community; and

**WHEREAS**, the Third Amendment to Declaration of Covenants, Conditions, and Restrictions for Cresswind at the Ponds was filed August 1, 2018, in Book 11479, Page 296, in the Dorchester County Register of Deeds Office (the “Third Amendment”), which subjected the Phase 4 property to the Declaration; and

WHEREAS, KH Ponds, LLLP conveyed various lots to individuals in said Phase 4, said deeds being inadvertently recorded before the above Third Amendment was recorded; and

WHEREAS, the within lot owners wish to consent to the filing of said Third Amendment.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS THAT the Declarant does hereby declare as follows:

- I. Definitions. The words used in this Third Amendment, unless the context shall clearly indicate otherwise, shall have the same meanings as set forth in the Declaration.
- II. Submission of Additional Property to Declaration. The Additional Property is and shall be, held, mortgaged, transferred, sold, conveyed, leased, donated, occupied and used subordinate and subject to the Declaration, and to the covenants, restrictions, conditions, easements and affirmative obligations set forth therein, as further amended by this Third Amendment.
- III. Completeness. Except as herein provided, the Declaration shall remain in full force and effect, without modification, the said Declaration being the complete text of said instrument as of the date hereof.

[remainder of this page intentionally left blank]

[signatures on following pages]

IN WITNESS WHEREOF, the undersigned Declarant has executed this Corrective Third Amendment as of the date and year first written above.

Signed, Sealed and Delivered  
in the Presence of:

KH PONDS, LLLP, a Delaware limited  
liability limited partnership

Theresa W. Stewart

Witness #1

Donna M. Stephens

Witness #2

By: Mike McLendon  
Name: Mike McLendon  
Its: Authorized Signatory

STATE OF SOUTH CAROLINA    )  
                                                  )  
COUNTY OF DORCHESTER    )

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me this 19 day of December, 2018, by KH PONDS LLLP, a Delaware limited liability limited partnership, by Mike McLendon, its Authorized Signatory, on behalf of the limited liability limited partnership.

Theresa Munroe (SEAL)  
Notary Public for South Carolina  
Notary Printed Name: Theresa Munroe  
My commission expires: 09-11-2025  
(AFFIX NOTARY SEAL)

## **EXHIBIT "A"**

### **(Additional Property Description)**

All that certain piece, parcel or tract of land situate, lying and being in Dorchester County, South Carolina, identified as "Cresswind at The Ponds Phase 4" containing a total of **48.47 acres**, and being more fully shown and delineated on a plat entitled "FINAL SUBDIVISION PLAT OF CRESSWIND AT THE PONDS, PHASE 4, DORCHESTER COUNTY, SOUTH CAROLINA, PREPARED FOR KH PONDS, LLLP," dated March 29, 2017, prepared by Thomas & Hutton Engineering Co, certified by F. Elliotte Quinn, III, SCRLS No. 10292 and recorded in the Dorchester County ROD Office on April 20, 2017, in Plat Book M at Page 109. For a more detailed description as to the metes and bounds, courses and distances, reference is made to the aforementioned recorded plat.