Deed BK: 4405 PG: 3457 Doctype: 069 04/06/2021 at 09:17:15 AM, 1 OF 6 ELECTRONICALLY RECORDED Marion D. Foxworth III, Horry County, SC Registrar of Deeds

STATE OF SOUTH CAROLINA) AMENDMENT TO DECLARATION OF

RESTRICTIONS AND PROTECTIVE
) COVENANTS FOR CHERRY GROVE COTTAGES

and THE BY-LAWS FOR CHERRY GROVE
COTTAGES PROPERTY OWNERS'
ASSOCIATION, INC.

WHEREAS, the Declarant of Cherry Grove Cottages recorded that certain Declaration of Restrictions and Protective Covenants (hereinafter, the "Declaration") in Deed Book 3110 at Page 760 in the Office of the Register of Deeds for Horry County, South Carolina, thereby creating the community known as Cherry Grove Cottages regime under the laws of the State of South Carolina; and

WHEREAS, the Declarant caused to be incorporated a non-profit corporation known as Cherry Grove Cottages Property Owners' Association, Inc. (hereinafter, the "Association") for the purpose of administrating the operation and management of Cherry Grove Cottages and appended to the aforesaid Declaration of Restrictions and Protective Covenants for Cherry Grove Cottages a copy of the By-Laws of the Association; and

WHEREAS, the By-Laws provide in ARTICLE II, <u>Section 3</u> that the presence in person or by proxy of 51% of the dwelling owners' total votes shall constitute a quorum; and

WHEREAS, the Declaration provides in ARTICLE XIV, Section 2, Amendment, that the Declaration may be amended by an amendment upon an affirmative vote the owners of not less than fifty-one percent (51%) of the Lots dwelling owners casting not less than Fifty-One Percent (51%) of the total votes of the Association, and the By-Laws, in ARTICLE XVI, AMENDMENTS provide that the By-Laws may be amended by a vote of a majority of a quorum of members present in person or by proxy; and

WHEREAS, at the Annual Meeting of the Association held May 17, 2017, an amendment to ARTICLE VIII, <u>Section 8</u>. <u>Recreational Vehicles</u>, <u>Boats</u>, and <u>Trailers</u> was voted on and was passed by a majority vote of the Homeowners; and

WHEREAS, it appearing from the minutes of the May 27, 2017 Annual Meeting and supporting documentation, including Corporate Resolution dated ______ April 1___, 2021, that the Association received in excess of the required total votes of lot owners voting in favor of the proposed amendments; and

WHEREAS, upon a majority vote of the Directors of the Association, amendments to the Declaration and the By-Laws were proposed and were submitted to the membership for consideration at the Annual Membership Meeting held November 14, 2020; and

WHEREAS, the vote on the proposed amendments at the November 14, 2020 amendment passed and met the adoption requirement as set forth in ARTICLE XIV, <u>Section 2.</u>, <u>Amendment</u> of the Declaration and <u>ARTICLE XVI</u>, <u>AMENDMENTS</u> of the By-Laws.

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NOW, THEREFORE, the Declaration of Restrictions and Protective Covenants for Cherry Grove Cottages and the By-Laws for the Cherry Grove Cottages Property Owners' Association, Inc. are hereby amended to alter or change the following provisions of the Declaration, as follows:

AMENDMENTS

Declaration

Article VIII, Section 8. Recreational Vehicles, Boats, and Trailers, of the Declaration of Restrictions and Protective Covenants of Cherry Grove Cottages, recorded in Deed Book 3110 at Page 760, in the Office of the Register of Deeds for Horry County, South Carolina, is hereby amended to read as follows:

Section 8. Recreational Vehicles, Boats and Trailers. No campers, trucks, recreational vehicles, trailers, boats, motorbikes, motorcycles or tractors may be parked or kept within the Properties unless parked within an enclosed garage or within area(s) designated for such use by the Association. Provided, however, that this provision shall not be implied to obligate either Association or Declarant to provide such areas.

Boats will be allowed to be parked in the driveway of the Homeowner from Memorial Day weekend through Labor Day weekend. Thereafter, boats will be allowed to be parked in a Homeowner's driveway for non-consecutive ten (10) day periods. If the boat is not removed after each ten (10) day period, the Homeowner will incur a \$25.00 per day fine until the boat is removed.

Article VIII, Section 20. Rent or Leasing of Dwelling/Interval Ownership. of the Declaration of Restrictions and Protective Covenants of Cherry Grove Cottages, recorded in Deed Book 3110 at Page 760, in the Office of the Register of Deeds for Horry County, South Carolina, is hereby amended to read as follows:

Section 20. Rent or Leasing of Dwelling/Interval Ownership. No dwelling or any portion hereof may be submitted to a plan of interval ownership or any form of timesharing. Provided, however, nothing herein shall be construed as limiting the right of any Owner of any DWELLING from renting or leasing his or its DWELLING except that a DWELLING Owner may not rent or lease his DWELLING for a period of time less than one year.

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By-Laws

ARTICLE III, MEETING OF MEMBERS, Section 1, <u>Annual Meetings</u>. of the By-Laws of Cherry Grove Cottages Property Owners' Association, Inc., appended to the Declaration of Declaration of Restrictions and Protective Covenants of Cherry Grove Cottages and recorded in Book 3110 at Page 760 in the office of the Register of Deeds for Horry County, South Carolina, is hereby amended to read as follows:

Section 1. Annual Meetings. The first annual meeting of the members shall be held within fourteen months from the date of conveyance of the first Lot to an Owner, and each subsequent regular annual meeting of the members shall meet annually (at least once per calendar year) either in person or via an appropriate online virtual collaborative platform at a time and date to be established by the Board of Directors.

ARTICLE V, <u>NOMINATION AND ELECTION OF DIRECTORS</u>, <u>Section 1</u>. <u>Nomination</u>, of the By-Laws for Cherry Grove Cottages Property Owners Association, Inc. is hereby amended as follows:

Section 1., Nomination. Nomination for election to the Board of Directors shall be made by members of the Property Owners' Association, and such nominations may also include those proposed by the Board of Directors.

ARTICLE V, <u>NOMINATION AND ELECTION OF DIRECTORS</u>, <u>Section 2</u>. <u>Election</u>, of the By-Laws for Cherry Grove Cottages Property Owners Association, Inc. is hereby amended as follows:

Section 2., Election. Election to the Board of Directors shall be by secret written ballot, or by electronic voting means offered via online virtual platforms. At such elections, the members or their proxies may cast, in respect to each vacancy, as many votes as they are entitled to exercise under the provisions of the Declaration. The persons receiving the largest number of votes shall be elected.

The Declaration of Restrictions and Protective Covenants of Cherry Grove Cottages and the By-Laws for Cherry Grove Cottages Property Owners' Association, Inc. are hereby amended as set forth above, and the terms and provisions of the Declaration and the terms and provisions of the By-Laws, as amended, are hereby ratified, confirmed and adopted in all respects and particulars as to each and every provision thereof, except as to any provision expressly amended as set forth herein.

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This document shall and hereby does constitute an amendment of the Declaration of Restrictions and Protective Covenants of Cherry Grove Cottages recorded in Deed Book 3110 at Page 760 in the Office of the Register of Deeds for Horry County, South Carolina and the By-Laws for Cherry Grove Cottages Property Owners' Association, Inc. appended thereto. In the event of any conflict between the terms and provisions of this Amendment and the terms and provisions of the Declaration and/or the By-Laws as heretofore amended, the terms and provisions of this Amendment shall control.

IN WITNESS WHEREOF, the undersigned, being the President and Secretary of Cherry Grove Cottages Property Owners' Association, Inc., have hereto set their hands and affixed their seals on this ____ day of April, 2021.

Signed, sealed and delivered

CHERRY GROVE COTTAGES PROPERTY OWNERS' ASSOCIATION, INC.

in the presence of:

1st Witness

Jamans Wall

By: Chia Bal

Its: President

STATE OF South Carolina

COUNTY OF Horry

ACKNOWLEDGMENT

Before me, the undersigned Notary Public, in and for the State of <u>South Cambro</u>, personally appeared Chris Baker, President for Cherry Grove Cottages Property Owners' Association, Inc., known to me to be the person whose name is subscribed to the within instrument and acknowledged that s/he executed same.

Witness my hand and official seal this 15th day of April, 2021.

Sworn to and subscribed before me:

Notary Public for Hovy County, S.C.

Printed Name of Notary

My Commission Expires: October 18, 2028

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Signed, sealed and delivered

CHERRY GROVE COTTAGES PROPERTY OWNERS' ASSOCIATION, INC.

in the presence of:

st Witness

OMMMM VVWI

Tim Pettit

Its: Secretary

STATE OF South Carolina

COUNTY OF Horry

ACKNOWLEDGMENT

Before me, the undersigned Notary Public, in and for the State of Soun Combon, personally appeared Tim Pettit, Secretary for Cherry Grove Cottages Property Owners' Association, Inc., known to me to be the person whose name is subscribed to the within instrument and acknowledged that s/he executed same.

Witness my hand and official seal this 1st day of April, 2021.

Sworn to and subscribed before me:

Notary Public for Horry County, S.C. Jasmine S. Moore

Printed Name of Notary

My Commission Expires: October 18, 2028

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Deeds

HORRY COUNTY REGISTER OF DEEDS TRANSMITTAL SHEET

TO BE FILED WITH EACH INSTRUMENT PRESENTED ELECTRONICALLY FOR RECORDING. HORRY COUNTY REGISTER OF DEEDS, 1301 SECOND AVENUE POST OFFICE BOX 470, CONWAY, SOUTH CAROLINA 29526

DOCUMENT TYPE OF INSTRUMENT BEING FILED: Amendment Deed Book

DATE OF INSTRUMENT:.

DOCUMENT SHALL BE RETURNED TO:

NAME: McCutchen Mumford

ADDRESS:

4610 Oleander St. (Suite 203) Myrtle Beach, SC 29577

TELEPHONE: (843) 449-3411 FAX: (843) 449-3411

E-MAIL ADDRESS: fmj@lawyersatthebeach.com

Related Document(s): book 3110, page 760

PURCHASE PRICE / MORTGAGE AMOUNT: \$.

BRIEF PROPERTY DESCRIPTION: AMENDMENT TO DECLARATION OF RESTRICTIONS AND PROTECTIVE COVENANTS FOR CHERRY GROVE COTTAGES AND BY-LAWS FOR CHERRY GROVE COTTAGES POA TAX MAP NUMBER (TMS #). / PIN NUMBER:

GRANTOR / MORTGAGOR / OBLIGOR / MARKER (FROM WHO):

FULL BUSINESS NAME

1. CHERRY GROVE COTTAGES PROPERTY OWNERS ASSOCIATION INC

GRANTEE / MORTGAGEE / OBLIGEE (TO WHO):

FULL BUSINESS NAME

1. CHERRY GROVE COTTAGES PROPERTY OWNERS ASSOCIATION INC