



Timothy J. Harvey

Prepared by & Return to:
Harvey & Vallini, LLC
Attn: Steven E. Harvey
497 Bramson Court, Ste 201
Mt. Pleasant, SC 29464
File No: 1274.010.012

STATE OF SOUTH CAROLINA)
)
)
)
COUNTY OF GREENVILLE)

**AMENDMENT TO DECLARATION
OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR CHASTAIN GLEN**

THIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR CHASTAIN GLEN (this "Amendment") is made effective this 24th day of February, 2020 (the "Effective Date"), by TOLL SOUTHEAST LP COMPANY, INC., A Delaware corporation ("Declarant").

RECITALS

WHEREAS, Sabal Homes at Chastain Glen LLC ("Sabal") made and entered into that certain Declaration of Covenants, Conditions, and Restrictions for Chastain Glen dated March 12, 2018, and recorded in the ROD Office for Greenville County on March 16, 2018 in Book 2533 at Page 5905 (the "Declaration") which encumbers certain real property located within Greenville County, South Carolina commonly known as the Chastain Glen subdivision, as more fully described therein (the "Property"); and

WHEREAS, Sabal assigned its rights to Declarant pursuant to that certain Assignment of Rights of Declarant dated September 11, 2019 and recorded in the Greenville County ROD Office on September 12, 2019 in Book 2575 at Page 3325; and

WHEREAS, Section 16.4 of Article XVI of the Declaration provides that, during the Declarant Annexation Period, Declarant has the unilateral right to amend the Declaration for any purpose; and

WHEREAS, the Declarant Annexation Period remains in effect, and Declarant desires to amend the Declaration on the terms set forth herein; and

NOW THEREFORE, for and in consideration of the above and \$10.00 and other valuable consideration, Declarant hereby amends the Declaration as follows, and agrees as follows with regard to the Property:

1. Recitals; Definitions. The recitals above stated are incorporated herein by reference. Capitalized terms not defined herein shall have the meaning given to them in the Declaration.

2. The Declaration is hereby amended by adding the following Section 12.8 Conservation Easement:

CHASTAIN GLEN is an open space (cluster) development as classified by the County of Greenville. The removal of trees and natural vegetation is permitted during the development of the Property for the purpose of installation or maintenance of all utilities located within utility easement areas, passive recreational uses, and the installation or maintenance of drainage ways located within drainage easement areas (as shown on the Land Disturbance Permit) with the proper notations on the final plat(s) of Chastain Glen. Neither the Declarant, Owners, nor any advisory or community board shall be granted permission to remove or destroy any trees or natural vegetation from the designated open space area for passive recreational or any other purposes without the express written consent of the Association which has jurisdiction over the implementation and enforcement of the Declaration. Normal maintenance and removal of dead or fallen trees by the Association is permitted.

The open space shall be protected by a conservation easement to be placed on the applicable Common Areas to satisfy Greenville County's open space requirements to ensure that the applicable Common Areas remain undeveloped. The conservation easement shall be maintained by the Association and shall be recorded in the ROD Office for Greenville County.

3. Miscellaneous. As amended by this Amendment, the Declaration remains in full force and effect. The Declaration and this Amendment shall be read and construed as a single instrument; provided, however, that in the event of a conflict between the Declaration and this Amendment, the terms of this Amendment shall control. If any term, covenant or condition of this Amendment or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Amendment shall not be affected thereby and each such term, covenant or condition of this Amendment shall be valid and enforceable to the full extent permitted by law. The terms of this Amendment shall in accordance with and governed by the laws of the State of South Carolina. The captions and headings used in this Amendment are for convenience only and do not in any way limit, amplify, or otherwise modify the provisions of this Amendment. As used in this Amendment, the masculine, feminine or neuter gender and the singular or plural number shall each include the others whenever the context so indicates.

IN WITNESS WHEREOF the Declarant has executed or caused this Amendment to be executed by its duly authorized representative effective as of the date stated above.

Declarant

WITNESS

Toll Southeast LP Company, Inc., a Delaware corporation

 A. J. D. J.
 C. L.

 R. M. Jones
By: R. Matthew Jones
Its: Division President

STATE OF SOUTH CAROLINA)
) PROBATE
COUNTY OF CHARLESTON)

I, undersigned notary public, do hereby certify that Toll Southeast LP Company, Inc., a Delaware corporation, by R. Matthew Jones, its Division President, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Sworn to before me this
24 day of February, 2020.

 Anne Ryan
Notary Public for South Carolina
My Commission Expires: June 26, 2029

