



BP0144680

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON) **THIRD AMENDMENT TO DECLARATION OF
) COVENANTS, RESTRICTIONS, AND EASEMENTS FOR
) CAROLINA BAY (TO WITHDRAW PROPERTY)**

THIS Third Amendment to Declaration of Covenants, Restrictions, and Easements for Carolina Bay (the "Withdrawal Amendment") is entered into effective the 14th day of September 2010, by Centex Homes, a Nevada general partnership ("Declarant").

WITNESSETH:

WHEREAS, the Declarant executed that certain Declaration of Covenants, Restrictions and Easements for Carolina Bay (the "Original Declaration"), which was recorded in the RMC Office for Charleston County, South Carolina (the "RMC Office"), on February 7, 2006, in Book V573, Page 762, restricting certain real property located in the City of Charleston, in Charleston County, South Carolina and being more particularly described in Exhibit A to the Declaration (the "Project Land"); and

WHEREAS, the Declarant subsequently amended and restated the Original Declaration by executing that certain Amended and Restated Declaration of Covenants, Restrictions and Easements for Carolina Bay (together with the Original Declaration, the "Declaration"), which was recorded in the RMC Office, on January 11, 2007, in Book U611, Page 848; and

WHEREAS, PURSUANT TO THER TERMS OF Section A of Article 12 of the Declaration, the Declarant annexed certain Additional Land (as defined in the Declaration), by recording various supplementary declarations in the RMC Office, which extended the operation and effect of the Declaration to said Additional Land, which Additional Land was added to and became part of the Project Land subject to the Declaration; and

WHEREAS, pursuant to the terms of Section D.1 of Article 12 of the Declaration, the Declarant may withdraw certain portions of the Project Land owned by Declarant at any time, without the prior approval or joinder of the Association, the Residential Owners or any other Person, by an amendment of the Declaration for the purpose of terminating the operation and effect of the Declaration as to the subject portion of the Project Land; and

WHEREAS, Declarant is the owner in fee simple of the property identified on Attachment #1 attached hereto (the "Subject Property"), which was subjected to the Declaration in accordance with Section A of Article 12 of the Declaration by instrument recorded in Book N654, Page 186 of the RMC Office (the "Third Supplement"); and

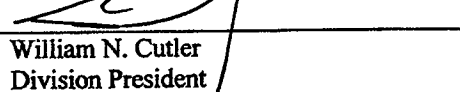
WHEREAS, the Subject Property is being conveyed to a third party for utility purposes and is not a part of the Association Property (as defined in the Declaration).

THEREFORE, pursuant to the provisions of Section D.1 of Article 12 of the Declaration, Declarant hereby withdraws the Subject Property from the coverage of the Declaration and amends the Declaration by deleting the legal description in the first paragraph of Exhibit A to the Third Supplement in its entirety and replacing such paragraph with the paragraph(s) set forth on Attachment #2 to this Withdrawal Amendment.


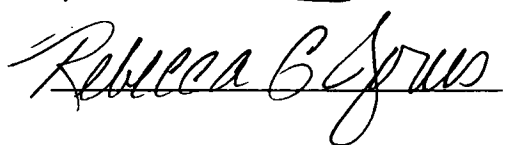
IN WITNESS WHEREOF, the Declarant has caused this instrument to be executed the day and year first above written.

CENTEX HOMES,
a Nevada General Partnership

By: Centex Real Estate Corporation,
a Nevada corporation
Its: Managing General Partner

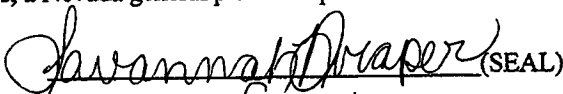
By: 
William N. Cutler
Division President

Witnesses:

STATE OF South CAROLINA)
COUNTY OF Charleston)

The foregoing instrument was acknowledged before me, this 14 day of September 2010, by William N. Cutler, Division President of Centex Real Estate Corporation, a Nevada corporation, the Managing General Partner of Centex Homes, a Nevada general partnership.

 (SEAL)
Notary Public for South Carolina
My Commission Expires: 11-19-19



Attachment #1

LEGAL DESCRIPTION OF THE SUBJECT PROPERTY

All that certain piece, parcel or tract of land, situate, lying and being in the City of Charleston, Charleston County, South Carolina, measuring and containing 2.944 acres, more or less, as more particularly shown and designated as "NEW TRACT A" on that certain survey entitled "PLAT SHOWING THE SUBDIVISION OF A NEW 2.944 ACRE TRACT FROM TMS 309-00-00-054 AND THE CREATION OF A NEW 30' SCE&G INGRESS/EGRESS EASEMENT ACROSS TMS 306-00-00-016 CITY OF CHARLESTON, CHARLESTON COUNTY, SOUTH CAROLINA", by Forsberg Engineering and Surveying, Inc. dated April 28, 2010 and recorded in the Office of the RMC for Charleston County in Plat Book L10 at Pages 0155 and 0156.

Attachment #2

The following legal description replaces the legal description contained in the first paragraph of Exhibit "A" to the Third Supplement:

All those certain pieces, parcels or tracts of land, situate, lying and being in the City and County of Charleston, State of South Carolina, being shown and designated as "Tract C-1" containing 276.645 acres, more or less and "Tract H-1" containing 2.083 acres, more or less, on that certain plat prepared by Southeastern Surveying of Charleston, Inc. entitled "**A SUBDIVISION PLAT CREATING TRACT C-1, CONTAINING 276.645 ACRES, RESIDUAL TRACT H-1 CONTAINING 2.083 ACRES OWNED BY ESSEX FARMS, LLC LOCATED IN THE CITY OF CHARLESTON, CHARLESTON COUNTY, SOUTH CAROLINA**" dated August 10, 2004, said plat being recorded in the RMC Office for Charleston County on March 14, 2005 in Plat Book EH at Pages 789 through 792, said tracts having such size, shape, location, butting and boundings as are more particularly shown on said plat.

SAVING AND EXCEPTION THAT PORTION OF Tract C-1 described as follows:

All that certain piece, parcel or tract of land, situate, lying and being in the City of Charleston, Charleston County, South Carolina, measuring and containing 2.944 acres, more or less, as more particularly shown and designated as "NEW TRACT A" on that certain survey entitled "PLAT SHOWING THE SUBDIVISION OF A NEW 2.944 ACRE TRACT FROM TMS 309-00-00-054 AND THE CREATION OF A NEW 30' SCE&G INGRESS/EGRESS EASEMENT ACROSS TMS 306-00-00-016 CITY OF CHARLESTON, CHARLESTON COUNTY, SOUTH CAROLINA", by Forsberg Engineering and Surveying, Inc. dated April 28, 2010 and recorded in the Office of the RMC for Charleston County in Plat Book L10 at Pages 0155 and 0156.

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MAKER:

CAROLINA BAY

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