



BP0059137

RMC Bk 0059 Pg 137 : pg 1 \*

After recording, please return to:

Centex Homes  
4000 Faber Place Drive  
North Charleston, SC 29405  
Attention: Chad Plunkett

Please cross-reference to Declaration recorded at:

Book V573, Page 762  
Book U611, Page 848  
Book J642, Page 433 and  
Book N654, Page 174  
Book ~~P14~~<sub>0014</sub>, Page 871

STATE OF SOUTH CAROLINA    )  
  )  
  )  
  )  
  )  
  )  
  )  
COUNTY OF CHARLESTON    )

FIFTH SUPPLEMENTAL DECLARATION  
TO AMENDED AND RESTATED  
DECLARATION OF COVENANTS,  
RESTRICTIONS AND EASEMENTS FOR  
CAROLINA BAY

THIS FIFTH SUPPLEMENTAL DECLARATION TO AMENDED AND RESTATED  
DECLARATION OF COVENANTS, RESTRICTIONS AND EASEMENTS FOR CAROLINA  
BAY (this "Fifth Supplemental Declaration") is made this 2 day of JUNE, 2009, by  
Centex Homes, a Nevada general partnership (the "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, 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 "Property");  
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 for Charleston County, South Carolina, on January 11, 2007, in  
Book U611, Page 848; and

WHEREAS, pursuant to the terms of Section A of Article 12 of the Declaration, the  
Declarant may annex certain Additional Property (as defined in the Declaration) at any time,  
with or without the prior approval or joinder of the Association, the Residential Owners or any  
other Person, by recording a supplementary declaration in the RMC Office for Charleston  
County extending the operation and effect of the Declaration to said Additional Property; and

WHEREAS, the Declarant now desires to annex as Additional Property certain property  
being more particularly described in Exhibit A attached hereto (the "Property") and to subject the  
same the Declaration by executing and recording this Fifth Supplemental Declaration.

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS THAT CENTEX  
HOMES, as Declarant does hereby declare the Property described on Exhibit A attached hereto  
shall hereafter be owned, held, used, enjoyed and conveyed subject to the terms of the

Declaration, as amended or as may be further amended from time to time, which shall run with the title to all said Property and shall be binding upon all Persons having any right, title or interest in such Property, their heirs, successors, successors-in-title and assigns.

IN WITNESS WHEREOF, Declarant has signed this Fifth Supplemental Declaration this 2 day of JUNE, 2009.

WITNESSES AS TO DECLARANT:

**DECLARANT:**

CENTEX HOMES, a Nevada general partnership

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

By: William N. Cutler  
Its: Division President

STATE OF SOUTH CAROLINA )  
COUNTY OF CHARLESTON )

The foregoing instrument was acknowledged before me, this 2 day of JUNE, 2009, 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.

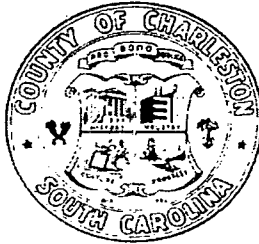
(SEAL)  
Notary Public for SOUTH Carolina

My Commission Expires: 10-9-13

**Exhibit "A"**

ALL that piece, parcel or lot of land, situate, lying and being in Charleston County, South Carolina, containing 9.570 acres, more or less, and shown as "TRACT D-1C 416,869.20 S.F. 9.570 AC. (FUTURE PHASE 7B)" on a plat thereof entitled "PLAT SHOWING A PROPERTY LINE ADJUSTMENT BETWEEN A PORTION OF AREA 4, TRACT D-1C (9.570 AC.), PROPERTY OF KIAWAH RACCOON RUN, LLC, AND TRACT D-1a (15.471 AC.), PROPERTY OF CENTEX HOMES, A NEVADA GENERAL PARTNERSHIP, AND THE COMBINATION OF TRACTS D-1A AND D-1C, TO FORM TRACT D-2 (25.041 AC.), LOCATED IN ST. ANDREWS PARISH, CITY OF CHARLESTON, CHARLESTON COUNTY, SOUTH CAROLINA." prepared by Stantec Consulting Services, Inc., dated May 11, 2009 and recorded May 28, 2009 in Book L09 at Pages 0237 and 0238, Charleston County RMC Office; said parcel having such size, shape, location, buttings and boundings as are more particularly shown on said plat.

# RECORDER'S PAGE



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**NOTE:** This page **MUST** remain with the original document.

*Div ref. # per book by*

**Filed By:**

W. BROOKS STYLES  
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<b>Charlie Lybrand, Register Charleston County, SC</b>		

*CFB*

**MAKER:**

CENTEX HOMES

**RECIPIENT:**

CAROLINA BAY

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