



BP0046971

RMC BK 0046 Pg 971 : pg 1 *

STATE OF SOUTH CAROLINA)
))
COUNTY OF CHARLESTON) **FIFTH AMENDMENT TO MASTER DEED
ESTABLISHING EAST BAY & ELLIOTT
HORIZONTAL PROPERTY REGIME**

WHEREAS, 102 EAST BAY, LLC (the “Developer”) submitted certain property located at the corner of East Bay Street and Elliott Street, in the City of Charleston, Charleston County, South Carolina (the “Property”) to the East Bay & Elliott Horizontal Property Regime pursuant to a master deed entitled “Master Deed Establishing East Bay & Elliott Horizontal Property Regime,” dated August 16, 2001 and recorded in the RMC Office for Charleston County, SC at Book A-380, Page 246, which has been subsequently amended as evidenced by First Amendment to Master Deed Establishing East Bay & Elliott Horizontal Property Regime dated June 19, 2004, and recorded June 28, 2004, at Book Z-499, Page 583, and which has been further amended as evidenced by Second Amendment to Master Deed Establishing East Bay & Elliott Horizontal Property Regime dated February 11, 2005, and recorded February 14, 2005, at Book R-525, Page 509, and which has been further amended as evidenced by Third Amendment to Master Deed Establishing East Bay & Elliott Horizontal Property Regime dated June 10, 2005, and recorded June 10, 2005, at Book M-540, Page 743, and which has been further amended as evidenced by Fourth Amendment to Master Deed Establishing East Bay & Elliott Horizontal Property Regime dated May 14, 2007 and recorded May 16, 2007, at Book W-625, Page 356 (as amended, the “Master Deed”); and

WHEREAS, the co-owners have adopted certain amendments to the Master Deed; and such amendments will not be effective until recorded in the RMC Office for Charleston County, South Carolina.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS that the undersigned co-owners of Apartments in East Bay & Elliott Horizontal Property Regime hereby certify that by affirmative vote of the co-owners of at least sixty-six and two-thirds per cent (66 2/3%) in interest of the Property as based on percentage interests set forth in Exhibit E attached to the Master Deed, cast either at a meeting duly held in accordance with the provisions of the By-Laws and cast either in person or by duly signed proxy on file with the Association (as defined below) or by ballot in lieu of a meeting as provided in the By-Laws, the co-owners have adopted the following amendments to the Master Deed establishing East Bay & Elliott Horizontal Property Regime (the “**Regime**”):

1. The By-Laws of East Bay & Elliott Homeowner’s Association, Inc. (the “**Association**”) previously attached as Exhibit G-2004 to the Master Deed shall be amended and restated as set forth in Exhibit G-2009 attached hereto and incorporated herein by this reference.
2. Except as specifically amended herein, the Master Deed shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned as the co-owners of at least sixty-six and two-thirds per cent (66 2/3%) interest of the Property as based on percentage interest set forth in Exhibit E to the Master Deed acting at a duly called meeting have approved and executed this Fifth Amendment to the Master Deed Establishing East Bay & Elliott Horizontal Property Regime as of the 26th day of March, 2009.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

AS TO 16 BOYCE'S WHARF:

Susan D. Finch

Signature of Witness #1

Barbara L Morgan

Signature of Witness #2

William H. Miller (SEAL)

William H. Miller

Susan J. Miller (SEAL)

Susan J. Miller

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me this 26th day of March, 2009 by **William H. Miller and Susan J. Miller**.

Barbara L Morgan (SEAL)

Notary Public for South Carolina

My Commission Expires 2/15/2012

[Affix official notarial seal or stamp]

IN WITNESS WHEREOF, the undersigned as the co-owners of at least sixty-six and two-thirds per cent (66 2/3%) interest of the Property as based on percentage interest set forth in Exhibit E to the Master Deed acting at a duly called meeting have approved and executed this Fifth Amendment to the Master Deed Establishing East Bay & Elliott Horizontal Property Regime as of the 30 day of March, 2009.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

AS TO 20 BOYCE'S WHARF:

Mary Stuart Dwyer
Signature of Witness #1

Sherry Ann Jackoboice (SEAL)
Sherry Ann Jackoboice, as Trustee of the
Sherry Ann Jackoboice Trust Dated
November 6, 2003

Ali R. Ten
Signature of Witness #2

Sherry Ann Jackoboice (SEAL)
Sherry Ann Jackoboice, as Co-Trustee of the
George Alan Jackoboice Stock Trust Dated
July 11, 1991; as Amended April 16, 1993,
June 26, 1996, February 12, 1998 and by Court
Order on February 1, 2001

Signature of Witness #1

(SEAL)
George Alan Jackoboice, Jr., as Co-Trustee of the
George Alan Jackoboice Stock Trust Dated
July 11, 1991; as Amended April 16, 1993,
June 26, 1996, February 12, 1998 and by Court
Order on February 1, 2001

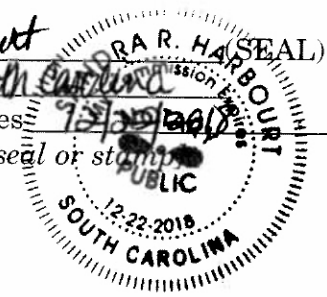
Signature of Witness #2

STATE OF South Carolina)
COUNTY OF Charleston)

ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me this 30th day of March, 2009 by **Sherry Ann Jackoboice, as Trustee of the Sherry Ann Jackoboice Trust Dated November 6, 2003** and by **Sherry Ann Jackoboice, as Co-Trustee** ~~and by George Alan Jackoboice, Jr., as Co-Trustee~~ of the George Alan Jackoboice Stock Trust Dated July 11, 1991; as Amended April 16, 1993, June 26, 1996, February 12, 1998 and by Court Order on February 1, 2001.

Sandra R. Harbort
Notary Public for South Carolina
My Commission Expires 7/22/2010
[Affix official notarial seal or stamp]



IN WITNESS WHEREOF, the undersigned as the co-owners of at least sixty-six and two-thirds per cent (66 2/3%) interest of the Property as based on percentage interest set forth in Exhibit E to the Master Deed acting at a duly called meeting have approved and executed this Fifth Amendment to the Master Deed Establishing East Bay & Elliott Horizontal Property Regime as of the 25th day of March, 2009.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

AS TO 20 BOYCE'S WHARF:

Signature of Witness #1

(SEAL)
Sherry Ann Jackoboice, as Trustee of the
Sherry Ann Jackoboice Trust Dated
November 6, 2003

Signature of Witness #2

(SEAL)
Sherry Ann Jackoboice, as Co-Trustee of the
George Alan Jackoboice Stock Trust Dated
July 11, 1991; as Amended April 16, 1993,
June 26, 1996, February 12, 1998 and by Court
Order on February 1, 2001

Loelia Taylor

Signature of Witness #1

[Signature]

(SEAL)

George Alan Jackoboice, Jr., as Co-Trustee of the
George Alan Jackoboice Stock Trust Dated
July 11, 1991; as Amended April 16, 1993,
June 26, 1996, February 12, 1998 and by Court
Order on February 1, 2001

Giianne Palmieri

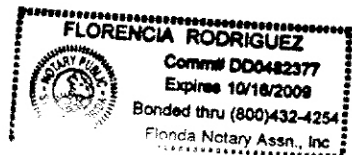
Signature of Witness #2

STATE OF Florida)
)
COUNTY OF Palm Beach)

ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me this 25 day of March, 2009 by ~~Sherry Ann Jackoboice, as Trustee of the Sherry Ann Jackoboice Trust Dated November 6, 2003~~ and by ~~Sherry Ann Jackoboice, as Co-Trustee~~ and by George Alan Jackoboice, Jr., as Co-Trustee of the George Alan Jackoboice Stock Trust Dated July 11, 1991; as Amended April 16, 1993, June 26, 1996, February 12, 1998 and by Court Order on February 1, 2001.

[Signature] (SEAL)
Notary Public for _____
My Commission Expires 10-10-09
[Affix official notarial seal or stamp]



IN WITNESS WHEREOF, the undersigned as the co-owners of at least sixty-six and two-thirds per cent (66 2/3%) interest of the Property as based on percentage interest set forth in Exhibit E to the Master Deed acting at a duly called meeting have approved and executed this Fifth Amendment to the Master Deed Establishing East Bay & Elliott Horizontal Property Regime as of the 31st day of March, 2009.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

AS TO 19 EAST ELLIOTT STREET:

EB AND E LLC (SEAL)

Kathy W. McDaniel
Signature of Witness #1
Cheryl C. Simon
Signature of Witness #2

By: Susan B. Sims
Name: Susan B. SIMS
Title: owner/President

STATE OF SC)
COUNTY OF Guilford)

ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me this 31 day of March, 2009 by **EB AND E LLC**, by Susan B. Sims, its President, on behalf of said limited liability company.

Kathy W. McDaniel
Notary Public for SC
My Commission Expires 11-20-2011
[Affix official notarial seal or stamp]

