

PHASE 2

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF CHARLESTON )  
 )

FIRST SUPPLEMENTAL DECLARATION TO  
 MASTER DEED OF TENNIS CLUB VILLAS  
 HORIZONTAL PROPERTY REGIME

WHEREAS, Kiavah Island Company Limited (subsequently referred to as "Grantor"), a corporation duly organized and existing under the laws of the territory of the British Virgin Island, is the sole owner of the fee simple title to property located in Charleston County, South Carolina as hereinbelow described, and desires to submit that property as specifically described herein to be a part of Tennis Club Villas Horizontal Property Regime as the second phase thereof, and subject said property to the easements, covenants, and restrictions to run with the land as herein contained; and

WHEREAS, Grantor previously established the Tennis Club Villas Horizontal Property Regime by execution and recording of a Master Deed dated October 20, 1982, and recorded in the R.M.C. Office for Charleston County, South Carolina, on October 22, 1982 at Book S129, page 404 (subsequently referred to as "Master Deed"); and

WHEREAS, Article III of the Master Deed contains provisions whereby Grantor can elect to submit a second phase to Tennis Club Villas Horizontal Property Regime;

NOW THEREFORE, this First Supplemental Declaration to the Master Deed of Tennis Club Villas Horizontal Property Regime is made by Grantor pursuant to the Horizontal Property Act of South Carolina (herein the "Act") and the Master Deed for the purpose of submitting the land hereinafter described and all improvements thereon to Tennis Club Villas Horizontal Property Regime, subject to the terms, provisions, covenants and restrictions in said Master Deed which has heretofore established Tennis Club Villas Horizontal Property Regime, said restrictions to run with the land submitted to the horizontal property regime.

ARTICLE I  
 NAME

Section 1.01 Name. The second phase (herein "PHASE TWO") property as described in Article II hereof shall hereafter be a part of Tennis Club Villas Horizontal Property Regime (Regime).

ARTICLE II  
 THE PROPERTY

Section 2.01 Property and Land. The term Property as used in the Master Deed of Tennis Club Villas Horizontal Property Regime shall include the property heretofore subjected to the Master Deed and shall hereafter

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also mean and include the land herewith subjected to the Master Deed described in Section 2.02 below and all improvements and structures now existing or subsequently placed thereon and all easements, rights and appurtenances belonging thereto.

Section 2.02 Land. The term Land as used in the Master Deed shall include the land heretofore subjected to the Master Deed and shall also hereafter mean and include the land owned in fee simple absolute by Grantor described below which is herein being subjected to the Master Deed.

The Land heretofore subjected to the Master Deed is described as follows:

All that certain tract of land together with improvements thereon or to be constructed thereon, situate, lying and being on Kiawah Island, Charleston County, South Carolina, containing 1.12 acres, more or less, and designated as "Parcel 'A'" and shown on a plat thereof by Gifford, Nielson and Williams, Surveyors, dated August 1, 1982 and having latest revision date of October 12, 1982, entitled "Plat of: Parcels A, B, C, Tennis Club Villas, And A Portion Of Tennis Club Lane" and recorded on October 15, 1982 in Plat Book AW, at page 46 in the R.M.C. Office for Charleston County, South Carolina and being more particularly shown on said plat and described as follows:

Commencing at a point marked by a concrete monument on the southeastern right-of-way line of Turtle Point Lane 596.42 feet west of the intersection of the southernmost right-of-way line of Green Dolphin Way measured along the southeastern right-of-way line of Turtle Point Lane, said point being the POINT OF BEGINNING; thence running S00°00'00"W 47.04 feet to a point marked by a concrete monument; thence running S08°16'02"W 118.23 feet to a point marked by a concrete monument; thence running S30°08'29"W 35.85 feet to a point marked by a concrete monument; thence running S59°26'51"W 167.42 feet to a point marked by a concrete monument; thence cornering and running S04°56'35"W 185.69 feet to a point marked by a concrete monument, said point having state plane coordinates of N281,522.002, E2,280,204.995; thence cornering and running N90°00'00"W 155.73 feet to a point on the southeasternmost right-of-way line of Tennis Club Lane, said point being marked by a concrete monument; thence cornering and running along the said right-of-way line of Tennis Club Lane 64.23 feet along the arc of a curved line concave to the northwest having a radius of 92.00 feet and a chord bearing of N31°30'00"E to a point marked by a concrete monument; thence continuing running along said right-of-way line N11°30'00"E 23.53 feet to a point marked by a concrete monument; thence continuing running along said right-of-way line 66.42 feet along the arc of a curved line concave to the southeast having a radius of 65.05 feet and a chord bearing of N40°44'54"E to a point marked by a concrete monument; thence continuing along said right-of-way line 263.51 feet along the arc of a curved line concave to the northwest having a radius of 197.00 feet and a chord bearing of N31°40'39"E to a point marked by a concrete monument; thence continuing along said right-of-way line N06°38'33"W 98.33 feet to a point marked by a concrete monument; thence running along the southeasternmost right-of-way line of Turtle Point Lane 21.81 feet along the arc of a curved line concave to the southeast having a radius of 15.00 feet and a chord bearing of N35°00'33"E to a point marked by a concrete monument; thence continuing along said southeasternmost right-of-way line of Turtle Point Lane N76°39'39"E 34.09 feet to a point marked by a concrete monument; thence continuing along said right-of-way line 74.46 feet along the arc of a curved line concave to the south having a radius of 317.09 feet and chord bearing of N83°23'17"E to a point marked by a concrete monument; thence continuing along said right-of-way line 36.41 feet along

the arc of a curved line concave to the north having a radius of 345.82 feet and a chord bearing of  $N87^{\circ}06'00''E$  to a point marked by a concrete monument, said point being the POINT OF BEGINNING.

Parcel "A" is a portion of the property conveyed to the Grantor herein by deed of conveyance of Ronald D. Royal, et al. dated and recorded February 15, 1974, in Book U103, page 265 in the R.M.C. Office for Charleston County, S.C.

The Land hereby submitted to Tennis Club Villas Horizontal Property

Regime is described as follows:

All that certain tract of land together with improvements thereon or to be constructed thereon, situate, lying and being on Kiawah Island, Charleston County, South Carolina, containing 1.15 acres, more or less, and designated as "Parcel "B" and shown on a plat thereof by Gifford, Nielson and Williams, Surveyors, dated August 1, 1982 and having latest revision date of October 26, 1982, entitled "Plat of: Parcels A, B, C, Tennis Club Villas, And A Portion Of Tennis Club Lane" and recorded on November 17, 1982 in Plat Book AW, at page 72 in the R.M.C. Office for Charleston County, South Carolina and being more particularly shown on said plat and described as follows:

To locate the POINT OF BEGINNING, commence at a point marked by a concrete monument on the southeastern right-of-way line of Turtle Point Lane 596.42 feet west of the intersection of the southernmost right-of-way line of Green Dolphin Way measured along the southeastern right-of-way line of Turtle Point Lane; thence running along the southernmost right-of-way line of Turtle Point Lane 36.41 feet along the arc of a curved line concave to the north having a radius of 345.82 feet and a chord bearing of  $N87^{\circ}06'00''E$  to a point marked by a concrete monument; thence continuing along said right-of-way line 74.46 feet along the arc of a curved line concave to the south having a radius of 317.09 feet and a chord bearing of  $N83^{\circ}23'17''E$  to a point marked by a concrete monument; thence continuing along said right-of-way line  $N76^{\circ}39'39''E$  34.09 feet to a point marked by a concrete monument; thence continuing running along said right-of-way line 21.81 feet along the arc of a curved line concave to the southeast having a radius of 15.00 feet and a chord bearing of  $N35^{\circ}00'33''E$ ; thence running along the easternmost right-of-way line of Tennis Club Lane  $S06^{\circ}38'33''E$  98.33 feet to a point marked by a concrete monument; thence continuing along said right-of-way line 263.51 feet along the arc of a curved line concave to the northwest having a radius of 197.00 feet and a chord bearing of  $N31^{\circ}40'39''E$  to a point marked by a concrete monument; thence continuing running along said southeasternmost right-of-way line of Tennis Club Lane 66.42 feet along the arc of a curved line concave to the southeast having a radius of 65.05 feet and a chord bearing of  $N40^{\circ}44'54''E$  to a point marked by a concrete monument; thence continuing running along said right-of-way line  $N11^{\circ}30'00''E$  23.53 feet to a point marked by a concrete monument; thence continuing along said right-of-way line 64.23 feet along the arc of a curved line concave to the northwest having a radius of 92.00 feet and a chord bearing of  $N31^{\circ}30'00''E$  to a point marked by a concrete monument, said point being on the southeastern right-of-way line of Tennis Club Lane which point is the intersection of said right-of-way line, the southwesternmost point of Parcel "A", and the northeasternmost point of Parcel "B", all as shown on the aforesaid plat, said point being the POINT OF BEGINNING; thence running  $S00^{\circ}38'32''E$  65.00 feet to a point marked by a concrete monument; thence running  $S29^{\circ}59'55''W$  112.00 feet to a point marked by a concrete monument; thence turning and running  $N90^{\circ}00'00''W$  185.00 feet to a point marked by a concrete monument; thence turning and running  $N50^{\circ}00'00''W$  186.69 feet to a point marked by a concrete monument; thence cornering and running  $S90^{\circ}00'00''E$  94.01 feet to a point marked by a concrete monument; thence cornering and running  $N00^{\circ}00'00''E$  133.00 feet to a point marked by a concrete monument; thence cornering and running  $S90^{\circ}00'00''E$  125.00 feet to a point marked by a concrete monument; thence cornering and running  $S15^{\circ}21'00''E$  52.89 feet to a point marked by a concrete



monument; thence running along the southeasternmost right-of-way line of Tennis Club Lane  $S00^{\circ}00'00''W$  20.00 feet to a point marked by a concrete monument; thence continuing along said right-of-way line 231.77 feet along the arc of a curved line concave to the northeast having a radius of 50.00 feet and a chord bearing of  $S42^{\circ}47'39''E$  to a point marked by a concrete monument; thence continuing along said right-of-way line 22.41 feet along the arc of a curved line concave to the southeast having a radius of 15.00 feet and a chord bearing of  $N47^{\circ}12'21''E$  to a point marked by a concrete monument; thence continuing along said right-of-way line  $S90^{\circ}00'00''E$  28.19 feet to a point marked by a concrete monument; thence continuing running along said right-of-way line 61.52 feet along the arc of a curved line concave to the northwest having a radius of 92.00 feet and a chord bearing of  $N70^{\circ}45'00''E$  to a point marked by a concrete monument, said point being the POINT OF BEGINNING.

Parcel "B" is a portion of the property conveyed to the Grantor herein by deed of conveyance of Ronald D. Royal, et al. dated and recorded February 15, 1974, in Book U103, page 265 in the R.M.C. Office for Charleston County, S.C.

The Property herein subjected to the Master Deed shall be subject to the easements, covenants, restrictions, and encumbrances as set forth in the Master Deed, in addition to those shown on the Plot Plan attached hereto as Exhibit "A" and the plat referred to above on which the PHASE TWO Property is shown.

#### ARTICLE III VILLAS AND COMMON ELEMENTS

Section 3.01 Buildings and Improvements. There are three (3) buildings containing residential apartments (Villas) located on the PHASE TWO Land herein subjected to the Master Deed. The buildings are numbered for the purposes of the Act and the Master Deed as Buildings Number 26, 27, and 28. Buildings Number 26 and 28 are Type A-2 buildings, and Building Number 27 is a Type A-1 building. Each building Type is defined in the Master Deed.

The location of the buildings and other improvements are shown on the Plot Plan, Exhibit "A", page 1 of 1, attached hereto and incorporated by reference in this First Supplemental Declaration to Master Deed of Tennis Club Villas Horizontal Property Regime and incorporated in the Master Deed by reference. Within reasonable construction tolerances, the dimensions, area and location of the Villas in the buildings and of the Common Elements affording access to the Villas are shown on the floor plans, Exhibit "B", pages 1 through 13, attached to the Master Deed and incorporated herein by reference. The exterior of the buildings are shown on the elevations labeled Exhibit "C", pages 1 through 7, attached to the Master Deed and incorporated herein by reference.

The total ground area covered by all PHASE TWO buildings is approximately 8,118 square feet (0.186 acre), and approximately the following ground area lies under each building, including its decks and porches:

- Building 26 2,704 square feet (0.062 acre)
- Building 27 2,710 square feet (0.062 acre)
- Building 28 2,704 square feet (0.062 acre)

The PHASE TWO parking area consists of 5,040 square feet (0.116 acre) of asphalt paving and the balance of the PHASE TWO land, including landscaping and improvements thereon, consists of 36,936 square feet (0.848 acres).

Section 3.02 Villas. There are twelve (12) residential apartments known and designated as Villas in PHASE TWO, and each is designated for the purpose of any conveyance, lease, or other instrument affecting the title thereof by a four-digit number (numbered 4785 through 4796 inclusive). The locations within the buildings and the number of each PHASE TWO Villa is shown on the Plot Plan, Exhibit "A", page 1 of 1, attached hereto and by reference incorporated herein. Each Villa is designated according to its configuration on Exhibit "D", pages 1 through 7, attached to the Master Deed and which Exhibit "D" is also attached hereto and incorporated by reference. The graphic description and area of each PHASE TWO Villa configuration is shown on the floor plans, Exhibit "B", pages 1 through 13 attached to the Master Deed and by reference incorporated herein.

Each PHASE TWO Villa configuration is specifically described in Exhibit "F" attached to the Master Deed and by reference incorporated herein, and each Villa is generally described hereinbelow. A Villa encompasses and includes the space of that portion of the building which is designated on Exhibit "A" hereof by a four-digit number and is bounded as follows:

- a) by the upper surface of the subfloor; and
- b) by the interior surfaces of all wall studs; the unfinished inside surface of door and window frames; the unfinished, exterior surface of doors leading to and from the Villa and the interior surface of window and door glass; and
- c) by the lower surface of all ceiling joists.

A Villa consequently and further includes the following:

- a) all exterior doors except for their finished, exterior surface, and all interior doors,
- b) all gypsum board,
- c) all window and door screens,

- d) all interior paint and finishes, whether applied to floors, walls, ceilings, handrails, cabinets, or other woodwork and trim,
- e) all carpet and underlay, sheet vinyl and underlay, and other floor coverings,
- f) all ceramic and glazed tile,
- g) smoke detectors,
- h) all built-in cabinets and shelves,
- i) all interior lighting fixtures and the bulbs used in exterior lighting fixtures,
- j) all recirculating fans including the fan/light fixture in each bathroom, and their vent and outlet cap,
- k) the heating, ventilation, and air conditioning system (including the condensing units) serving the Villa exclusively,
- l) all electric, telephone, and other wiring, and all receptacles, switches, and breaker boxes contained in the floors, walls, and ceilings bounding the Villa,
- m) all water, drain, sewer, and vent pipes and all conduits for wiring serving the Villa exclusively,
- n) the following appliances: oven/range with a range hood above, refrigerator/freezer with icemaker, dishwasher, garbage disposal, clothes washer, and clothes dryer, and
- o) water heater and plumbing fixtures.

Section 3.03 Common Elements. All portions of the PHASE TWO Property not encompassed and included within the Villas are common elements (Common Elements).

Section 3.04 Limited Common Elements. The PHASE TWO Limited Common Elements are those Common Elements which are appurtenant to and reserved for the use of a single Villa or group of Villas to the exclusion of other Villas as follows:

- a) the surface area and railings of porches, decks, including entry decks and stairs, are reserved for use with the Villas from which they are solely directly accessible by normal means, or provide only access thereto,
- b) exterior light fixtures are reserved for use with the Villas having switches to control them,
- c) door and window glass of each Villa or the Utility/Storage Unit,
- d) the bicycle storage area assigned to each Villa as set forth on Exhibit "B" attached to the Master Deed and made a part hereof by reference, and
- e) screens, except window and door screens.

Section 3.05 General Common Elements. General Common Elements include the following:

- a) the Land,

- b) pilings, girders, braces, fastenings, framing, subfloors, concrete floors, exterior walls, sheathing, insulation, siding, shingles, trim, awnings, platforms upon which air conditioning equipment is located, and roofs.
- c) all access decks and stairs, attics, common storage areas, roads, driveways and parking areas, sidewalks and walkways, landscaping, landscape lighting, load-bearing and non-load bearing walls, decks and porches (except for those portions of the decks and porches herein declared to be Limited Common Elements), and common mailbox facilities, and
- d) all other portions or parts of the Property not described as being included in a Villa or Utility/Storage Unit, and not described as a Limited Common Element.

**Section 3.06 Plot Plan, Floor Plans and Elevation Plans.** The Plot Plan showing the location of the PHASE TWO buildings and other improvements is attached hereto as Exhibit "A", page 1 of 1, and incorporated herein by reference. The floor plans showing the dimensions, area and location of each PHASE TWO Villa configuration is attached to the Master Deed as pages 1 through 13 of Exhibit "B" and incorporated herein by reference. The elevation plans showing the dimensions, area and locations of Common Elements affording access to each PHASE TWO Villa are shown as pages 1 through 7 of Exhibit "C" attached to the Master Deed and incorporated herein by reference.

**Section 3.07 Percentage of Ownership.** The value of the PHASE TWO Property is \$1,680,000, and the total value of the PHASE ONE and PHASE TWO Property is \$3,360,000, and the value of each Villa (and Utility/Storage Unit, as described in the Master Deed) is as set out in pages 1 through 7 of Exhibit "D" of the Master Deed, which is also attached hereto and incorporated herein by reference. These values are fixed for the sole purpose of complying with the Act to establish percentage of ownership for purposes of ownership of the Common Elements and liability for Common Expense assessments and voting rights and shall not prevent each Co-owner (as defined in Article V, Section 5.01 of the Master Deed) from fixing a different circumstantial value to his Villa or Utility/Storage Unit in all sorts of acts and contracts.

**Section 3.08 Ownership of Common Elements.** An undivided ownership interest in the Common Elements, expressed as a percentage based upon the relation of the value of each Villa or Utility/Storage Unit to the value of the Property, is set forth for PHASE TWO in Exhibit "D" attached hereto and by reference incorporated herein, and is appurtenant to each Villa and Utility/Storage Unit. This undivided interest in the Common Elements shall not be separated from the Villa or Utility/Storage Unit to which it

appertains and shall be deemed to be conveyed or encumbered with the Villa or Utility/Storage Unit even though the interest is not expressly mentioned or described in the deed or other instrument. Such percentage shall not be altered without the acquiescence of all the Co-owners.

ARTICLE IV  
FIRST SUPPLEMENTAL DECLARATION TO MASTER DEED

Section 4.01 First Supplemental Declaration. This First Supplemental Declaration to Master Deed of Tennis Club Villas Horizontal Property Regime shall subject PHASE TWO of Tennis Club Villas Horizontal Property Regime to all the rights, benefits and limitations of the covenants, restrictions and warranties contained in the Master Deed.

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ARTICLE V  
DECLARATION

Section 5.01 Declaration. This Supplemental Declaration shall serve as the declaration described in Section 3.04 of the Master Deed establishing Tennis Club Villas Horizontal Property Regime.

IN WITNESS WHEREOF, KIAWAH ISLAND COMPANY LIMITED has caused these presents to be executed in its name by W. Allen Ball, its Senior Vice-President and by Edward H. Green, its Assistant Secretary and its corporate seal to be hereto affixed this 22nd day of December, 1982.

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:

KIAWAH ISLAND COMPANY LIMITED

Lynne D. Crooks

BY: W. Allen Ball  
W. Allen Ball  
Senior Vice-President

Coltonia E. Turk

BY: Edward H. Green  
Edward H. Green  
Assistant Secretary

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STATE OF SOUTH CAROLINA )

COUNTY OF CHARLESTON )

PERSONALLY APPEARED before me Lynne D. Crooks, who, on oath, says that she saw the corporate seal of KIAWAH ISLAND COMPANY LIMITED affixed to the foregoing First Supplemental Declaration to Master Deed of Tennis Club Villas Horizontal Property Regime and that s/he saw the within named W. Allen Ball, Senior Vice-President, and Edward H. Green, Assistant Secretary, sign and attest the same, and that s/he with Coltonia E. Turk witnessed the execution and delivery thereof, as the act and deed of the said Corporation.

SWORN to before me this

Lynne D. Crooks

22nd day of December, 1982.

Naloria E. Turk (L.S.)  
Notary Public For South Carolina  
My Commission Expires: 5-12-91

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TO FIRST SUPPLEMENTAL DECLARATION TO MASTER DEED OF  
TENNIS CLUB VILLAS HORIZONTAL PROPERTY REGIME

See plans on record in the Charleston County R.M.C. Office in Book S129, page 404, said plans being attached to the Master Deed as Exhibit "B" and Exhibit "C" and made a part hereof by reference.

The undersigned, Frederick F. Bainbridge, Architect, authorized and licensed in the State of South Carolina, hereby certifies that the plans of Tennis Club Villas Horizontal Property Regime, identified above, fully and accurately, within reasonable construction tolerances, depict the layout and dimensions of the Tennis Club Villas Horizontal Property Regime PHASE TWO Common Elements, and Limited Common Elements of the buildings, and apartments shown therein.

WITNESSES:

[Signature]

[Signature]

[Signature]

Frederick F. Bainbridge  
S. C. Registered Architect No. 1572  
Bainbridge & Associates  
Architects, P. A.  
4334 Paces Ferry Road  
Atlanta, Georgia 30339  
Charleston, SC 29412

STATE OF GEORGIA )  
COUNTY OF COBB )

The foregoing instrument was acknowledged before me by Frederick F. Bainbridge this 19<sup>th</sup> day of Nov., 1982.

SWORN to before me this  
19<sup>th</sup> day of Nov., 1982.

Jennie M. A. Hara (SEAL)  
Notary Public for Georgia  
My Commission Expires: 1/31/83

H53/e

