



BP1157481

# PGS:

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(Reserved for Recorder)

STATE OF SOUTH CAROLINA ) SUPPLEMENTAL DECLARATION  
 ) TO ANNEX ADDITIONAL PROPERTY TO THE  
 COUNTY OF CHARLESTON ) HALSEY PARK HOMEOWNERS ASSOCIATION

THIS SUPPLEMENTAL DECLARATION is made and entered into as of this 1<sup>st</sup> day of December, 2022 (the "Effective Date").

WITNESSETH:

WHEREAS, the Declaration of Covenants, Conditions, and Restrictions and By-Laws for the Halsey Park Homeowner's Association (the "Association") was made and recorded September 30, 2014, in Book 0431 at Page 987 in the Register of Deeds office ("ROD") for Charleston County, South Carolina, and as it may be further amended and supplemented from time to time (collectively, the "Declaration") for the purpose of imposing certain covenants, conditions and restrictions upon the property described therein;

WHEREAS, an Amendment to the Declaration of Covenants, Conditions, and Restrictions of the Halsey Park Homeowners' Association was made effective as of November 1, 2022 and recorded January 9, 2023, in Book 1157 at Page 479 in the aforesaid ROD (the "Amendment") for the purposes of surrendering the authority to appoint and remove directors and officers of the Association pursuant to Article IX, Section 9.01(b), and passing said authority to the Owners with the election of a new Board of Directors, pursuant to Article IX, Section 9.01(d).

WHEREAS, pursuant to the Barre/Halsey Planned Urban Development Third Amendment ("Third PUD Amendment"), the Mayor and Council Members of the City of Charleston amended the Zoning Ordinance by amending the Barre/Halsey Planned Urban Development Master Plan and Development Guidelines to annex and incorporate the property located at 65 Barre Street, as more particularly in the Third PUD Amendment, into the Barre/Halsey PUD as Lots "14-A" and "14-B" and to increase the maximum number of dwelling units allowed in said PUD;

WHEREAS, pursuant to the Barre/Halsey Planned Urban Development Minor Amendment ("Minor PUD Amendment") approved by the City of Charleston on November 28, 2022, the existing Lot 12, as well as Lots 14-A and 14-B, were reconfigured to create New Lot 14-A, New Lot 14-B, and New Lot 14-C, as described in the Minor PUD Amendment and shown on Exhibit A attached hereto, and as more particularly described on Exhibit B attached hereto and incorporated herein by reference (the "Additional Property");

WHEREAS, in connection with the annexation of the Additional Property under the terms of the Third PUD Amendment and reconfiguration thereof by the Minor PUD Amendment, and pursuant to Article IX, Section 9.08, of the Declaration, Sig Halsey, LLC, assigned all of its remaining rights, powers, and duties under the Declaration, including all of its remaining rights and authority in and to the Association, to 221 Ashley Avenue, LLC (the "Declarant") by that certain Assignment of Declarant Rights, made effective as of November 30, 2022 and recorded January 9, 2023, in Book 1157 at Page 480 in the aforesaid ROD;

WHEREAS, the Declarant is the current owner of record of the Additional Property, the same being conveyed by that certain deed from David W. Abdo, recorded May 6, 2022 in Book 1107 at Page 120 in the aforesaid ROD and that certain deed from Sig Halsey LLC, recorded May 10, 2022 in Book 1107 at

Page 523 in the aforesaid ROD; and

WHEREAS, the Declaration provides in Article II, Section 2.02(a) thereof, that the Declarant has the authority to bring additional land within the plan and operation of the to the Declaration, without the consent of any Owner, Mortgagee, or the Association, and to thereby subject such additional land to the benefits, agreements, restrictions and obligations as set forth therein.

WHEREAS, the Declaration provides in Article IX, Section 9.03(a) thereof, that the termination of the right of Declarant to appoint and remove any directors and officers of the Association shall not terminate Declarant's right to amend the Declaration for the purpose of submitting the Additional Property or any portion thereof to the provisions of the Declaration.

NOW, THEREFORE, the foregoing recitals being incorporated herein, , the Declarant hereby agrees and declares that the Additional Property is hereby made subject to all of the terms and conditions of the Declaration and the By-Laws. In accordance with this annexation of the Additional Property, and pursuant to its authority under Article II, Section 2.02(a) and Article IX, Section 9.03(a) of the Declaration, the Declarant, as of the Effective Date, hereby supplements and amends the Declaration and the By-Laws as follows:

1. The Additional Property is and shall be held, transferred, sold, conveyed, given, mortgaged, donated, leased, occupied, and used subject to the covenants and conditions of the Declaration and any amendment(s) thereto;
2. The second sentence of Article IX § 9.01(b) is deleted in its entirety and replaced with the following language:

“The total number of Residential Units to be developed on all of the Property shall not exceed a total of Twenty-Three (23) Residential Units.”
3. The existing Exhibit “A-1” of the Declaration is hereby deleted in its entirety and replaced with the contents of Exhibit B.
4. The third sentence of Article III, Section 3.03(b) of the By-Laws is hereby deleted in its entirety and replaced with the following:

“The Class B Membership of the Declarant shall cease upon the earlier of: (i) issuance of all Certificates of Occupancy for the residential unit to be located on New Lot 14-A, the residential unit to be located on New Lot 14-B, and the residential unit to be located on New Lot 14-C; or (ii) December 31, 2025.”
5. Except as otherwise expressly amended hereby, the Declaration and the By-Laws shall be and remain in full force and effect according to their terms.

*Remainder of this page intentionally left blank; signature page follows.*

IN WITNESS WHEREOF, the undersigned Declarant has executed this Supplemental Declaration by and through its authorized representative as of the Effective Date.

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF

221 ASHLEY AVENUE LLC,  
a South Carolina limited liability company

Anna E. Hubbard  
Elizabeth Ann West

[Signature]  
By: Colin K. Colbert  
Its: Managing Member

THE FOREGOING INSTRUMENT was acknowledged before me by 221 Ashley Avenue LLC, a South Carolina limited liability company, by and through its Managing Member, Colin K. Colbert, this 6<sup>th</sup> day of January 2023.

Elizabeth Ann West (SEAL)  
Notary Public for South Carolina  
My commission expires 10/24/28

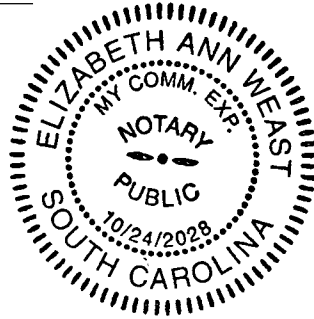


Exhibit A

Site Plan of 63 and 65 Barre Street

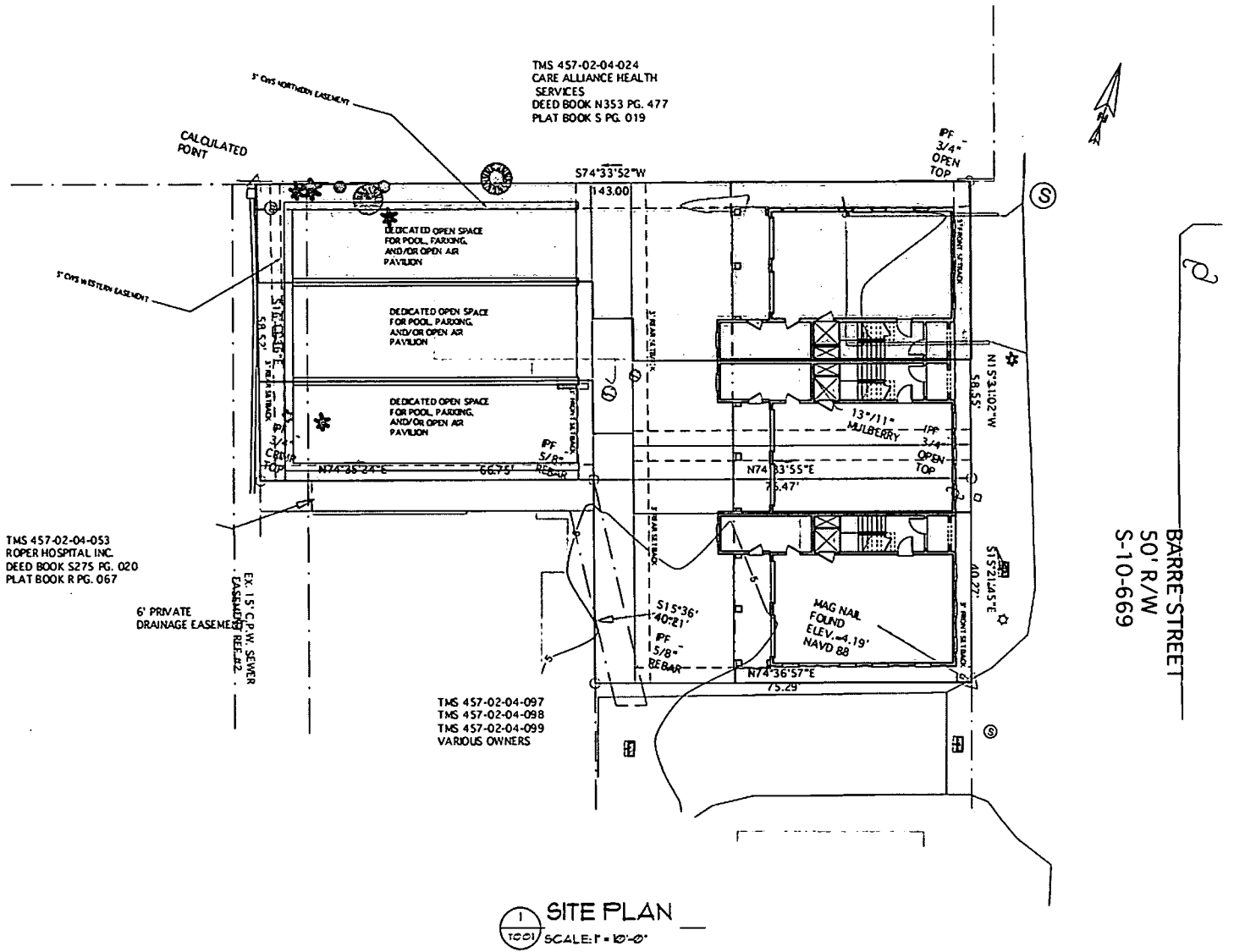


Exhibit B

All those certain pieces, parcels or lots of land situate, lying and being in the City of Charleston, Charleston County, South Carolina, shown and designated as NEW LOT 14-A, NEW LOT 14-B, and NEW LOT 14-C, and being more particularly shown and described on a plat prepared by East Cooper Land Surveying, LLC, dated \_\_\_\_\_, and recorded on \_\_\_\_\_, in Plat Book \_\_\_\_\_ at Page \_\_\_\_\_ in the ROD office for Charleston County. For a more detailed description, reference may be made to said plat of record.

TMS Nos.:                    \_\_\_\_\_ (New Lot No. 14-A)  
                                      \_\_\_\_\_ (New Lot No. 14-B)  
                                      \_\_\_\_\_ (New Lot No. 14-C)

(New Lot No. 14-A previously being assigned TMS No. 457-02-04-025, and New Lot 14-B and New Lot 14-C previously being assigned TMS No. 457-02-04-082)

Exhibit C:

*“Exhibit A-1”*

ALL that certain piece, parcel, lot, or tract of land, with the buildings and improvements located thereon, or to be built thereon, situate, lying and being in the County of Charleston, State of South Carolina, and known and designated as LOT NO'S ONE (1) THROUGH ELEVEN (11); AND THIRTEEN (13) THROUGH NINETEEN (19), INCLUSIVE, AND HOA COMMON AREA(S), HALSEY PARK SUBDIVISION, as shown on a plat thereof made by F. Elliott Quinn, III, SC PLS, dated May 09, 2013 and duly recorded in the Office of the RMC for Charleston County, SC, in Plat Book L14 at Page 0278; SAID properties having such size, shape, dimensions, buttings, and boundings as will, by reference to said plat, more fully and at large appear.

- TMS Nos.: 457-02-04-071 (Lot No. 1)
- 457-02-04-072 (Lot No. 2)
- 457-02-04-073 (Lot No. 3)
- 457-02-04-074 (Lot No. 4)
- 457-02-04-075 (Lot No. 5)
- 457-02-04-076 (Lot No. 6)
- 457-02-04-077 (Lot No. 7)
- 457-02-04-078 (Lot No. 8)
- 457-02-04-079 (Lot No. 9)
- 457-02-04-080 (Lot No. 10)
- 457-02-04-081 (Lot No. 11)
- 457-02-04-083 (Lot No. 13)
- 457-02-04-084 (Lot No. 14)
- 457-02-04-085 (Lot No. 15)
- 457-02-04-086 (Lot No. 16)
- 457-02-04-087 (Lot No. 17)
- 457-02-04-088 (Lot No. 18)
- 457-02-04-089 (Lot No. 19); and
- 457-02-04-089 (HOA Common Area)

AND

All those certain pieces, parcels or lots of land situate, lying and being in the City of Charleston, Charleston County, South Carolina, shown and designated as NEW LOT 14-A, NEW LOT 14-B, and NEW LOT 14-A, and being more particularly shown and described on a plat prepared by East Cooper Land Surveying, LLC, dated \_\_\_\_\_, and recorded on \_\_\_\_\_, in Plat Book \_\_\_\_\_ at Page \_\_\_\_\_ in the ROD office for Charleston County. For a more detailed description, reference may be made to said plat of record.

- TMS Nos.: \_\_\_\_\_ (New Lot No. 14-A)
- \_\_\_\_\_ (New Lot No. 14-B)
- \_\_\_\_\_ (New Lot No. 14-C)

(New Lot No. 14-A previously being assigned TMS No. 457-02-04-025, and New Lot 14-B and New Lot 14-C previously being assigned TMS No. 457-02-04-082)

# RECORDER'S PAGE



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

**Filed By:**

RILEY, POPE & LANEY LLC  
 211 KING ST, STE 330  
 CHARLESTON, SC 29401 (BULLET)

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**MAKER:**

221 ASHLEY AVE

**RECIPIENT:**

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