



BP0941008

PGS:

5

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

**SECOND AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR PRESTON AT PARK WEST**

THIS Second Amendment to Declaration of Covenants, Conditions and Restrictions for Preston at Park West ("Amendment") to is made this 22 day of October, 2020.

WHEREAS, Preston at Park West Homeowners Association ("Association") is constituted to provide, and charged with, the operation, care, upkeep and maintenance of the Association, the properties within it and the community of Preston at Park West ("Preston") as provided for in the Declaration of Covenants, Conditions and Restrictions for Preston at Park West ("Declaration") and Bylaws of Preston at Park West, Inc. ("Bylaws") were recorded in Book P638 at page 340 on September 13, 2007. The Declaration and Bylaws were amended by that First Amendment to Declaration of Covenants, Conditions and Restrictions for Preston at Park West recorded in Book 0032 at Page 999 on February 3, 2009; that Amendment to Bylaws of Preston at Park West, Inc. recorded in Book 0437 at Page 925 on October 30, 2014; and that Modification Agreement and Restriction of Lot 24 and Lot 25 of Preston at Park West recorded in Book 0718 at Page 585 on May 14, 2018, with the Charleston County Register of Deeds Office. Hereinafter, the Declaration and the amendments to it individually and collectively referred to as the "Declaration", and the Bylaws and the amendment to it individually and collectively referred to as the "Bylaws". The Declaration, Bylaws, Articles of Incorporation and promulgated rules, regulations, guidelines and policies hereinafter collectively referred to as the "Governing Documents".

WHEREAS, for the benefit of the Association, its Members, Owners, residents and Preston, the Association has determined to amend the Declaration.

WHEREAS, pursuant to Section 18.1 of Article XVIII of the Declaration, the "Declaration may be amended by an instrument signed by Members holding not less than Seventy-five (75%) percent of the votes of the membership. Any amendment must be properly recorded to be effective."

WHEREAS, Section 2.13 of Article II of the Bylaws states that the "presence, person or by proxy, of at least ten percent (10%) of the total eligible vote of the Association shall constitute a quorum".

WHEREAS, via written consent/written-electronic ballot in lieu of a meeting, this Amendment was put to a vote of the Members/Owners. The required quorum was present and this Amendment was approved by the requisite number of Members/Owners, as certified in Exhibit A, attached hereto and incorporated herein.

NOW, THEREFORE, in order to protect and preserve a safe, secure, valued and attractive community, to maintain good order and property values, and to promote the common good, the Association hereby amends the Declaration as follows:

1. The Association acknowledges and agrees that the terms, including the Whereas and Now Therefore provisions, of this Amendment are contractual and not merely recital.

2. All capitalized terms used herein but not defined herein shall have the definitions set forth in the Declaration and Bylaws.

3. Section 5.1(h) of Article V of the Declaration is hereby amended by the deletion of the last sentence of that subsection and its replacement in its entirety with the following new sentence as follows, in bold:

(h) . . . in Charleston County. Notwithstanding the Association's painting obligation below in (i), nothing contained herein shall create an obligation or responsibility of the Townhome Association to repair, maintain or replace the exterior siding of Units other than the replacement at the end of its useful life as defined herein.

4. Section 5.1 of Article V of the Declaration is hereby amended by the insertion of a new subsection, subsection (i), as follows, in bold:

(i) exterior painting of Units, including exterior window frames, exterior doors and door frames, exterior of garage doors, shutters, eaves, fascia, gutters and down spouts, to the extent these consist of materials that are or can be painted.

5. Section 5.1 of Article V of the Declaration is hereby amended by the insertion of a new subsection, subsection (j), as follows, in bold:

(j) cleaning the interior of the gutters and downspouts periodically as determined by the Board from time to time.

6. Section 18.1 of Article XVIII of the Declaration is hereby amended by the deletion of the following sentence, in bold and strikeout:

~~. . . restrictions in whole or in part. **Provided, however that no such agreement to change shall be effective unless made and recorded three (3) years in advance of the effective date of such change, and unless written notice of the proposed agreement is sent to every Owner at least ninety (90) days in advance of any action taken.**~~ Notwithstanding the foregoing . . .

7. Except as expressly modified by this Amendment, the Declaration shall remain in full force and effect, and any conflict between this Amendment and the Declaration shall be resolved in favor of this Amendment.

IN WITNESS WHEREOF, the Association has set its hand and seal as of the date first above written.

IN THE PRESENCE OF:

[Signature]
Witness

Preston at Park West Homeowners Association
Erik Visser
By: [Signature]
Its: President


[Signature]
Witness

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

ACKNOWLEDGMENT

PERSONALLY APPEARED BEFORE ME the undersigned witness and made oath that he/she saw the within named Preston at Park West Homeowners Association by Erik Visser, its President, sign, seal and as his/her act and deed, deliver the within this Second Amendment to Declaration of Covenants, Conditions and Restrictions for Preston at Park West, and that he/she with the other witness above subscribed, did witness the due execution thereof.

[Signature]
Signature of Witness

SWORN and subscribed to before me 
this 22 day of October, 2020

[Signature]
Notary Public for South Carolina
Printed Name of Notary: McLaurin Bruce
My commission expires: 9/1/2025



EXHIBIT A
CERTIFICATION

Personally appeared before me: Janice A. Burleigh, Secretary, of Preston at Park West Homeowners Association, who being duly sworn, alleges and states as follows:

1. I, Janice A. Burleigh, am/are the duly elected Secretary of Preston at Park West Homeowners Association.

2. I am over eighteen (18) years of age, competent, and make this Certification on personal knowledge.

4. Via written consent/written-electronic ballot in lieu of a special meeting the foregoing Second Amendment to Declaration of Covenants, Conditions and Restrictions for Preston at Park West to which this Exhibit A is attached, was put to a vote of the Owners/Members. The required quorum was present and such Amendment was approved by the requisite number of Owners/Members, and the agreement of the required parties was lawfully obtained.

5. I have certified, and am hereby certifying, the vote of the Owners/Members of Preston at Park West Homeowners Association, and I certify the vote to have been as stated herein.

FURTHER THE AFFIANTS SAYETH NOT.

Preston at Park West Homeowners Association

Janice A Burleigh
By: [Signature]
Its: Secretary

SWORN and subscribed to before me
this 22 day of October, 2020.

[Signature]
Notary Public for South Carolina
Printed Name of Notary: McLaurin Bruce
My Commission Expires: 9/1/2025

RECORDER'S PAGE



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

Filed By:

SIMONS & DEAN ATTY AT LAW
 147 WAPPOO CREEK DR
 STE 604
 CHARLESTON SC 29412

RECORDED		
Date:	December 4, 2020	
Time:	3:19:18 PM	
<u>Book</u>	<u>Page</u>	<u>DocType</u>
0941	008	Amend/Misc
Michael Miller, Register Charleston County, SC		

MAKER:

PRESTON AT PARK WEST HOA

of Sats: # of Pages:
 # of References:

RECIPIENT:

N/A

Note:

Recording Fee	\$ 25.00
Extra Reference Cost	\$ -
Extra Pages	\$ -
Postage	\$ -

Original Book:

P638

Original Page:

340

TOTAL \$ 25.00

DRAWER
CLERK



0941
Book



008
Page



12/04/2020
Recorded Date



5
Pgs



P638
Original Book



340
Original Page



D
Doc Type



15:19:18
Recorded Time