DEF 285 - - Z PG 8 4 8

DEE-2006-32243
Recorded 2 Pages on 6/15/2006 3:34:30 PM
Recording Fee: \$10.00 Documentary Stampe: \$0.00
Office of Register of Deeds, Spartanburg, S.C.
Stanban Ford, Register

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

AMENDMENT TO PROTECTIVE COVENANTS FOR JOHNSON FIELDS

WHEREAS, RJF II CORPORATION, hereinafter referred to as "Developer," is the owner of all those certain pieces, parcels or lots of land located in Spartanburg County, South Carolina, and shown on a plat entitled "Johnson Fields, Section I" prepared by Gramling Brothers Surveying, Inc. dated November 7, 2005 and recorded November 9, 2005 in Plat Book 158 at Page 888, and also shown on a plat entitled "Johnson Fields, Section II" prepared by Gramling Brothers Surveying, Inc. dated February 20, 2006 and recorded April 4, 2006 in Plat Book 159 at Page 584, in the Register of Deeds for Spartanburg County, South Carolina (hereinafter referred to as the "Subdivision Plats"), with the exception of Lot No. 23, which Enchanted Construction, Inc. acquired by deed from Developer recorded December 22, 2005 in Deed Book 84-R at page 865, and

WHEREAS, a Declaration of Protective Covenants, Conditions, Restrictions and Easements of Johnson Fields was recorded April 13, 2006 in Deed Book 85-N, page 650, Register of Deeds for Spartanburg County, South Carolina (the "Restrictions"); and

WHEREAS, the Restrictions provided that they applied to property shown on the plat for Johnson Fields Subdivision, Section I, when it was the intention of the parties that the Restrictions should apply to Johnson Fields Subdivision, Sections I and II; and

WHEREAS, Section 40 of the Restrictions provides, in part, that "Notwithstanding anything herein to the contrary, the Developer, its successors and assigns, reserves the right to waive, modify or change in writing, any of terms hereof with respect to the application thereof to a lot based upon special, unique or unusual circumstances, but no such waiver modification or change shall substantially affect the overall plan of development."; and

WHEREAS, the parties desire to amend the Restrictions so that they will apply to Johnson Fields Subdivision, Sections I and II, as shown on both of the Subdivision Plats described above; and

NOW, THEREFORE, IN CONSIDERATION OF THE PREMISES, Developer and

955785 -- Z PG 8 4 9 -

Enchanted Construction, Inc. hereby amend the Restrictions as follows:

1. The term "Subdivision Plat" shall be deleted everywhere that it appears in the Restrictions, and the term "Subdivision Plats" shall be inserted in lieu thercof, and the term "Subdivision Plats" as used in the Restrictions shall have the meaning set forth above in this Amendment. It is the intent of the parties to this Amendment that all of the lots in Johnson Fields Subdivision, including Sections I and II, shall be subject to the Restrictions.

2. The Restrictions shall in all other respects remain in full force and effect, except
as modified hereinabove.
IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals this
12thday of June , 2006.
IN THE PRESENCE OF:
Belonghit By Rusidut Suns.
Amount WITWESS AS By: for Cheric Sac Transport
STATE OF SOUTH CAROLINA)) PROBATE COUNTY OF SPARTANBURG)
PERSONALLY appeared before me the witness above named and made oath that (s)he saw the within named { Enchanted Construction, Inc. sign, seal and as the their act and deed, deliver the within written Amendment and that (s)he with the other witness above named witnessed the execution thereof.
Sworn to before me this 12th day of June, 2006. Shows M. Mosson Notary Public for S.C. My Commission Expires: 224/0 7
STATE OF SOUTH CAROLINA) PROBATE
Personally appeared before me the undersigned witness and made oath that (s)he saw the within J. Robert Flynn, II sign, seal and as its act and deed deliver the within written Amendment and that (s)he with the other witness subscribed above witnessed the execution thereof. Sworn to before me this 12th R.C. R. C. R.
Sworn to before me this 12th day of June, 2006. Sau D Nam Lton Notary Public for S.C. My Commission Expires: 4/10/2013