

202100006545
FINNELL LAW FIRM LLC
SUITE 450
NORTH CHARLESTON, SC 29405

202100006545
Filed for Record in
GREENWOOD COUNTY SC
CHASTITY COPELAND, COUNTY CLERK
7/15/2021 1:21:10 PM
RESTRICTION \$25.00
County: \$0.00
State: \$0.00
PG# 1624 PGS: 1953 -- 1956

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENWOOD)

FIRST AMENDMENT TO
ARCHITECTURAL REVIEW BOARD
STANDARDS FOR REVIEW
OF CENTER COURT
COMMUNITY ASSOCIATION, INC.

BACKGROUND

A. WHEREAS, the *Declaration of Covenants, Restrictions and Limitations and Provisions for Membership in Center Court Community Association, Inc.* (the "Declaration") was recorded November 25, 1991 at Book 365, Page 599 in the Greenwood County Register of Deeds ("ROD");

B. WHEREAS, the *Supplemental Declaration of Covenants, Restrictions and Provisions for Membership in Center Court Community Association, Inc.* (the "Supplemental Declaration") was recorded September 2, 1994 at Book 395, Page 3 in the Greenwood County ROD;

C. WHEREAS, in accordance with Article VI, Section 6.2 of the Declaration, no later than January 1, 2011, legal control and governance of the Center Court Community Association, Inc. (the "Association"), transitioned from the Park Place Company to Center Court Community Association, Inc., operated by the elected Board of Directors of said Association. Accordingly, the Association is now the Declarant;

D. WHEREAS, Article III, Section 3.2 of the Declaration is titled as follows: "Architctural Review of Specifications for New Construction or Additions, Reconstructions, Alterations or Changes to Structures, Landscaping and Siting."

E. WHEREAS, Article III, Section 3.2(a) of the Declaration outlines in detail a process which requires approval by the Declarant of all proposed building plans, specifications, exterior color and finish, landscape plan, site development and drainage plan (showing proposed location of such building or structure, setbacks, open space, drives, landscape elements, patios, decks and parking areas) and construction schedule.

F. WHEREAS, Article III, Section 3.2(e) of the Declaration states in part, "the Declarant shall have the right to approve (subject to the provisions of the pertinent law) the precise site and location of any structure within the Property. The location shall be determined only after reasonable opportunity is afforded the Property Owner to recommend a specific site."

G. WHEREAS, Article III, Section 3.2(f) of the Declaration states in part, "Declarant shall retain the absolute right to approve site development plans and to allocate any excess open space, density or pervious/impervious acreage following final approval of any presented plan to any other Lot, and such allocation shall be at Declarant's sole discretion and shall be binding upon all Lot owners."

*ARCHITECTURAL REVIEW BOARD
STANDARDS FOR REVIEW
OF CENTER COURT COMMUNITY ASSOCIATION, INC*

H. WHEREAS, Article III, Section 3.3 of the Declaration is titled “Architectural Review Board.” It states in part, “Standards for review may be published by the ARB and made available to owners or prospective owners for the cost of publication.... Any established standards or guidelines may be changed from time to time at the discretion of the ARB or Declarant, without prior notice.”

I. It appears that the Architectural Review Board Standards for Review of Center Court Community Association, Inc., although drafted at some point contemporaneous to or after the recording of the Declaration, were inadvertently not recorded.

J. WHEREAS, The Architectural Review Board Standards for Review of Center Court Community Association, Inc. (“ARB Standards for Review”) were enacted on or after November 25, 1991. The ARB Standards for Review were recorded on May 14, 2021.

K. THEREFORE AND ACCORDINGLY, the Association, acting through its duly elected Board of Directors, properly exercising the powers enumerated and described in Article III, Section 3.3 of the Declaration, and in accordance with S.C. Code Ann. § 27-30-130 (B)(2), the herein First Amendment to Architectural Review Board Standards for Review of Center Court Community Association, Inc. shall be caused to be duly recorded in the ROD Office for Greenwood County.

[SIGNATURE PAGE FOLLOWS]

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

ARCHITECTURAL REVIEW BOARD
STANDARDS FOR REVIEW
OF CENTER COURT COMMUNITY ASSOCIATION, INC

WHEREAS, Center Court Community Association, Inc., acting through its duly elected Board of Directors, properly exercising the powers enumerated and described in Article III, Section 3.3 of the Declaration, hereby causes the attached First Amendment to Architectural Review Board Standards for Review of Center Court Community Association, Inc. to be recorded.

In witness whereof, the undersigned has executed this instrument on this, the 12th day of July, 2021.

Kathy W Smith

Witness #1 Signature (not notary)

Kathy W Smith

Witness #1 Printed Name

Patricia Polattie

Witness #2 Signature (not notary)

Patricia Polattie

Witness #2 Printed Name

Starr Clark

Starr Clark

President

Center Court Community Association, Inc.

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENWOOD)

ACKNOWLEDGMENT

PERSONALLY appeared before me, Kathy W. Smith and Patricia Polattie, the above signed witnesses, who are either personally known to me or provided satisfactory evidence of their identity, and oath is made that (s)he saw the within named Center Court Community Association, Inc., via its authorized signatory, sign, seal and as its act and deed, deliver the within instrument, and that (s)he, with the other witnesses subscribed above, witnessed the execution thereof, and that neither subscribing witness is a party to or a beneficiary of the transaction.

Acknowledged, sworn to and subscribed before me)

This, the 12th day of July, 2021)

Joyce P. Boone)
Notary Public for the State of South Carolina)
My commission expires: 12/17/2023)

TEXT OF AMENDMENT

Section (g) shall be added following section (f). Section (g) shall state as follows:

(g) With regard to any lots developed and/or improved following the enactment of the herein Section (g), any and all builder(s) or developer(s) and/or their collaborators and/or agents in the building, marketing and sale of any new lots/homes within Center Court Community Association, Inc. ("Association") shall at all times employ all reasonable and diligent efforts to ensure that all the new lots/homes within the Association must be listed and sold for the highest sale price possible, and any and all builder(s) or developer(s) and/or their collaborators and/or agents in the building, marketing and sale of the new lots/homes within the Association shall not at any time list the homes at any price, reduce the homes to any price, or sell the homes at any price that is aimed at quickness or expediency of entering into a completed contract of sale over the Association's paramount goal and concern of protecting its members' property values. This requirement mandates that any and all builder(s) or developer(s) and/or their collaborators and/or agents in the building, marketing and sale of the new lots/homes must always obtain the maximum price that the market will bear for all the new lots/homes, even if that means waiting a longer period of time for a potential buyer to make an offer and go under contract at a price which complies with this requirement. Investigation and verification of compliance with this requirement may be undertaken if deemed necessary by the Association in its reasonable discretion, by, among other things, development and presentation of data and/or other evidence from a licensed South Carolina appraiser and/or realtor. Any and all builder(s) or developer(s) and/or their collaborators and/or agents in the building, marketing and sale of the new lots/homes shall to respond in writing in sufficient detail within ten (10) business days to any written notification from the Association or its legal counsel or agent(s) of an assertion at the terms of the herein Section (g) have been violated, are being violated or may have been violated, by any builder(s) or developer(s) and/or their collaborators and/or agents in the building, marketing and sale of the new lots/homes. The Association is authorized to utilize and employ any and all available legal means to enforce the requirements set forth in the herein Section (g) and to require strict compliance with same.