

STATE OF SOUTH CAROLINA ) SECOND AMENDMENT TO DECLARATION  
OF PROTECTIVE COVENANTS, CONDITIONS,  
COUNTY OF SPARTANBURG ) RESTRICTIONS AND EASEMENTS OF  
HANGING ROCK SUBDIVISION

This Second Amendment to Declaration is made this 19<sup>th</sup> day of December, 2003, by Hanging Rock Homeowner's Association, Inc., a South Carolina non-profit corporation (the "Association") and Lazarus-Shouse Communities, LLC, a South Carolina limited liability company (the "Developer").

WITNESSETH:

**WHEREAS**, the properties constituting Hanging Rock subdivision are subject to those certain covenants and restrictions dated and recorded by SNV, LLC on July 17, 2002 in Deed Book 76-C at Page 589 in the ROD Office for Spartanburg County (the "Covenants");

**WHEREAS**, on August 20, 2002, SNC, LLC assigned all its rights and interests as "Developer" in the Covenants to Newman & Sims Development, Inc., said assignment being recorded in Deed Book 76-J at Page 88 in the ROD Office for Spartanburg County;

**WHEREAS**, Newman & Sims Development, Inc., on September 5, 2002, amended the Covenants, said amendment being recorded in Deed Book 76-L at Page 229 in the ROD Office for Spartanburg County;

**WHEREAS**, Newman & Sims Development, Inc., on September 19, 2003, assigned all its rights and interests as "Developer" under the Covenants to Developer, said assignment being recorded in Deed Book 78T Page 39, in the ROD Office for Spartanburg County;

**WHEREAS**, Developer and the Association want to amend the Covenants to reflect that the pond which lies situate on the Subdivision (as defined in the Covenants) and the pool and community facility are considered a part of the Common Properties (as defined in the Covenants); and

**WHEREAS**, Developer and Association want to amend the Covenants to provide that Developer shall retain its Class B Membership throughout the development of the subdivision.

**NOW, THEREFORE**, the Developer and Association do hereby amend the Covenants as follows:

1. Paragraph 1.C is stricken in its entirety and replaced by:

C. "Common Properties" shall mean and refer to as designated on the plat of Hanging Rock Subdivision, as amended, and to other landscaped areas within Hanging Rock Subdivision, and shall include, but not be limited to, all street lights, sprinkler systems, pool areas and pool houses, ponds and drainage

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Stephen Ford, Register



pipes leading to and from such ponds, community buildings, street signs, entrance signs, landscaping, and water meters located within such areas.

- 2. The first sentence of Paragraph 37, Part B, Voting Rights, Class A, shall be stricken and replaced with the following:

“Class A members shall be all those Owners defined in Paragraph 1, including the Developer.”

The rest of said paragraph shall remain unchanged.

- 3. Subpart (b) of Paragraph 37, Part B, Voting Rights, Class B, shall be stricken and replaced with the following:

“January 1, 2010.”

The rest of said paragraph shall remain unchanged.

- 4. All other portions of the Covenants not specifically amended herein shall remain in full force and effect.

**IN WITNESS WHEREOF**, the undersigned have set their hands and seals this 18<sup>th</sup> day of December, 2003.

**WITNESSES:**

[Signature]

Cheryl Bennett

**WITNESSES:**

[Signature]

Cheryl Bennett

**DEVELOPER:**

LAZARUS-SHOUSE COMMUNITIES, LLC.

BY: [Signature]

J. Coleman Shouse

ITS: Manager

**ASSOCIATION:**

HANGING ROCK HOMEOWNER'S ASSOCIATION, INC.

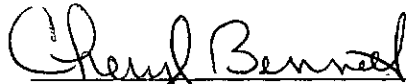
BY: [Signature]

ITS: President

STATE OF SOUTH CAROLINA )  
COUNTY OF GREENVILLE )

ACKNOWLEDGMENT

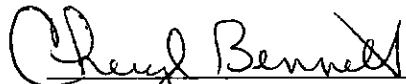
The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of December, 2003 by the within named J. Coleman Shouse as Manager of Lazarus-Shouse Communities, LLC as the act and deed of the company.

  
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Notary Public, State of South Carolina  
My Commission Expires: October 10, 2013

STATE OF SOUTH CAROLINA )  
COUNTY OF GREENVILLE )

ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of December, 2003 by the within named J. Coleman Shouse as President of Hanging Rock Homeowner's Association, Inc. as the act and deed of the company.

  
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Notary Public, State of South Carolina  
My Commission Expires: October 10, 2013