

LANCASTER COUNTY, SC	
2019018022	RESTRICTION
RECORDING FEES	\$25.00
STATE TAX	\$0.00
COUNTY TAX	\$0.00
PRESENTED & RECORDED	
11-26-2019	08:45:39 AM
BRITTANY GRANT	
REGISTER OF DEEDS	
LANCASTER, COUNTY SC	
By: STEPHANIE KNIGHT	
BK:DEED 1286	PG:292-301

Prepared by and Mail to:
Wyrick Robbins Yates & Ponton LLP (PKH)
4101 Lake Boone Trail, Suite 300
Raleigh, NC 27607

INDEXING NOTES:
This amendment amends the Declaration of Covenants
Restrictions and Easements for Edgewater Corporate Center
recorded in Book 288, Pages 300, Lancaster County Registry.

**THIRD AMENDMENT TO DECLARATION OF
COVENANTS, RESTRICTIONS
AND EASEMENTS FOR EDGEWATER
CORPORATE CENTER**

THIS THIRD AMENDMENT TO DECLARATION OF COVENANTS, RESTRICTIONS AND EASEMENTS FOR EDGEWATER CORPORATE CENTER (the "**Third Amendment**") is made this ___ day of July 19, 2019 (the "**Effective Date**"), by EDGEWATER CORPORATE CENTER ASSOCIATION, INC., a South Carolina non-profit corporation (the "**Association**") and RMB EDGEWATER, LLC, a North Carolina limited liability company (the "**Declarant**").

WITNESSETH:

WHEREAS, Edgewater Park Partners, LLC, as predecessor in interest to Declarant, and Hans L. Lengers VIII, L.L.C., as Initial Owner, established that certain Declaration of Covenants, Restrictions and Easements for Edgewater Corporate Center, as recorded in Book 288, Page 300, Lancaster County Registry, as thereafter amended by that First Amendment to Declaration of Covenants, Restrictions and Easements for Edgewater Corporate Center, as recorded in Book 999, Page 262, Lancaster County Register of Deeds, as thereafter amended or modified from time to time, (the "**Declaration**"); and

WHEREAS, pursuant to Section 20(A)(i) of the Declaration the Association is authorized to make Amendments to the Declaration,

WHEREAS, pursuant to Section 20(A)(i) of the Declaration, not less than 75% of the Percentage Interest of the Class A Shareholders required to amend and revise the standards, covenants and restrictions contained in the Declaration have granted their authority and approval as evidenced by their respective signatures to this Third Amendment; and

WHEREAS, the Declarant and Association desire to amend the Declaration to permit development of an assisted living and memory care facility with a minimum of one hundred (100) units on that certain Parcel within the Center designated as Lot 2 on that certain plat entitled "Subdivision Final Plat Edgewater Park", as recorded in the Lancaster County Register of Deeds, Book: Plat 2016, Page 751, and the Declarant and Association desire to consent to such amendment.

WHEREAS, Declarant and the Association desire to amend the Declaration to permit development of a brewery facility and restaurant on that certain Parcel within the Center designated as Lot 1 on that certain plat entitled "Subdivision Final Plat Edgewater Park", as recorded in the Lancaster County Register

of Deeds, Book: Plat 2016, Page 751, and the Declarant and Association desire to consent to such amendment.

NOW, THEREFORE, pursuant to the powers granted to the Association under the Declaration, the Association hereby declares that the Declaration is amended as follows:

1. The recitals set out above are true, accurate, and are incorporated herein by reference. The capitalized terms which are not defined herein shall have the same meaning as otherwise set out in the Declaration.

2. Section 14(B)(i) is hereby deleted in its entirety and replaced with the following:

“(i) Any building(s) constructed upon Parcels generally depicted on Exhibit “B” other than Parcel A and Parcel K shall be restricted to use and development for general office purposes. Also permitted shall be retail and/or service uses which are compatible, subordinate, appropriate and incidental to the primary uses hereinabove identified and which are located in the same building, such as a food shop, sundry shop, barber shop, café, cafeteria, pharmacy, stationary or gift store, newsstand, dry cleaner, optical goods, florist and other similar subordinate use.

3. New Section 14(B)(iii) shall be added as follows:

“That certain ~4.81 acre portion of Parcel K as generally depicted on Exhibit “B”, and identified as Lot 2 on that certain Plat recorded in BK 2016, PG 751 of the Lancaster County Register of Deeds, shall be permitted for the development of an assisted living and memory care facility with a minimum of one hundred (100) units and that certain ~5.6 acre portion of Parcel K as generally depicted on Exhibit “B”, and identified as Lot 1 on that certain Plat recorded in BK 2016, PG 751 of the Lancaster County Register of Deeds, shall be permitted for the development of a brewery facility and associated restaurant.”

4. Except as hereinabove amended, all other provisions of the Declaration shall remain in full force and effect.

5. The Association, the Declarant and not less than 75% of the Percentage Interest of the Class A Shareholders by execution hereof, hereby consent to this Third Amendment.

6.

This Third Amendment may be executed in multiple counterparts, or in counterpart signature pages, all of which when taken together shall constitute one and the same agreement.

[THE FOLLOWING PAGES ARE THE SIGNATURE PAGES]

IN WITNESS WHEREOF, the undersigned, on behalf of the Association, has executed this Third Amendment on the date first above set forth.

Signed, Sealed and Delivered
In the Presence of:

ASSOCIATION:

Sharla Proctor
Witness #1: Sharla Proctor

EDGEWATER CORPORATE CENTER
ASSOCIATION, INC.

By: TJ Duke
Name/Title: President

Adam Fitchue
Witness #2: Adam Fitchue

State of North Carolina)
County of Mecklenburg)

PROBATE

PERSONALLY appeared before me Sharla Proctor the undersigned witness(es) and made oath that (s)he was present and saw the within named Association, by its duly authorized officer, sign, seal, and as an official act of the Association, deliver the within Third Amendment and that deponent, with the other witness subscribed above, witnessed the execution thereof.

Sharla Proctor
(Witness)

SWORN to before me this 24 day of July, 2019.

Kimberly B Young
Notary Public

Notary Public for North Carolina
My Commission Expires: 12/01/2023

Kimberly B Young
NOTARY PUBLIC
Mecklenburg County, NC
My Commission Expires 12/01/2023

IN WITNESS WHEREOF, the undersigned, on behalf of the Declarant, has executed this Third Amendment on the date first above set forth.

Signed, Sealed and Delivered
In the Presence of:

DECLARANT:

Nicole Hoogland
Witness #1: Mi Hoogland

RMB EDGEWATER, LLC
By: [Signature]
Name/Title: Sharon Merrifield
Manager

[Signature]
Witness #2: Melissa Nichols

State of North Carolina)
County of Mecklenburg)

PROBATE

PERSONALLY appeared before me Nicole Hoogland the undersigned witness(es) and made oath that (s)he was present and saw the within named Declarant, by its duly authorized officer, sign, seal, and as an official act of the Declarant, deliver the within Third Amendment and that deponent, with the other witness subscribed above, witnessed the execution thereof.

[Signature]
(Witness)

SWORN to before me this 24 day of July, 2019.

[Signature]
Notary Public

Notary Public for North Carolina
My Commission Expires: 12/01/2023

Kimberly B Young
NOTARY PUBLIC
Mecklenburg County, NC
My Commission Expires 12/01/2023

IN WITNESS WHEREOF, the undersigned, on behalf of the Class A Shareholders, has executed this Third Amendment on the date first above set forth.

Signed, Sealed and Delivered
In the Presence of:

CLASS A SHAREHOLDER:
PHEASANT HILL PROPERTIES, LLC

Renee Long
Witness #1: Renee Long

[INSERT PROPERTY OWNER NAME]

By: William A. McClellan
Name/Title: Manager, PHEASANT HILL PROPERTIES, LLC
WILLIAM A. MCCLELLAN

Cathy Brooks
Witness #2: Cathy Brooks

State of NC)
County of Union)

PROBATE

PERSONALLY appeared before me Cathy Brooks the undersigned witness(es) and made oath that (s)he was present and saw the within named Association, by its duly authorized officer, sign, seal, and as an official act of the Association, deliver the within Third Amendment and that deponent, with the other witness subscribed above, witnessed the execution thereof.

Cathy Brooks
(Witness)

SWORN to before me this 25 day of July, 2019.

Marisa Huneycutt
Notary Public

Notary Public for Union County, NC
My Commission Expires: 1-29-2022

Marisa Huneycutt
Notary Public
Union County, North Carolina
My Commission Expires 1-29-2022

IN WITNESS WHEREOF, the undersigned, on behalf of the Class A Shareholders, has executed this Third Amendment on the date first above set forth.

Signed, Sealed and Delivered
In the Presence of:

CLASS A SHAREHOLDER:

EDGEwater Medical Partners,
LLC

[INSERT PROPERTY OWNER NAME]

By: Brenda B. Sprinkle
Name/Title: Brenda Sprinkle
partner

Emily Coffey
Witness #1: Emily Coffey

Jennifer Rushing
Witness #2: Jennifer Rushing

State of NC)
County of YORK)

PROBATE

PERSONALLY appeared before me Emily Coffey the undersigned witness(es) and made oath that (s)he was present and saw the within named Association, by its duly authorized officer, sign, seal, and as an official act of the Association, deliver the within Third Amendment and that deponent, with the other witness subscribed above, witnessed the execution thereof.

Emily Coffey
(Witness)

SWORN to before me this 9 day of July, 2019.

Kelley Ditts
Kelley Ditts, Notary Public

Notary Public for YORK County
My Commission Expires: 10/29/28

IN WITNESS WHEREOF, the undersigned, on behalf of the Class A Shareholders, has executed this Third Amendment on the date first above set forth.

Signed, Sealed and Delivered
In the Presence of:

CLASS A SHAREHOLDER:

Katie Reyes
Witness #1: _____

[Sharonview Federal Credit Union]

By: Mark K. Johnson
Name/Title: mark k. johnson, CAO

Janine Moon
Witness #2: _____

State of SC)
County of Lancaster)

PROBATE

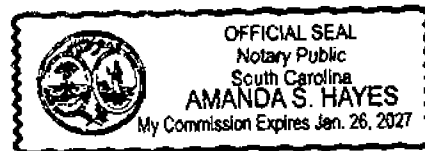
PERSONALLY appeared before me Katie Reyes the undersigned witness(es) and made oath that (s)he was present and saw the within named Association, by its duly authorized officer, sign, seal, and as an official act of the Association, deliver the within Third Amendment and that deponent, with the other witness subscribed above, witnessed the execution thereof.

Katie Reyes
(Witness)

SWORN to before me this 22nd day of October, 2019.

Amanda P. Hayes
_____, Notary Public

Notary Public for Lancaster SC
My Commission Expires: 1-26-2027



IN WITNESS WHEREOF, the undersigned, on behalf of the Class A Shareholders, has executed this Third Amendment on the date first above set forth.

Signed, Sealed and Delivered
In the Presence of:

CLASS A SHAREHOLDER:

Ally Turner
Witness #1: Sally Turner

North Regional III, LLC
By: Lawrence J. Shaheen
Name/Title: Lawrence J. Shaheen, President
Northfield Investments, Inc.
Managing Member

Donna Jenkins
Witness #2: Donna Jenkins

State of South Carolina)
County of Lancaster)

PROBATE

PERSONALLY appeared before me Ally Turner the undersigned witness(es) and made oath that (s)he was present and saw the within named Association, by its duly authorized officer, sign, seal, and as an official act of the Association, deliver the within Third Amendment and that deponent, with the other witness subscribed above, witnessed the execution thereof.

Ally Turner
(Witness)

SWORN to before me this 21st day of October, 2019.

Sheila Shipman
Sheila Shipman, Notary Public

Notary Public for South Carolina
My Commission Expires: January 16, 2024

IN WITNESS WHEREOF, the undersigned, on behalf of the Class A Shareholders, has executed this Third Amendment on the date first above set forth.

Signed, Sealed and Delivered
In the Presence of:

CLASS A SHAREHOLDER:

Ally Turner
Witness #1: Ally Turner

Wolverine Funding, LLC

By: Lawrence J. Shaheen
Name/Title: Lawrence J. Shaheen
Managing Member

Donna Jenkins
Witness #2: Donna Jenkins

State of South Carolina)
County of Lancaster)

PROBATE

PERSONALLY appeared before me Ally Turner the undersigned witness(es) and made oath that (s)he was present and saw the within named Association, by its duly authorized officer, sign, seal, and as an official act of the Association, deliver the within Third Amendment and that deponent, with the other witness subscribed above, witnessed the execution thereof.

Ally Turner
(Witness)

SWORN to before me this 21st day of October, 2019.

Sheila Shipman
Sheila Shipman, Notary Public

Notary Public for South Carolina
My Commission Expires: January 16, 2024

IN WITNESS WHEREOF, the undersigned, on behalf of the Class A Shareholders, has executed this Third Amendment on the date first above set forth.

Signed, Sealed and Delivered
In the Presence of:

CLASS A SHAREHOLDER:

[Signature]
Witness #1: Dylan Pinkney

[The Flats at Edgewater]

By: [Signature]
Name/Title: David G. McDaniel
Manager

[Signature]
Witness #2: Mark Grosse

State of Utah)
County of Summit)

PROBATE

PERSONALLY appeared before me Mark Grosse the undersigned witness(es) and made oath that (s)he was present and saw the within named Association, by its duly authorized officer, sign, seal, and as an official act of the Association, deliver the within Third Amendment and that deponent, with the other witness subscribed above, witnessed the execution thereof.

[Signature]
(Witness)

SWORN to before me this 16th day of October, 2019.

[Signature]
Dylan Pinkney, Notary Public

Notary Public for the State of Utah
My Commission Expires: Feb. 26, 2022

