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DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC
BY: HEATHER CHAPMAN CLERK

AMENDMENT
TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
IRONGATE FARM

WHEREAS, Irongate Farm, LLC (hereinafter referred to as "Declarant"), is the owner of a majority of the lots in the restricted York County subdivision known as Irongate Farm, the same being shown and described on a plat entitled, "Final Subdivision Plat for Irongate Subdivision", recorded in Plat Book D-308 at page 10 (hereinafter referred to as either the "Property" or the "Subdivision"), and

WHEREAS, the Property is made subject to and is governed by that certain *Declaration of Covenants, Conditions and Restrictions for Irongate Farm* the same being dated April 23, 2008, recorded May 9, 2008, in Record Book 10033 at page 192 in the Office of the Clerk of Court for York County, which shall hereinafter be referred to as the "Restrictions", and

WHEREAS, pursuant to Article 10, Section 10.3.1, of the Restrictions, owners of at least 67% of all Lots in the Subdivision, may amend the Restrictions, and

WHEREAS, as of the date hereof, Declarant owns 29 of the 30 lots in the Subdivision, which is 96.66% of the total thereby giving Declarant the right to amend the Restrictions and it is Declarant's intent to hereby amend the Restrictions,

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS, the Restrictions for Irongate Farm subdivision are hereby amended as follows:

1. **Article 1.** Article 1, Section 1.4 is hereby amended to add the following sentence thereto:

"Common Area" does not include the 12.01 acre parcel shown and described on the plat thereof prepared by Christopher L. Culbertson, SCPLS, dated September 26, 2013, recorded September 27, 2013, in Plat Book E-214 at page 10, in the Office of the Clerk of Court for York County. Furthermore, "Common Area" does not include the approximate 8 acre front portion of property identified as York County Tax Map No: 374-00-00-014, which is bounded by Ridge Road and property now or formerly belonging to Christopher Rice on the south, Bellegray Road on the west, Bellegray Road and Lots 1, 2, 3 and 4 on the north, and property now or formerly belonging to Donald M. Love on the east. This approximate 8 acre area (hereinafter referred to as the "8 acre area"), is to be conveyed to Declarant and developed into residential building lots in accordance with York County Planning and Development Department requirements, the Restrictions, and this Amendment.

2. **Article 2.** Article 2 is hereby amended as follows:
- A. Article 2, Section 2.1 is hereby deleted and the following substituted in its place:
- 2.1. Any Common Areas not heretofore conveyed to the Association shall be conveyed to the Association by Declarant at such time as Declarant, in his sole and absolute discretion, deems appropriate.
- B. Article 2, Section 2.2, Sub-part A, is hereby amended to add the following sentence:
- Notwithstanding anything contained herein to the contrary, the Association shall convey title to the "8 acre area" to Declarant at such time as a plat thereof is approved for recording by the York County Planning and Development Department.
3. **Article 4.** Article 4, Section 4.2 is hereby amended only in so far as to change the date referred to therein to December 31, 2026.
4. **Article 9.** Article 9 is hereby amended as follows:
- A. Article 9, Section 9.2, is hereby deleted and the following substituted in its place:
- 9.2. Dwelling Size. The minimum heated square footage of a residential dwelling constructed in Irongate Farm shall be no less than 1,800 square feet.
- B. Article 9, Section 9.19 is hereby amended to add the following sentence:
- Notwithstanding anything contained in this sub-section to the contrary, Declarant shall have the right to adjust, alter and move the boundary lines of the Lots or any contiguous Lots in the Subdivision, including the right to thereby create additional Lots in the subdivision, at any time and without consent of the Lot Owners, and this right shall continue for so long as Declarant owns at least two contiguous Lots in the subdivision.
5. **Article 10.** Article 10 is hereby amended as follows:
- A. Article 10, Section 10.3.2, including sub-parts (a) and (b), requiring "Certification" by the homeowners association of any amendment to the Restrictions, is hereby deleted in its entirety. The following is substituted in its place:
- 10.3.2. Any amendment to the Restrictions shall be effective upon signing by the owner(s) of at least 67% of the Lots in the subdivision and the same being duly recorded in the Office of the Clerk of Court for York County.

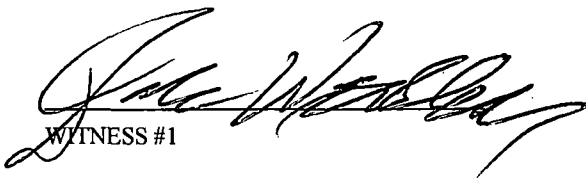
B. These new provisions shall be and hereby are added to Article 10, Section 3:

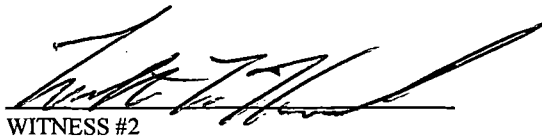
10.3.3. Notwithstanding anything contained in the Restrictions to the contrary, for so long as Declarant owns at least one Lot in the subdivision, Declarant shall have the right to further amend the Restrictions at any time. Any such amendment made solely by Declarant shall be effective when signed by Declarant and duly recorded in the Office of the Clerk of Court for York County. For so long as Declarant owns at least one lot in the subdivision this new section 10.3.3. cannot be amended without Declarant's consent.

10.3.4. For so long as Declarant owns at least one Lot in the Subdivision, the Restrictions cannot be further amended, no matter how many owners sign the same, unless Declarant's express written consent to any such amendment is first obtained.

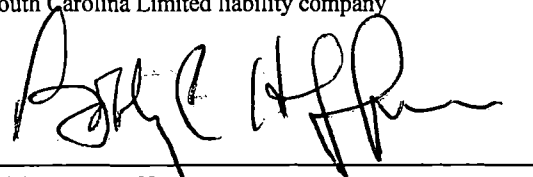
6. **Amendment Governs.** All other terms, provisions and conditions of the Restrictions shall remain in full force and effect except as modified hereby. In the event of any conflict between the terms, provisions, and conditions of the Restrictions and the terms, provisions and conditions of this Amendment, the terms, provisions and conditions of this amendment shall control.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has executed this instrument this 23 day of April, 2018.


WITNESS #1


WITNESS #2

Irongate Farm, LLC
a South Carolina Limited liability company

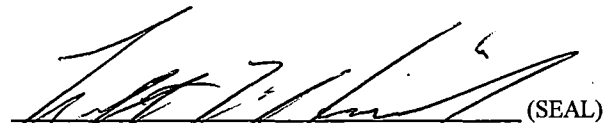
By: 
Bobby L. Heffner
Managing Member

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

ACKNOWLEDGMENT

I, the undersigned notary public, do hereby certify that Bobby L. Heffner, as Managing Member of Irongate Farm, LLC, personally appeared before me this day and acknowledged the due execution of the foregoing instrument, and acknowledged his authority to sign on behalf of the company.

Executed this the 23rd day of April, 2018.



(SEAL)
NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES: 01-10-2023

