

200700370066  
Filed for Record in  
YORK COUNTY, SC  
DAVID HAMILTON  
08-27-2007 At 10:00 am.  
RESTR COVEN 30.00  
OR Vol 9378 Page 1 -- 24

**SECOND AMENDMENT TO THE MASTER DEED**

**OF**

**STONECREST VILLAS OF TEGA CAY**

**HORIZONTAL PROPERTY REGIME**

**AUGUST 17, 2007**

**Drawn by: Stonecrest Villas of Tega Cay, LLC**

**Please Return to:**

**Julie B. Glenn, Attorney at Law**

**2760 E.W.T. Harris Blvd. #200**

**Charlotte, NC 28213**

STATE OF SOUTH CAROLINA

COUNTY OF YORK

SECOND AMENDMENT TO THE  
MASTER DEED OF STONECREST  
VILLAS OF TEGA CAY  
HORIZONTAL PROPERTY  
REGIME

KNOW ALL MEN BY THESE PRESENTS, that this Second Amendment to the Master Deed of STONECREST VILLAS OF TEGA CAY HORIZONTAL PROPERTY REGIME is made on the date hereinafter set forth by STONECREST VILLAS OF TEGA CAY, LLC, a South Carolina Limited Liability Company, hereinafter called "Grantor";

WHEREAS, Grantor has committed certain real property to Stonecrest Villas of Tega Cay Horizontal Property Regime by the Master Deed of Stonecrest Villas of Tega Cay Horizontal Property Regime, which Master Deed is recorded in the Office of the Clerk of Court of York County, South Carolina, in Deed Book 8852, Page 149, and amended in Deed Book 9215, Page 138; and

WHEREAS, all said terms in the Master Deed and First Amendment apply as well in this Second Amendment except as herein modified; and

WHEREAS, said Master Deed provides for the inclusion of additional phases in said Horizontal Property Regime; and

WHEREAS, Grantor now desires to annex additional property, improvements and Apartments/Units as defined in the Master Deed and amend said Master Deed for the purpose of creating Phase 1, Map 3 of the said Regime;

NOW, THEREFORE, Grantor does hereby declare:

**1. Exercise by Grantor.** Grantor does hereby, by duly executing this Amendment to the Master Deed, submit the property described as Phase 1, Map 3, being more particularly described hereinafter in this Amendment and Exhibits hereto, together with the buildings and improvements erected thereon, and all easements, rights and appurtenances belonging thereto (the "Property"), to the provisions of the Horizon Property Act of South Carolina, Title 27, Chapter 31 Code of Laws of South Carolina, 1976 (the "Act") and does further submit said property to the provisions of the Master Deed of Stonecrest Villas of Tega Cay Horizontal Property Regime and the Exhibits thereto, the same being recorded in the Office of the Clerk of Court of York County, South Carolina, in Deed Book 8552, at Page 149 and amended in Book 9215, Page 138..

**2. The Property.** The Property hereby committed by this Amendment to the aforesaid Master Deed, means and includes that property shown as contained within Stonecrest Villas of Tega Cay, Phase 1, Map 3, as same is shown on that certain map attached hereto and incorporated herein as Exhibit "A", and being recorded in the Office of the Clerk of Court of York County, South Carolina, in Plat Book \_\_\_\_\_, Page \_\_\_\_\_, and includes the land, the buildings, all improvements and structures thereon and all easements, rights and appurtenances belonging thereto as shown on said Exhibit "A", and as subject to all easements, rights or way, rights of use,

restrictions, obligations and covenants as described in this Amendment, the aforesaid Master Deed, the Exhibits thereto and hereto, and of record. Therefore, the property committed to Stonecrest Villas of Tega Cay Horizontal Property Regime consists of the property heretofore committed in the Master Deed, known as Phase 1, Map 1, the First Amendment, known as Phase 1, Map 2, and in addition thereto, that property described in said Exhibit "A", known as Phase 1, Map 3.

**3. The Plans.** The improvements constructed on and forming a part of the "Property" are constructed in accordance with the floor plans identified as Exhibit "B" attached hereto and incorporated herein by reference. The Plans contain a certification by Michael J. Fitzpatrick, a South Carolina Licensed Architect, certifying that the floor plans and elevations adequately and accurately depict the dimensions, layout, area, and location within normal construction tolerances of the buildings, and that said plans contain all information required by Title 27, Chapter 31, Section 110 of the "Act". Said certification is identified as Exhibit "C" attached hereto and incorporated herein by reference.

**4. Improvements.** The "Property" comprising Phase 1, Map 3, which is being added to Stonecrest Villas of Tega Cay includes three (3) single-story buildings (Buildings 15, 19, and 21), with a ground or garage level only, each of which contains four (4) Units. The identifying numbers for such Units are set forth on Exhibit "D" and on the Plans.

There are two types of Units in Phase 1, Map 3, designated as "Abbey" and "Canterbury", "Villa", more particularly described as follows and as more particularly shown on the Plans:

(a) Type "Abbey"— Building 15, Unit 15-766 and 21-815 are type "Abbey" Units. These Units contain approximately 1718 square feet in heated space and an attached 2-car garage which has approximately 409 square feet. Each Unit consists of a four season sunroom/veranda, living room, dining room, kitchen, pantry, laundry room, master bedroom, master bath, second bedroom, second bath, closets and a garage, as more particularly shown on the Plans.

(b) Type "Canterbury"-- Building 15, Units 15-764, 15-768 and 15-770, Building 19, Units 19-755, 19-757, 19-759 and 19-761, and Building 21, 21-817, 21-819 and 21-821 are type "Canterbury" Units. These Units contain approximately 1,861-1884 square feet in heated space and an attached 2-car garage which has approximately 409 square feet. Each such Unit consists of a four season sunroom/veranda, living room, dining room, kitchen, pantry, laundry room, master bedroom, master bath, second bedroom, second bath, den/third bedroom, closets and a garage, as more particularly shown on the Plans.

**5. Undivided Interests of Owners in Common Elements.** Ownership of the Common Elements shall be by the Unit Owners as tenants-in-common. The percentage interest in the Common Elements allocated to the Units added in this Amendment shall be the Common Elements Interest for that Unit as set forth on Exhibit "E" attached hereto. The percentage of undivided interest of each Owner in the Common Elements is appurtenant to the Unit owned by the Owner and may not be separated from the Unit to which it appertains and such appurtenance shall be deemed to be conveyed or encumbered or to otherwise pass with the Unit whether or not expressly mentioned or described in a conveyance or other instrument describing Unit.

The Common Elements shall remain undivided, and no Owner or any other person shall have the right to bring any action for partition or division of the whole or any part thereof except as provided in the Horizontal Property Act.

**6. Invalid.** The invalidity of any provision of this Amendment shall not be deemed to impair or affect in any manner the validity and enforceability of the remainder of this Amendment, and in such event, all the other provisions of this Amendment shall continue in full force and effect as if such invalid provision had never been included herein.

**7. South Carolina Horizontal Property Act.** To the extent that any of the terms or provisions of this Master Deed attempt to vary, modify or waive any provisions of the South Carolina Horizontal Property Act, such terms or provisions shall be so varied, modified or waived to the extent permitted by the South Carolina Horizontal Property Act, it being the intention of the parties hereto that the terms and provisions of this Master Deed shall govern over conflicting provisions in the South Carolina Horizontal Property Act, to the extent permitted by the South Carolina Horizontal Act.

**8. Consent of Mortgagee.** The Land and the Buildings are currently encumbered by the lien of that certain Mortgage and Security Agreement dated 5/25/2006, executed and delivered by Declarant to First Charter Bank, a North Carolina banking corporation, for \$6,135,000.00, and recorded in Book 8065 at Page 197 and Amended in Book 8778 at Page 35 of the Clerk of Court's Office of York County, South Carolina. A Consent of Mortgagee executed by First Charter Bank, a North Carolina banking corporation, consenting to the execution and recordation of this Amendment, is attached hereto as Exhibit "F", and made a part of this Amendment.

**9. Consent of Condominium Association.** Stonecrest Villas of Tega Cay Condominium Owners Association, Inc. (the "Association") has been organized to provide the administration of the "Property", and the Association shall administer the operation and maintenance of the "Property" and undertake and perform all acts and duties incident thereto in accordance with the terms of its Articles of Incorporation, the ByLaws, the Master Deed, and the "Act". A Consent of the Condominium Association executed by its president, consenting to this Amendment is attached as Exhibit "G", and made a part of this Amendment.

#### **10. Exhibits**

The following exhibits are attached to and are an integral part of this Master Deed:

- (a) Exhibit A -- Map
- (b) Exhibit B-- Plans
- (c) Exhibit C-- Certification of Architect
- (d) Exhibit D-- Identifying Numbers of Each Unit
- (e) Exhibit E-- Percentage of Ownership
- (f) Exhibit F-- Consent of Mortgagee
- (g) Exhibit G- Consent of the Condominium Association

IN WITNESS WHEREOF, Declarant has executed this Master Deed the day and year first above written.

Stonecrest Villas of Tega Cay, LLC, a South Carolina limited liability company (SEAL)

By: Brock L. Fankhauser  
Brock L. Fankhauser, Sole Member

Signed, sealed and delivered

In the presence of:

Debra M. Yandell  
First Witness

Marsha M. Mills  
Second Witness

STATE OF NC  
COUNTY OF Union

Personally appeared before me Debra M. Yandell (First Witness) and made oath that he/she saw the within named Grantor sign, seal and as his act and deed, deliver the within written document, and that he/she with Marsha M. Mills (Second Witness), witnessed the execution thereof.

Witness my hand and official seal this the 20<sup>th</sup> day of Aug 2007.

Debra M. Yandell  
First Witness

Sworn to before me this 20<sup>th</sup> day of August, 2007.

Catalina Cruz-Bonilla  
Notary Public

Catalina Cruz-Bonilla  
Print Name

My commission expires: My Commission Expires March 25, 2012

[NOTARY SEAL]

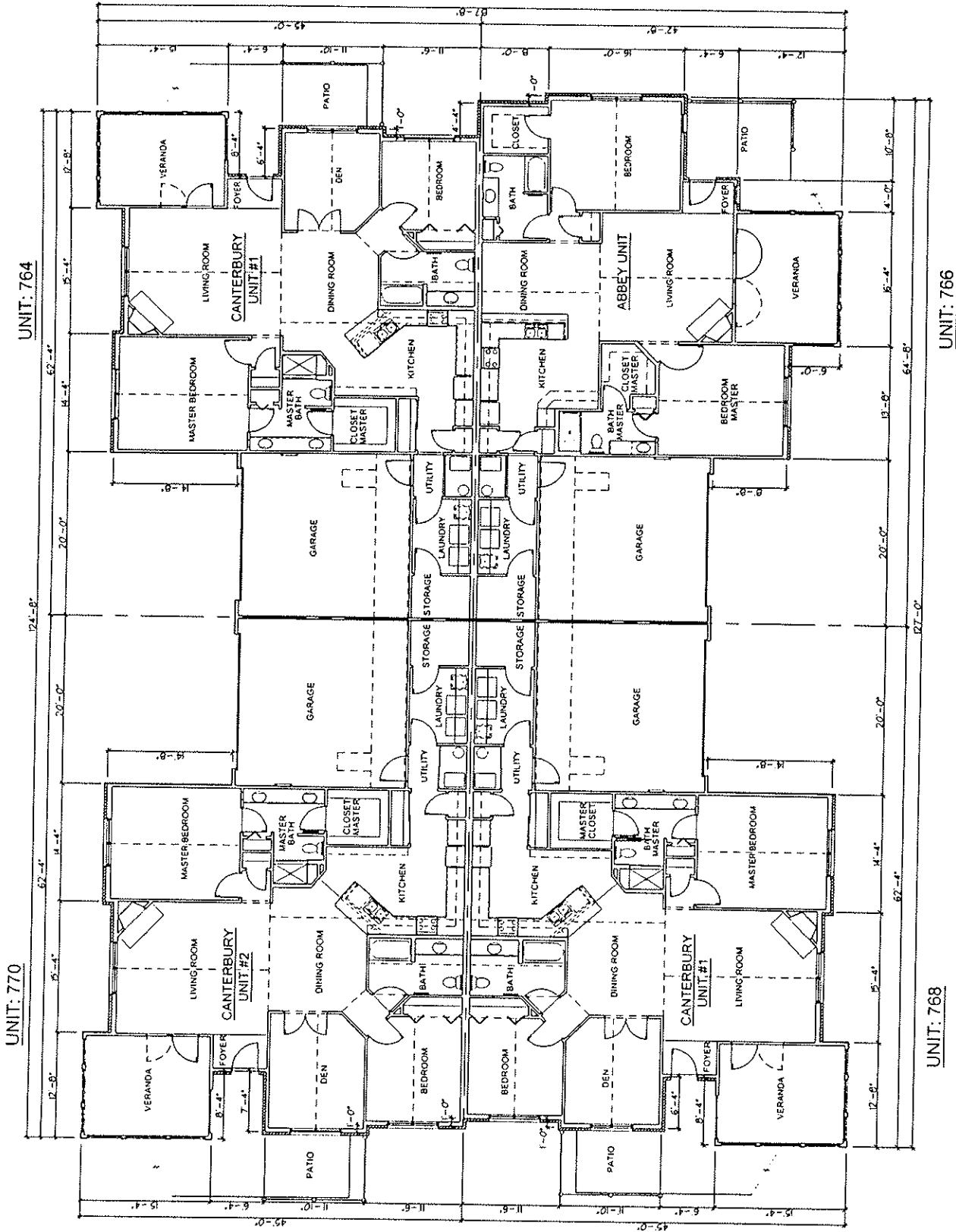
EXHIBIT A

MAP

Map recorded in Book D245  
Page 8

EXHIBIT B

PLANS



UNIT: 764

UNIT: 770

UNIT: 766

UNIT: 768

DATA:

ABBAY UNIT:	1518 SQ. FT.
LIVING SPACE:	200 SQ. FT.
VERANDA:	409 SQ. FT.
TOTAL:	2127 SQ. FT.
CANTERBURY UNIT #1 WHEN ADJACENT TO ABBAY UNIT:	1672 SQ. FT.
LIVING SPACE:	189 SQ. FT.
VERANDA:	409 SQ. FT.
TOTAL:	2270 SQ. FT.
CANTERBURY UNIT #2 WHEN ADJACENT TO CANTERBURY UNIT #1:	1695 SQ. FT.
LIVING SPACE:	189 SQ. FT.
VERANDA:	409 SQ. FT.
TOTAL:	2293 SQ. FT.

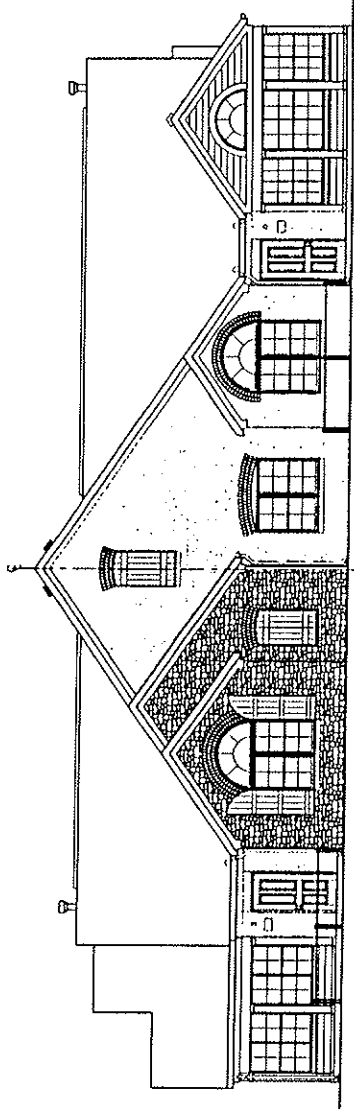


**FLOOR PLAN**

FANKHAUSER PROPERTY GROUP  
 300 East John St., Suite 126  
 Matthews, NC 28105  
 PH: (704) 622-4524

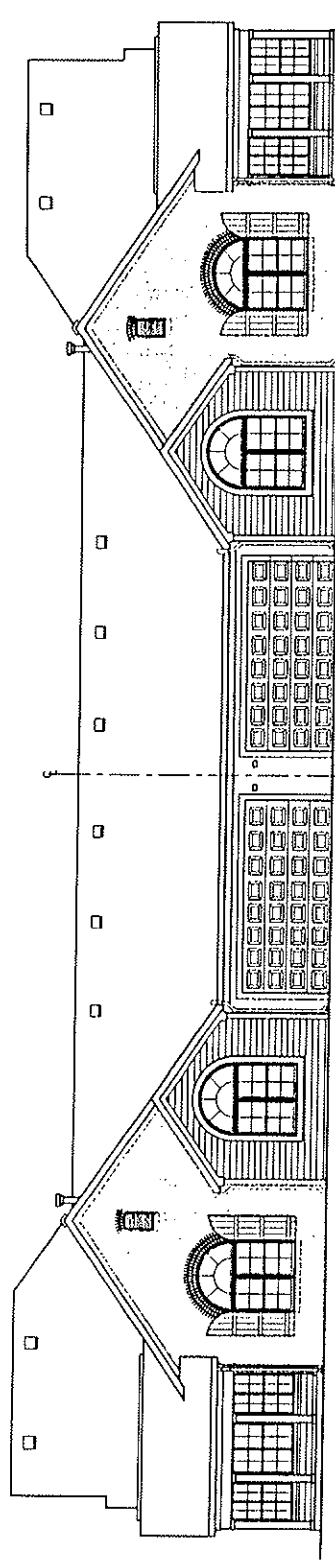
MICHAEL J. FITZPATRICK,  
 ARCHITECT  
 165 NORTH FIFTH ST  
 COLUMBUS OHIO 43215  
 614.489.7500





UNIT: 766  
ABBEY

END ELEVATION



UNIT: 764  
CANTERBURY

SIDE ELEVATION

UNIT: 770  
CANTERBURY



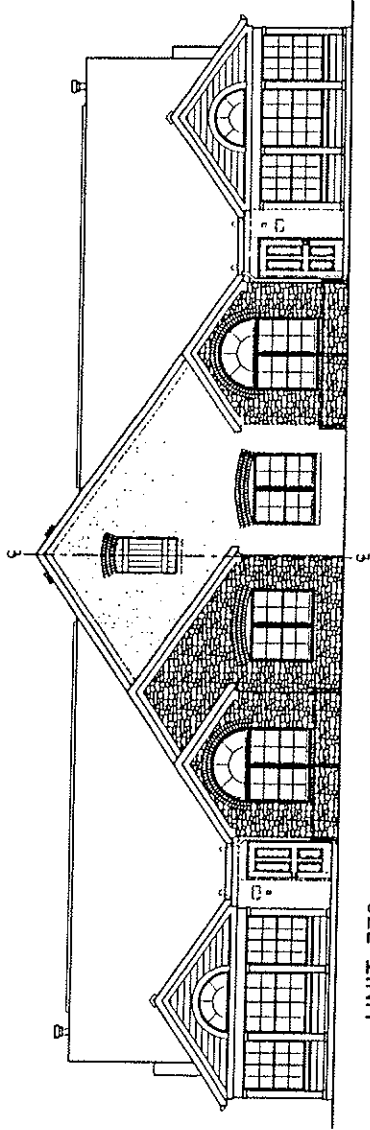
**EXTERIOR ELEVATIONS**  
 1 of 2

FANKHAUSER PROPERTY GROUP  
 300 East John St., Suite 126  
 Matthews, NC 28105  
 Ph: (704) 622-4524

MICHAEL J. FITZPATRICK,  
 ARCHITECT  
 151 NORTH WILLIAM ST.  
 COLUMBUS, OHIO 43215  
 614.469.7500

**BUILDING # 15**    **UNITS # 764, 766, 768, 770**

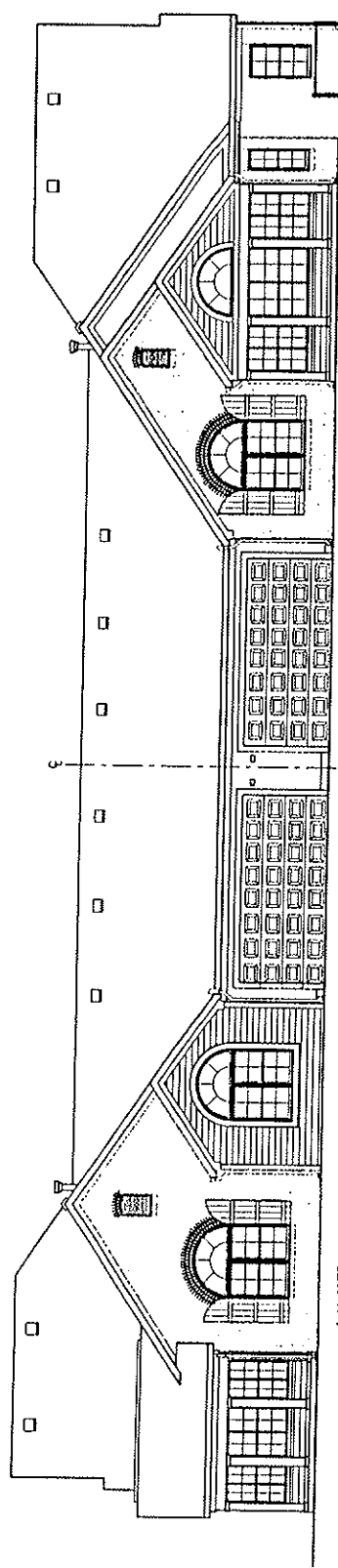
Stonecrest Villas of Tega Cay  
 Tega Cay, York County, South Carolina



UNIT: 770  
CANTERBURY

UNIT: 768  
CANTERBURY

END ELEVATION



UNIT: 768  
CANTERBURY

UNIT: 766  
ABBNEY

SIDE ELEVATION



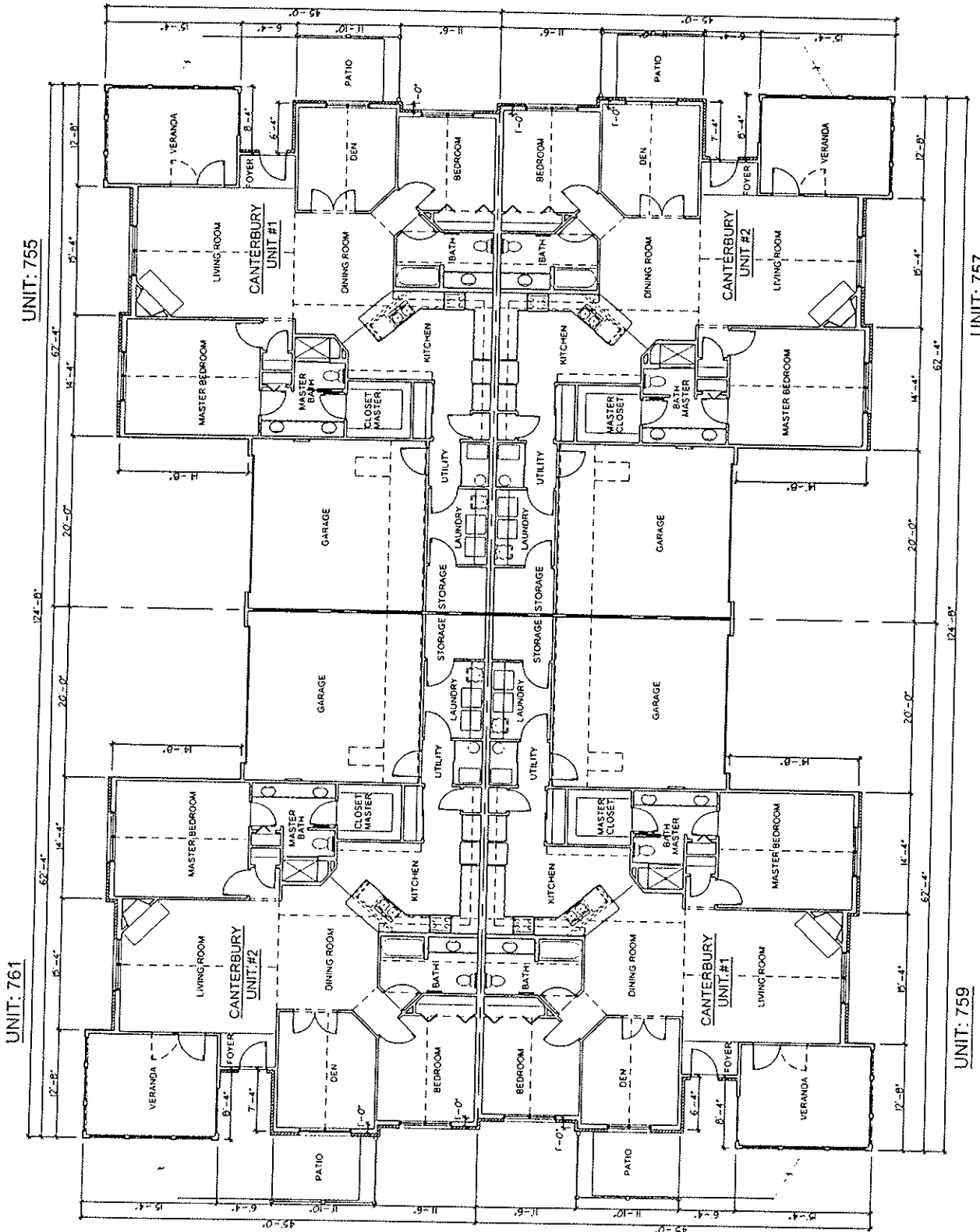
**EXTERIOR ELEVATIONS**  
2 of 2

FANKHAUSER PROPERTY GROUP  
300 East John St. Suite 126  
Matthews, NC 28105  
PH: (704) 822-4524

MICHAEL J. FITZPATRICK,  
ARCHITECT  
65 NORTH ZION ST.  
COLUMBUS, OHIO 43215

BUILDING # 15      UNITS # 764, 766, 768, 770

Stoncrest Villas of Tega Cay  
Tega Cay, York County, South Carolina



UNIT: 755

UNIT: 761

UNIT: 757

UNIT: 759

<b>DATA:</b>	
CANTERBURY UNIT #1	1672 SQ. FT.
LIVING SPACE:	189 SQ. FT.
VERANDA:	409 SQ. FT.
GARAGE:	2270 SQ. FT.
TOTAL:	1695 SQ. FT.
CANTERBURY UNIT #2	1695 SQ. FT.
LIVING SPACE:	189 SQ. FT.
VERANDA:	409 SQ. FT.
GARAGE:	2283 SQ. FT.
TOTAL:	2293 SQ. FT.



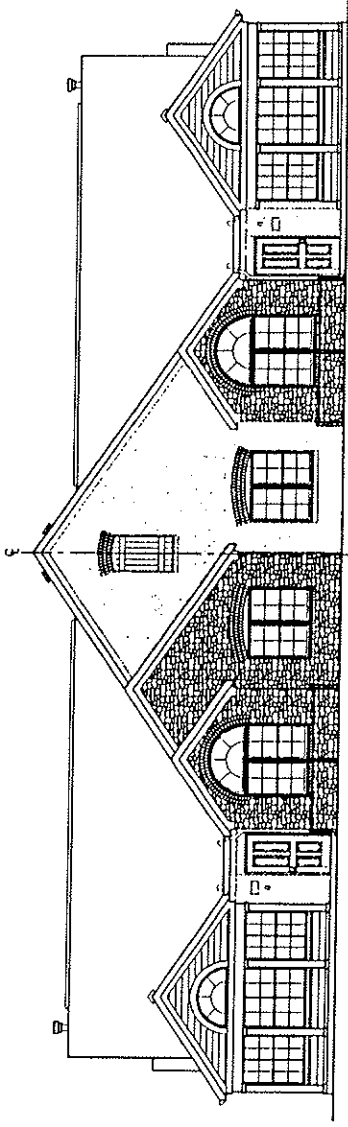
**FLOOR PLAN**

FANKHAUSER PROPERTY GROUP  
 300 East John St., Suite 176  
 Matthews, NC 28105  
 Ph: (704) 622-4526

MICHAEL J. FITZPATRICK,  
 ARCHITECT  
 185 NORTH 7TH ST.  
 COLUMBUS, OHIO 43215  
 614.469.7500

BUILDING # 19 UNITS # 755, 757, 759, 761

Stoncrest Villas of Tega Cay  
 Tega Cay, York County, South Carolina



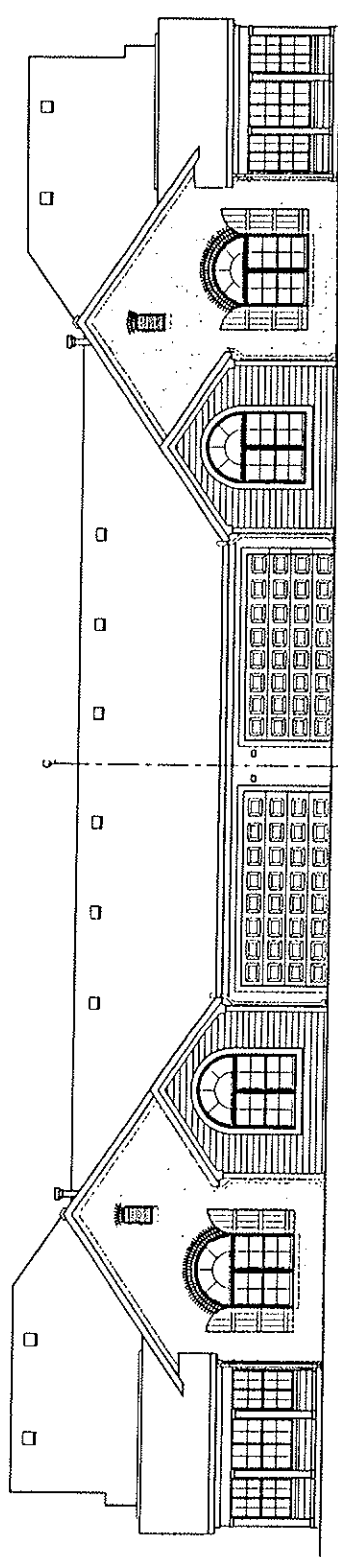
UNIT: 755  
UNIT: 759

END ELEVATION

CANTERBURY

UNIT: 757  
UNIT: 761

CANTERBURY



UNIT: 761  
UNIT: 757

SIDE ELEVATION

CANTERBURY

UNIT: 755  
UNIT: 759

CANTERBURY

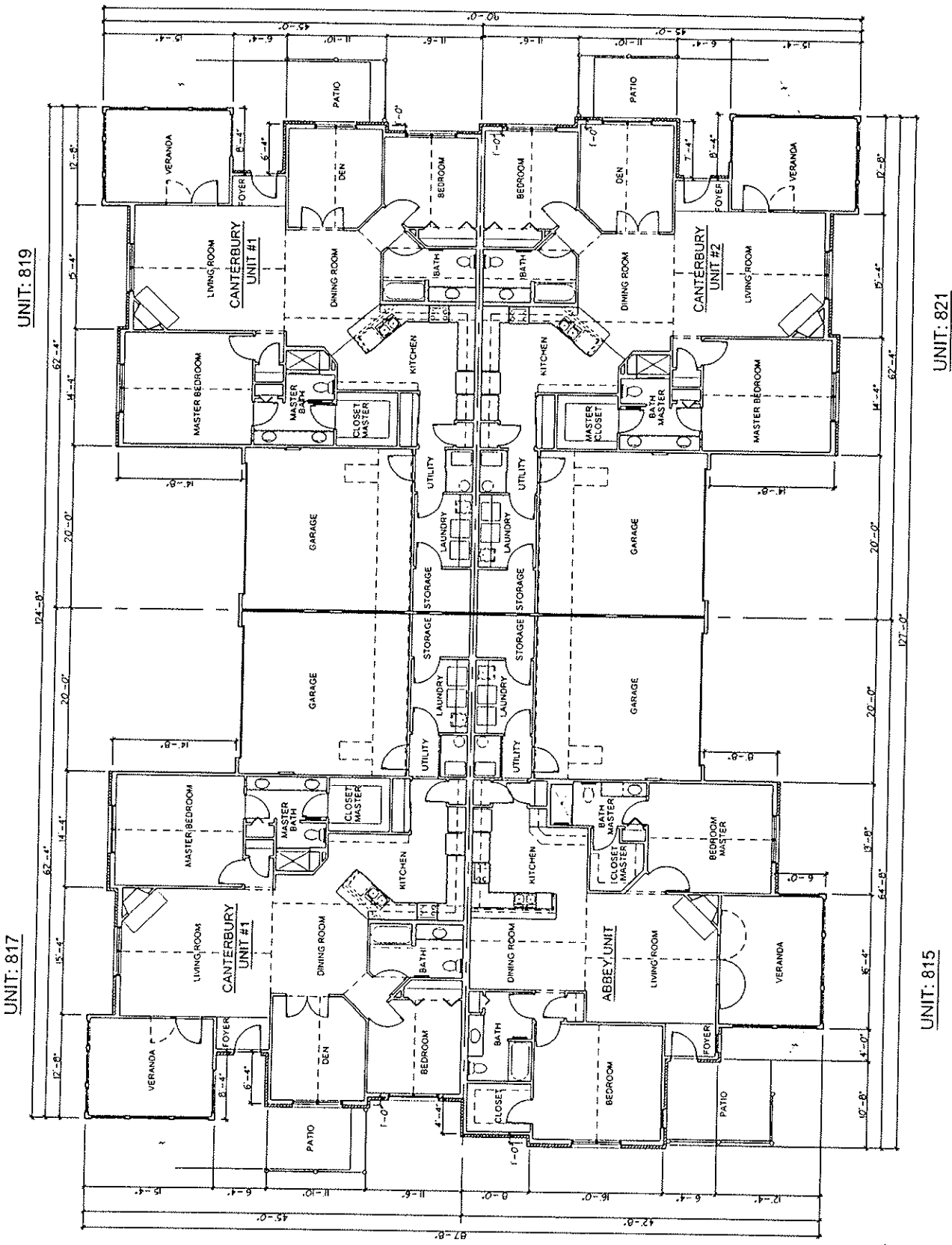


EXTERIOR ELEVATIONS

FANKHAUSER PROPERTY GROUP  
300 East 10th St., Suite 1136  
COLUMBUS, OH 43205  
PH: (704) 622-4524

Stonecrest Villas of Tega Cay  
Tega Cay, York County, South Carolina

**BUILDING # 19      UNITS # 755, 757, 759, 761**



**DATA:**

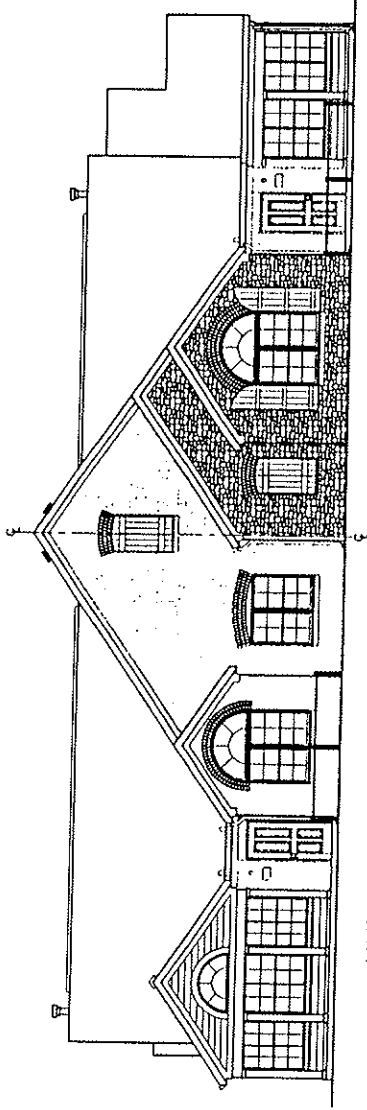
ABBEY UNIT:	1518 SQ. FT.
LIVING SPACE:	200 SQ. FT.
VERANDA:	409 SQ. FT.
GARAGE:	409 SQ. FT.
TOTAL:	2127 SQ. FT.
CANTERBURY UNIT #1 WHEN ADJACENT TO ABBEY UNIT:	1672 SQ. FT.
LIVING SPACE:	189 SQ. FT.
VERANDA:	189 SQ. FT.
GARAGE:	409 SQ. FT.
TOTAL:	2270 SQ. FT.
CANTERBURY UNIT #2 WHEN ADJACENT TO CANTERBURY UNIT #1:	1695 SQ. FT.
LIVING SPACE:	189 SQ. FT.
VERANDA:	189 SQ. FT.
GARAGE:	409 SQ. FT.
TOTAL:	2293 SQ. FT.



**FLOOR PLAN**

FANKHAUSER PROPERTY GROUP  
300 East John St., Suite 126  
Matthews, NC 28105  
Ph: (704) 622-4524

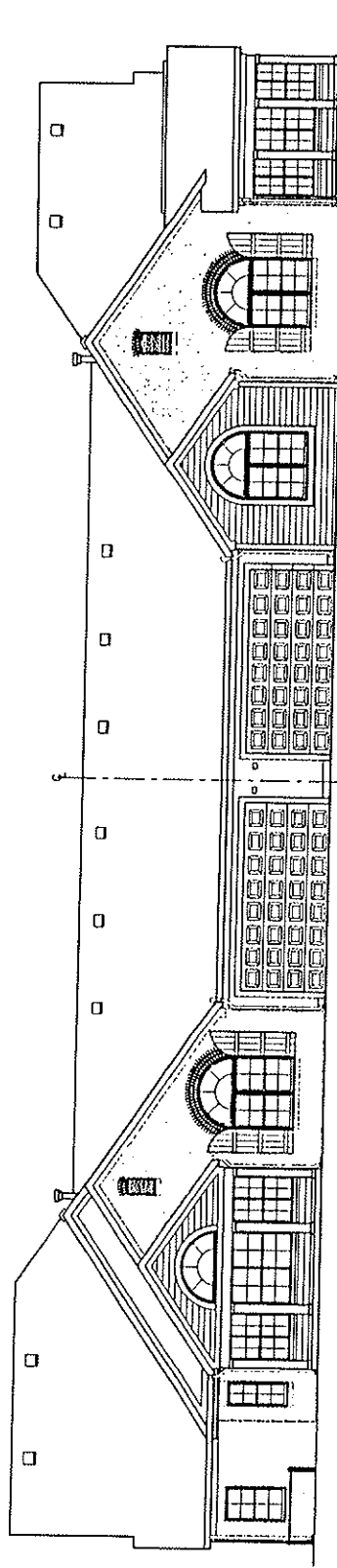
MICHAEL J. FITZPATRICK,  
ARCHITECT  
165 NORTH FIRST ST.  
COLUMBUS, OHIO 43215  
614.449.7500



UNIT: 817  
CANTERBURY

END ELEVATION

UNIT: 815  
ABBAY



UNIT: 815  
ABBAY

SIDE ELEVATION

UNIT: 821  
CANTERBURY



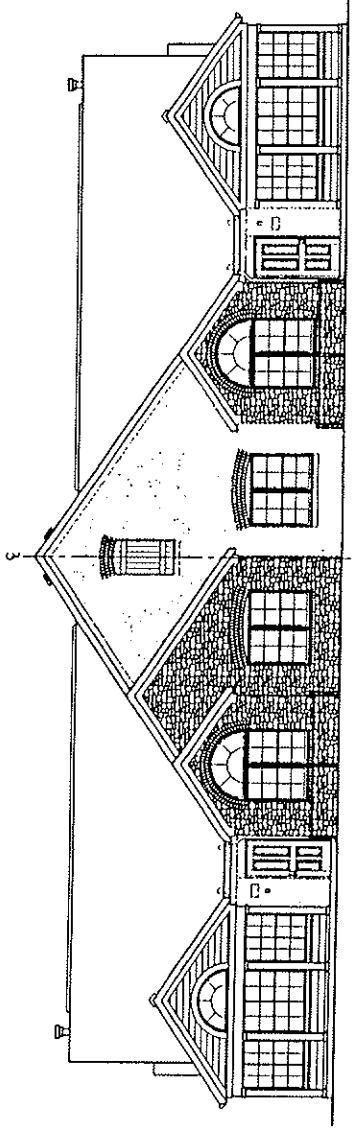
**EXTERIOR ELEVATIONS**  
1 of 2

FANKHAUSER PROPERTY GROUP  
300 East John St., Suite 126  
Matthews, NC 28105  
P: (704) 622-4524

MICHAEL J. FITZPATRICK,  
ARCHITECT  
143 North Elm St.  
COLUMBUS, OHIO 43215  
614.469.7500

BUILDING # 21      UNITS # 815, 817, 819, 821

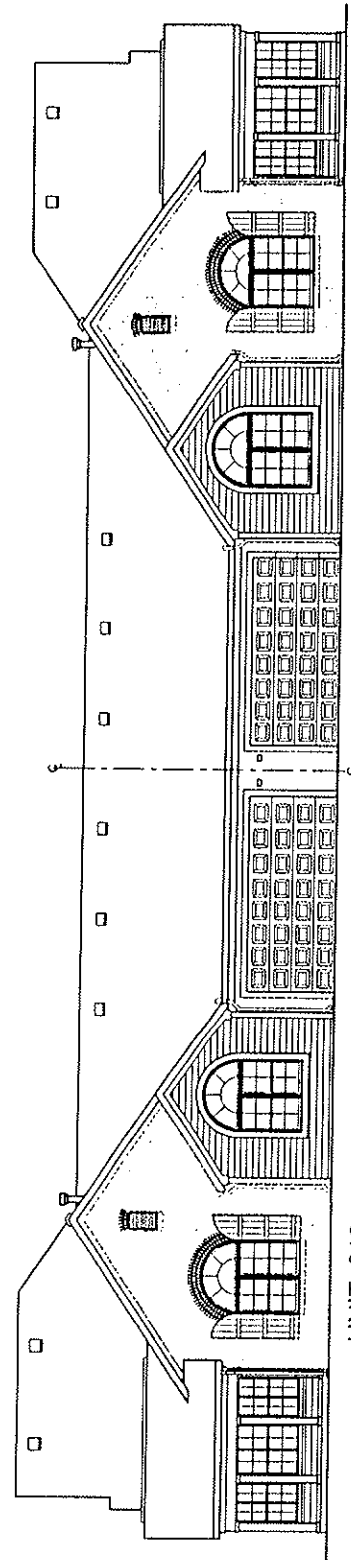
Stoncrest Villas of Tega Cay  
Tega Cay, York County, South Carolina



UNIT: 819  
CANTERBURY

END ELEVATION

UNIT: 821  
CANTERBURY



UNIT: 817  
CANTERBURY

SIDE ELEVATION

UNIT: 819  
CANTERBURY



**EXTERIOR ELEVATIONS**  
2 of 2

FANKHAUSER PROPERTY GROUP  
300 East John St. Suite 116  
Richmond, NC 28105  
Ph: (704) 622-4524

MICHAEL J. FITZPATRICK,  
ARCHITECT  
145 NORTH FLORIDA ST.  
COLUMBUS 0-110 43215

EXHIBIT C

CERTIFICATION OF ARCHITECT

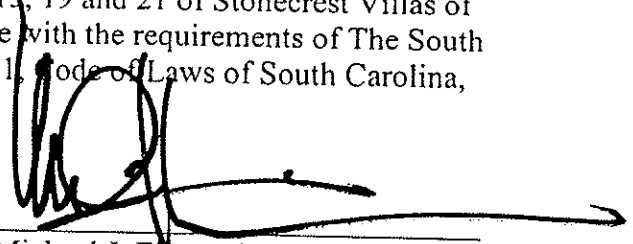


STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF YORK )

ARCHITECT'S CERTIFICATION

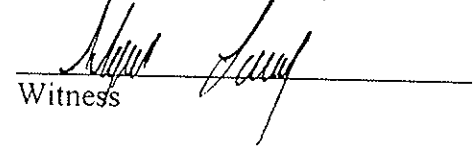
I certify to the best of my knowledge, information and belief, Exhibit C (Floor Plans and Elevations) adequately and accurately depict the dimensions, layout, area and location, within normal construction tolerances, of Buildings 15, 19 and 21 of Stonecrest Villas of Tega Cay Horizontal Property Regime, in accordance with the requirements of The South Carolina Horizontal Property Act Title 27, Chapter 31, Code of Laws of South Carolina, 1976.

Dated: 8/3/07



Michael J. Fitzpatrick  
Registered Architect  
State of South Carolina  
License #3287

Signed, sealed and delivered  
In the presence of:

  
Witness  
Witness

STATE OF OHIO )  
 )  
COUNTY OF FRANKLIN )

ACKNOWLEDGMENT

I, SARAH A. KALE, a Notary Public of the aforesaid County and State, do hereby certify that MICHAEL J. FITZPATRICK either being personally known to me or proven by satisfactory evidence (said evidence being a driver's license), personally appeared before me this day and acknowledged the voluntary due execution of the foregoing instrument.

Witness my hand and seal this 3RD day of AUGUST, 2007.



SARAH A. KALE  
Notary Public, State of Ohio  
My Commission Expires 07-19-2012

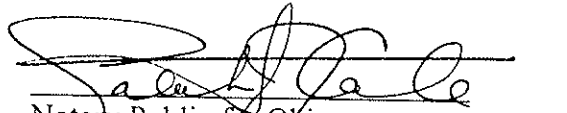
  
Notary Public for Ohio  
My Commission Expires: 7/19/12

EXHIBIT D  
IDENTIFICATION NUMBERS OF UNITS

<u>Building 15</u>	<u>Units 15-764; 15-766; 15-768; 15-770</u>
<u>Building 19</u>	<u>Units 19-755; 19-757; 19-759; 19-761</u>
<u>Building 21</u>	<u>Units 21-815; 21-817; 21-819; 21-821</u>

**EXHIBIT E**

**PERCENTAGE OF OWNERSHIP**

The initial Percentage Interest in the Common Elements appurtenant to each Unit in Phase I, Map 3 is set forth below. The stated value for each of the said Unit types constructed in any phase of the Condominium is as follows:

<u>Unit Type</u>	<u>Stated Value</u>
Abbey	\$190,000
Canterbury	\$210,000

Phase II, III, IV, and V may consist of not more than sixty-six (66) Units in the aggregate and may be submitted as a whole or at one time or in one or more portions at different times, all of which is more fully set forth in the applicable provisions of this Master Deed.

The Percentage Interest appurtenant to each Unit of the Condominium shall be established in accordance with the following formula:

$$P=V/A$$

P=Percentage Interest of Unit

V=Stated Value of Unit

A=Aggregate Stated Value of all Units in the Condominium

The initial Percentage Interests for Phase I, Map 3 which shall control ownership of common elements, liability for common expenses and voting rights, shall be as follows:

Unit	Type	Statutory Imputed Value	Percentage Interest
15-764	Canterbury	\$210,000	2.19207
15-766	Abbey	\$190,000	1.98330
15-768	Canterbury	\$210,000	2.19207
15-770	Canterbury	\$210,000	2.19207
19-755	Canterbury	\$210,000	2.19207
19-757	Canterbury	\$210,000	2.19207
19-759	Canterbury	\$210,000	2.19207
19-761	Canterbury	\$210,000	2.19207
21-815	Abbey	\$190,000	1.98330
21-817	Canterbury	\$210,000	2.19207
21-819	Canterbury	\$210,000	2.19207
21-821	Canterbury	\$210,000	2.19207

In the event the Declarant elects to add the maximum number of Units in each Phase, with all such additional units being of the type and stated value as stated in the Master

Deed, and if Declarant elects to develop all Phases, the aggregate stated value would be \$17,980,000.

NOTE: The Percentage Interest assigned to any Unit shall never be greater than that Percentage Interest initially assigned to that Unit under the above calculation method and formula.

**EXHIBIT F**

**CONSENT OF MORTGAGEE**

First Charter Bank, being the Beneficiary under that certain Deed of Trust Securing Future Advances ("Deed of Trust") from Declarant to First Charter Bank, dated 5/25/06, and recorded 5/26/06 at 2:07 p.m. in Book 8065 at Page 197 of the Clerk of Court's Office of York County, South Carolina, and being modified in Book 8778, Page 0035 of the Clerk of Court's Office of York County, South Carolina, encumbering the property described on Exhibit A attached to the Master Deed, does consent to the recordation of this Amendment to the Master Deed and the imposition of the provisions hereof and the provisions of the South Carolina Horizontal Property Act to the real property described in Exhibit A and the subordination of the Deed of Trust to the Master Deed and this Amendment. The execution of this Consent of Mortgagee by the Beneficiary shall not be deemed or construed to have the effect of creating between the Beneficiary and Declarant the relationship of partnership or of joint venture, nor shall it be deemed to impose upon the Beneficiary any of the liabilities, duties or obligations of Declarant under the Master Deed. Beneficiary executes this Consent of Mortgagee solely for the purposes set forth above.

Signed, sealed and delivered

In the presence of  
Ellen Palmer

Witness

Mary Rochester  
Witness

BENEFICIARY:

FIRST CHARTER BANK, A NORTH CAROLINA BANKING CORPORATION

BY: Eric Ford

Name: Eric Ford

Title: Vice President

STATE OF

COUNTY

Personally appeared before me ELLEN PALMER (First Witness) and made oath that he/she saw the within named Beneficiary sign, seal and as his act and deed, deliver the Consent of Mortgagee, and that he/she with MARY ROCHESTER (Second Witness), witnessed the execution thereof.

Witness my hand and official seal this the 16 day of August 2007.

Ellen Palmer  
First Witness

Sworn to before me this 16 day of August, 2007.

William M. Cat  
Notary Public

La Donna M Carter

Print Name

My commission expires: 10/1/2007

[NOTARY SEAL]

EXHIBIT G

CONSENT OF CONDOMINIUM ASSOCIATION

TO FIRST AMENDMENT TO THE MASTER DEED OF  
STONECREST VILLAS OF TEGA CAY HORIZONTAL PROPERTY REGIME

Stonecrest Villas of Tega Cay Condominium Owners Association, Inc., for good and valuable consideration the receipt whereof is hereby acknowledged, does hereby agree and consent to and does on behalf of itself and all its present and future co-owners, accept all the benefits and all the duties, responsibilities, obligations and burdens imposed upon it and them by the provisions of the First Amendment to the Master Deed together with all the Exhibits hereto and as set forth in the "Act".

STONECREST VILLAS OF TEGA CAY CONDOMINIUM  
OWNERS ASSOCIATION, INC., A SOUTH CAROLINA  
NON-PROFIT CORPORATION

BY: Brock L. Fankhauser  
BROCK L. FANKHAUSER, PRESIDENT

Signed, Sealed and Delivered  
In the presence of:

Debra M. Yandell  
Witness  
Marsha M. Mills  
Witness

STATE OF NC  
COUNTY Union

Personally appeared before me Debra M Yandell (First Witness) and made oath that he/she saw the within named President sign, seal and as his act and deed, deliver the within written document, and that he/she with Marsha M Mills (Second Witness), witnessed the execution thereof.

Witness my hand and official seal this the 20<sup>th</sup> day of Aug 2007.

Debra M. Yandell  
First Witness

Sworn to before me this 20<sup>th</sup> day of August, 2007.

Catalina Cruz-Bonilla  
Notary Public

Print Name: Catalina Cruz-Bonilla

My commission expires: My Commission Expires March 25, 2012

[NOTARY SEAL]