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RMC BK 0177 Pg 467 : pg 1 \*

STATE OF SOUTH CAROLINA    )  
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   )  
   )  
 COUNTY OF CHARLESTON        )

NOTICE OF APPLICABILITY OF  
 COVENANTS TO LOTS 240 AND 243,  
 OCEAN NEIGHBORS SUBDIVISION  
 A/K/A 1124 CLEARSPRING DRIVE

WHEREAS, Thomas M. Rooke ("Rooke") acquired title to Lots 240 and 243, Ocean Neighbors subdivision a/k/a 1124 Clearspring Drive (the "Property"), as more fully described in Exhibit "A" attached hereto, by deed from James Island Development Company, LLC dated June 21, 1999 and recorded on June 29, 1999 in Book K329 at Page 689 in the RMC Office for Charleston County, South Carolina; and

WHEREAS, said conveyance of Title to Real Estate specifically states that the Property is "Subject to any and all Restrictions, Covenants, Conditions, Easements, Rights of Way, and all other matters affecting subject property, of record in the Office of the RMC for Charleston County, South Carolina;" and

WHEREAS, when Rooke acquired title to the Property, a Declaration of Covenants, Conditions and Restrictions for Ocean Neighbors subdivision had been filed and made applicable to the Property, said Declaration having been recorded by James Island Development Company, LLC, on January 27, 1999 in Book D319 at Page 856 in the RMC Office for Charleston County; and

WHEREAS, when Rooke acquired the Property on or about June 21, 1999, the Declaration of Covenants, Conditions and Restrictions were recorded, were in full force and effect and were applicable to the Property; and

WHEREAS, a dispute has arisen concerning whether the Property and Rooke, its owner, are subject to the applicability and enforcement of the Declaration of Covenants, Conditions and Restrictions for Ocean Neighbors subdivision and any and all amendments thereto; and

WHEREAS, a settlement has been reached and Rooke now agrees that the Declaration of Covenants, Conditions and Restrictions for Ocean Neighbors subdivision and any and all amendments thereto do and shall apply to Property and to Rooke, its owner, his heirs, successors and assigns; and

WHEREAS, Rooke further agrees that he is a member of the Ocean Neighbors Home Owners Association, is responsible for annual dues and other fees and assessments associated with membership therein and understands and agrees that Ocean Neighbors Home Owners Association, Inc. reserves all rights.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS that in consideration of the above recitals, and other good and valuable consideration, the receipt whereof is acknowledged, Thomas M. Rooke, on behalf of himself and his heirs, successors and assigns, agrees that he shall bound as follows:



EXHIBIT "A"

ALL those certain pieces, parcels, or lots of land, with the buildings and improvements thereon, or to be built thereon, situate, lying and being on James Island, in the County of Charleston, State of South Carolina, known and designated as LOTS 240 and 243, OCEAN NEIGHBORS SUBDIVISION, as shown on a plat thereof made by Forsberg Engineering & Surveying, Inc., dated January 29, 1999 and duly recorded in the Office of the RMC for Charleston County, South Carolina, in Plat Book DB at Page 958; SAID lots having such size, shape, dimensions, buttings and boundings as will by reference to said plat more fully and at large appear.

SUBJECT to any and all Restrictions, Covenants, Conditions, Easements, Rights of Way, and all other matters affecting subject property, of record in the Office of the RMC for Charleston County, South Carolina.

This being the same property conveyed to Thomas M. Rooke by deed of James Island Development Company, LLC by deed dated June 21, 1999 and recorded on June 29, 1999 in Book K329 at Page 689 in the RMC Office for Charleston County, South Carolina.

TMS Number: 431-00-00-112 and 431-00-00-115

Address: 1124 Clearspring Drive, Charleston, SC 29412

# RECORDER'S PAGE



**NOTE:** This page **MUST** remain with the original document

*Indel Inst. Per B02 CMT*

*CTSE*

**Filed By:**

SIMONS & DEAN ATTY AT LAW  
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CHARLESTON SC 29412

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OCEAN NEIGHBORS ETC

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