

STATE OF SOUTH CAROLINA    )  
  )  
  )  
COUNTY OF HORRY            )  
  )  
  )

SUPPLEMENTAL DECLARATION TO  
DECLARATION OF COVENANTS,  
CONDITIONS, AND RESTRICTIONS FOR  
BAREFOOT RESIDENTIAL PROPERTIES  
FOR THE TOWNES AT BAREFOOT

THIS SUPPLEMENTAL DECLARATION TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR BAREFOOT RESIDENTIAL PROPERTIES FOR THE TOWNES AT BAREFOOT (“Supplemental Declaration”) is entered into this 26<sup>th</sup> day of October, 2021 by **SILVER CAROLINA DEVELOPMENT COMPANY, L.L.C.**, a Delaware limited liability company, **INTRACOASTAL DEVELOPMENT COMPANY, LLC**, a South Carolina limited liability company, and **CENTEX HOMES**, a Nevada general partnership (“Centex”), with the consent of **VERMEX HOTELS, LLC**, a South Carolina limited liability company (hereinafter “Owner”), the owner of the Property as more fully defined herein:

WITNESSETH:

WHEREAS, Silver Carolina Development Company, L.L.C., a Delaware limited liability company and Intracoastal Development Company, LLC, a South Carolina limited liability company (collectively “Silver Carolina”) filed the Declaration of Covenants, Conditions and Restrictions for Barefoot Resort Residential Properties dated April 12, 2000, recorded on April 12, 2000 in Deed Book 2251 at Page 384, in the Office of Register of Deeds for Horry County (“Declaration”); and,

WHEREAS, certain rights under the Declaration were non-exclusively assigned to Centex by Silver Carolina pursuant to that certain Assignment of Declarant Rights Under Declaration of Covenants, Conditions and Restrictions for Barefoot Resort Residential Properties dated December 12, 2001 and recorded December 14, 2001 in Deed Book 2435 at Page 388, in the Office of the Register of Deeds for Horry County (Silver Carolina and Centex are collectively referred to herein after as “Declarant”); and

WHEREAS, Section 9.1 of the Declaration provides, in relevant part, that “[u]ntil all property described in Exhibit ‘B’ has been subjected to this Declaration or 40 years after the recording of the Declaration...[Declarant] may unilaterally subject to the provisions of this Declaration all or portions of the real property described in Exhibit ‘B’ or any other real property which Silver Carolina may acquire or denominate in the future”; and,

WHEREAS, Section 9.1 further provides that real property may be subjected to the Declaration by the filing of a Supplemental Declaration by the Declarant, subject only to the consent of the owner of the subjected property; and,

WHEREAS, Section 9.3 provides that the Declarant may subject any portion of the property submitted to the Declaration to additional covenants and easements; and,

WHEREAS, Section 9.4 of the Declaration grants the owner of any property that was subject to the Nonresidential Declaration the right to unilaterally subject such property to the Declaration with the consent of the Declarant; and,

WHEREAS, the Owner holds title to the Property described more fully in Exhibit "A" to the Supplemental Declaration (the "Property") in fee simple, which is made a part hereof by this reference; and,

WHEREAS, the Declarant and Owner desire to subject the Property to the Declaration by the execution and recordation of this Supplemental Declaration and to subject the Property to additional covenants and easements, with the consent of each joining party;

NOW, THEREFORE, the Declarant and the Owner hereby supplement the Declaration, and any and all existing supplements and amendments thereto, as follows:

PART I. Definitions. The words used in this Supplemental Declaration, unless the context shall clearly indicate otherwise, shall have the same meanings as set forth in the Declaration.

PART II. Property is Subject to the Declaration. Declarant and Owner, do hereby declare that the Property more fully described in Exhibit "A" hereto is subjected to the Declaration pursuant to Sections 9.1 and 9.4 of the Declaration, shall be annexed into the Barefoot Residential Properties, and shall be held, transferred, sold, conveyed, occupied, and used subject to the covenants, restrictions, easements, charges, and liens set forth in the Declaration by the execution and filing of this Supplemental Declaration.

PART III. Designation of The Townes at Barefoot as a Neighborhood. Exhibit "F" to the Declaration is amended by adding to the designated Neighborhoods on Exhibit "F" a new Neighborhood known as, "The Townes at Barefoot" ("Neighborhood"), which is described on Exhibit "A" to this Supplemental Declaration attached hereto and incorporated by reference.

PART IV Submission of the Property to Additional Covenants, Conditions, and Restrictions.

1. Voting Member Rights.

1.1 The Owner or its successors and assigns plan to subdivide the Property into 57 Units, which shall be considered the number of votes attributable to the Owner of the Property as a Voting Member, unless the Property is subdivided into more Units, in which case the actual number of Units shall control the Owner's voting rights.

2. General Provisions.

2.1 Interpretation. In all cases, the provisions set forth or provided for in this Supplemental Declaration will be construed together and given that interpretation and

construction which, in the opinion of the Declarant and the Owner, will best effect the intent of the general plan for the Neighborhood. The provisions hereof will be liberally interpreted and, if necessary, they will be so extended or enlarged by implication as to make them fully effective. The provisions of this Supplemental Declaration will be given full force and effect notwithstanding the existence of any zoning ordinance or building codes that are less restrictive. The effective date of this Supplemental Declaration will be the date of its filing in the Horry County Register of Deeds Office. The captions of each Section hereof as to the contents thereof are inserted only for convenience and are in no way to be construed as defining, limiting, extending, or otherwise modifying or adding to the particular Section to which it refers. This Supplemental Declaration will be construed under and in accordance with the laws of the State of South Carolina.

2.2 No Affirmative Obligation Unless Stated. ANY RESERVATION OR RIGHT OF THE OWNER WHICH IS STATED OR IMPLIED FORM THIS SUPPLEMENTAL DECLARATION WILL NOT GIVE RISE TO ANY AFFIRMATIVE OBLIGATION OR DUTY ON THE PART OF THE OWNER UNLESS EXPRESSLY STATED IN THIS SUPPLEMENTAL DECLARATION.

2.3 Severability. Whenever possible, each provision of this Supplemental Declaration shall be interpreted in such manner as to be effective and valid, but if the application of any provision of this Supplemental Declaration to any person or to any property will be prohibited or held invalid, such prohibition or invalidity will not affect any other provision or the application of any other provision which can be given effect without the invalid provision or application, and to this end the provisions of this Supplemental Declaration are declared severable.

2.4 Right of Third-Parties. This Supplemental Declaration will be filed in the ROD for the benefit of the Owner, the Owner of any Units subdivided from the Property, their mortgagees, and their successors and assigns as herein provided, and by such recording, no adjoining property owner or third-party will have any right, title, or interest whatsoever in the Property, except as provided for herein, or in the operation or continuation thereof or in the enforcement of any provisions hereof.

2.5 Conflicts. In the case of any conflict between the Declaration and this Supplemental Declaration, the applicable provision of the Declaration shall control, unless the effect thereof would be to make the applicable provision of this Supplemental Declaration less restrictive, in which later case the applicable provision of this Supplemental Declaration shall control.

PART V. Completeness. Except as herein provided, the Declaration, as previously amended, shall remain in full force and effect, without modification, the said Declaration, as previously amended and as amended hereby, being the complete text of said instrument as of the date hereof.

IN WITNESS WHEREOF, the Declarant has caused this instrument to be executed on the date set forth below.

**DECLARANT:**

Witnesses:

*Lynda F. Risher*  
\_\_\_\_\_

**SILVER CAROLINA DEVELOPMENT COMPANY,  
L.L.C., a Delaware limited liability company**

By: \_\_\_\_\_  
Name: Samuel W. Puglia  
Its: Manager

STATE OF SOUTH CAROLINA )  
  ) )  
COUNTY OF HORRY                                     )

**ACKNOWLEDGMENT**

I, Otis Allen Jeffcoat <sup>III</sup> the undersigned Notary Public, do hereby certify that Samuel W. Puglia, on behalf of Silver Carolina Development Company, L.L.C., a Delaware limited liability company, personally appeared before me, and having satisfactorily proven to be the persons whose names are subscribed above, have acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 26th day of October, 2021.

*(Signature)*  
\_\_\_\_\_  
(SEAL)  
*Notary Public for South Carolina*  
*My commission expires: 2/11/2031*



IN WITNESS WHEREOF, the Declarant has caused this instrument to be executed on the  
date set forth below.

**DECLARANT:**

Witnesses:

**INTRACOASTAL DEVELOPMENT COMPANY,  
LLC**, a South Carolina limited liability company

*[Handwritten signature]*  
\_\_\_\_\_

By: *[Handwritten signature]*  
Name: Samuel W. Puglia  
Its: Manager

STATE OF SOUTH CAROLINA            )  
  )  
COUNTY OF HORRY                    )

**ACKNOWLEDGMENT**

I, Samuel W. Puglia, on behalf of Intracoastal Development Company, LLC, a South Carolina limited liability company, personally appeared before me, and having satisfactorily proven to be the persons whose names are subscribed above, have acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 26th day of October, 2021.

*[Handwritten signature]*  
\_\_\_\_\_  
Notary Public for South Carolina  
My commission expires: 2/11/2031



IN WITNESS WHEREOF, the Declarant has caused this instrument to be executed on the date set forth below.

**DECLARANT:**

Witnesses:

**CENTEX HOMES**, a Nevada general partnership

*Janaura Bayman*  
*Donna J. Wilkinson*

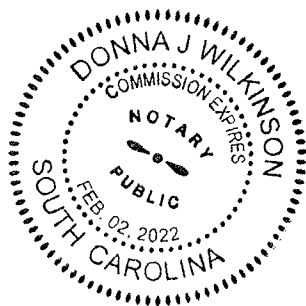
By: *Xavier*  
Name: *Xavier Dwayne Mic Evans*  
Its: *VP of Finance*

STATE OF SOUTH CAROLINA )  
*Charleston SC* )  
COUNTY OF ~~HORRY~~ )

**ACKNOWLEDGMENT**

I, *Donna J. Wilkinson* the undersigned Notary Public, do hereby certify that *Xavier Dwayne Mic Evans* on behalf of Centex Homes, a Nevada general partnership, personally appeared before me, and having satisfactorily proven to be the persons whose names are subscribed above, have acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the *35<sup>th</sup>* day of *October*, 2021.



*Donna J. Wilkinson* (SEAL)  
Notary Public for South Carolina  
My commission expires: *2/2/22*

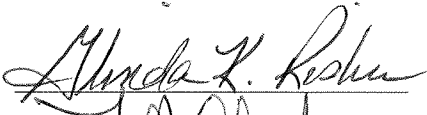
IN WITNESS WHEREOF, the Owner has caused this instrument to be executed on the date set forth below.

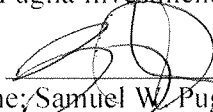
**OWNER:**

Witnesses:

**VERMEX HOTELS, LLC**, a South Carolina limited liability company

By: Puglia Investments, LLC

  
\_\_\_\_\_

By:   
Name: Samuel W. Puglia  
Its: Manager

STATE OF SOUTH CAROLINA            )  
  )  
COUNTY OF HORRY                    )

**ACKNOWLEDGMENT**

I, Otis Allen Jeffcoat<sup>III</sup>, the undersigned Notary Public, do hereby certify that Samuel W. Puglia, Manager of Puglia Investments, LLC, on behalf of Vermex Hotels, LLC, a South Carolina limited liability company, personally appeared before me, and having satisfactorily proven to be the persons whose names are subscribed above, have acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 26th day of October, 2021.

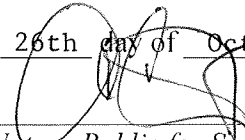
  
\_\_\_\_\_  
*Notary Public for South Carolina*  
*My commission expires: 2/11/2031*



Exhibit A

**The Property**

ALL AND SINGULAR, that certain piece, parcel or tract of land situate, lying and being in the City of North Myrtle Beach, Horry County, South Carolina described as "Lot 61-B, 4.76 acres" on that certain "MAP OF LOTS 61-A AND 61-B SUBDIVISION PLAT" prepared by DDC Engineers, dated April 25, 2005, last revised May 20, 2005 and recorded in Plat Book 205 at Page 103, Public Records of Horry County, South Carolina, which is by this reference made a part hereof.

This being the property conveyed to Vermex Hotels, LLC by deed of Coastal Resort Holdings, LLC dated December 17, 2014 and recorded December 18, 2014 in Deed Book 3786 at Page 2289, Horry County Records.

ALSO DESCRIBED AS:

ALL AND SINGULAR that certain non-exclusive, permanent, perpetual and appurtenant easement described as "**Lot 61-B, 4.76 Acres**" on that certain plat entitled "BOUNDARY & EASEMENT MAP OF LOT 61-B (4.76 Acres) PIN:390-04-01-0039 / TMS:155-00-01-125" prepared for Pulte Homes by Development Resources Group, LLC and dated September 28, 2021 and recorded October 7, 2021 in Plat Book 301 at Page 27, Horry County Records.



**HORRY COUNTY REGISTER OF DEEDS  
TRANSMITTAL SHEET**

**TO BE FILED WITH EACH INSTRUMENT PRESENTED ELECTRONICALLY FOR RECORDING.  
HORRY COUNTY REGISTER OF DEEDS, 1301 SECOND AVENUE POST OFFICE BOX 470 , CONWAY ,  
SOUTH CAROLINA 29526**

DOCUMENT TYPE OF INSTRUMENT BEING FILED: Restrictions

DATE OF INSTRUMENT: .

DOCUMENT SHALL BE RETURNED TO:

NAME: Burr & Forman LLP

ADDRESS:

420 N. 20th St., Ste. 3400  
Birmingham, AL 35203

TELEPHONE: (205) 458-5443

FAX: (205) 458-5443

E-MAIL ADDRESS: jasaday@burr.com

Related Document(s): book **2251** , page **384**

**PURCHASE PRICE / MORTGAGE AMOUNT: \$,**

**BRIEF PROPERTY DESCRIPTION: LOT 61-B, 4.76 ACRES CITY OF NORTH MYRTLE BEACH**

**TAX MAP NUMBER (TMS #) / PIN NUMBER: .**

**GRANTOR / MORTGAGOR / OBLIGOR / MARKER (FROM WHO):**

FULL BUSINESS NAME

1. **BAREFOOT RESIDENTIAL PROPERTIES FOR THE TOWNES AT BAREFOOT**
2. **SILVER CAROLINA DEVELOPMENT COMPANY, LLC**
3. **INTRACOASTAL DEVELOPMENT COMPANY LLC**
4. **CENTEX HOMES, A NEVADA GENERAL PARTNERSHIP**
5. **VERMEX HOTELS LLC**

**GRANTEE / MORTGAGEE / OBLIGEE (TO WHO):**

FULL BUSINESS NAME

1. **BAREFOOT RESIDENTIAL PROPERTIES FOR THE TOWNES AT BAREFOOT**
2. **SILVER CAROLINA DEVELOPMENT COMPANY LLC**
3. **INTRACOASTAL DEVELOPMENT COMPANY LLC**
4. **CENTEX HOMES, A NEVADA GENERAL PARTNERSHIP**
5. **VERMEX HOTELS LLC**