



STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHARLESTON )

**SECOND AMENDMENT TO THE  
DECLARATION OF COVENANTS,  
RESTRICTIONS AND EASEMENTS  
FOR MIXSON ROW HOMES**

THIS SECOND AMENDMENT to the *Declaration of Covenants, Restrictions and Easements for Mixson Row Homes* (“Second Amendment”) is made and enacted as of the 30 day of may, 2024.

**BACKGROUND**

A. WHEREAS, that certain document entitled “Declaration of Covenants, Restrictions and Easements for Mixson Row Homes” was recorded in the Register of Deeds Office for Charleston County, South Carolina (“ROD”) on March 28, 2018, in Book 0707 at Page 621 (“Declaration”); and

B. WHEREAS, the First Amendment to the Declaration of Covenants, Restrictions and Easements for Mixson Row Homes Declaration was recorded in the ROD on February 5, 2019, in Book 0775 at Page 815; and

C. WHEREAS, Article 14, Section B of the Declaration states in relevant part, “[T]his Declaration may be amended by: (i) the consent of sixty-seven percent (67%) of the votes held by each class of Members of the Association as such classes are set forth in the Association Documents; together with (ii) the approval or ratification of a majority of the Board. The aforementioned consent of sixty-seven percent (67%) of the votes held by each class of Members of the Association may be evidenced by a writing signed by the required number of Members (in lieu of a meeting) or by the affirmative vote of the required number of Members at any regular or special meeting of the Association called and held in accordance with the Bylaws evidenced by a certificate of the Secretary or an Assistant Secretary of the Association,” and

D. WHEREAS, in accordance with S.C. Code Ann. § 27-30-130(B)(1)(a) and the above Article 14, Section B of the Declaration, the herein Amendment is effective immediately upon the execution of the herein below Certificate of the by the Secretary of Mixson Row Homeowners Association, Inc. (“Association”); and

E. WHEREAS, in accordance with S.C. Code Ann. § 27-30-130(B)(2), the herein Amendment shall be duly recorded in the ROD office for Charleston County on or before January 10, 2025; and

F. NOW, THEREFORE, for and in consideration of the premises herein contained, the receipt and sufficiency of which is acknowledged, the Declaration of the Association is amended as follows:

**RECITALS**

G. WHEREAS, the current membership of the Association is made up of eighteen (18) townhome unit owners; and

H. WHEREAS, some sixty-one (61) Additional Townhome Units were intended to become part of Mixson Row HOA, but through mistake or oversight on part of the builders, the governing documents of the Association were never amended or supplemented to include those 61 units; and

I. WHEREAS, the Association held its initial organization meeting and Board election on February 21, 2024. Thereafter, the Board voted to proceed with this Amendment process so as to amend the Declaration to add the remaining sixty-one (61) Additional Townhome Units that were not included in the Association by the builders; and

J. WHEREAS, the herein Second Amendment legally binds only the 18 current members of the Association, and allows the process of bringing in the additional units to begin, but the Second Amendment alone does not add the Additional Townhome Units. A consent agreement must be signed individually by the owners of each of the other sixty-one (61) units (or, lacking such consent other legal procedures must occur) in order for the Additional Townhome Units to become members and be bound by the Declaration. That consent agreement can and will be presented to the 61 townhome owners upon passage of the herein Amendment.

**IMPOSITION OF THE DECLARATION ON ADDITIONAL TOWNHOME UNITS  
WHICH BECOME MEMBERS**

K. NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Association does hereby make any and all of the 61 Additional Townhome Units identified below in Exhibit A, which shall join Mixson Row Homes by consent or by other lawful means, subject to the Declaration, as amended, revised, restated, supplemented, and/or extended from time to time as set forth in the Declaration; and

L. THEREFORE, any and all of the 61 Additional Townhome Lots identified below in Exhibit A, which shall join Mixson Row Homes by consent or by other lawful means, shall be and are hereby subject to the Declaration, as amended, revised, restated, supplemented, and/or extended from time to time as set forth in the Declaration, benefitting and burdening the Additional Townhome Lots as provided in the Declaration; and

M. The Background and Recitals herein above are hereby incorporated as terms hereof; and

N. Each and every term, covenant and condition of the Declaration is incorporated herein by reference, and the Declaration as amended, revised, restated, supplemented, and/or extended from time to time shall be read together with such consent agreements and any other instruments which result in any and of the 61 Additional Townhome Lots identified below in Exhibit A joining Mixson Row Homes, all of which instruments shall run with the land along with said Declaration.

## EXHIBIT A

### LEGAL DESCRIPTION OF THE ADDITIONAL TOWNHOME LOTS

All those certain residential subdivision lots lying and being in the City of North Charleston, County of Charleston, State of South Carolina and being more particularly described as Lots 1 through 10 on that certain subdivision plat entitled "Showing The Subdivision of a Tract A (TMS No. 470-05-00-001) (13.892 AC.) Owned by DRP SC 1, LLC to Create a Portion of Phase 5A of Mixson Subdivision Containing Lots 1 Through 10 (0.346 AC.), New "Lot A-1" (2.154 AC.), New Right-of-Way (0.122 AC.), New HOA Areas (0.049) & Residual "Tract A" (11.221 AC.) Located in the City of North Charleston, Charleston County, S.C.", prepared by GPA Professional Land Surveyors, dated March 20, 2018 and recorded June 7, 2018 in the Office of the Register of Deeds for Charleston County, South Carolina in Plat Book L18 at Page 0299 (the "June 7, 2018 Plat"). Reference is made to the boundaries, metes, course and distances shown on the June 7, 2018 Plat for a complete description of Lots 1 through 10.

Lots 1 through 10 are subject to all public and private rights of way, alleys, drainage easements, open-space dedications and other matters shown on the June 7, 2018 Plat.

Lots 1 through 10 are a portion of Phase 5A of Mixson Subdivision.

Lot #	TMS #	Address
1	470-05-00-130	4571 Summey St.
2	470-05-00-131	4573 Summey St.
3	470-05-00-132	4575 Summey St.
4	470-05-00-133	4577 Summey St.
5	470-05-00-134	4579 Summey St.
6	470-05-00-135	4583 Summey St.
7	470-05-00-136	4585 Summey St.
8	470-05-00-137	4587 Summey St.
9	470-05-00-138	4589 Summey St.
10	470-05-00-139	4591 Summey St.

#### TOGETHER WITH:

All those certain residential subdivision lots lying and being in the City of North Charleston, County of Charleston, State of South Carolina and being more particularly described as Lots 11 through 61 on that certain subdivision plat entitled "Showing the Subdivision of Lot A-1 (TMS No. 470-05-00-104) (2.154 AC.) to Create the Remaining Portion of Phase 5A and Portion of Phase 5B of Mixson Subdivision and Showing the Subdivision of Tract B (TMS No. 470-05-00-124) (2.205 AC.), a Portion of Tract B-1 (TMS No. 470-05-00-122) (2.879 AC.), Tract B-2 (TMS No. 470-05-00-123) (0.519 AC.) & a Portion of Tract 2D (TMS No. 470-05-00-045) (5.793 AC.) to Create Phase 5B of Mixson Subdivision Lot A-1, Tract B & Tract B-2 Owned by DRP SC 1, LLC and Tract B-1 & Tract 2D Owned by Mixson Charleston Apartments, LLC Phase 5 A Containing Lots 11 Through 16 (0.221 AC.) & New HOA Areas (0.392) and New Right-Of-Way (0.031 AC.) Phase 5B Containing Lots 17 through 79 (2.515 AC.) & New HOA Areas (1.084) and New Right-Of-Way (1.332) Located in the City of North Charleston, Charleston County, S.C.", prepared by GPA Professional Land Surveyors, dated April 30, 2018 and recorded July 13, 2018 in the Office of the Register of Deeds for Charleston County, South Carolina in Plat Book L18 at Page

0372-0373 (the "July 13, 2018 Plat"). Reference is made to the boundaries, metes, course and distances shown on the July 13, 2018 Plat for a complete description of Lots 11 through 61.

Lots 11 through 61 are subject to all public and private rights of way, alleys, drainage easements, open-space dedications and other matters shown on the July 13, 2018 Plat.

Lots 11 through 61 are a portion of Phase 5A of Mixson Subdivision and a portion of Phase 5B of Mixson Subdivision.

Lot #	TMS #	Address
11	470-05-00-142	4541 Mixson Ave.
12	470-05-00-143	4543 Mixson Ave.
13	470-05-00-144	4545 Mixson Ave.
14	470-05-00-145	4547 Mixson Ave.
15	470-05-00-146	4549 Mixson Ave.
16	470-05-00-147	4551 Mixson Ave.
17	470-05-00-148	4555 Mixson Ave.
18	470-05-00-149	4557 Mixson Ave.
19	470-05-00-150	4559 Mixson Ave.
20	470-05-00-151	4561 Mixson Ave.
21	470-05-00-152	4563 Mixson Ave.
22	470-05-00-153	4565 Mixson Ave.
23	470-05-00-154	4567 Mixson Ave.
24	470-05-00-155	4569 Mixson Ave.
25	470-05-00-156	4575 Mixson Ave.
26	470-05-00-157	4577 Mixson Ave.
27	470-05-00-158	4579 Mixson Ave.
28	470-05-00-159	4581 Mixson Ave.
29	470-05-00-160	4583 Mixson Ave.
30	470-05-00-161	4585 Mixson Ave.
31	470-05-00-162	4587 Mixson Ave.
32	470-05-00-163	4589 Mixson Ave.
33	470-05-00-164	4593 Mixson Ave.
34	470-05-00-165	4595 Mixson Ave.
35	470-05-00-166	4597 Mixson Ave.
36	470-05-00-167	4599 Mixson Ave.
37	470-05-00-168	4601 Mixson Ave.
38	470-05-00-169	4603 Mixson Ave.
39	470-05-00-170	4605 Mixson Ave.
40	470-05-00-171	4607 Mixson Ave.
41	470-05-00-172	4602 Mixson Ave.
42	470-05-00-173	4600 Mixson Ave.
43	470-05-00-174	4598 Mixson Ave.
44	470-05-00-175	4596 Mixson Ave.
45	470-05-00-176	4594 Mixson Ave.
46	470-05-00-177	4590 Mixson Ave.
47	470-05-00-178	4588 Mixson Ave.
48	470-05-00-179	4586 Mixson Ave.

49	470-05-00-180	4584 Mixson Ave.
50	470-05-00-181	4582 Mixson Ave.
51	470-05-00-182	4580 Mixson Ave.
52	470-05-00-183	4578 Mixson Ave.
53	470-05-00-184	4576 Mixson Ave.
54	470-05-00-185	4572 Mixson Ave.
55	470-05-00-186	4570 Mixson Ave.
56	470-05-00-187	4568 Mixson Ave.
57	470-05-00-188	4566 Mixson Ave.
58	470-05-00-189	4564 Mixson Ave.
59	470-05-00-190	4562 Mixson Ave.
60	470-05-00-191	4560 Mixson Ave.
61	470-05-00-192	4558 Mixson Ave.

[SIGNATURE PAGE FOLLOWS]

ATTESTATION

The undersigned, being the duly elected Secretary of Mixson Row Homeowners Association, Inc., a nonprofit corporation duly organized and existing under the laws of the State of South Carolina ("Association"), does hereby certify that sixty-seven percent (67%) or more of the votes of the Members have been cast in approval of the herein Second Amendment, and that the said Second Amendment has been ratified by a majority of the Board.

In witness whereof, the undersigned has executed this instrument on this, the 30 day of may, 2024.

Melissa McClain

Witness #1 Signature (not notary)

Melissa McClain

Witness #1 Printed Name

Stephanie R. Steele

Witness #2 Signature (not notary)

Stephanie R. Steele

Witness #2 Printed Name

Anne McDowell - witness #3

STATE OF SOUTH CAROLINA )  
)  
COUNTY OF CHARLESTON )

MIXSON ROW  
HOMEOWNERS ASSOCIATION, INC.

Courtney R. Koronkowski  
Secretary

Print name: COURTNEY R. KORONKOWSKI

**ACKNOWLEDGMENT**

PERSONALLY appeared before me, the above signatory and witnesses, who are either personally known to me or provided satisfactory evidence of their identity, and oath is made that (s)he saw the within named Mixson Row Homeowners Association, Inc., by and through its authorized officer above-named, sign, seal and as its act and deed, deliver the within instrument, and that said signatory, with the other witnesses subscribed above, executed the herein instrument, and that neither subscribing witness is a party to or a beneficiary of the transaction.

Acknowledged, sworn to and subscribed before me )

This, the 30<sup>th</sup> day of May, 2024 )

Diane J. [Signature]

Notary Public for the State of South Carolina )  
My commission expires: 2/7/2033 )

Anne McDowell - witness #3

# RECORDER'S PAGE



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

**Filed By:**

CLARKSON MCALONIS & O'CONNOR  
3300 WEST MONTAGUE AVE  
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**MAKER:**

MIXSON ROW HOA

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**RECIPIENT:**

NA

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