

Title Owner \_\_\_\_\_

THIS DOCUMENT MUST BE RECORDED  
IN THE OFFICE OF THE YORK COUNTY  
CLERK OF COURT REAL ESTATE RECORDS

TMS # \_\_\_\_\_

Property Address: \_\_\_\_\_

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF YORK )

DECLARATION OF RESTRICTIVE COVENANT

THIS DECLARATION OF RESTRICTIVE COVENANT is made this \_\_\_\_\_ day of \_\_\_\_\_,

20\_\_\_\_ by \_\_\_\_\_,

CHECK APPLICABLE TERM:

(\_\_\_\_) a corporation, /limited liability company (*strike inapplicable term*), incorporated under the laws of the State of \_\_\_\_\_

*(Insert name of State of incorporation)*  
*(A resolution authorizing the execution of this Declaration of Restrictive Covenant must be submitted)*

(\_\_\_\_) general/ limited partnership (*strike inapplicable term*)

(\_\_\_\_) an individual doing business as \_\_\_\_\_  
*(Insert name doing business as)*

(\_\_\_\_) individual (s),

hereinafter referred to as Declarant:

WHEREAS, Declarant is the owner of real property which is described on Exhibit A which is attached hereto and incorporated herein by specific reference thereto, the same being hereinafter referred to as real property; and,

WHEREAS, the real property is not contiguous to the town limits of the Town of Clover, South Carolina; and

WHEREAS, Declarant has requested that the Town of Clover provide water and/or sewer service to the real property at such rates and charges as are set from time to time by the Town of Clover; and,

WHEREAS, “water and/or sewer service” does not include extension of water and/or sewer lines from existing town lines to the real property, such extension being the responsibility of the Declarant or third parties; and

WHEREAS, the Town of Clover, for and in consideration of providing water and/or sewer service to the real property, which is not contiguous to the Town of Clover town limits, has required the Declarant to agree to cause the real property to be annexed to the Town of Clover in the event the real property, or any portion thereof, becomes contiguous to the town limits of the Town of Clover; and,

WHEREAS, the Declarant, for and in consideration of the Town of Clover providing water and/or sewer service to the real property, which is not contiguous to the Town of Clover corporate limits, has agreed to impose the within restrictive covenant (also referred to herein as the Covenant) requiring Declarant, his/her/its/their heirs, successors, successors in title and assigns to be annexed into the Town of

Clover in the event the real property, or an portion thereof, becomes contiguous to the town limits of the Town of Clover,

NOW THEREFORE, The Declarant hereby declares as follows;

### IMPOSITION OF RESTRICTIVE COVENANT

Declarant hereby imposes this restrictive covenant upon the real property described in Exhibit A, and from this day forward the real property shall be held, transferred, sold or conveyed subject to the restrictive covenant set forth herein. The covenant shall touch and concern and run with the title to the real property. This Declaration of Restrictive Covenant and all provisions hereof shall be binding on all persons and entities now and hereafter having any right, title or interest in the real property, or any portion thereof, including the Declarant, and his/her/its/their respective heirs, personal representatives, successors, successors in title and assigns. The covenant set forth herein shall be deemed a covenant running with the land and be binding on all parties having or hereafter acquiring any right, title or interest in and to the real property or any part or parts thereof.

### RESTRICTIVE COVENANT

At any future time should any part of the real property become contiguous to the town limits of the Town of Clover, the then current owner (s) of the entire parcel of real property or any portion thereof upon request by the Town of Clover shall cause the real property to be annexed into the Town of Clover, and shall sign and execute any and every annexation Petition as may be presented to the then current owner(s) for the purpose of requesting annexation into the town limits of the Town of Clover.

Failure of the owner (s) of the real property to execute any annexation Petition and cause such real property to be annexed into the Town of Clover upon the request of the Town of Clover upon any portion thereof becoming contiguous to the town limits of the Town of Clover will result in a termination of water and/or sewer service to all of the real property until such time as the owner (s) of the real property causes the real property to be annexed into the Town of Clover, Additionally, this Covenant may be enforced by an action for specific performance. In addition to the remedies specifically set forth herein, all public and private remedies allowed by law or in equity against anyone in violation of this Covenant shall be available. In the event the Town of Clover is required to bring an action at law or in equity to enforce the covenant set forth herein, the Town shall be entitled to recover its attorney's fees and costs from the real property owner against whom such action is brought, and said real property owner agrees to pay said attorney's fees and costs. All of the remedies set forth herein are cumulative and not exclusive. Any person or entity having any right, title or interest in the real property, or any portion thereof, including the Declarant, and his/her/its/their respective heirs, personal representatives, successors, successors in title and assigns or the Town of Clover shall be entitled to bring an action for enforcement of the Covenant.

The failure of any person or entity having any right, title interest in the real property, or any portion thereof, including the Declarant, and his/her/its/ their respective heirs, successors, successors in title and assigns or the Town of Clover to bring an action to enforce this Covenant shall not operate as a waiver of the right to do so for any subsequent violations or of the right to enforce any other part of this Covenant at any future time. The failure of any person or entity having any right, title or interest in the real property, or any portion thereof, including the Declarant and his/her/its/their respective heirs, personal representatives, successors, successors in title and assigns or the Town of Clover to exercise or to delay in exercising any right or remedy available hereunder or at law or in equity shall not operate as a waiver. Notice of default or violation shall not be deemed as a condition precedent to the exercise of any right or remedy available hereunder or at law or in equity. Should any person or entity having any right, title or interest in the real property, or any portion thereof, including the Declarant, and his/her/its/their respective heirs, successors, successors in title and assigns or the Town of Clover fail to bring action for enforcement of this Covenant or seek any other remedy allowed at law or in equity shall not create any liability for the recovery of damages for the failure to so act.

### BINDING NATURE AND DURATION OF COVENANT

This covenant shall run with the land and shall be binding upon any person or entity now and hereafter having any right, title or interest in the real property, or any portion thereof, including the Declarant, and his/her/its/their respective heirs, personal representatives, successors, successors in title and assigns, forever.

### INTERPRETATION

In interpreting words in this Declaration of Covenant, unless the context shall otherwise provide or require, singular shall include the plural, the plural shall include the singular, and the use of any gender shall include all genders.

The headings are included for purposes of convenient reference and such shall not affect the meaning or interpretation of this declaration of Covenant on the day and year first above written.

### LEGAL DESCRIPTION OF PROPERTY

(May be attached as Exhibit A)

This Declaration of Restrictive Covenant shall run with the land and is hereby so declared and voluntarily executed this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals on the date first above written.

Signed, Sealed and Delivered  
In the Presence of:

WITNESSES:

DECLARANT:

\_\_\_\_\_  
Signature of Witness #1

\_\_\_\_\_  
(Signature of Individual)

\_\_\_\_\_  
Signature of Witness #2

\_\_\_\_\_  
(Signature of Add'l Property Owner)  
If applicable

STATE OF \_\_\_\_\_  
(Insert name of State where notarized)

PROBATE

COUNTY OF \_\_\_\_\_  
(Insert name of County where notarized)

PERSONALLY APPEARED before me the undersigned witness, who, first being duly sworn, deposes and says that (s)he saw the within named Declarant sign, seal and deliver the within Declaration of Covenant: and, that (s)he, with the other witness whose signature appears above, witnessed the execution thereof.

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.  
(Insert day, month and year witness signed before the Notary Public)

\_\_\_\_\_  
(Signature of Notary Public)

\_\_\_\_\_  
(Signature of Witness #1 or #2)

Notary Public for \_\_\_\_\_  
(Insert Notary Public's State)

My Commission expires: \_\_\_\_\_  
(Insert date the Notary Public's Commission expires)  
(Affix the Notary Public's seal over Notary Public's signature, in all States other than South Carolina)

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals on the date first above written.

Signed, Sealed and Delivered  
In the Presence of:

WITNESSES:

DECLARANT:

\_\_\_\_\_  
Signature of Witness #1

\_\_\_\_\_  
(Insert Name of Partnership)  
A General or Limited Partnership  
(Strike Inapplicable Term)

\_\_\_\_\_  
Signature of Witness #2

BY: \_\_\_\_\_  
Signature of General Partner

\_\_\_\_\_  
(Print of Type Name)

ITS: General Partner

STATE OF \_\_\_\_\_  
(Insert name of State where notarized)

PROBATE

COUNTY OF \_\_\_\_\_  
(Insert name of County where notarized)

PERSONALLY APPEARED before me the undersigned witness, who, first being duly sworn, deposed and says that (s)he saw the within named Declarant sign, seal and deliver the within Declaration of Covenant; and, that (s)he, with the other witness whose signature appears above, witnessed the execution thereof.

Sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.  
(Insert day, month and year witness signed before the Notary Public)

\_\_\_\_\_  
(Signature of Notary Public)

\_\_\_\_\_  
(Signature of Witness #1 or #2)

Notary Public for \_\_\_\_\_  
(Insert Notary Public's State)

My Commission expires: \_\_\_\_\_  
(Insert date the Notary Public's commission expires)  
(Affix the Notary Public's seal over Notary Public's signature, in all States other than South Carolina)

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals on the date first above written.

Signed, Sealed and Delivered  
In the Presence of:

WITNESSES:

DECLARANT:

\_\_\_\_\_  
Signature of Witness #1

\_\_\_\_\_  
(Signature of Individual)  
Doing business as \_\_\_\_\_

\_\_\_\_\_  
(Type or Print Name Doing Business As)

\_\_\_\_\_  
Signature of Witness #2

STATE OF \_\_\_\_\_  
(Insert name of State where notarized)

PROBATE

COUNTY OF \_\_\_\_\_  
(Insert name of County where notarized)

PERSONALLY APPEARED before me the undersigned witness, who, first being duly sworn, deposes and says that (s)he saw the within named Declarant sign, seal and deliver the within Declaration of Covenant: and, that (s)he, with the other witness whose signature appears above, witnessed the execution thereof.

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.  
(Insert day, month and year when witness signed before the Notary Public)

\_\_\_\_\_  
(Signature of Notary Public)

\_\_\_\_\_  
(Signature of Witness #1 or #2)

Notary Public for \_\_\_\_\_  
(Insert Notary Public's State)

My Commission expires: \_\_\_\_\_  
(Insert date the Notary Public's Commission expires)  
(Affix the Notary Public's seal over Notary Public's signature, in all States other than South Carolina)

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals on the date first above written.

Signed, Sealed and Delivered  
In the Presence of:

WITNESSES:

DECLARANT:

\_\_\_\_\_  
Signature of Witness #1

\_\_\_\_\_  
(Insert Name of Corporation or LLC)

\_\_\_\_\_  
Signature of Witness #2

BY: \_\_\_\_\_  
Signature of Corporate Officer

\_\_\_\_\_  
(Print or Type Name)

ITS: \_\_\_\_\_  
Print or Type Title, e.g. President, Secretary,  
Member, etc.)

BY: \_\_\_\_\_  
Signature of Corporate Officer

\_\_\_\_\_  
(Print or Type Name)

ITS: \_\_\_\_\_  
(Print or Type Title, e.g. President,  
Secretary, Member, etc.)

STATE OF \_\_\_\_\_  
(Insert name of State where notarized)

PROBATE

COUNTY OF \_\_\_\_\_  
(Insert name of County where notarized)

PERSONALLY APPEARED before me the undersigned witness, who, first being duly sworn, deposes and says that (s) he saw the within named Declarant sign, seal and deliver the within Declaration of Covenant; and, that (s) he, with the other witness whose signature appears above, witnessed the execution thereof.

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_.  
(Insert day, month and year witness signed before the Notary Public)

\_\_\_\_\_  
(Signature of Notary Public)

\_\_\_\_\_  
(Signature of Witness #1 or #2)

Notary Public for \_\_\_\_\_  
(Insert Notary Public's State)

My Commission expires: \_\_\_\_\_

(Insert date the Notary Public's Commission expires)

(Affix the Notary Public's seal over Notary Public's signature, in all States other than South Carolina)