



(except biological controls pre-approved in writing by the Corps and DHEC); and from changing the grade or elevation, impairing the flow or circulation of waters, reducing the reach of waters, and any other discharge or activity requiring a permit under clean water or water pollution control laws and regulations, as amended. The following are expressly excepted from this paragraph: a) cumulatively very small impacts associated with hunting (excluding planting or burning), fishing, and similar recreational or educational activities, consistent with the continuing natural condition of the Property; b) removal or trimming of vegetation hazardous to person or property, or of timber downed or damaged due to natural disaster; c) restoration or mitigation required under law; (d) hand clearing as pre-approved in writing by the Corps and DHEC; (e) construction and maintenance of pedestrian/bike paths and/or boardwalks/nature trails up to 4 feet in width in wetlands and up to 6 feet in width in upland buffers as pre-approved in writing by the Corps and DHEC; (f) installation and maintenance of necessary utilities in designated upland buffers as pre-approved in writing by the Corps and DHEC provided all excavated areas shall be restored to pre-existing grade immediately following construction; (g) utility construction in wetland mitigation areas may be allowed if properly permitted by appropriate state and federal authorities, and (h) construction of ditches, swales and outfalls in upland buffer areas only (and not in wetlands) as pre-approved in writing by the Corps and DHEC that are both required and the minimum necessary for compliance with applicable stormwater management and sediment reduction laws and regulations, provided i) these ditches shall not be constructed so as to drain wetlands through alteration of the hydrology; ii) all such activities shall be the minimum size and number necessary; iii) ditches and swales shall have a bottom width of not more than 5 feet (1.52 meters), a depth below adjacent natural ground elevation of not more than 4 feet (1.22 meters), and a side slope of not less than 3 feet vertical to 1 foot horizontal (3V:1H); iv) the side slopes and surrounding areas of ditches and swales shall be stabilized and restored immediately following construction with natural vegetation and the bottoms of ditches and swales may be cleared and periodically maintained by removal of vegetation but the use of herbicides or other chemicals is prohibited, and v) upon completion of work, disturbed areas other than ditches and swales shall be restored to the original contours and elevations and shall be permanently stabilized by restoration of natural vegetation.

2. **Amendment.** After recording, these restrictive covenants may only be amended by a recorded document signed by the Corps and DHEC and Declarant. The recorded document, as amended, shall be consistent with the Charleston District model conservation restrictions at the time of amendment. Amendment shall be allowed at the discretion of the Corps and DHEC, in consultation with resource agencies as appropriate, and then only in exceptional circumstances. Mitigation for amendment impacts will be required pursuant to Charleston District mitigation policy at the time of amendment. There shall be no obligation to allow an amendment.

3. **Notice to Government.** Any permit application, or request for certification or modification, which may affect the Property, made to any governmental entity with authority over wetlands or other waters of the United States, shall expressly reference and include a copy (with the recording stamp) of these restrictive covenants.

4. **Reserved Rights**. It is expressly understood and agreed that these restrictive covenants do not grant or convey to members of the general public any rights of ownership, entry or use of the Property. These restrictive covenants are created solely for the protection of the Property, and for the consideration and values set forth above, and Declarant reserves the ownership of the fee simple estate and all rights appertaining thereto, including without limitation the rights to exclude others and to use the property for all purposes not inconsistent with these restrictive covenants.

5. **Compliance Inspections**. The Corps, DHEC, and its authorized agents shall have the right to enter and go upon the lands of Declarant, to inspect the Property and take actions necessary to verify compliance with these restrictive covenants.

6. **Enforcement**. The Declarant grants to the Corps, the U.S. Department of Justice, and/or DHEC, a discretionary right to enforce these restrictive covenants in a judicial action against any person or other entity violating or attempting to violate these restrictive covenants; provided, however, that no violation of these restrictive covenants shall result in a forfeiture or reversion of title. In any enforcement action, an enforcing agency shall be entitled to a complete restoration for any violation, as well as any other judicial remedy such as civil penalties. Nothing herein shall limit the right of the Corps to modify, suspend, or revoke the Permit.

7. **Property Transfers**. Declarant shall include the following notice on all deeds, mortgages, plats, or any other legal instruments used to convey any interest in the Property (failure to comply with this paragraph does not impair the validity or enforceability of these restrictive covenants):

NOTICE: This Property Subject to Declaration of Restrictive  
Covenants Recorded at Book 1501 at Page 1056 in the  
Office of Records of Beaufort County, South Carolina.

8. **Marking of Property**. The perimeter of the Property shall at all times be plainly marked by permanent signs saying, "Protected Natural Area," or by an equivalent, permanent marking system.

9. **Recording of Exhibit**. Attached hereto as Exhibit A is "An Exhibit Of Preserved Wetlands & Wetland Buffers Of Shadow Moss, Town of Port Royal, Beaufort County, South Carolina" prepared by Thomas & Hutton Engineering Company and dated the 25th day of September, 2006. Said Exhibit will be attached to and recorded with this Declaration of Restrictive Covenant.

10. **Separability Provision**. Should any separable part of these restrictive covenants be held contrary to law, the remainder shall continue in full force and effect.

IN WITNESS WHEREOF, the Declarant has duly executed this Declaration of Restrictive Covenants the date written above.

IN THE PRESENCE OF:

Declarant:

CENTEX HOMES, a Nevada General Partnership

By: Centex Real Estate Corporation, a Nevada corporation, Its General Partner

By: *[Signature]*  
Craig Lovette  
Its Division President

*Lillian E. Hough*  
[type name of witness under signature line]

LILLIAN E. HOUGH  
*[Signature]*  
[type name of witness under signature line]

JAMES E. AYERS II

STATE OF SOUTH CAROLINA

PROBATE

COUNTY OF BEAUFORT

PERSONALLY appeared before me Lillian E. Hough, the undersigned witness, and made oath that he/she saw the within named Centex Homes, by Centex Real Estate Corporation, its general partner, by Craig Lovette, its Division President, sign, seal and as its act and deed, deliver the within named Declaration of Restrictive Covenants; and that he/she with the other witness named above witnessed the execution thereof.

*Lillian E. Hough*  
[type name of witness under signature line]

LILLIAN E. HOUGH

SWORN to and subscribed before me  
this 6 day of FEBRUARY, 2007.

*Carol A. Carlton*  
NOTARY PUBLIC FOR SOUTH CAROLINA  
My Commission Expires: April 26, 2012

CAROL A. CARLTON

*EXHIBIT A*

*AN EXHIBIT OF  
PRESERVED WETLANDS & WETLAND  
BUFFERS OF  
SHADOW MOSS*

*TOWN OF PORT ROYAL  
BEAUFORT COUNTY  
SOUTH CAROLINA*

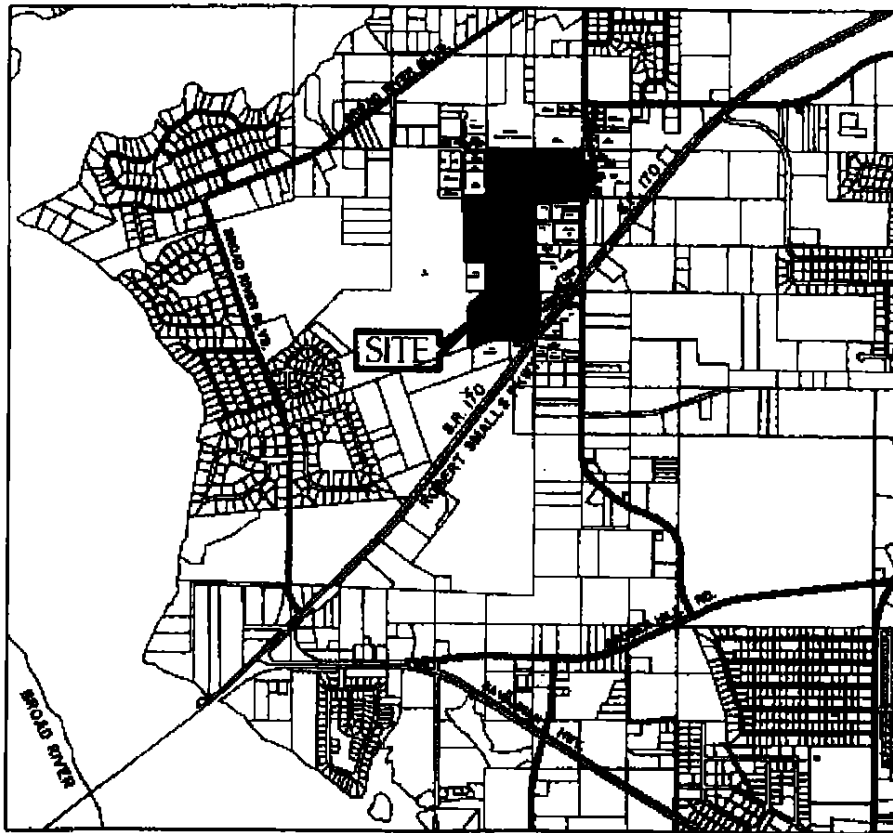
*PREPARED FOR:  
CENTEX HOMES*

*PREPARED BY:*

*Thomas & Hutton  
Engineering, Co.*


*50 Park of Commerce Way P.O. Box 2727  
Savannah, Georgia (912) 234-5300  
[www.thomas-hutton.com](http://www.thomas-hutton.com)*

*SEPTEMBER 25, 2006*



VICINITY MAP  
NOT TO SCALE

**LEGEND:**

-  WETLAND PRESERVE
-  WETLAND BUFFER

**NOTE:**

1. LATITUDE AND LONGITUDE COORDINATES ARE BASED ON SOUTH CAROLINA STATE PLANE COORDINATE SYSTEM NAD83
2. LINE SEGMENTS ARE NUMBERED CONSECUTIVELY. SOME LINE LABELS HAVE BEEN OMITTED FROM THE DRAWING FOR CLARITY AND LEGIBILITY.

**REF. PLAT:**

1. SUBDIVISION PLAT PREPARED FOR HAROLD TRASK  
BEAUFORT COUNTY TAX MAP 28, PARCELS  
360, 108, 109, 111A, 111B  
PREPARED BY: BEAUFORT SURVEYING, INC.  
DATED 1-06-06
2. BOUNDARY SURVEY PREPARED FOR STEVE PATTERSON  
PREPARED BY: BEAUFORT SURVEYING, INC.  
DATED MARCH 14, 2006

AN EXHIBIT OF  
**PRESERVED WETLANDS & WETLAND  
BUFFERS OF  
SHADOW MOSS**

DATE: 9/25/06 SCALE: 1"=200' FILE: 17753  
DRAWN BY: J.N.M. APPROVED BY: B.L.Y.

**Thomas & Hutton  
Engineering, Co.**  
50 Park of Commerce Way P.O. Box 2727  
Savannah, Georgia (912) 234-5300  
www.thomas-hutton.com

**Sheet 2 of 7**

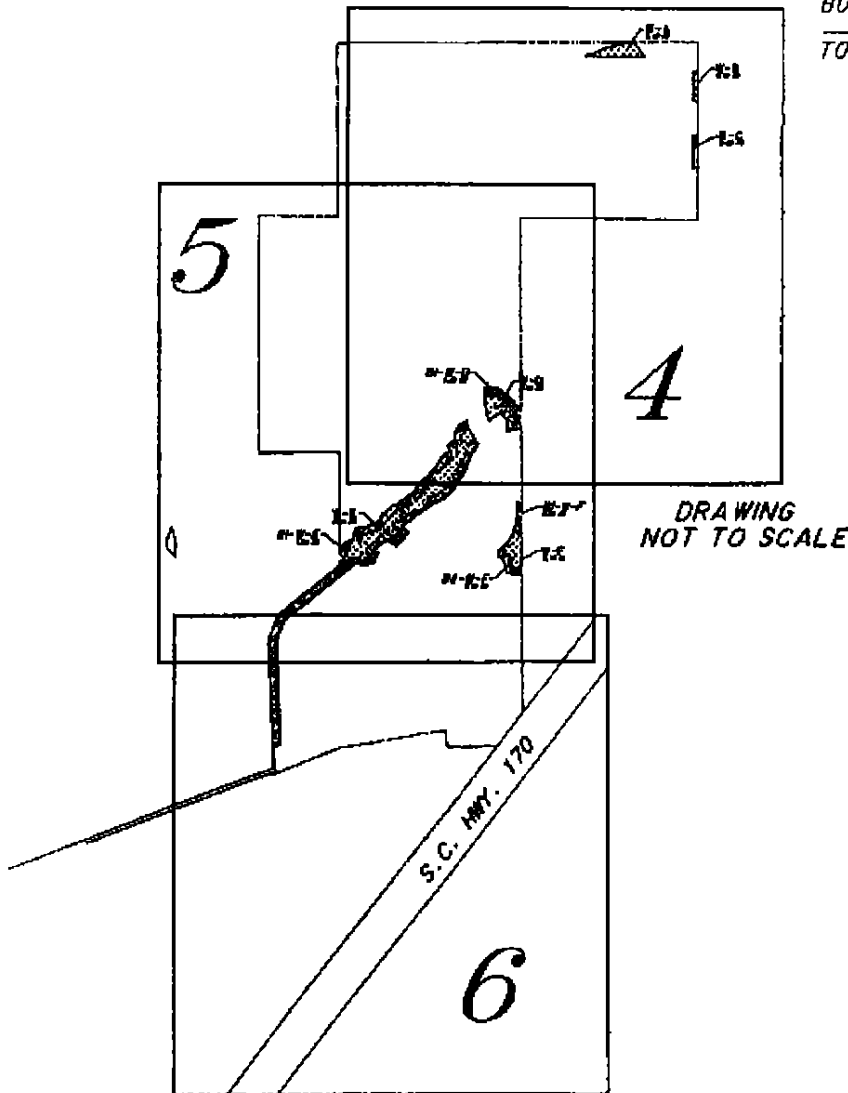
**PRESERVED WETLAND ACREAGE**

W-A	0.17 AC
W-B	0.04 AC
W-C	0.05 AC
W-D	0.09 AC
W-E	0.58 AC
W-F	0.15 AC
<b>TOTAL</b>	<b>1.08 AC</b>

**WETLAND BUFFER ACREAGE**

B1-W-D	0.22 AC
B1-W-E	1.34 AC
B1-W-F	0.04 AC
B2-W-F	0.09 AC
<b>TOTAL</b>	<b>1.69 AC</b>

<b>WETLAND PRESERVED</b>	<b>1.08 AC</b>
<b>WETLAND BUFFERS</b>	<b>1.69 AC</b>
<b>TOTAL</b>	<b>2.77 AC</b>

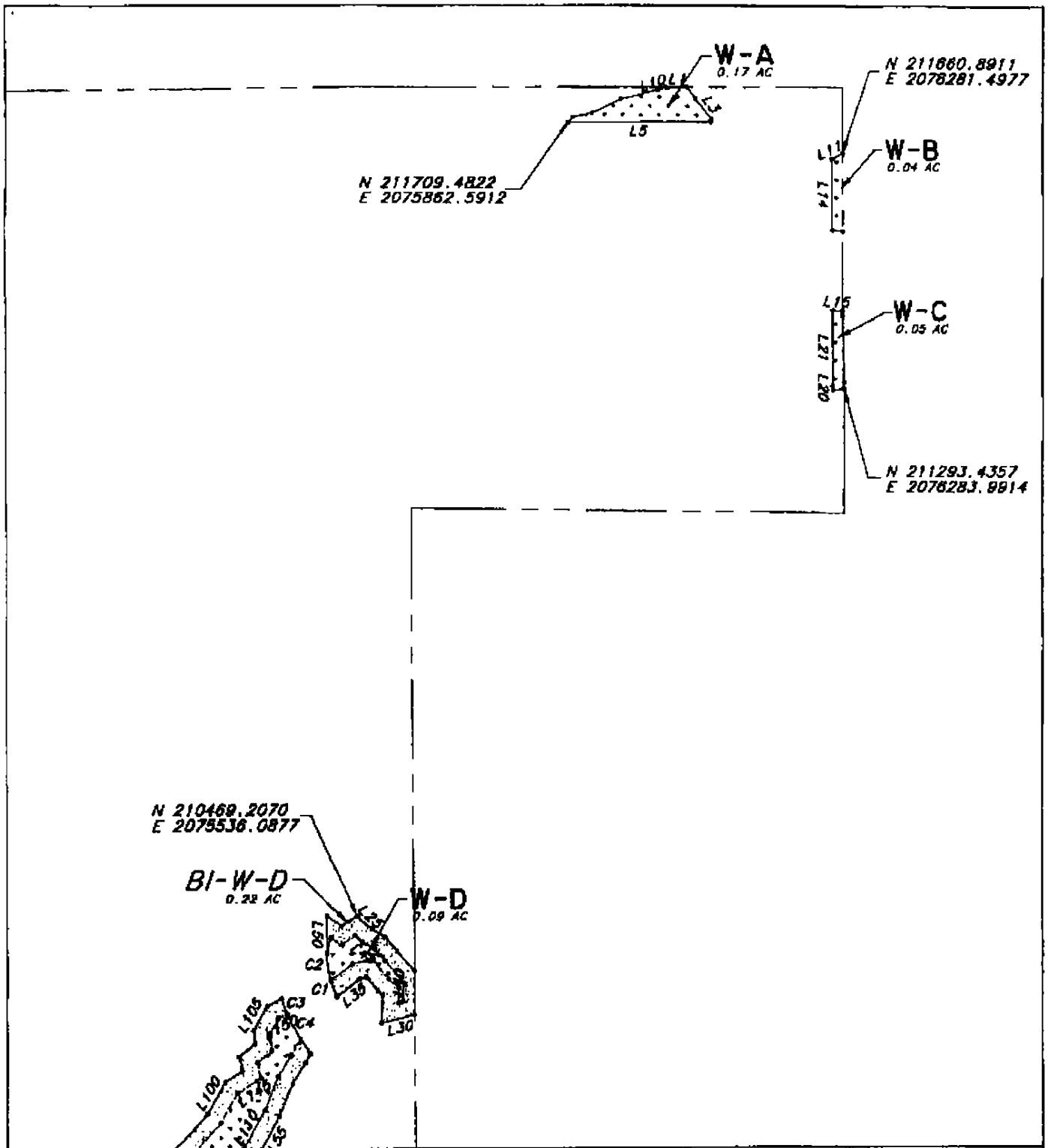


AN EXHIBIT OF  
**PRESERVED WETLANDS & WETLAND  
 BUFFERS OF  
 SHADOW MOSS**

DATE: 9/25/06 SCALE: 1"=200' FILE: 17753  
 DRAWN BY: J.N.M. APPROVED BY: B.L.Y.

**Thomas & Hutton  
 Engineering, Co.**  
 50 Park of Commerce Way P.O. Box 2727  
 Savannah, Georgia (912) 234-5300  
 www.thomas-hutton.com

**Sheet 3 of 7**

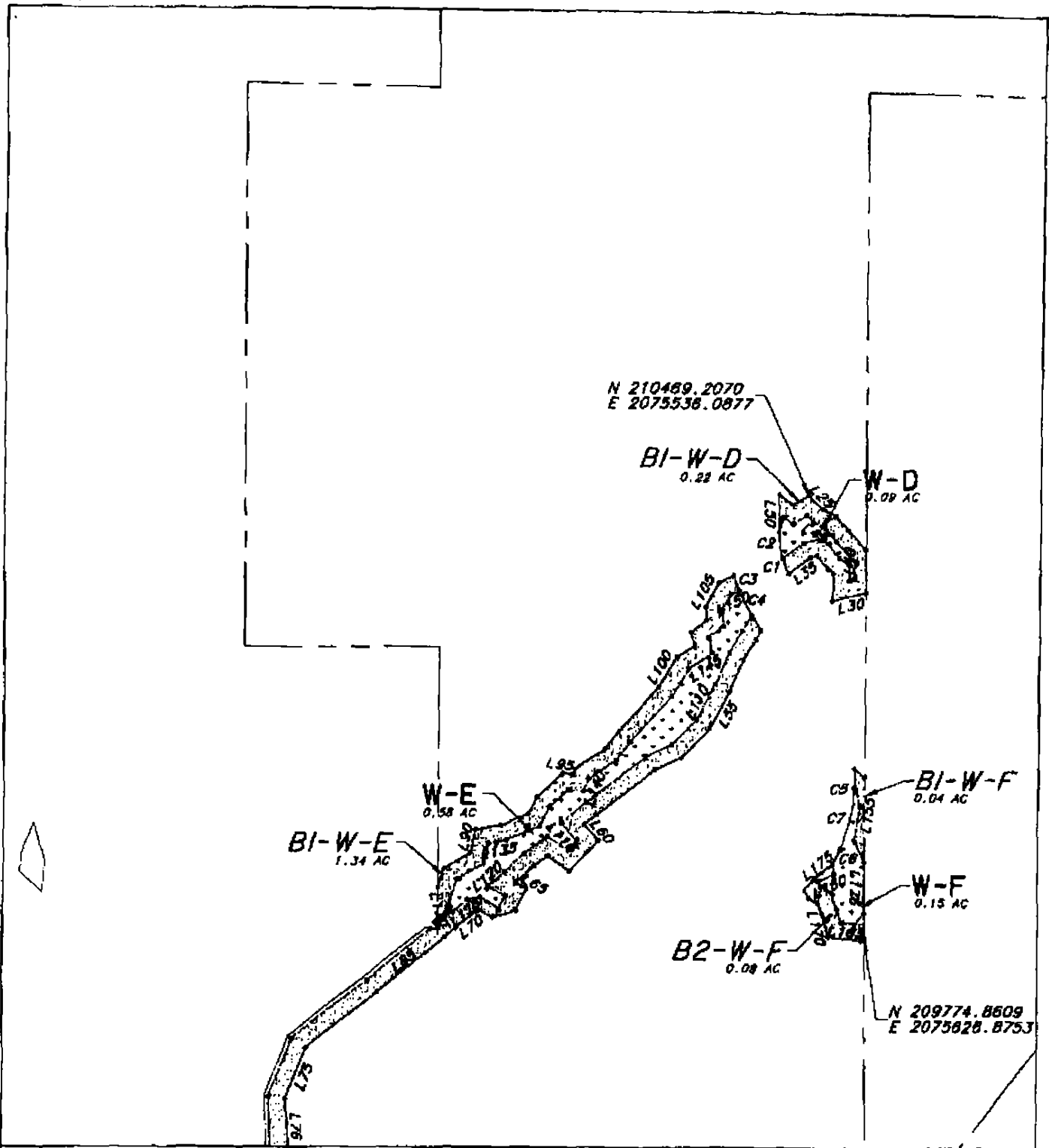


AN EXHIBIT OF  
**PRESERVED WETLANDS & WETLAND  
 BUFFERS OF  
 SHADOW MOSS**

DATE: 9/25/08 SCALE: 1"=200' FILE: 17753  
 DRAWN BY: J.N.M. APPROVED BY: B.L.Y.

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 Engineering, Co.**  
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 Savannah, Georgia (912) 234-5300  
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**Sheet 4 of 7**

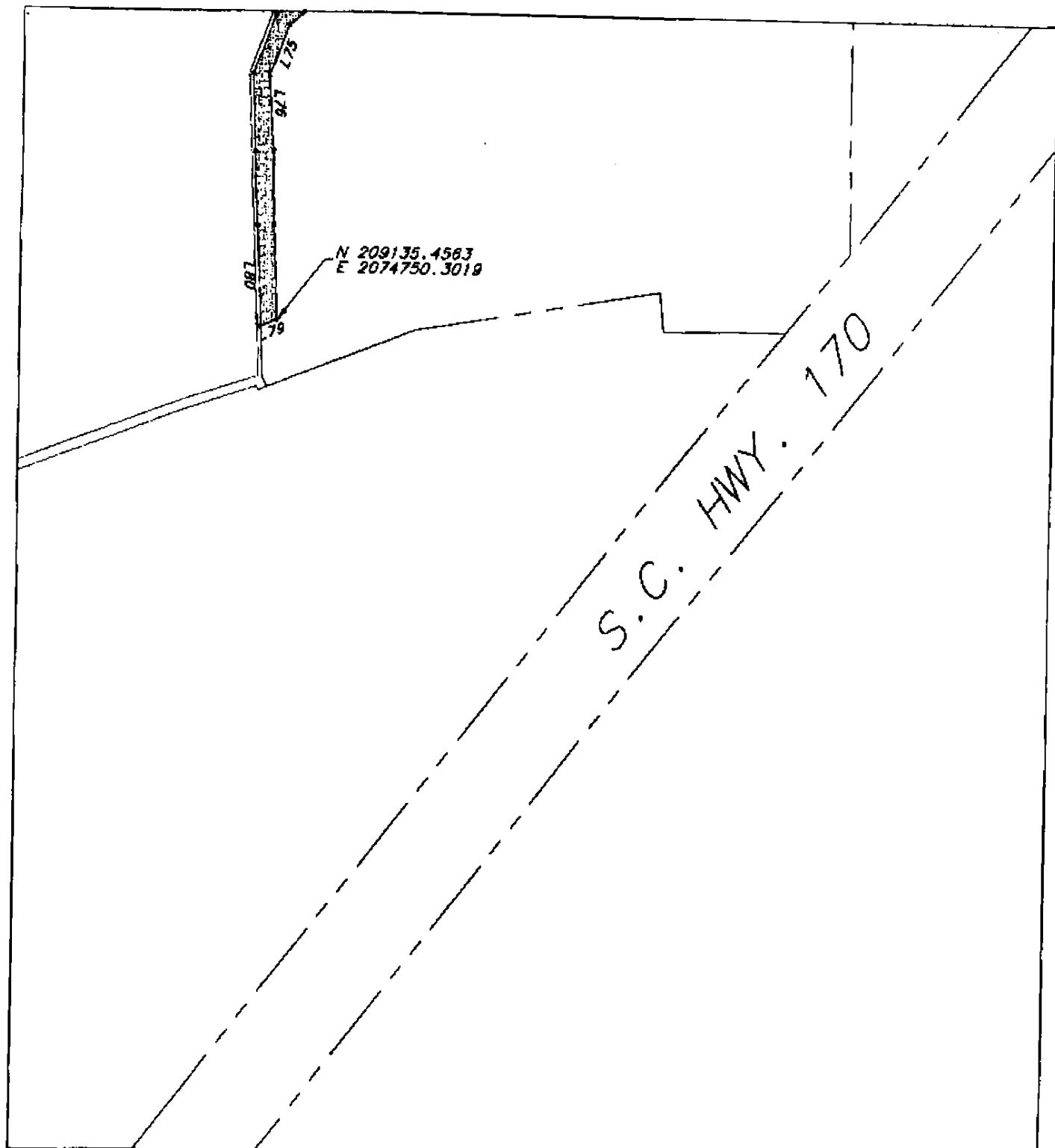


AN EXHIBIT OF  
**PRESERVED WETLANDS & WETLAND  
 BUFFERS OF  
 SHADOW MOSS**

DATE: 9/25/06 SCALE: 1"=200' FILE: 17753  
 DRAWN BY: J.N.M. APPROVED BY: B.L.Y.

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 Savannah, Georgia (912) 234-5300  
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**Sheet 5 of 7**



AN EXHIBIT OF  
**PRESERVED WETLANDS & WETLAND  
 BUFFERS OF  
 SHADOW MOSS**

DATE: 9/25/06 SCALE: 1"=200' FILE: 17753  
 DRAWN BY: J.N.M. APPROVED BY: B.L.Y.

**Thomas & Hutton  
 Engineering, Co.**  
 50 Park of Commerce Way P.O. Box 2727  
 Savannah, Georgia (912) 234-5300  
 www.thomas-hutton.com

**Sheet 6 of 7**

LINE	BEARING	LENGTH
L1	N89°52'14"W	30.88'
L2	S89°51'30"W	28.14'
L3	N87°14'08"W	38.82'
L4	N18°11'38"W	4.71'
L5	N89°48'59"E	818.81'
L6	S41°02'12"W	11.18'
L7	S77°48'31"W	30.63'
L8	S83°48'04"W	48.89'
L9	S70°30'08"W	80.41'
L10	S88°18'33"W	12.88'
L11	S84°25'53"W	18.83'
L12	S88°02'13"W	181.39'
L13	S81°38'08"E	18.81'
L14	S80°13'01"E	111.79'
L15	N87°38'18"W	18.39'
L16	S80°02'13"W	2.48'
L17	S91°42'02"E	163.00'
L18	S80°10'38"W	10.12'
L19	N82°12'58"E	18.04'
L20	S82°13'01"E	2.38'
L21	S88°18'01"E	118.01'
L22	S88°02'20"E	87.88'
L23	N84°58'58"W	28.49'
L24	S88°48'18"W	80.80'
L25	N89°28'38"W	38.18'
L26	N82°02'18"W	88.74'
L27	N89°00'44"W	38.24'
L28	N81°34'84"W	41.18'
L29	S88°18'58"E	87.32'
L30	N78°28'38"E	83.87'
L31	S82°48'34"W	63.18'
L32	S81°28'48"E	18.08'
L33	S88°24'43"E	87.83'
L34	N78°28'31"E	10.14'
L35	N84°17'18"E	64.24'
L36	N84°17'18"E	41.28'
L37	S78°28'31"W	31.83'
L38	S18°24'24"E	48.88'
L39	S81°28'28"E	28.80'
L40	S82°58'54"E	24.53'
L41	N78°28'30"E	8.72'
L42	N78°31'28"W	87.07'
L43	N81°31'37"E	48.14'
L44	S78°30'44"E	28.89'
L45	N82°02'18"W	21.12'
L46	S84°38'38"E	14.58'
L47	S88°48'18"W	28.89'
L48	N84°58'38"W	12.81'
L49	S18°24'48"E	23.85'
L50	S80°00'28"E	57.88'
L51	N81°14'38"W	87.82'
L52	N80°02'58"E	18.53'
L53	N81°18'04"E	52.88'
L54	N81°58'58"E	84.87'
L55	N82°48'41"E	82.47'
L56	N83°28'31"E	62.82'
L57	N83°13'18"E	48.87'
L58	N83°08'48"E	112.88'
L59	N82°54'51"E	24.18'
L60	N82°18'58"W	34.78'
L61	N43°08'40"E	88.77'
L62	S83°47'41"E	48.88'
L63	N83°48'48"E	28.88'
L64	N88°58'18"E	38.74'
L65	N82°18'38"W	18.81'
L66	N88°58'18"E	38.24'
L67	N78°34'08"E	37.12'
L68	S87°02'01"E	84.88'
L69	N84°58'48"E	4.38'
L70	N82°24'41"E	48.53'
L71	N80°38'10"E	21.87'
L72	N80°24'08"E	38.01'
L73	N80°24'08"E	88.83'
L74	N80°08'41"E	137.81'
L75	N80°17'08"E	84.87'
L76	N82°38'04"W	118.87'
L77	N81°28'18"W	117.88'
L78	N88°11'42"W	148.88'
L79	N88°58'48"E	28.73'
L80	N88°22'38"W	188.38'
L81	N82°32'48"W	117.77'
L82	N82°32'48"W	182.81'
L83	N80°37'28"E	82.15'
L84	N80°38'43"E	143.88'
L85	N82°24'28"E	188.88'
L86	N82°18'08"E	11.31'

LINE	BEARING	LENGTH
L87	N82°28'42"E	84.88'
L88	S18°11'58"W	28.84'
L89	S88°58'08"W	48.74'
L90	S12°38'21"W	37.81'
L91	S78°38'18"W	41.48'
L92	S87°38'18"W	48.07'
L93	S88°34'38"W	28.87'
L94	S48°11'58"W	88.07'
L95	N82°02'48"W	18.08'
L96	S82°38'38"W	8.48'
L97	S88°31'41"W	88.48'
L98	S88°41'24"W	11.88'
L99	S41°38'28"W	84.38'
L100	S88°18'48"W	38.88'
L101	S88°03'48"W	38.84'
L102	S12°28'23"E	28.32'
L103	S88°48'34"W	31.08'
L104	S88°30'12"E	28.87'
L105	S88°16'22"W	28.81'
L106	S83°11'18"W	28.72'
L107	N89°07'58"E	28.88'
L108	N81°18'24"E	28.72'
L109	N81°48'38"E	28.04'
L110	N87°48'41"E	82.78'
L111	N82°38'31"E	84.78'
L112	N83°23'18"E	43.83'
L113	N82°06'18"E	118.38'
L114	N82°43'01"E	28.81'
L115	N82°18'42"W	38.58'
L116	N83°26'48"E	21.84'
L117	S83°57'41"E	38.71'
L118	N83°48'48"E	48.38'
L119	N88°38'18"E	41.88'
L120	N88°03'11"E	34.18'
L121	N82°18'58"W	38.83'
L122	N88°58'18"E	21.88'
L123	S88°28'11"E	38.14'
L124	N82°47'08"E	28.52'
L125	N88°28'18"E	31.78'
L126	S88°48'48"W	8.88'
L127	S78°38'48"E	4.88'
L128	S88°31'38"E	3.38'
L129	S87°38'38"E	3.43'
L130	S12°38'41"E	8.83'
L131	S84°48'38"W	3.88'
L132	S18°17'20"W	41.28'
L133	S88°28'08"W	48.47'
L134	S12°28'41"E	34.11'
L135	S78°38'18"W	87.77'
L136	S87°28'18"W	37.08'
L137	S88°24'38"W	24.83'
L138	S48°11'58"W	38.87'
L139	N82°57'48"W	21.83'
L140	S82°28'58"W	21.38'
L141	S88°11'51"W	21.88'
L142	S38°41'54"E	28.72'
L143	S41°38'28"W	28.53'
L144	S88°12'48"W	21.88'
L145	S88°01'02"W	41.08'
L146	S18°28'48"E	24.88'
L147	S88°48'58"W	28.38'
L148	S88°38'18"E	28.18'
L149	S88°14'38"W	27.38'
L150	S48°11'18"W	14.28'
L151	S88°47'44"E	21.28'
L152	S88°11'22"E	133.88'
L153	S88°28'07"E	38.04'
L154	S18°08'58"W	24.88'
L155	S87°24'38"W	21.84'
L156	S18°17'44"E	28.84'
L157	S82°47'44"E	3.81'
L158	N82°08'48"E	28.85'
L159	N81°08'38"W	17.48'
L160	N84°10'07"E	27.37'
L161	N87°08'38"W	8.18'
L162	N81°31'21"W	17.88'
L163	N18°38'18"W	27.81'
L164	N18°14'58"W	21.71'
L165	N82°28'48"W	21.28'
L166	S48°28'58"W	22.88'
L167	S88°17'04"E	38.38'
L168	S48°28'58"W	7.12'
L169	N82°38'42"W	21.88'
L170	N18°16'51"W	27.48'
L171	N18°38'18"W	17.38'
L172	N81°31'21"W	18.38'

LINE	BEARING	LENGTH
L173	N87°28'48"W	14.84'
L174	N88°21'58"W	21.88'
L175	N88°38'48"E	38.88'
L176	S88°18'58"W	78.87'
L177	N88°48'18"W	1.88'
L178	N88°40'38"W	3.81'

CURVE	CURVE TABLE			
	RADIUS	LENGTH	CHORD	BEARING
C1	180.00	88.88	88.88	S18°58'03"E
C2	180.00	48.88	48.88	S82°58'42"E
C3	240.00	23.88	23.88	S18°48'14"E
C4	240.00	43.77	43.77	S82°58'14"E
C5	240.00	8.38	8.38	N82°28'24"E
C6	240.00	23.20	23.20	N88°24'20"E
C7	240.00	84.82	84.82	N11°58'17"E

AN EXHIBIT OF  
PRESERVED WETLANDS & WETLAND  
BUFFERS OF  
SHADOW MOSS

DATE: 9/25/06 SCALE: 1"=200' FILE: 17753  
DRAWN BY: J.N.M. APPROVED BY: B.L.Y.

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