

2. Grantor has purchased a two hundred sixteen (216) acre portion of the Protected Property which is described on Exhibit A, attached hereto, and by this reference incorporated herein (the "Vardell Tract").

3. Paragraph 3(b) is amended by the additional following language at the end of that subparagraph:

"...provided, however, no additional docks or boat landings shall be constructed on the Vardell Tract of the Protected Property, provided that the owner of the Vardell Tract may build the dock existing at the date of this Amendment on the Vardell Tract, which may be built, rebuilt or modified from time to time to the allowable limit under the applicable permit in effect on the date of this Amendment (and any modifications to such permit that do not alter the location or increase the size of such dock to any material extent)."

4. Paragraph 3(c) is amended by the deletion of that subparagraph and the substitution of the following instead:

"(c) (Subdivision) There shall be no further subdivision of the Protected Property from and after the date of this Amendment."

5. Paragraph 4(b) is amended by the deletion of that subparagraph and the substitution of the following instead:

"(b) The right to build, maintain, improve, repair and provide utility service, on the Vardell Tract of the Protected Property, to no more than one (1) residence on the Vardell Tract of the Protected Property, together with a guest house and/or caretakers house, and with appurtenant structures such as a tool shed and other accessory buildings for each such residence; provided, that (i) the "footprint" area of such residence, guest house and/or caretakers house, and appurtenant structures (that is, the total land area encompassed by a circle within which is situated such residence, guest house and/or caretakers house and its appurtenant structures) shall not exceed five (5) acres in the southeast quadrant of the Vardell Tract as shown on Exhibit B attached hereto and made a part hereof, and (ii) the aggregate enclosed, heated area of such residence, guest house and/or caretakers house, but excluding its appurtenant structures, shall not exceed eight thousand (8000) square feet. Any residential structures built on the Vardell Tract of the Protected Property shall not exceed two residential stories (plus residential areas that may be situated within the attic area with or without dormers.) The foregoing height limitation shall not preclude structures above the apex of the main roof such as chimneys, widow's walks, cupolas and similar structures."

6. Paragraph 4(c) is amended by the addition of the following at the end of that subparagraph:

“...and, provided further, agricultural practices on the Vardell Tract of the Protected Property shall be prohibited within a buffer extending two hundred (200) feet inland from the critical line of Tom Point Creek as determined by the South Carolina Office of Ocean and Coastal Resources Management (“OCRM”); barns and other permitted improvements on the Vardell Tract of the Protected Property will be limited to a total of ten thousand (10,000) square feet of covered area, will not include any sleeping quarters, and will be located within the 5 acre building envelope referred to in subparagraph 4(b) above, but not within a buffer extending two hundred (200) feet from the critical line of Tom Point Creek as determined by OCRM.”

7. Paragraph 4(f) is amended by the addition of the following at the end of that paragraph:

“Provided, however, any timber harvesting uses on the Vardell Tract of the Protected Property shall be in accordance with a written management plan prepared by a licensed registered forester. The right is reserved to use prescribed burning anywhere on the Vardell Tract, including growing season burning, as a management tool to promote forestry, wildlife habitat and ecosystem management, subject to all applicable local, state and federal statutes and regulations. Any forest management plan shall encourage the development and protection or enhancement and maintenance of a productive, uneven-age mixed species forest, and wildlife habitat protection or enhancement and aesthetics shall be included as a forest management goal. Selective harvesting strategies to diversify wildlife habitat on the Vardell Tract may include single tree and group selection, small clearcuts for wildlife clearings on the Protected Property, seed tree and shelterwood regeneration methods and periodic improvement cuts.”

8. Paragraph 4(g) is amended by the addition of the following language at the beginning of that subparagraph: “ Subject to paragraph 5 below”.

9. Paragraph 4 is amended by the addition of a new subparagraph 4(k) as follows:

“(k) The right to create ponds on the Vardell Tract of the Protected Property to improve or diversify habitat, subject to all applicable local, state and federal statutes and regulations. The right is also reserved to selectively manage the vegetation within the freshwater emergent wetlands of the Vardell Tract to improve biological diversity of native plant and animal species, or to control nuisance species.”

10. Paragraph 5(a) as amended by adding the following at the end of that subparagraph:

“Provided, however, as to the Vardell Tract of the Protected Property the buffer shall be one hundred (100) feet in width and no live oak trees with a diameter of eight (8) inches at breast height may be cut within the buffer area without the consent of the Grantee, except for cutting and pruning of diseased or damaged trees.

11. Paragraph 5(b) is amended by adding the following at the end of that subparagraph:

“Provided, however, as to the Vardell Tract of the Protected Property, the buffer area shall be two hundred (200) feet instead of seventy-five (75) feet; the buffer area within the building envelope referred to in paragraph 4(b) of this amendment or, for any part of the Vardell Tract of the Protected Property which lies between the building envelope and marshland, shall be one hundred (100) feet in width along all contiguous marshland; and further provided that live oak trees of a diameter greater than eight (8) inches at breast height may not be cut within any buffer area without the consent of Grantee, except for cutting and pruning of diseased or damaged trees.”

IN WITNESS WHEREOF, the Grantor and Grantee have caused these presents to be signed in their name and on their behalf, the day and year first above written.

WITNESSES:

James J. Coogan
C. Allard

GRANTOR:

James C. Vardell III
JAMES C. VARDELL, III

GRANTEE:

James J. Fordwin
Sharon E. Richards

THE LOWCOUNTRY OPEN LAND TRUST

By: [Signature]
Its: President

ATTEST:

By: *[Handwritten Signature]*

Its: VICE PRESIDENT

(c:\word\wp51data\Lowcountry Open Land Trust\105.Amend.Deed of Con..043099(2) clean)

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

PERSONALLY appeared before me the above-named witness who, on oath, says that (s)he saw the within-named THE LOWCOUNTRY OPEN LAND TRUST, by T. Heyward Carter, Jr., its President, sign the within deed, and Theodore D. Stony, Jr., its Vice President, attest the same, and the said corporation, by said officers, seal said Deed, and, as its act an deed, deliver the same, and that (s)he, with the other witness above named, witnessed the execution thereof.

Sharon Richardson

SWORN to before me this 11
Day of May, 1999.

Jane E. Lareau (SEAL)
Notary Public for South Carolina
My commission Expires: Sept. 11, 2006

STATE OF ~~SOUTH CAROLINA~~ ^{NEW YORK})
)
COUNTY OF ~~CHARLESTON~~ ^{NEW YORK})

~~PERSONALLY appeared before me the above-mentioned witness who, on oath, says that (s)he saw the within-named JAMES C. VARDELL, III sign the within Conservation Easement, and (s)he, with the other witness above named, witnessed the execution thereof. The foregoing instrument was acknowledged before me by its maker.~~

Claire M. Kelly

SWORN to before me this 13th
day of May, 1999.

(SEAL)
Notary Public for ~~South Carolina~~ New York
My Commission Expires:

CLAIRE M. KELLY
Notary Public, State of New York
No. 31-4676918
Certificate filed in New York County
Commission Expires Jan. 31, 2001

EXHIBIT "A" BK L 328PG117

ALL that piece, parcel, or tract of land situate, lying, and being in Saint Paul's Parish, Charleston County, South Carolina, shown and designated as 216.24 acres on a plat thereof entitled "Plat of an Existing 216.24 Acre Tract Situate on Tom Point Road" dated January 4, 1988, and revised November 24, 1997, prepared by E.M. Seabrook, III, CE & LS, and recorded in the Register of Deeds Office for Charleston County in Plat Book EC at page 273; said tract having such size, shape, buttings, and boundings as are shown on said Plat.

-ALSO-

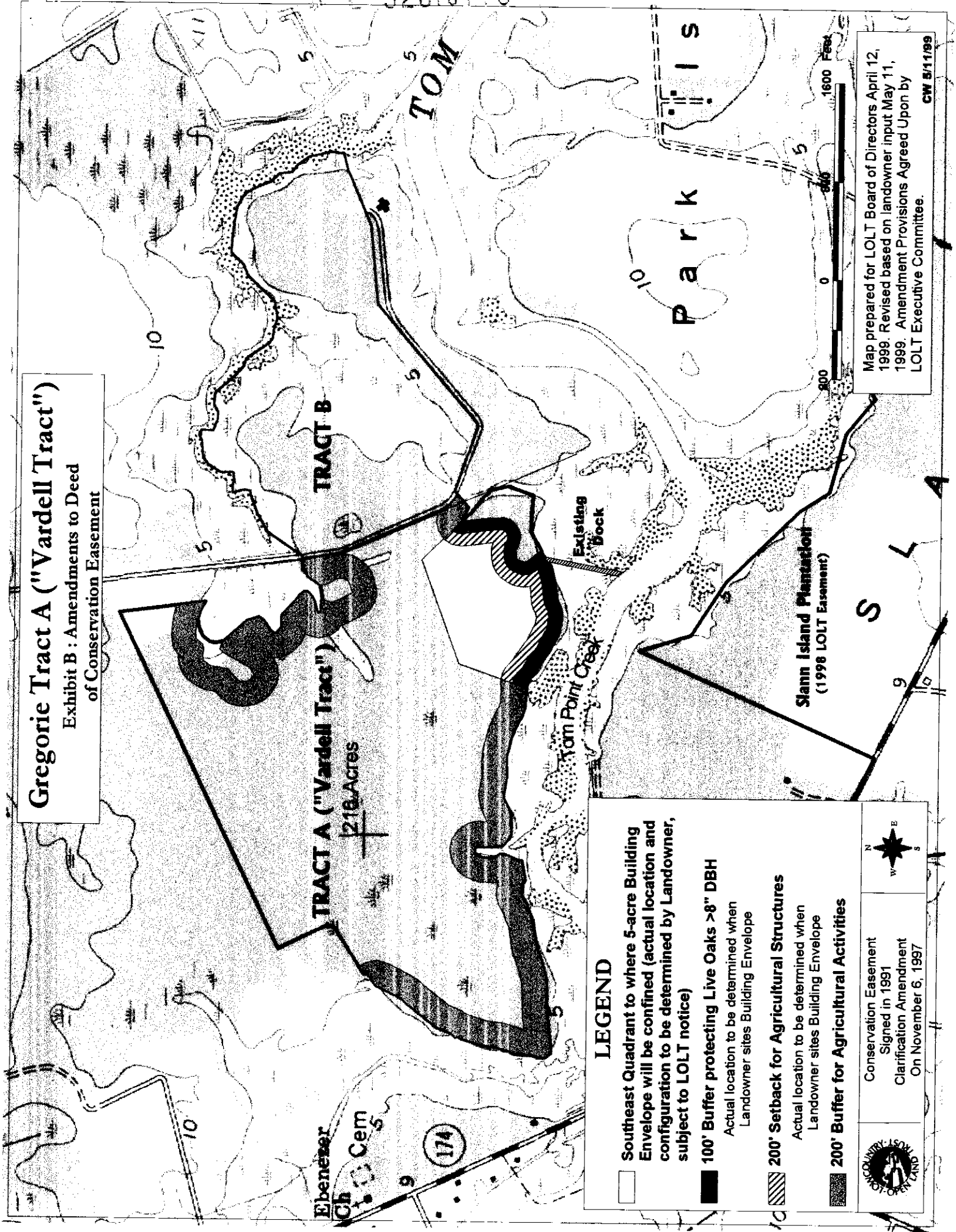
ALL highland adjacent to said tract lying between the SCDHEC/OCRM critical line shown on said plat and the mean high water mark of abutting tidal waters.

-ALSO-

ALL of the Grantor's right, title and interest, if any, in and to the marshland adjacent to said tract and lying between said tract and the southern boundary of the right-of-way of Tom Point Road and the marshland lying between the mean high water mark of said tract and the mean low water mark of McLeod Creek (Tom Point Creek), It being the intention of the Grantor to quitclaim to the Grantee herein any interest they may have in said marshland.

TMS # 094-00-00-009

Gregorie Tract A ("Vardell Tract")
 Exhibit B : Amendments to Deed
 of Conservation Easement



LEGEND

- Southeast Quadrant to where 5-acre Building Envelope will be confined (actual location and configuration to be determined by Landowner, subject to LOLT notice)
- 100' Buffer protecting Live Oaks >8" DBH
 Actual location to be determined when Landowner sites Building Envelope
- 200' Setback for Agricultural Structures
 Actual location to be determined when Landowner sites Building Envelope
- 200' Buffer for Agricultural Activities

Conservation Easement Signed in 1991
 Clarification Amendment On November 6, 1997

N
W E S

Map prepared for LOLT Board of Directors April 12, 1999. Revised based on landowner input May 11, 1999. Amendment Provisions Agreed Upon by LOLT Executive Committee.
 CW 5/11/99

SINKLER & BOYD
PROFESSIONAL ASSOCIATION
P.O. BOX 340
CHARLESTON, S.C. 29402

amend/com/cont
15.00
A

File
for
BK L 328 PG 119

FILED

L328-110

99 JUN 14 PM 3:03

CHARLIE LYBRAND
REGISTER
CHARLESTON COUNTY SC

TMS VERIFIED	
BAC	<i>MIY</i>
DTD	<i>6/17/99</i>

Recorded this 14 day of Jun Year 99
On Property Record Card

Jessie A. Mosley
Auditor Charleston County