

City of Walterboro

242 Hampton Street
Walterboro, SC 29488

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RESTRICTIVE COVENANTS AFFIRMATION OF APPLICANT

South Carolina Code of Laws Section 6-29-1145 (attached hereto) requires local planning agencies to inquire whether a tract or parcel of land is restricted by any recorded covenant that is contrary to, conflicts with, or prohibits an activity for which a permit and/or plat approval is being sought.

I, _____, have researched the existence of restrictive covenants applicable to Tax Map Parcel Number(s) _____, located at (address or street) _____, and have determined that:

SELECT ONE

_____ The property is subject to restrictive covenants, but the requested permit and/or proposed plat is not contrary to, does not conflict with, and is not prohibited by any of the restrictive covenants as specified in South Carolina Code of Laws, Section 6-29-1145.

OR

_____ The property is subject to restrictive covenants, but the applicable restrictive covenants have been released for the tract or parcel of land by the appropriate authority or property holders or by court order (**attach copy of release or court order**)

OR

_____ There are no restrictive covenants on the tax parcel(s).

I have read and understand the statements on this application and do hereby affirm that the information provided is true to the best of my knowledge. I further understand the approval of this application or issuance of a City Permit does not relieve me of my duty to adhere to and abide by all Federal, State, and City of Walterboro laws pertaining to the use of the property as specified herein.

Owner or Authorized Representative

Date

Print Name

For Staff Use Only:

Received by: _____ Date: _____

South Carolina Legislature

Code of Laws

TITLE 6. LOCAL GOVERNMENT--PROVISIONS APPLICABLE TO SPECIAL PURPOSE DISTRICTS AND OTHER POLITICAL SUBDIVISIONS

SECTION 6-29-1145. Determining existence of restrictive covenant; effect. [SC ST SEC 6-29-1145]

(A) In an application for a permit, the local planning agency must inquire in the application or by written instructions to an applicant whether the tract or parcel of land is restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the permitted activity.

(B) If a local planning agency has actual notice of a restrictive covenant on a tract or parcel of land that is contrary to, conflicts with, or prohibits the permitted activity:

(1) in the application for the permit;

(2) from materials or information submitted by the person or persons requesting the permit; or

(3) from any other source including, but not limited to, other property holders, the local planning agency must not issue the permit unless the local planning agency receives confirmation from the applicant that the restrictive covenant has been released for the tract or parcel of land by action of the appropriate authority or property holders or by court order.

(C) As used in this section:

(1) "actual notice" is not constructive notice of documents filed in local offices concerning the property, and does not require the local planning agency to conduct searches in any records offices for filed restrictive covenants;

(2) "permit" does not mean an authorization to build or place a structure on a tract or parcel of land; and

(3) "restrictive covenant" does not mean a restriction concerning a type of structure that may be built or placed on a tract or parcel of land.