

COLLETON COUNTY PLANNING AND DEVELOPMENT

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RESTRICTIVE COVENANTS AFFIDAVIT

I _____, have reviewed the Restrictive Covenants applicable to Tax Map # _____, located at (address) _____, and the proposed permit application is not contrary to, does not conflict with, and is not prohibited by any current and valid restrictive covenants, as specified in South Carolina Code of Laws, Section 6-29-1145.

(Signature)

(Date)

(Print Name)

Explanation: *Effective July 1, 2007, the South Carolina Code of Laws Section 6-29-1145 requires local governments to inquire in the permit application, or in written instructions provided to the applicant, if a tract or parcel of land is restricted by a recorded covenant that is contrary to, conflicts with or prohibits an activity for which a permit is being sought.*

Section 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) 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.