

# CALHOUN COUNTY BUILDING & PLANNING

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## RESTRICTIVE COVENANTS AFFIDAVIT

I, \_\_\_\_\_, have researched the restrictive covenants applicable to Parcel Identification Number/s (PID #) \_\_\_\_\_ located at (address/es) \_\_\_\_\_, and have found that either there are no restrictive covenants applicable to the subject property/properties or that the proposed application is not contrary to, does not conflict with, and is not prohibited by any applicable restrictive covenants, as specified in Section 6-29-1145 of the Code of Laws of South Carolina 1976, as amended.

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(Signature)

(Date)

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(Print Name)

### Explanation:

Section 6-29-1145 of the Code of Laws of South Carolina 1976, as amended (attached to this affidavit), 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.

**CALHOUN COUNTY HAS NOT RESEARCHED WHETHER ANY SUCH RECORDED COVENANTS EXIST AND MAKES NO REPRESENTATION AS TO WHETHER ANY SUCH COVENANT, IF IT EXISTS, CONFLICTS WITH THE PROPOSED APPLICATION.**

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For Staff Use Only:

Received by \_\_\_\_\_ Date \_\_\_\_\_ Application Number \_\_\_\_\_

**S.C. Code § 6-29-1145. Determining Existence of Restrictive Covenant; Effect.**

(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.”