



**Berkeley County Government
Planning and Zoning
1003 Highway 52
Moncks Corner, SC 29461**



**DEVELOPMENT APPROVAL APPLICATION (PERMIT)
RECORDED COVENANT AFFIDAVIT**

This form complies with a state law that took effect on July 1, 2007 (South Carolina Code of Laws Section 6-29-1145) that requires all planning agencies to ask each applicant if recorded covenants exist that prohibit the requested activity. If such a covenant exists, the agency shall not issue the permit until written confirmation of its release is received. The release must be through the action of an appropriate legal authority. Please read Section 6-29-1145, provided in its entirety on the reverse side of this application, and complete the following.

Nature of Approval Request: _____

Tax Map Number (TMS): _____

Property Address: _____

I, _____, hereby certify that the tract(s) or parcel(s) of land
(Print Name)
to which this approval request pertains ***is not restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the activity for which approval is sought***, as provided in the South Carolina Code of Laws, Section 6-29-1145. For further explanation see reverse side for full text of state statute.

(Signature)

(Date)

Telephone: (843) 719-4095

Facsimile: (843) 719-4053

www.berkeleycountysc.gov

§ 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.