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AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS FOR
BALD HEAD ISLAND HARBOUR

WHEREAS, the undersigned are the owners of more than fifty percent (50%) of the lots in the subdivision known as Bald Head Island Harbour (the "Subdivision") as the same appears of record on a map recorded in Map Cabinet S at Page 142 of the Brunswick County Registry (the "Registry"), North Carolina; and,

WHEREAS, Lot 6 of the Subdivision has subsequently been subdivided into Lot 6 and Lot 6A as the same is shown on a map recorded in Map Cabinet S at Page 300 of the Registry and the undersigned desire to amend the Subdivision to divide Lot 6 into Lot 6 and Lot 6A and have so amended the Subdivision by recording the said map in Map Cabinet S at Page 300 of the Registry; and,

WHEREAS, all lots in the Subdivision are subject to a Declaration of Covenants, Conditions and Restrictions recorded in Book 697 at Page 267 of the Registry as amended by an Amended Declaration of Covenants, Conditions And Restrictions recorded in Book 722 at Page 952 of the Registry, both of which are hereinafter referred to by the singular word "Declaration" and are incorporated herein by this reference; and,

WHEREAS, it is described to amend other terms of the Declaration to allow certain easements to exist for certain portions of structures which encroach upon the five (5') foot setback requirement; and,

WHEREAS, the recordation of the map in Map Cabinet S at Page 300 requires amendment of the Declaration in order to include Lot 6 as revised into Lot 6 and Lot 6A; and,

WHEREAS, the Declaration provides for amendment in Article XI Paragraph 4 thereof; and,

WHEREAS, by the execution hereinafter the parties desire to express their consent to such amendment.

NOW, THEREFORE, for and in consideration of the premises and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, it is hereby

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declared that the real property described above shall be held, sold and conveyed subject to the provisions of the Declaration except as amended by this Amended Declaration of Covenants, Conditions and Restrictions:

The Declaration is hereby amended as follows:

1. ARTICLE I Paragraph 4 is amended to read as follows: "Lot" shall mean and refer to any numbered plot of land as shown upon that map recorded in Map Cabinet S, Instrument 142 as amended by that map recorded in Map Cabinet S, Instrument 300 all in the said office of the Register of Deeds of Brunswick County, North Carolina.

2. ARTICLE I Paragraph 7 is amended to read as follows: "Subject Property" shall mean that property shown as lots or common areas on that map of Bald Head Island Harbour recorded in Map Cabinet S, Instrument 142 as amended by that map recorded in Map Cabinet S, Instrument 300 in the office of the Register of Deeds of Brunswick County, North Carolina, including any property which shall hereafter be annexed to the provisions of these restrictions as provided in ARTICLE III herein.

3. The second sentence of ARTICLE VII shall be amended to read as follows: "...maps recorded in Map Cabinet S, Instrument 142 as amended by a map recorded in Map Cabinet S, Instrument 300 of the ...".

4. ARTICLE VIII Paragraphs 2, 5, 6c and 6j shall be amended by changing each map reference contained therein of Map Cabinet S, Instrument 300 to read as follows: "Map Cabinet S Instrument 142 as amended by a map recorded in Map Cabinet S Instrument 300."

ARTICLE VIII Paragraph 4 shall be amended by deleting the last sentence thereof which reads "There shall be no setback, building, or use restrictions of any kind applicable to Type VI lots." and inserting in lieu thereof the following:

"Notwithstanding anything contained to the contrary elsewhere in this Declaration of Covenants, Conditions And Restrictions, or any exhibits attached hereto, Type

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VI lots shall be used for single family residential purposes only, subject, however, to the continuing right of use as commercial office space of Lot 20 so long as such use may continue uninterrupted, except due to interruptions in use caused by act of God.

5. ARTICLE I Paragraph 1 shall be amended to read as follows: "Association" as used herein shall specifically refer to the Harbour Association of Bald Head Island as opposed to the Bald Head Association which shall be referred to as the Bald Head Association.

6. ARTICLE VIII Paragraph 5 shall be amended by adding the following new paragraph:

"In the event that by reason of construction, settlement, reconstruction or shifting of any existing structure located on Lots 6A, 9, 12, 13, 18, 19 and 20, any such existing structure either violates a setback requirement or encroaches upon any of the road rights-of-way or alleys, whether the same now exists or may be caused or created by existing construction, settlement or movement of the structures or by permissible repairs, construction or alteration, there is hereby granted and created a valid easement for such encroachment for the existing structures located on Lots 6A, 9, 12, 13, 18, 19 and 20 into or upon any setback requirement and/or such encroachment into or upon any such road right-of-way or alley which such easement shall inure to and exist for the benefit of the owner of such encroaching existing structure so long as such existing structure shall remain standing on the said Lots 6A, 9, 12, 13, 18, 19 and 20. Nothing herein shall be construed or interpreted to allow any owner of any of the lots referred to in this paragraph to make additions to any of the structures located on these lots which such additions shall violate the setback requirements or encroach into any road rights of way or alleys but pertains only to the structures now located on the lots and any reconstruction thereof."

If there shall be any other references contained anywhere in

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the said Declaration of Covenants, Conditions And Restrictions, to "Bald Head Harbour Association" such shall be changed to refer to "Harbour Association of Bald Head Island."

EXCEPT as specifically amended by this instrument all other covenants, conditions and restrictions set forth in that Declaration of Covenants, Conditions And Restrictions recorded in Book 697 at Page 267 and that Amended Declaration of Covenants, Conditions And Restrictions recorded in Book 722 at Page 952 are, and shall be, in full force and effect as to Bald Head Island Harbour subdivision.

See Exhibit A, B and C attached hereto and made a part hereof by this reference.

This 2nd day of May, 1989.

Bald Head Island Limited,
a Texas limited partnership

By: M. Kent Mitchell (Seal)
M. Kent Mitchell - General Partner

Nelson B. Fry, III (Seal)
Nelson B. Fry, III

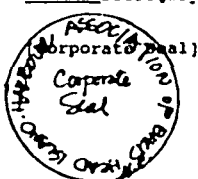
Katherine S. Fry (Seal)
Katherine S. Fry

Harbour Association of Bald Head
Island

By: M. Kent Mitchell
President

ATTEST:

Shirley L. Reid
Secretary



(Seal)

(Seal)

(Seal)

(Seal)

Carolina Coastal Partners, Inc.

By: Richard M. Johnson, Jr.
President

ATTEST:

William D. Reeves
Secretary
(Corporate Seal)



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STATE OF NORTH CAROLINA

COUNTY OF ~~BRUNSWICK~~ BRUNSWICK

I, Carolyn M. Adcock, a Notary Public in and for the State and County aforesaid, do certify that M. Kent Mitchell, General Partner of Bald Head Island Limited, a partnership, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS by hand and notarial seal this 19th day of June, 1989.

Carolyn M. Adcock
Notary Public
My Commission Expires: 3-17-90
CAROLYN M. ADCOCK
NOTARY PUBLIC
GUILFORD COUNTY, NC
My Commission Expires 3-17-90

STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

I, Carolyn M. Adcock, a Notary Public in and for the State and County aforesaid, do certify that Nelson B. Fry, III, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS, my hand and notarial seal this 21 day of June, 1989.

Carolyn M. Adcock
Notary Public
My Commission Expires: 3-17-90
CAROLYN M. ADCOCK
NOTARY PUBLIC
GUILFORD COUNTY, NC
My Commission Expires 3-17-90

STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

I, Carolyn M. Adcock, a Notary Public in and for the State and County aforesaid, do certify that Katherine S. Fry, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS, my hand and notarial seal this 21 day of June, 1989.

Carolyn M. Adcock
Notary Public
My Commission Expires: 3-17-90
CAROLYN M. ADCOCK
NOTARY PUBLIC
GUILFORD COUNTY, NC
My Commission Expires 3-17-90

STATE OF NORTH CAROLINA

COUNTY OF ~~NEW HANOVER~~ BRUNSWICK

I, Carolyn M. Adcock, a Notary Public for said County and State certify that Rebecca L. Reid personally came before me this day and being by me duly sworn, acknowledged that she is _____ Secretary of Harbour Associates of Bald Head Island, a corporation and that by authority duly given and as the act of corporation, the foregoing instrument was signed in its name by its _____ President, sealed with its corporate seal and attested by himself/herself as its _____ Secretary.

WITNESS my hand and official seal this the 14th day of JUNE, 1989.

Carolyn M. Adcock
Notary Public
My Commission Expires: 3-17-90
CAROLYN M. ADCOCK
NOTARY PUBLIC
CURTIS COUNTY, NC
My Commission Expires 3-17-90.

STATE OF NORTH CAROLINA

COUNTY OF ~~NEW HANOVER~~ BRUNSWICK

I, Donna Jones, a Notary Public for said County and State certify that WILLIAM D. REIZES personally came before me this day and being by me duly sworn, acknowledged that he/she is _____ Secretary of Carolina Coastal Partners, Inc., a corporation and that by authority duly given and as the act of corporation, the foregoing instrument was signed in its name by its _____ President, sealed with its corporate seal and attested by himself/herself as its _____ Secretary.

WITNESS my hand and official seal this the 14th day of June, 1989.

Donna Jones
Notary Public
My Commission Expires: 3-17-91


STATE OF NORTH CAROLINA, Brunswick County

The Foregoing Certificate(s) of _____ Carolyn M. Adcock, Donna Jones, Notaries Public

Recorded this 8th day of June 19 90, _____ (initials) certified to be correct
1:44 o'clock P.M.

Robert J. Robinson, Register of Deeds

Robert J. Robinson att