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RECORDED AND VERIFIED
REBECCA P. TUCKER
REGISTER OF DEEDS
NEW HANOVER CO. NC

SEP 23 2 50 PM '88

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

**AMENDMENT TO
DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS
BAYVIEW SUBDIVISION**

THIS AMENDMENT, made this 2nd day of September, 1988, by Davenport Properties Corporation, a North Carolina corporation of Wilmington, New Hanover County, North Carolina (hereinafter referred to as the "Developer").

WITNESSETH:

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THAT WHEREAS, the Developer has executed and caused to be recorded on June 17, 1988 in Book 1419 at Page 1384, a Declaration of Covenants, Conditions and Restrictions, (hereinafter referred to as the "Declaration"), with respect to Bayview Subdivision, a map of which is recorded in Map Book 28 at Page 169 of the New Hanover County Registry; and

WHEREAS, the Developer is the owner of more than sixty percent (60%) of the lots in said subdivision and pursuant to Paragraph 11 of said Declaration, the Developer has the right to amend said Declaration by recording an Amendment in the Office of the Register of Deeds of New Hanover County; and

WHEREAS, the Developer desires to amend the Restrictions to reduce the setback lines as hereinafter set forth.

NOW, THEREFORE, the Developer, in consideration of the premises, does hereby amend the Declaration by changing the first sentence in Paragraph 4 to read as follows:

- "4. No part of any building erected on any lot shall be nearer than 10 feet to the side boundary line of said lot, nor nearer than 50 feet to the front property line of the said lot, except that the front property line setback for lot 12 shall be a minimum of 30 feet."

The foregoing Amendment shall be binding on all parties claiming title to any lot or lots in Bayview Subdivision. Except as herein amended the Declaration shall be and remain in full force and effect.

IN WITNESS WHEREOF, the Developer has caused this instrument to be signed in its corporate name by its President, attested by its Assistant Secretary and its corporate seal hereunto affixed, all the day and year first above written.

DAVENPORT PROPERTIES CORPORATION

By: [Signature]
STEPHEN H. DAVENPORT, JR., President

ATTEST:
[Signature]
Assistant Secretary



Draftsman: DAVID C. BAREFOOT
BURNEY, BURNEY, BAREFOOT & BAIN
110 North Fifth Avenue/Post Office Box 89
Wilmington, North Carolina 28402

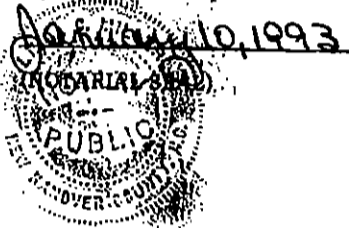
STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

I, Linda C. Miller, a Notary Public in and for the
aforesaid County and State do hereby certify that **KAREN W. HARMON** personally
appeared before me this day and acknowledged that she is the Assistant Secretary of
DAVENPORT PROPERTIES CORPORATION, a North Carolina corporation, and that by
authority duly given and as the act of the said corporation, the foregoing instrument was
signed in its name by its President, sealed with its corporate seal, and attested by herself
as its Assistant Secretary.

WITNESS my hand and notarial seal, this the 2nd day of September, 1988.

Linda C. Miller
Notary Public

My Commission Expires:



STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

The foregoing certificate of Linda C. Miller, Notary
Public is certified to be correct. This the 23 day of September, 1988.

REBECCA P. TUCKER
Register of Deeds - New Hanover County

By: Mary Sue Ota
Deputy/Assistant