

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

This Amendment to the Declaration of Covenants, Conditions and Restrictions for Bald Head Island Harbour is dated for purposes of reference only this 1st day of November, 1999, and is made and entered into by the Harbour Association of Bald Head Island, a North Carolina nonprofit corporation ("Harbour Association"), upon vote duly made by the members of the Harbour Association, as certified by the Harbour Association.

WITNESSETH:

WHEREAS, by Amended and Restated Declaration of Covenants, Conditions and Restrictions for Bald Head Island Harbour recorded in Book 985, Page 384 et seq, Brunswick County Registry, as subsequently amended (the "Covenants"), the property described in the Covenants was made subject thereto; and

WHEREAS, said Covenants did incorporate by reference certain provisions of the Amended and Restated Declaration of Covenants, Conditions and Restrictions, as amended, and recorded in Book 498, Page 260 et seq, Brunswick County Registry ("Bald Head Association Covenants"); and

WHEREAS, the Bald Head Association Covenants have been subsequently revised, making the references thereto contained in the Covenants inapplicable; and

WHEREAS, the members of the Harbour Association have determined, by vote, to amend and correct the Covenants to conform to the revision of the Bald Head Association Covenants ("the Amended Bald Head Association Covenants");

NOW, therefore, the Covenants are hereby amended as follows:

1. Article II, Paragraph 1 of the Covenants is hereby deleted in its entirety.
2. Article II, Paragraph 1 of the Covenants is hereby replaced with the following provisions: *"The Owner of each Unit (as defined in Article 1 of the Amended Bald Head Association Covenants) within the Properties shall be a Member of the Bald Head Association, and the Owner of every such Unit shall hold, sell and convey said Unit subject to the provisions of Articles 2, 5 and 9 of the Amended Bald Head Association Covenants, including, without limitation, the right and obligation to pay General Assessments and Special Assessments, as defined in Article 1 of the Amended Bald Head Association Covenants. Furthermore, each*

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CASH _____ REF _____ BY JS

Member shall have full rights and utilization of all properties owned by the Bald Head Association, to the same extent as all other Members of the Bald Head Association."

- 3. It is expressly understood that, to the extent necessary, the definitions contained in Article II of the Amended Bald Head Association Covenants shall be applicable to the defined terms within this Amendment.
- 4. Survival. Except as set out herein, all of the terms, provisions, conditions and restrictions contained in the Covenants (including all amendments thereto) shall remain in full force and effect.
- 5. As required by Article XI, Paragraph 4 of the Covenants, there is attached hereto a certification duly adopted by the Board of Directors of the Association indicating that this Amendment has been approved by the required vote of the Members of the Harbour Association.

In witness whereof, the Harbour Association of Bald Head Island has executed this instrument, under seal, this 9th day of Nov, 1999.

HARBOUR ASSOCIATION OF BALD HEAD ISLAND

(SEAL)

By: [Signature] (President)

ATTEST: SECRETARY:

By: [Signature]



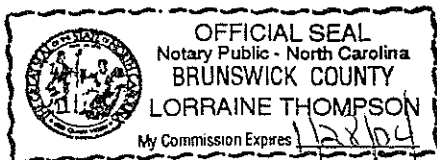
STATE OF NORTH CAROLINA,
COUNTY OF BRUNSWICK:

I, LORRAINE THOMPSON, a Notary Public of the County and State aforesaid, certify that [Signature] personally came before me this day and acknowledged that he/she is Secretary of Harbour Association, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by him/her as its Secretary.

Witness my hand and official seal this 10th day of November, 1999.

My commission expires:

[Signature]



Notary Public

CERTIFICATION

The Board of Directors of the Harbour Association of Bald Head Island hereby certifies, in accordance with the requirement of Article XI, Paragraph 4 of the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Bald Head Island Harbour, as recorded in Book 985, Page 384 et seq, Brunswick County Registry, that said Declaration has been amended upon proper vote of owners of more than fifty percent (50%) of the lots within said Association, and that the amendment to which this certification is attached, upon recordation, is certified to be valid, properly adopted, and of full force and effect.

This the 9th day of Nov, 1999.

By: [Signature]

By: Joyce C. Feltner

By: [Signature]

By: [Signature]

By: _____

**FIFTH AMENDMENT TO AMENDED AND RESTATED
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR BALD HEAD ISLAND HARBOUR**

This Fifth Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Bald Head Island Harbour is dated for purposes of reference only this 15th day of November, 2000, and is made and entered into by the Harbour Association of Bald Head Island, a North Carolina nonprofit corporation ("Harbour Association"), upon vote duly made by the members of the Harbour Association, as certified by the Harbour Association;

WITNESSETH:

WHEREAS, by Amended and Restated Declaration of Covenants, Conditions and Restrictions for Bald Head Island Harbour, recorded in Book 985, Page 384 of the Office of the Register of Deeds for Brunswick County, North Carolina, as subsequently amended (the "Covenants"), the property described in the Covenants was made subject thereto; and,

WHEREAS, Article VII of the Covenants contains a provision in paragraph e., prohibiting the erection and maintenance on residential properties subject to the Covenants of certain signs, without the Declarant's approval; and,

WHEREAS, the members of the Harbour Association have determined, by vote, to amend said paragraph e of Article VII the Covenants;

NOW, THEREFORE, the Covenants are hereby amended as follows:

1. Paragraph e. of Article VII of the Covenants is hereby deleted in its entirety.
2. Paragraph e. of Article VII of the Covenants is hereby replaced with the following provisions:

e. No sign conveying, or intending to convey, a For Sale or For Rent message regardless of the particular verbiage utilized, shall be erected or maintained within the Harbour Subdivision. No signs other than identification signs approved as to the size, style, material and location by the Harbour Architectural Review Board, based upon uniform standards adopted by the Harbour Architectural Review Board and approved by the Board of Directors of the Association shall be allowed. All signage on lots designated commercial-residential and on all Common Areas shall be subject to the prior approval of the Harbour Architectural Review Board, in accordance with uniform standards adopted by the Harbour Architectural Review Board, and approved by the Board of Directors of the Association. Notwithstanding this provision, For Sale bollard caps, as defined and regulated by the Bald Head Association, as such regulations may be modified from time to time, shall be allowed on any property within the Harbour Subdivision.

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CASH _____ REF. _____ BY BF

CERTIFICATION

The Board of Directors of the Harbour Association of Bald Head Island hereby certifies, in accordance with the requirement of Article XI, paragraph 4 of the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Bald Head Island Harbour, as recorded in Book 985, Page 384, Brunswick County Registry, that said Declaration has been amended upon proper vote of owners of more than fifty (50%) percent of the Lots within said Association, and that the Amendment to which this Certification is attached, upon recordation, is certified to be valid, properly adopted, and of full force and effect.

This the 28th day of November, 2000.

By: V. Ray Martin, Jr.
V. Ray Martin

By: Joyce C. Fulton
Joyce C. Fulton

By: Leigh Ann Patterson
Leigh Ann Patterson

By: Emily Hill
Emily Hill

By: Julie Hayes Cox
Julie Hayes Cox

3. It is expressly understood that, to the extent necessary, the definitions contained in the Covenants and in the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Bald Head Association shall be applicable to the defined terms within this Fifth Amendment.

4. Except as set out herein, all of the terms, provisions, conditions and restrictions contained in the Covenants, including all amendments thereto, shall remain in full force and effect.

5. As required by Article XI, paragraph 4 of the Covenants, attached hereto is a certification duly adopted by the Board of Directors of the Association certifying that this Fifth Amendment has been approved by the required vote of the Members of the Harbour Association.

IN WITNESS WHEREOF, the Harbour Association of Bald Head Island has executed this instrument, under seal, this the 23rd day of November, 2000.



HARBOUR ASSOCIATION OF BALD HEAD ISLAND

By: V. Ray Martin, Jr. (SEAL)
V. Ray Martin, President

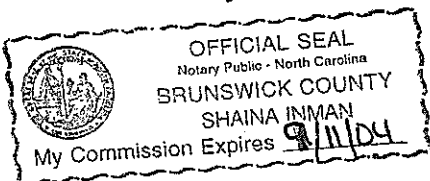
ATTEST:

Leigh Anne Patterson
Leigh Anne Patterson, Secretary

**STATE OF NORTH CAROLINA,
BRUNSWICK COUNTY**

I, Shaina Inman a Notary Public for the County and State aforesaid, certify that Leigh Anne Patterson on personally came before me this day and acknowledged that she is the Secretary of the Harbour Association of Bald Head Island, a North Carolina nonprofit corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal, and attested by her as its Secretary.

WITNESS my hand and official seal, this the 28th day of November, 2000.



Shaina Inman
Notary Public
My commission expires: 9/11/04

**STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK**

The Foregoing (or annexed) Certificate(s) of

SHAINA INMAN