

FILED
BRUNSWICK COUNTY NC
By. 11/25/97 4:04 PM
ROBERT J. ROBINSON
Register Of Deeds

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

WHEREAS, Bald Head Island Limited, a Texas limited partnership, is the owner and developer of that certain real property on Bald Head Island known as Bald Head Island Harbour, Brunswick County, North Carolina; and;

WHEREAS, Bald Head Island Limited, as Declarant, has heretofore caused to be recorded in the records of the Brunswick County Registry in Book 985 at Page 384, Amended and Restated Declaration of Covenants, Conditions and Restrictions for Bald Head Island Harbour; and,

WHEREAS, Article XI, Section 6 of said Declaration provides as follows:
"The Declarant, without the consent or approval of any other owner, shall have the right to amend this Declaration to conform to the requirements of law or governmental agency having legal jurisdiction over the Property . . . including without limitation, ecological controls, construction standards, aesthetics, and matters affecting the public health, safety and general welfare, . . . or any agency of the State of North Carolina requiring an amendment as a condition of approval, or suggesting an amendment, shall be sufficient evidence of the approval of such amendment of by such corporation or agency."

Document #
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WHEREAS, Bald Head Island Limited, Declarant and developer of the hereinafter described lots as shown on that certain plat of survey recorded in the aforesaid Registry in Map Cabinet Y at Page 313, is required, in accordance with Title 15 NCAC 2H.1003(a)(2), to record certain restrictions and protective covenants pertaining to the impervious coverage of said lots;

NOW, THEREFORE, Declarant, Bald Head Island Limited, hereby declares that in accordance with Title 15 NCAC 2H.1003(a)(2), the following DEED RESTRICTIONS AND PROTECTIVE COVENANTS shall apply:

As to Lot #41, no more than two thousand four hundred fifty-four (2454) square feet shall be covered by structures and/or paved surfaces, including walkways or patios of brick, stone, slate or similar materials, but not including open wood decking; and,

As to Lots #43, 45, 47, 49, 51 and 53, no more than two thousand thirty-six (2036) square feet shall be covered by structures and/or paved surfaces, including walkways or patios of brick, stone, slate or similar materials, but not including open wood decking; and,

As to Lot #55, no more than two thousand six hundred twenty-two (2622) square feet shall be covered by structures and/or paved surfaces, including walkways or patios of brick, stone, slate or similar materials, but not including open wood decking.

RET Liz Cantrell
TOTAL 10.00 REV TC# 24896
REC# 38 CK AMT 4650 CK# 1007
CASH _____ REF _____ BY CR

This covenant is intended to insure continued compliance with stormwater runoff rules adopted by the State of North Carolina and therefore benefits and may be enforced by the State of North Carolina. This covenant is to run with the land and shall be binding on all parties and all persons claiming under them.

The covenants pertaining to stormwater regulations may not be changed or deleted without concurrence of the State. Runoff from all impervious areas of the designated lots must be directed into the system. Alteration of the drainage as shown on the approved plan may not take place without the concurrence of the State. Lots within the Coastal Area Management Act's Area of Environmental Concern may be subject to a reduction in their allowable built-up area due to CAMA regulations.

This amendment is intended to supercede and replace the Amendment to Amended and Restated Declaration of Covenants, Conditions and Restrictions for Bald Head Island Harbour, recorded in the Office of the Register of Deeds for Brunswick County, North Carolina, on September 11, 1997 in Book 1169 at Page 1129, which Amendment failed to include the preceding paragraph as required by the State of North Carolina.

IN WITNESS WHEREOF, the undersigned being the Declarant herein has caused this instrument to be executed by its duly authorized officers and its corporate seal to be hereunto affixed this the 19th day of November, 1997.

BALD HEAD ISLAND LIMITED (SEAL)
a Texas Limited Partnership

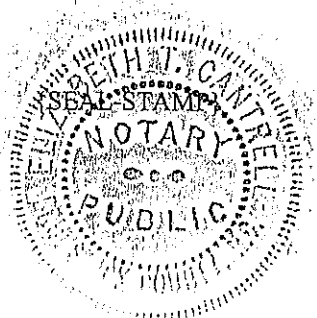
By: [Signature] (SEAL)
Kenneth M. Kirkman
Attorney in Fact

STATE OF NORTH CAROLINA,
BRUNSWICK COUNTY

I, Elizabeth T. Cantrell, a Notary Public for said County and State, do hereby certify that Kenneth M. Kirkman, attorney in fact for Bald Head Island Limited, personally appeared before me this day, and being by me duly sworn, says that he executed the foregoing and annexed instrument for and in behalf of the said Bald Head Island Limited, and that his authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged, and recorded in the office of the Register of Deeds in the County of Brunswick, State of North Carolina, in Deed Book 1143 at Page 916, and that this instrument was executed under and by virtue of the authority given by said instrument granting him power of attorney.

I do further certify that the said Kenneth M. Kirkman acknowledged the due execution of the foregoing an annexed instrument for the purposes therein expressed for and in behalf of the said Bald Head Island Limited.

WITNESS my hand and official seal, this the 19th day of November, 1997.



[Signature]
Notary Public

My commission expires: December 11, 2001.