

DET. Liz Cantrell 91 1022
TOTAL 10.00
TC # 38 2013
CF 30.00 0171
CASH _____
BY _____

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

FILED FOR REGISTRATION
991 1022

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REGISTERED DEEDS
BRUNSWICK COUNTY, N.C.

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 Deed 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 any governmental entity or agency having jurisdiction over the Village of Bald Head Island or Bald Head Island Harbour . . . 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 by such corporation or agency."

WHEREAS, Bald Head Island Limited, as developer and Declarant of said property known as Bald Head Island Harbour as more particularly described in the aforesaid Declaration, was required, in accordance with Title 15 NCAC 2H.1003(a)(2), to record certain restrictions and protective covenants pertaining to the impervious coverage of lots in Bald Head Island Harbour; and,

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WHEREAS, the State of North Carolina has, in writing, notified Declarant that it requires amendment of the aforesaid Declaration in connection with such protective covenants pertaining to impervious coverage as a condition of approval.

NOW, THEREFORE, Declarant, Bald Head Island Limited, hereby declares that the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Bald Head Island Harbour, dated June 1, 1994 and duly recorded in the Brunswick County Registry at Book 985, Page 384, et. seq., shall be amended as follows:

ARTICLE VIII, Section 10 shall be amended to include the following language:

"This covenant cannot be altered, modified, rescinded, or added to without the written consent of the State of North Carolina, Division of Environmental Management."

ARTICLE XI, Section 4 shall be amended to include the following language:

"Nothing contained herein shall be construed to authorize or permit the amendment, modification, or rescission of Article VIII, Section 10, without the written consent of the State of North Carolina, Division of Environmental Management."

IN WITNESS WHEREOF, the undersigned being the Declarant herein has caused this instrument to be executed as of the day and year first above written.

BALD HEAD ISLAND LIMITED

By: David A. Busfield (SEAL)
David A. Busfield
Attorney in Fact

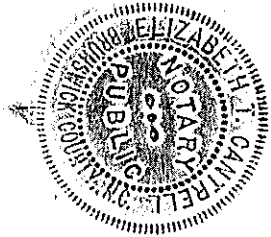
STATE OF NORTH CAROLINA,

BRUNSWICK COUNTY

I, Elizabeth T. Cantrell, a Notary Public for said County and State, do hereby certify that David A. Busfield, 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 842 at Page 87, 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 David A. Busfield 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 11th day of July, 1994.



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Elizabeth T. Cantrell
Notary Public

My commission expires: December 11, 1996

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STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

The Foregoing (or annexed) Certificate(s) of

Elizabeth T. Cantrell

Notary(ies) Public (is/are) Certified to be Correct.

This Instrument was filed for Registration on the Day and Hour in the Book and Page shown on the First Page hereof.

Robert J. Robinson
ROBERT J. ROBINSON, Register of Deeds