

STATE OF NORTH CAROLINA

FILED FOR REGISTRATION  
BOOK 1092 PAGE 196

COUNTY OF BRUNSWICK

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CORRECTION TO AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BALD HEAD ISLAND HARBOUR BRUNSWICK COUNTY, N.C.

THIS CORRECTION to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Bald Head Island Harbour, dated for reference only this 1st day of April, 1996, is entered into by Bald Head Island Limited, a Texas limited partnership ("Declarant"), with Joinder of Mark D. Mitchell and Rachel T. Gonsalves and Stephen A. Gonsalves, residents of Brunswick County, North Carolina ("Owners").

WITNESSETH:

000084

WHEREAS, Declarant did, by Declaration of Covenants, Conditions and Restrictions for Bald Head Island Harbour recorded in Book 697, Page 267, et. seq., Brunswick County Registry ("Original Declaration") subject certain properties named therein to such Original Declaration, reserving the right to annex additional properties thereto; and

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 ("Amended Declaration"), Declarant did amend and replace the terms, provisions and conditions of the Original Declaration, and included therein the Annexation of Lots 86 and 87, as shown on the Plat recorded in Map Cabinet U, Page 66, Brunswick County Registry ("Plat"); and

WHEREAS, at the time of such annexation and currently Owners were the Owners of Lots 86, and 87 as shown on the Plat; and

WHEREAS, Lots 86 and 87 were conveyed to Owners subject to the original Declaration; and

WHEREAS, the Amended Declaration, in accordance with its terms, proports to limit the utilization of the lots shown on the Plat to single family utilization only, and the Amended Declaration further is not specific in applying its terms, provisions and conditions to the lots shown on the Plat; and

WHEREAS, Declarant wishes to correct the Amended Declaration as relates to the Plat, with joinder of Owners so as to make clear

RET	<u>Liz Cantrell</u>
TOTAL	<u>16.00</u>
TC#	<u>17</u>
CK AMT	<u>706.00</u>
CASH	
BY	<u>g</u>
REV	
REC#	<u>41769</u>
#	<u>0445</u>
REF	

the intent of Declarant in subjecting the property shown on the Plat to the terms, provisions and conditions of the Amended Declaration; and

NOW, therefore, Declarant, with joinder of Owners, hereby amends and clarifies the Amended Declaration as follows:

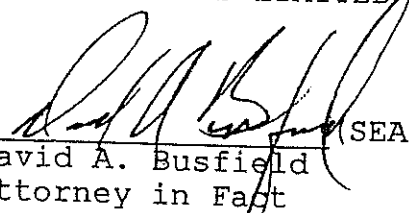
1. "Annexation" shall mean that the parties hereto acknowledge that the property shown on the Plat are and have been annexed into the Association, and therefore are entitled to the privileges granted by such annexation, and as limited hereinafter, are subject to the terms, provisions and conditions of the Amended Declaration.
2. "Use Restrictions" shall mean that Lots 86 and 87 as shown on the Plat may be used for construction and occupancy of single family residential structures, and in addition thereto, may be used for construction of and occupancy by commercial or retail establishments or business offices with or without accompanying dwelling apartments, except that no real estate sales, rental or property management offices may be conducted therefrom.
3. "Controlling and Provision" shall mean the provisions contained in this instrument shall be controlling and shall take precedent over any conflicting provisions as contained in the Amended Declaration. However, except for any such conflict, all of the terms, provisions and conditions of the Amended Declaration shall be fully applicable to the lots as shown on the Plat.
4. "Dues and Assessments" shall mean that, notwithstanding any other provision contained in the Amended Declaration, no dues or assessments shall be payable by the Owner of the lots as shown on the Plat to either the Harbour Association of Bald Head Island or Bald Head Association on or before those dues or assessments payable for any fiscal year beginning on or after January 1, 1996.
5. "Approval" shall mean Declarant hereby acknowledges that the structures and improvements constructed on the lot as shown on the Plat have been constructed in accordance with all applicable architectural guidelines, have been approved and are in conformance with applicable architectural guidelines.
6. "Definitions" shall mean that the terms defined in the Amended Declaration shall have the same defined meaning herein.

The parties hereto acknowledge that notwithstanding the designation of Lots 86 and 87 as Type VI on the Plat, the Bald Head Island Harbour Architectural Review Board may apply building

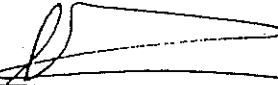
standards, including height and setback standards, applicable to lots designated as Type III for purposes of application of the Urban Code. The parties hereto further acknowledge and agree that the Bald Head Island Harbour Architectural Review Board shall be entitled to exercise such flexibility in application of the standards as contained in the Urban Code as may be necessary to allow reasonably the uses permitted herein to be conducted from lots as shown on the Plat.

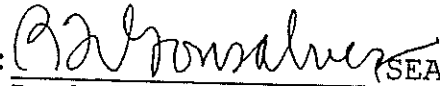
IN WITNESS WHEREOF, BALD HEAD ISLAND LIMITED has executed this instrument as of the day and year first above written, and Owners have joined herein to acknowledge their consent hereto.

BALD HEAD ISLAND LIMITED

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

By:  (SEAL)  
Mark D. Mitchell

By:  (SEAL)  
Stephen A. Gonsalves

By:  (SEAL)  
Rachel T. Gonsalves

STATE OF NORTH CAROLINA  
COUNTY OF BRUNSWICK

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 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 1021 at Page 1089, and that this instrument was executed under and power of attorney.

I do further certify that the said David A. Busfield acknowledged the due execution of the foregoing and annexed instrument for the purpose therein expressed for and in behalf of the said Bald Head island Limited.

WITNESS my hand and official seal, this the 28<sup>th</sup> day of May, ~~April~~,



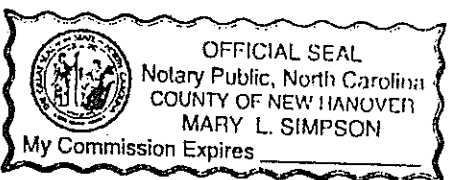
Elizabeth J. Centrell  
Notary Public

Commission Expires: 12-11-96

STATE OF NORTH CAROLINA  
COUNTY OF ~~BRUNSWICK~~ New Hanover

I, Mary L. Simpson, a Notary Public for said County and State, do hereby certify that Mark D. Mitchell, personally appeared before me this 30<sup>th</sup> day of May, 1996 and acknowledged the due execution of the foregoing instrument for the purpose therein expressed.

WITNESS my hand and official seal, this the 30<sup>th</sup> day of ~~April~~, May 1996.



Mary L. Simpson  
Notary Public

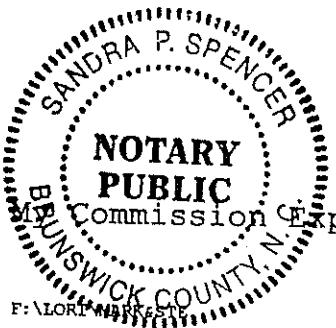
My Commission Expires: 2/27/2000

STATE OF NORTH CAROLINA  
COUNTY OF BRUNSWICK

I, Sandra P. Spencer Notary Public for said County and State, do hereby certify that Stephen A. Gonsalves and Rachel T. Gonsalves, personally appeared before me this 15<sup>th</sup> day of April, May, 1996, and being duly sworn, says that they executed the foregoing and annexed instrument for the purpose therein expressed.

WITNESS my hand and official seal, this the 15<sup>th</sup> day of April, 1996.

Sandra P. Spencer  
Notary Public



Commission Expires: 3-1-2000

STATE OF NORTH CAROLINA  
COUNTY OF BRUNSWICK

The Foregoing (or annexed) Certificate(s) of Elizabeth T. Cantrell, Mary L. Simpson,  
Sandra P. Spencer

Notary(ies) Public is (are) Certified to be Correct.  
This Instrument was filed for Registration on this 3<sup>rd</sup> Day of June, 1996,  
in the Book and Page shown on the First Page hereof.

Robert J. Robinson /d./  
ROBERT J. ROBINSON Register of Deeds