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RECORDED AND VERIFIED
MARY SUE OOTS
REGISTER OF DEEDS
NEW HANOVER CO. NC
'96 MAY 9 PM 1 30

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS OF PLANTERS WALK

THIS AMENDMENT TO DECLARATION, made and entered into this 25th day of April, 1996, by DLH DEVELOPMENT COMPANY, LLC, a North Carolina limited liability company, (herein referred to as "Declarant"); PLANTERS WALK HOA, INC., a North Carolina non-profit corporation (herein referred to as "Planter's Walk") and by GWENDOLYN WELLS, THOMAS WILLIAM WESTERLING and ROSEMARY WESTERLING, of 7105 Ragland Court, Wilmington, NC 28405; ANDREW J. VERES and CATHERINE F. VERES of 44 Rainbow Hill Road, Flemington, NJ 08822; MICHAEL W. SULLIVAN of 211 Putnam Drive, Wilmington, NC 28405; BERTHA MORTON PHILLIPS of P.O. Box 85, Wrightsville Beach, NC 28480; RAYMOND W. HAAS and SANDRA D. WINBURN of 7100 Robmar Court, Wilmington, NC 28405; MARK STEPHEN ROSEMAN and PAULA GWEN NEWKIRK of 213 Putnam Drive, Wilmington, NC 28405, (herein referred to as "Individual Lot Owners").

W I T N E S S E T H:

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THAT, WHEREAS, Declarant and the Individual Lot Owners are the owners of all of the lots in Planters Walk as the same is shown on a map thereof recorded in Map Book 35, Page 107 in the office of the Register of Deeds of New Hanover County, North Carolina, reference to which is hereby made for a more particular description; and

WHEREAS, Declarant heretofore executed a Declaration of Covenants, Conditions and Restrictions of Planters Walk and caused the same to be recorded in Book 1934, Page 161 of the New Hanover County Registry (herein referred to as "the Declaration"); and

WHEREAS, the Declaration provides in ARTICLE XI, Section 5, that the Declaration may be amended upon a vote of not less than two-thirds (2/3) of the lot owners; and

WHEREAS, all of the lot owners have joined in this amendment in compliance with the requirements of Article XI, Section 5 and wish to make certain changes to the Declaration in order that Planters Walk meets certain HUD/VA legal requirements.

NOW, THEREFORE, the Declarant and the Individual Lot Owners do hereby amend the Declaration of Covenants, Conditions and Restrictions of Planters Walk recorded in Book 1934, Page 161 of the New Hanover County Registry as follows:

1. By deleting Article I, Section 4, entitled Additional Properties and inserting instead a new Article I, Section 4 as follows:

ARTICLE I

Section 4. ADDITIONAL PROPERTIES shall mean and refer to any lands adjoining the Properties or within a one (1) mile radius thereof which are now owned or may be hereafter acquired or developed by the Declarant and annexed to and made a part of the properties by the Declarant and subject to this Declaration. No additional properties may be annexed without prior approval of HUD/VA. The annexation of such additional Properties shall become effective by the recording by the Declarant of an amended declaration for each new section annexed.

Returned To *Shyllis E. Williams*
256-4475

2. By deleting Article X, Section 2, and substituting a new Article X, Section 2 as follows:

ARTICLE X

Section 2. If the Declarant, its successors or assigns shall develop all or any portion of the additional properties, said additional properties or any portions thereof may be annexed to said properties without the consent of the members provided the Declarant has obtained HUD/VA approval. Annexation provided for in this section shall become effective by the filing by the Declarant of a supplemental or amended declaration in the Office of the Register of Deeds of New Hanover County.

3. By deleting Article XI, Section 5, and substituting in its stead a new Article XI, Section 5 as follows:

ARTICLE XI

Section 5. AMENDMENT OF DECLARATION: Except as provided in Article X, Section 2 above, the covenants and restrictions of this Declaration may be amended only by an instrument duly recorded in the Office of the Register of Deeds of New Hanover County executed by the duly authorized officers of the association upon the vote of not less than two-thirds (2/3) of the lot owners; provided that no amendment shall alter any obligations to pay ad valorem taxes or assessments for public improvements, as herein provided or affect any lien for payment thereof established herein. In no event may the Declaration be amended so as to deprive the Declarant of any rights herein granted or reserved unto Declarant. An amendment to the Declaration requires HUD/VA prior approval as long as the Declarant owns any lots in the subdivision.

4. To add to the first sentence of Article X, Section 6, that the methods of amendment described in that section require HUD/VA prior approval. As amended the first sentence of Section 6 shall read as follows:

Section 6. Amendment by the Declarant: The following amendments may be affected by the Declarant or the Board as the case may be, without consent of the members, provided the Declarant has obtained prior approval of HUD/VA:

5. By deleting Article X, Section 6b and substituting instead the following:

ARTICLE X

Section 6.

b. Declarant may amend this Declaration upon annexation of additional lands as specified in Article X, Section 2, herein.

6. By adding to Article X, a new section enumerated, Section 7.

Section 7. Dedication of Common Area. The Declarant shall not dedicate the common area without the prior approval of HUD/VA.

7. Except as amended hereby the Declaration of Covenants, Conditions and Restrictions of Planters Walk shall remain in full

force and effect.

IN TESTIMONY WHEREOF, Declarant and Planters Walk HOA, Inc. have caused this instrument to be executed in their names and their seals affixed by their respective duly authorized manager and officers and the Individual Lot Owners have hereunto placed their respective hands and respective seals on the day and year first above written whether on this or attached signature pages.

DLH DEVELOPMENT, LLC

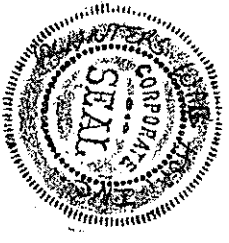
By: *Raymond W. Haas* (SEAL)
Manager

PLANTERS WALK HOA, INC.

By: *Raymond W. Haas*
Vice President

By: *Melinda Kay Devo*
Secretary

(Corporate Seal)



Gwendolyn Wells (SEAL)
Gwendolyn Wells

Bertha Morton Phillips (SEAL)
Bertha Morton Phillips

Raymond W. Haas (SEAL)
Raymond W. Haas

Sandra D. Winburn (SEAL)
Sandra D. Winburn

Mark Stephen Roseman (SEAL)
Mark Stephen Roseman

Paula Gwen Newkirk (SEAL)
Paula Gwen Newkirk

ADDITIONAL SIGNATURE PAGE TO AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS OF
PLANTERS WALK DATED 25TH DAY OF APRIL, 1996
BY DLH DEVELOPMENT COMPANY, LLC, ET AL

Thomas William Westerling (SEAL)
Thomas William Westerling

Rosemary Westerling (SEAL)
Rosemary Westerling

STATE OF Virginia
COUNTY OF Chesapeake

I, Carol E. Sutton, Notary Public in and for
aforesaid county and state, do hereby certify that THOMAS WILLIAM
WESTERLING and wife, ROSEMARY WESTERLING, personally appeared
before me this day and acknowledged the due execution of the
foregoing instrument.

This the 26 day of April, 1996.

Carol E. Sutton
Notary Public

My commission expires: 8-31-97

(Notarial Seal)



ADDITIONAL SIGNATURE PAGE TO AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS OF
PLANTERS WALK DATED 25TH DAY OF APRIL, 1996
BY DLH DEVELOPMENT COMPANY, LLC, ET AL

Andrew J. Veres (SEAL)
Andrew J. Veres

Catherine F. Veres (SEAL)
Catherine F. Veres

STATE OF N.J.

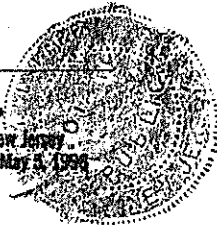
COUNTY OF Middlesex

I, Carol Papp, Notary Public in and for
aforesaid county and state, do hereby certify that ANDREW J. VERES
and wife, CATHERINE F. VERES, personally appeared before me this
day and acknowledged the due execution of the foregoing instrument.

This the 2nd day of May, 1996.

Carol Papp
Notary Public

CAROL PAPP
A Notary Public of New Jersey
My Commission Expires May 5, 1998



My commission expires: _____

(Notarial Seal)

ADDITIONAL SIGNATURE PAGE TO AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF PLANTERS WALK DATED 25TH DAY OF APRIL, 1996 BY DLH DEVELOPMENT COMPANY, LLC, ET AL

Patrick F. Sullivan / att in fact
Michael J. Sullivan
M.

STATE OF OHIO

COUNTY OF Cuyahoga

*Patrick F. Sullivan
as attorney in fact
for*

I, KAREN A. VERES, Notary Public in and for aforesaid county and state, do hereby certify that MICHAEL J. SULLIVAN personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

This the 29th day of April, 1996.

M.

Karen A. Veres
Notary Public



My Commission Expires: 2-3-98

KAREN A. VERES
STATE OF OHIO
My Commission Expires 2-3-98
(Recorded in Portage County)

STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

I, Phyllis E. Williams, a Notary Public in and for the county aforesaid do hereby certify that Godney D. Hanna before me this day personally appeared, who being by me first duly sworn, says that he is a manager of DLH DEVELOPMENT, LLC, a North Carolina limited liability company described, and which executed the foregoing instrument; that he executed said instrument in the limited liability company name by subscribing his name thereto; and that the instrument is the act and deed of said limited liability company.

Witness my hand and official stamp or seal, this the 8th day of May, 1996.

Phyllis E. Williams
Notary Public

My commission expires: _____
(Notarial Seal) 

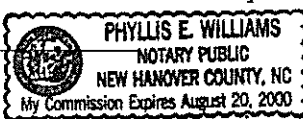
STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

I, Phyllis E. Williams, a Notary Public in and for the county aforesaid do hereby certify that Delinda Kay Reese personally came before me this day and acknowledged that she is Secretary of PLANTERS WALK HOA, INC., a North Carolina non-profit 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 stamp or seal, this the 8th day of May, 1996.

Phyllis E. Williams
Notary Public

My commission expires: _____
(Notarial Seal) 

STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

I, Phyllis E. Williams, Notary Public in and for aforesaid county and state, do hereby certify that GWENDOLYN WELLS personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

This the 26th day of April, 1996.

Phyllis E. Williams
Notary Public

My commission expires: _____
(Notarial Seal) 

2028 0418

STATE OF NORTH CAROLINA

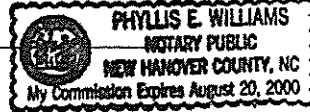
COUNTY OF NEW HANOVER

I, Phyllis E. Williams, Notary Public in and for aforesaid county and state, do hereby certify that BERTHA MORTON PHILLIPS personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

This the 2nd day of May, 1996.

Phyllis E. Williams
Notary Public

My commission expires: _____
(Notarial Seal)



STATE OF NORTH CAROLINA

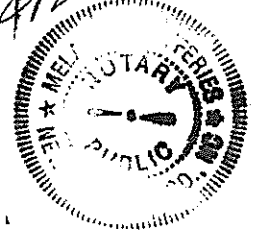
COUNTY OF NEW HANOVER

I, Melanie C. Goffner, Notary Public in and for aforesaid county and state, do hereby certify that RAYMOND W. HAAS and SANDRA D. WINBURN, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

This the 7th day of May, 1996.

Melanie C. Goffner
Notary Public

My commission expires: 8/22/99
(Notarial Seal)



STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

I, Phyllis E. Williams, Notary Public in and for aforesaid county and state, do hereby certify that MARK STEPHEN ROSEMAN and PAULA GWEN NEWKIRK, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

This the 2nd day of April, 1996.

Phyllis E. Williams
Notary Public

My commission expires: _____
(Notarial Seal)



STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

The foregoing Certificate Notary Public, is certified to this certificate are duly registered in the Book and Page shown on the This the _____ day of _____

STATE OF NORTH CAROLINA
New Hanover County
The foregoing/ Annexed Certificate(s) of _____ and _____
Melanie C. Goffner, Phyllis E. Williams, Barbara Vereb, Carol Pope, Carol E. Sutton are certified to be correct.

Registered by: _____

This the 9 day of May, 1996 _____
Mary Sue Oots, Register of deeds

by Phyllis E. Williams
Deputy Assistant