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2005039072

FOR REGISTRATION REGISTER OF DEEDS  
REBECCA P. SMITH  
NEW HANOVER COUNTY, NC  
2005 JUL 14 01:55:07 PM  
BK:4876 PG:454-457 FEE:\$20.00

INSTRUMENT # 2005039072

AMENDMENT TO DECLARATION

RETURN TO HHJNL

STATE OF NORTH CAROLINA

**AMENDMENT TO DECLARATION OF  
COVENANTS CONDITIONS AND  
RESTRICTIONS FOR SEA WATCH  
AT KURE BEACH**

COUNTY OF NEW HANOVER

NOW COMES SEA WATCH AT KURE BEACH HOMEOWNERS' ASSOCIATION, INC. (the "Association") and amends the Declaration of Covenants Conditions and Restrictions for Sea Watch at Kure Beach recorded in Book 2726, Page 0912, New Hanover County Registry (the "Declaration");

WITNESSETH:

WHEREAS, the Association has received correspondence from the North Carolina Department of Environment and Natural Resources, dated February 10, 2005, requesting that the amendments hereinafter made be undertaken to comply with **Permit Number SW8990835 Modification**, dated April 14, 2004; and

WHEREAS, the Declaration permits amendments to comply with the requirements of governmental agencies without the joinder of any Lot Owners within Sea Watch at Kure Beach.

NOW, THEREFORE, Article VIII, Section 1 of the Declaration is deleted and there is substituted therefor the following:

**SECTION 1. Enforcement Of Storm Water Runoff Regulations.**

A. No Lot, nor that portion of the street right of way between the edge of the pavement and the front Lot line, shall be covered by impervious structures, including asphalt, gravel, concrete, brick, stone, slate or similar material (but excluding wood decking and the water surface of swimming pools), in excess of 3,000 square feet (except that Lot 115 may have not over 3,268 sq. ft). Roadside or lot line swales may not be filled, piped or altered except as necessary to provide a minimum driveway crossing. These covenants are intended to insure continued compliance with the stormwater permit for the Property issued by the State of North Carolina and, therefore, may not be changed or deleted without the consent of the State.

B. The State of North Carolina is made a beneficiary of these covenants to the extent necessary to maintain compliance with the Stormwater Management Permit.

C. These covenants are to run with the land and be binding on all persons and parties claiming under them.

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D. Alteration of the drainage as shown on the approved plans may not take place without the concurrence of the Division of Water Quality.

E. Lots within CAMA's Area of Environment Concern may be subject to a reduction in their allowable built-upon area due to CAMA regulations.

F. All runoff on the lot must drain into the permitted system. This may be accomplished through providing roof drain gutters which drain to the street, grading the lot to drain toward the street, or grading perimeter swales and directing them into the pond or street. Lots that naturally drain into the system are not required to provide these measures.

The Declaration as hereby and previously amended remains in full force and effect.

IN WITNESS WHEREOF, the Association has executed this instrument this the 24 day of February, 2005.

SEA WATCH AT KURE BEACH HOMEOWNERS' ASSOCIATION, INC.

By: [Signature] President

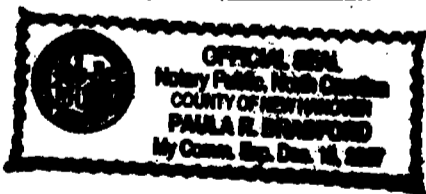
STATE OF NORTH CAROLINA  
COUNTY OF NORTH CAROLINA

I, PAULA R. BRADFORD, a Notary Public of the county and state aforesaid, certify that JAMES VOTKI personally came before me this day and acknowledged that he is the      President of SEA WATCH AT KURE BEACH HOMEOWNERS' ASSOCIATION, INC., a corporation, and that he/she, as      President, being authorized to do so, executed the foregoing on behalf of said corporation.

Witness my hand and seal, this the 24 day of FEB, 2005

My commission expires: 12-18-07 [Signature]  
Notary Public

(SEAL)





REBECCA P. SMITH  
REGISTER OF DEEDS, NEW HANOVER  
216 NORTH SECOND STREET

WILMINGTON, NC 28401

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AMD DECL 4 PGS \$20.00

Recorder: MARVIS ANN STORER

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Record of Poor Quality Due To  
Conditions of Original Document  
GS 161-14

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State of North Carolina, County of New Hanover

The foregoing certificate of PAULA R BRADFORD Notary is certified to be correct. This 14TH of July 2005  
REBECCA P. SMITH, REGISTER OF DEEDS

By: *Marvis Ann Storer*  
Deputy/Assistant Register of Deeds

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YELLOW PROBATE SHEET IS A VITAL PART OF YOUR RECORDED DOCUMENT.  
PLEASE RETAIN WITH ORIGINAL DOCUMENT AND SUBMIT FOR RE-RECORDING.

**\*2005039072\***

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