

Brunswick County Register of Deeds
Robert J. Robinson
Inst #203061 Book 1917 Page 731
03/30/2004 08:39:38am Rec# 183823

LET Judi / Bald Head
TOTAL 17 REV _____ TC# 38
REC# _____ CK AMT _____ CK# _____
CASH _____ OFF _____ BY DR

SECOND ADDENDUM TO AMENDMENT AND ANNEXATION
TO PROTECTIVE COVENANTS
BALD HEAD ISLAND STAGE TWO – KEEPER’S LANDING
CAPE FEAR STATION – MULTI-FAMILY 4

THIS SECOND ADDENDUM TO AMENDMENT AND ANNEXATION TO PROTECTIVE COVENANTS, BALD HEAD ISLAND STAGE TWO – KEEPER’S LANDING, CAPE FEAR STATION - MULTI-FAMILY 4, made as of the 29th day of March, 2004, as follows:

WHEREAS, Bald Head Island Limited, a Texas limited partnership, is the developer of that certain real property on Bald Head Island known as Cape Fear Station, a planned unit development located in the Village of Bald Head Island, 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 1766 at Page 1200, a certain Amendment and Annexation to Protective Covenants for Multi-Family 4, Keeper’s Landing, Cape Fear Station, and has subsequently recorded in said Registry in Book 1784 at Page 476 an Addendum to said Amendment and Annexation; and,

WHEREAS, Bald Head Island Limited, as Declarant and developer of the real property within Multi-Family 4, Keeper’s Landing, Cape Fear Station, as shown on that plat of survey recorded in the aforesaid Registry in Map Cabinet 28 at Page 118, has, in accordance with Title 15 NCAC 2H.1000 et seq., recorded as part of the above-referenced Amendment to Protective Covenants certain provisions pertaining to impervious coverage limitations for said property; and

WHEREAS, Article 14 of the Protective Covenants for Bald Head Island Stage Two, recorded in the Brunswick County Registry in Book 1045 at Page 676, reserves to Declarant the right to amend the said Protective Covenants for the purpose of “adding or deleting any incidental provisions deemed in the sole discretion of Declarant to be in the best interest of Declarant” without the consent, joinder or approval of any other owner; and the Protective Covenants for Multi-Family 4, Keeper’s Landing further provide in paragraph 6(d) that the impervious surface limitation for the subject property shall be automatically deemed amended upon the filing by Declarant of a notice of change in the existing stormwater management permit;

NOW, THEREFORE, Declarant, Bald Head Island Limited, hereby declares and gives notice that the Protective Covenants for Multi-Family 4, Keeper’s Landing, Cape Fear Station, Bald Head Island, recorded in the Brunswick County Registry in Book 1766, Page 1200, as previously

amended by instrument recorded in Book 1784, Page 476, is hereby further amended to provide that the maximum allowable built-upon area (as defined by the Division of Water Quality) shall be 2.19 acres, that being a change in the stormwater management permit applicable to the property.

The maximum allowable built-upon area includes any built-upon area constructed within the lot property boundaries, and that portion of the right-of-way between the front lot line and the edge of the pavement. Built-upon area includes, but is not limited to, structures, asphalt, concrete, gravel, brick, stone, slate and coquina, but does not include raised, open wood decking, or the water surface of swimming pools.

This Second Addendum is made as a result of the modification of the Stormwater Management Permit No. SW8-980920MOD issued to Declarant for Cape Fear Station, and 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. The covenants contained herein are to run with the land and shall be binding on all parties and all persons claiming under them. Covenants pertaining to stormwater regulations may not be changed or deleted without concurrence of the Division of Water Quality, Department of Environment and Natural Resources, State of North Carolina. Alteration of the drainage as shown on the approved plan may not take place without the concurrence of the State.

IN WITNESS WHEREOF, the undersigned Declarant has caused this instrument to be executed by its duly authorized attorney in fact, under seal, this the 25th day of March, 2004.

BALD HEAD ISLAND LIMITED (SEAL)
a Texas Limited Partnership

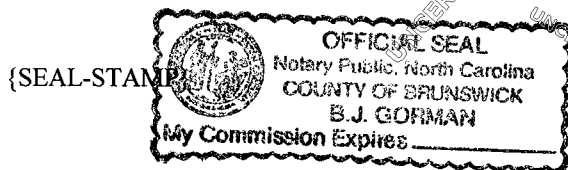
By: [Signature] (SEAL)
M. Kent Mitchell
Attorney in Fact

STATE OF NORTH CAROLINA
BRUNSWICK COUNTY

I, B.J. Gorman, a Notary Public for said County and State, do hereby certify that M. Kent Mitchell, 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 on 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 912, 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 M. Kent Mitchell acknowledged the due execution of the foregoing and 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 25th day of March, 2004.



B.J. Gorman
Notary Public
My commission expires: 3/10/08

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

The Foregoing (or annexed) Certificate(s) of B. J. GORMAN

Notary(ies) Public is (are) Certified to be Correct.
This Instrument was filed for Registration on this 30th Day of March, 2004
in the Book and page shown on the First Page hereof.

[Signature]
ROBERT J. ROBINSON, Register of Deeds