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Presenter: Ward + Smith Net: JS  
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STATE OF NORTH CAROLINA  
COUNTY OF BRUNSWICK

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AMENDMENT TO  
PROTECTIVE COVENANTS  
BALD HEAD ISLAND STAGE TWO

THIS AMENDMENT TO PROTECTIVE COVENANTS BALD HEAD ISLAND STAGE TWO ("Amendment") is made and entered into the 18<sup>th</sup> day of December, 2012 by BALD HEAD ISLAND STAGE TWO ASSOCIATION, INC., a North Carolina nonprofit corporation (the "Association").

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WITNESSETH:

WHEREAS, Bald Head Limited LLC, a Texas limited liability company f/k/a Bald Head Island Limited, a Texas Limited Partnership ("Declarant"), caused to be recorded that certain Protective Covenants Bald Head Island Stage Two in Book 1045, at Page 676 in the office of the Register of Deeds of Brunswick County (as amended and supplemented, the "Protective Covenants"); and

WHEREAS, the terms set forth in this Amendment shall have the same meanings as set forth in the Protective Covenants unless otherwise defined or the context shall otherwise prohibit; and

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Prepared by Ward and Smith, P.A., 127 Racine Drive, University Corporate Center (28403), Post Office Box 7068, Wilmington, NC 28406-7068  
Please return to Ward and Smith, P.A., 127 Racine Drive, University Corporate Center (28403), Post Office Box 7068, Wilmington, NC 28406-7068  
Attention: Justin M. Lewis

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WHEREAS, Declarant annexed the property identified as "Whale Head Park" on Exhibit A, attached hereto, to Bald Head Island Stage Two Subdivision and subjected Whale Head Park to the terms of the Protective Covenants as Common Property pursuant to the Amendment and Annexation to Protective Covenants Bald Head Island Stage Two Singe Family 9 Cape Fear Station recorded in Book 1380, at Page 721 in the office of the Register of Deeds of Brunswick County; and

WHEREAS, Declarant annexed the property identified as "Village Common" on Exhibit A, attached hereto, to Bald Head Island Stage Two Subdivision and subjected Village Common to the terms of the Protective Covenants as Common Property pursuant to the Amendment and Annexation to Protective Covenants Bald Head Island Stage Two Recreation 1 – Village Common Cape Fear Station recorded in Book 1388, at Page 1353 in the office of the Register of Deeds of Brunswick County; and

WHEREAS, the Association desires to remove Whale Head Park and Village Common from Bald Head Island Stage Two Subdivision and to withdraw Whale Head Park and Village Common from the coverage of the Protective Covenants; and

WHEREAS, pursuant to Article 9 of the Protective Covenants the Association may amend the Protective Covenants with the approval of at least sixty percent (60%) of the votes cast by members in a meeting of the Association called for the purpose of amending the Protective Covenants; and

WHEREAS, the Association has obtained the approval of at least sixty percent (60%) of the votes cast by members in a meeting of the Association called for the purpose of amending the Protective Covenants.

NOW, THEREFORE, pursuant to the authority above recited, the Association hereby amends the Protective Covenants as follows:

1. The property described as Whale Head Park and Village Common on Exhibit A, attached hereto, (the "Withdrawn Property") is hereby removed from Bald Head Island Stage Two Subdivision and withdrawn from the coverage of the Protective Covenants.
2. The Withdrawn Property shall no longer be subject to the terms and provisions of the Protective Covenants.

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3. The Withdrawn Property shall no longer be Common Property under the control of the Association.

4. From and after the date this Amendment is recorded in the office of the Register of Deeds of Brunswick County, the Association shall not be responsible for maintaining the Withdrawn Property and no further assessments shall be collected from the members of the Association pursuant to Article 6 of the Protective Covenants to fund the cost of maintaining the Withdrawn Property.

5. Notwithstanding the above, any easements over, under or across the Withdrawn Property reserved in the Protective Covenants or depicted on a recorded map of the Withdrawn Property for the benefit of the Association, Declarant, or Village of Bald Head Island shall not be terminated by this Amendment and shall remain in full force and effect.

6. Except as expressly provided in the paragraphs above, the terms and provisions of the Protective Covenants shall continue in full force and effect in accordance with the terms of the same as modified hereby.

IN TESTIMONY WHEREOF, the Association, acting pursuant to the authority above recited has caused this Amendment to be executed under seal and in such form as to be legally binding, effective the day and year upon recording this Amendment in the office of the Register of Deeds of Brunswick County, North Carolina.

[Signature to Follow]

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BALD HEAD ISLAND STAGE TWO  
ASSOCIATION, INC.

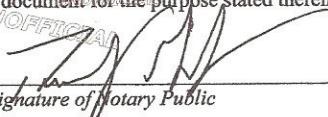
(SEAL)

By:   
Name: Paul Carey  
Title: President

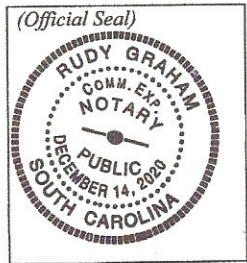
STATE OF South Carolina  
COUNTY OF Berkley

I certify that the following person personally appeared before me this day, acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Paul Carey.

Date: 12/18/12

  
Signature of Notary Public

Rudy Graham, Notary Public  
Printed or typed name  
My commission expires: 12/14/20



Notary seal or stamp must appear within this box.

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Exhibit A

All those certain tracts or parcels of land lying and being situate in the Village of Bald Head Island, Brunswick County, North Carolina, and being more particularly described as follows:

WHALE HEAD PARK

BEING all of that lot or parcel of land shown and depicted as "Whale Head Park Recreation Area 13,847 S.F." on a plat entitled "Single Family 9 Cape Fear Station" recorded in Map Cabinet 22, Page 533 in the office of the Register of Deeds of Brunswick County.

VILLAGE COMMON

BEING all of that lot or parcel of land shown and depicted as "Recreation 1 Village Common 130,344 S.F. 2.99 Acres" on a plat entitled "Recreation 1 Village Common Cape Fear Station" recorded in Map Cabinet 23, Page 312 in the office of the Register of Deeds of Brunswick County Registry.