

NORTH CAROLINA
CARTERET COUNTY

AMENDMENT TO DECLARATION OF
COVENANTS AND RESTRICTIONS
BRANDYWINE BAY DEVELOPMENT
(Amendment covers Section I, Map 3)

THIS DECLARATION, made this 12th day of December, 1980, by BRANDYWINE BAY, INC., a North Carolina Corporation, with offices in Carteret County, North Carolina, hereinafter called "Declarant"; with joinder of Harold H. Fortner and Brandywine Bay Development Corporation trustee and beneficiary, respectively, under that deed of trust in Book 424, page 492, Carteret County Registry.

W I T N E S S E T H:

WHEREAS Declarant has previously recorded a Declaration of Covenants and Restrictions in Book 435, pager, Carteret County Registry as amended in Book 440, page 213, Carteret County Registry (rerecorded in Book 440 page 392, Carteret County Registry); and,

WHEREAS said covenants contemplate and provide for making additional I property subject thereto, by amendment, to the end that all of Brandywine Bay Development shall be developed in a uniform manner to the benefit of all present and future owners; and,

WHEREAS, to this end, Declarant now desires to subject additional property to the said Declaration of Covenants and Restrictions (as amended); and,

WHEREAS, trustee and beneficiary above have, at the request of Declarant, agreed to join in execution of this amendment solely for the purpose of making the above deed of trust subordinate hereto;

NOW, THEREFORE, the above-described Declaration of Covenants and Restrictions, and amendment thereto, shall, from the time of recordation of this Amendment, govern the use of all property described in Exhibit A hereto.

In addition, the above described Declaration, amended as above, shall be further amended as it applies to property described in Exhibit A hereto by changes described in Article I below. Further, the property described in Exhibit A hereto shall be subject to additional covenants and restrictions described in Article II hereto.

ARTICLE I

As it applies to Section I, Map 3, the above-described Declaration as amended, is further amended to the following extent

(1) To Article IV, Section i, there shall be added the following:

c. two-story houses must have a minimum of one thousand fifty (1050) square feet on the ground floor.

(2) Article V, Section v, shall be deleted and replaced by the following:

Section v. Site plans and building plans for construction shall be professional in quality.

(3) Article VI, Section i, "Utilities", shall be amended to read as follows:

Declarant covenants that either public or private water system will be available to purchasers of property in Section I, Map 3, Brandywine Bay Development. Additionally, public or private sewer service will be available to owners of Lots 6-12, Block E and Lots 6, 7, 20-23, 41 and 42, Block G, Section I, Map 3. All users of such services agree to pay rates established by the proper authorities for use of the services. Individual wells are prohibited except as used for swimming pools, landscape maintenance or air temperature control. No individual sanitary waste treatment facilities are permitted on Lots 6-12, Block E and Lots 6, 7, 20-23, 41 and 42, Block G, Section I, Map 3. Further, waste water from cooling and/or heating systems shall not be discharged in the sanitary waste treatment systems.

ARTICLE II

The following additional restrictions shall apply to Section I, Map 3, Brandywine Bay Development:

- (1) The property described in Exhibit B hereto is hereby designated residential, single family, as that term is defined in Declaration described above.
- (2) No partially stripped, partially wrecked, or junk motor vehicle, or part thereof, shall be permitted to remain on any street or lot.
- (3) All lots, whether occupied or unoccupied, shall be well maintained and no unattractive growth or accumulation of rubbish and debris shall be permitted.

IN TESTIMONY WHEREOF the undersigned have hereunto set their hands and seals, the day and year first above written.