

NORTH CAROLINA
CARTERET COUNTY

AMENDMENT TO DECLARATION OF
COVENANTS AND RESTRICTIONS
BRANDYWINE BAY DEVELOPMENT
(Amendment covers Section 1, Map One-A)

THIS DECLARATION, made this 24 day of June 1981, by BRANDYWINE BAY, INC., a North Carolina Corporation, with offices in Carteret County, North Carolina, hereafter called "Declarant"; with joinder of Alton R. Hardison, Jr., Successor Trustee, (Book 4531 Page 285) and Branch Banking and Trust Company, beneficiary, under that Deed of Trust in Book 451, page 457, 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, page 362, Carteret County Registry as amended in-Book 440, page 213, Carteret County Registry (rerecorded in Book 440, page 342, Carteret County Registry), and as further amended in Book 447, page 118, Carteret County Registry; and,

WHEREAS said covenants contemplate and provide for making additional 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, Successor 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 amendments 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

Those changes and additions and adjustments noted in the Amendments recorded in Book 447; page 1.18 in Article I, numbers (1), (2) and Article II, (2), (3), therein, shall apply to the property covered by this Amendment and to property covered by future amendments, unless specifically designated otherwise in a future amendment.

Further, Article IV, Section i, "Utilities", shall be amended as it pertains to the section covered by this Amendment as follows:

Declarant covenants that either public or private water system will be available to purchasers of property in Section I, Map I, Brandywine Bay Development. All users of such services agree to pay rates established by the proper authorities for use of said services. Individual wells are prohibited except as used for swimming pools, landscape maintenance or air temperature control.

ARTICLE II

The following additional restrictions shall apply to Section 1, Map I, Brandywine Bay Development:

- (1) The property described in Exhibit A hereto is hereby designated residential, single family, as that term is defined in the Declaration described above.
- (2) No sign or billboard of any kind shall be erected or allowed on any lot. This provision shall not be deemed to exclude use by Declarant, or its assigns, of advertising signs which shall advertise the entire project.
- (3) All residential construction shall be completed not later than one year from the date of commencement of construction. Date of commencement of construction shall be the earlier of the day the first materials are delivered to the site or the day labor is commenced.
- (4) All trash receptacles shall be screened from view and all lots shall be maintained free of trash and debris.

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

BRANDYWINE BAY, INC.