

STATE OF NORTH CAROLINA

COUNTY OF CARTERET

FIRST AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS, AND RESTRICTIONS

FOR "THE RESERVE"

A NORTH CAROLINA PLANNED COMMUNITY

THIS "FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR THE RESERVE, A NORTH CAROLINA PLANNED COMMUNITY" is made on this 10th day of January, 2002, by Golf & Shore Properties, Inc., a North Carolina corporation, hereinafter referred to as the "Declarant".

WITNESETH:

THAT WHEREAS, the Declarant is the owner of certain real property in Morehead Township, Carteret County, North Carolina, which is generally described as "The Reserve", Section One, as the same is more particularly shown on a map recorded in Map Book 29, Page 872, in the office of the Register of Deeds, Carteret County, North Carolina, which map description is hereby incorporated herein by reference; and,

WHEREAS, Declarant desires to create a planned residential community within said property and to provide an overall plan of development therefore which will endeavor to assure orderly development, preservation of property values, maintenance of common areas, good streets and amenities, and the general safety of property owners; and,

WHEREAS, pursuant to the plan of Declarant as stated aforesaid, the Declarant did create and execute a "Declaration of Covenants, Conditions, and Restrictions for The Reserve, a North Carolina Planned Community" (hereafter "Declaration") and record the same in Book 899, Page 6, Carteret County Public Registry; and,

WHEREAS; Article XIII, Section 4 of the Declaration provides that the Declarant has the unilateral authority to amend the Declaration for reasons therein set forth, and it is for this purpose that this First Amendment is hereby executed.

NOW, THEREFORE, the Declarant hereby amends the Declaration by adding a new Article XIV as follows:

ARTICLE XIV

Stormwater Regulations

The following covenants are intended to ensure ongoing compliance with State Stormwater Management Regulations and permit to be issued to Declarant by the Division of Water Quality under NCAC 2H.1000. The State of North Carolina is made a beneficiary of these covenants to the extent necessary to maintain compliance with the stormwater management permit. These

covenants are to run with the land and be binding on all persons and parties claiming under them. The covenants pertaining to Stormwater may not be altered or rescinded without the express written consent of the State of North Carolina, Division of Water Quality. Alteration of the drainage as shown on the approved plan may not take place without the concurrence of the State. These covenants are as follows:

1. No more than 38,500 total square feet on all the Lots shall be covered by structures or impervious materials. This allocated amount includes any built-upon area constructed within the lot boundary 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 structures, asphalt, gravel, concrete, brick, stone, slate, or similar materials but does not include wood decking or the water surface of swimming pools. The 38,500 total square feet of impervious area shall be allocated to the lots as 2,750 square feet per lot. The impervious allocations indicated to each lot may be reallocated by the owners of such lots to another lot by (1) a written document signed by such owner (s) and recorded in the Carteret County Registry, and (ii) approval by the State Division of Water Quality under the Permit referenced above.
2. Filling or piping in any ditches or swales associated with the development, except for average driveway crossings, is strictly prohibited by any persons.
3. Built-upon area in excess of the permitted amount requires a State Stormwater Management permit modification prior to construction.,
4. This project proposes a curb outlet system. Each designated curb outlet swale shown on the approved plan must be maintained at a minimum of 100' long with a 5:1 (H:V) side slopes or flatter, have longitudinal slope no steeper than 5%, carry the flow from a 10 year storm in a non-erosive manner, and maintain a dense vegetative cover.
5. All permitted runoff from future development shall be directed into the permitted stormwater control system. These connections to the stormwater control system shall be performed in a manner that maintains the integrity and performance of the system, as permitted.

IN WITNESS WHEREOF, Golf & Shore Properties, Inc., the Declarant herein, has caused this instrument to be executed by its duly authorized corporate officer on the date first appearing above.

GOLF & SHORE PROPERTIES, INC.