



**SECOND AMENDMENT TO THE SECONDARY COVENANTS
FOR SINGLE FAMILY 18 CAPE FEAR STATION**

**(PER THE AMENDED AND RESTATED UNIFIED DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE [sic] BALD
HEAD ASSOCIATION, AS AMENDED)**

This **Second Amendment** ("Amendment") to the **Secondary Covenants for Single Family 18, Cape Fear Station** ("SF-18"), a community subject to the Amended and Restated Unified Declaration of Covenants, Conditions and Restrictions for Bald Head Association ("Declaration"), located in the Village of Bald Head Island, Smithville Township, Brunswick County, North Carolina, is made on the date hereinafter set forth by Bald Head Association, a North Carolina non-profit corporation ("Association"), for and on behalf of its Members.

RECITALS:

WHEREAS, the Declaration is duly recorded in Deed Book 4009, Page 206 in the office of the Register of Deeds for Brunswick County, North Carolina ("Registry"), and incorporates into Section 17 thereof the recorded Stage Two Secondary Covenants ("Secondary Covenants") applicable to the various communities in Cape Fear Station, Bald Head Island, including the properties identified on Exhibit B and Exhibit C to the Declaration; and

WHEREAS, the Declaration was amended by instrument duly recorded in Deed Book 4882, Page 353 of the aforesaid Registry, which instrument, *inter alia*, adds Section 17.3 to the Declaration, stating that the Secondary Covenants applicable to any particular community may be amended by the vote of two-thirds (2/3) of the Members comprising that community, provided that the amendment also receives the unanimous approval of the Association's Board of Directors; and

WHEREAS, the Secondary Covenants for Cape Fear Station SF-18 a community originally consisting of eleven (11) lots depicted as Lots 2596, 2597, 2599, 2601, 2603, 2605, 2607, 2609, 2611, 2613 and 2615 on the plat of survey recorded in Map Cabinet 22, Page 462 of said Registry ("Plat"), are duly recorded in Deed Book 1372, Page 263 of the aforesaid Registry, and incorporated into the Declaration, as amended; and



WHEREAS, the Secondary Covenants for Cape Fear Station SF-18 were previously amended by that Addendum recorded in Deed Book 1917, Page 727 of the aforesaid Registry (the "First Amendment"); and

WHEREAS, the First Amendment increased the maximum square footage for Lot 2597 from 5500 square feet to 6000 square feet as a result of a modification of the applicable stormwater permit; and

WHEREAS, the owner of Lots 2611, 2613 and 2615 by various instruments recorded in the aforesaid Registry, have combined said Lots into Lot 2611R and Lot 2613R which revised Lots have the metes, bounds and locations shown on the plat of survey recorded in Map Cabinet 24, Page 536 of said Registry; and

WHEREAS, the State of North Carolina Division of Energy, Mineral and Land Resources (DEMLR) is made a beneficiary of these covenants to the extent necessary to maintain compliance with stormwater management permit SW8-980920, the covenants pertaining to stormwater may not be altered or rescinded without the express written consent of the Division of Energy, Mineral and Land Resources. The maximum allowable built upon area per lot is as set forth on Exhibit A attached hereto; and

WHEREAS, the undersigned being the owners of more than two thirds (2/3) of the Lots comprising SF-18 have agreed to amend the Secondary Covenants applicable to SF-18 as hereinafter set forth and the Association, by the unanimous vote of its Board of Directors and in accordance with Section 17.3 of the Declaration, has approved the amendment of the Secondary Covenants as hereinafter set forth;

AMENDMENT:

NOW THEREFORE, the Secondary Covenants applicable to Single Family 18, Cape Fear Station, Bald Head Island, Brunswick County, North Carolina, are hereby amended as follows:

1. All references in the Secondary Covenants to the "Plat" shall be replaced with "New Plat"; the Plat, as referenced in the Secondary Covenants, shall mean and refer to the New Plat identified as such herein and recorded in Map Cabinet 151, Page 14 of the Brunswick County Registry; the Property and Lots referenced in the Secondary Covenants shall mean and refer to the Property and Lots as the same are shown in the New Plat; and the descriptions of the Property and the Lots shall hereafter be in accordance and consistent with the New Plat. Where appropriate, references in the Declaration to the "Secondary Covenants" for Single Family 18 shall mean and refer to the Secondary Covenants as herein amended.



2. Paragraph 7(a) of the Secondary Covenants applicable to Single Family 18, Cape Fear Station, Bald Head Island, Brunswick County, North Carolina is hereby deleted and the following inserted in its place and stead:

The minimum square footage of heated enclosed living space for each approved primary residential structure shall be 1,800 square feet. The maximum heated space per residence constructed on Lots 2601R, 2603R and 2607R shall be 6,400 square feet. The maximum square footage that may be covered by impervious coverage on each Lot shall be as set forth on Exhibit A.

3. Except as specifically amended by this Second Amendment to the Secondary Covenants for Single Family 18, Cape Fear Station, the terms and provisions of said Secondary Covenants shall remain in full force and effect and binding upon the property and Lots in Single Family 18 and the owner(s) thereof. In the event of any inconsistencies between the Secondary Covenants and the Secondary Covenants as herein amended, this Amendment shall control.
4. All of the property and Lots shown and described on the New Plat shall be held, owned and conveyed subject to the provisions of the Secondary Covenants as herein amended, and the easements, restrictions, reservations, covenants and conditions contained in the Secondary Covenants as so amended shall run with the land and shall be binding on all parties having or acquiring any right, title or interest in said property and/or Lots, or any portion thereof, their successors and assigns.
5. The provisions of this Amendment shall take effect upon the issuance by the State of North Carolina Department of Energy and Natural Resources of the revised Stormwater Management Permit modifying the Impervious/Built Upon Area as set forth on Exhibit A attached hereto and by this reference incorporated herein.

IN WITNESS WHEREOF, this Second Amendment to the Secondary Covenants for Single Family 18, Cape Fear Station, has been duly executed by the following persons and entities being all of the owners of the property comprising Single Family 18, or their duly authorized representatives.

SIGNATURES AND NOTARY ACKNOWLEDGMENTS FOLLOW ON THE NEXT PAGES



The undersigned constitute all Member/owners of property comprising the community known as Single Family 18, Cape Fear Station, Bald Head Island, North Carolina, and have voted unanimously in favor of this First Amendment to the Secondary Covenants for said community.

As to Lots 2605, 2607, 2609 2611R and 2613R:

ZMV Realty Holding, LLC

By: Robert C. Mayer
Robert C. Mayer

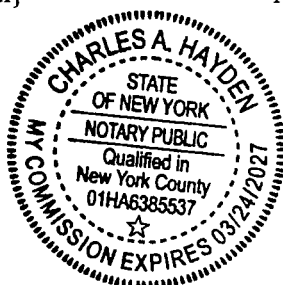
Address: 114 River Road
Scarborough, NY 10510

STATE OF New York
COUNTY OF New York

I, Charles A. Hayden, a Notary Public for said County and State, do hereby certify that **Robert C. Mayer, Member of ZMV Realty Holding, LLC**, personally known to me or whose identity was evidenced by the form of (personally known), personally appeared before me this day, and being by me duly sworn, acknowledged the due execution of the foregoing and annexed instrument as his free act and deed.

WITNESS my hand and official seal, this the 20 day of November, 2023.

{stamp or seal}



Notary Public/My commission expires: 03/24/27



As to Lot 2601:

Richard E. Allison, Jr.

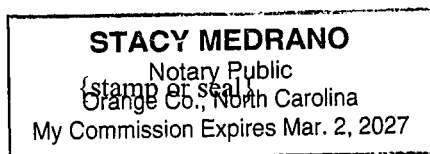
Susan M. Allison

Address: 609 North Street
Chapel Hill, NC 27514-3730

STATE OF North Carolina
COUNTY OF Orange

I, Stacy Medrano, a Notary Public for said County and State, do hereby certify that Richard E. Allison, Jr. and Susan M. Allison, personally known to me or whose identity was evidenced by the form of North Carolina Driver License, personally appeared before me this day, and being by me duly sworn, acknowledged the due execution of the foregoing and annexed instrument as his free act and deed.


WITNESS my hand and official seal, this the 1st day of December, 2023.



Notary Public/My commission expires: March 2, 2027



As to Lot 2603:


Timothy P. Dunn

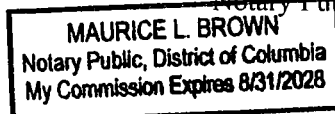
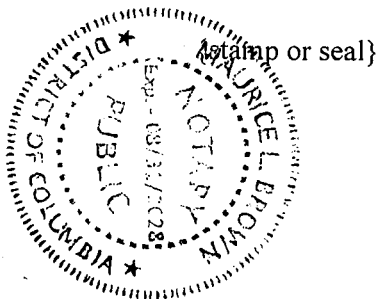
Ellen R. Stofan

Address: PO Box W
The Plains, VA 20198

STATE OF Washington
COUNTY OF Jefferson


I, Maurice L. Brown, a Notary Public for said County and State, do hereby certify that **Timothy P. Dunn and Ellen R. Stofan**, personally known to me or whose identity was evidenced by the form of Drivers License, personally appeared before me this day, and being by me duly sworn, acknowledged the due execution of the foregoing and annexed instrument as his free act and deed.

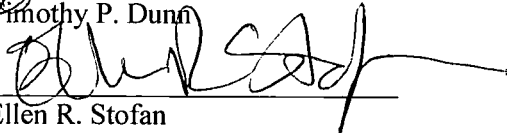
WITNESS my hand and official seal, this the 11th day of December, 2023.



Notary Public/My commission expires: August 31, 2028

As to Lot 2603:



Timothy P. Dunn


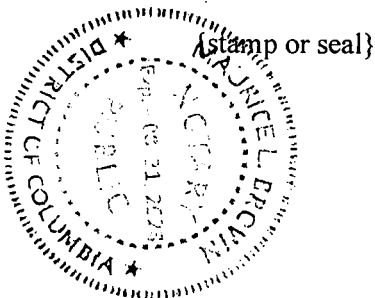
Ellen R. Stofan

Address: PO Box W
The Plains, VA 20198


STATE OF Washington
COUNTY OF DC

I, Maurice L. Brown, a Notary Public for said County and State, do hereby certify that **Timothy P. Dunn and Ellen R. Stofan**, personally known to me or whose identity was evidenced by the form of Driver's License, personally appeared before me this day, and being by me duly sworn, acknowledged the due execution of the foregoing and annexed instrument as his free act and deed.

WITNESS my hand and official seal, this the 12 day of December, 2023.



MAURICE L. BROWN
Notary Public, District of Columbia
My Commission Expires 8/31/2028



Notary Public/My commission expires: August 31, 2028

As to Lot 2599:

Lew-Smutny Family Revocable Trust

By: 

Darryl S. Lew, Trustee

By: 

Abby C. Smutny, Trustee

Address: 10806 Pleasant Hill Drive
Potomac, MD 20854-1511

STATE OF

COUNTY OF

Washington, DC
District of Columbia

I, Clarice Ann Wesley, a Notary Public for said County and State, do hereby certify that **Darryl S. Lew and Abby C. Smutny, Trustees of the Lew-Smutny Family Revocable Trust**, personally known to me or whose identity was evidenced by the form of identification, personally appeared before me this day, and being by me duly sworn, acknowledged the due execution of the foregoing and annexed instrument as his free act and deed.

WITNESS my hand and official seal, this the 5th day of December, 2023.

{stamp or seal}

Clarice Ann Wesley
Notary Public/My commission expires: 3/14/25CLARICE ANN WESLEY
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires March 14, 2025

As to Lot 2597:

Cox Holdings, LLC

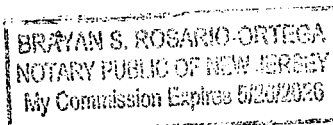
By:

Sarah C. Garcia
Sarah C. Garcia, ManagerAddress: PO Box 573
Clarkton, NC 28433STATE OF New Jersey
COUNTY OF Bergen

I, Brayan S Rosario-ortega, a Notary Public for said County and State, do hereby certify that Sarah C. Garcia, Manager of Cox Holdings, LLC, personally known to me or whose identity was evidenced by the form of Auto Driver License, personally appeared before me this day, and being by me duly sworn, acknowledged the due execution of the foregoing and annexed instrument as his free act and deed.

WITNESS my hand and official seal, this the 30 day of November, 2023.

{stamp or seal}

Notary Public/My commission expires: 5/26/2026

As to Lot 2596:

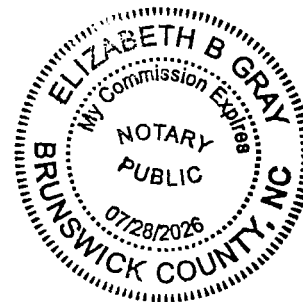
Smith Island Land Trust

By: Chris Shank
Chris Shank, Executive DirectorAddress: PO Box 3109
Bald Head Island, NC 28461-7001STATE OF North Carolina
COUNTY OF Brunswick

I, Elizabeth B Gray, a Notary Public for said County and State, do hereby certify that Chris Shank, Executive Director of Smith Island Land Trust, personally known to me or whose identity was evidenced by the form of CHRIS SHANK, personally appeared before me this day, and being by me duly sworn, acknowledged the due execution of the foregoing and annexed instrument as his free act and deed.

WITNESS my hand and official seal, this the 29 day of November, 2023.

{stamp or seal}

Elizabeth B Gray
Notary Public/My commission expires: 07/28/26



In witness whereof, the duly authorized representatives of Bald Head Association have set their hands and seals, the 20th day of December, 2023.

BALD HEAD ASSOCIATION,
a North Carolina non-profit corporation

{corporate seal}

By: Christine Osborne
Christine Osborne, Vice President
Address: P.O. Box 3030
Bald Head Island, NC 28461

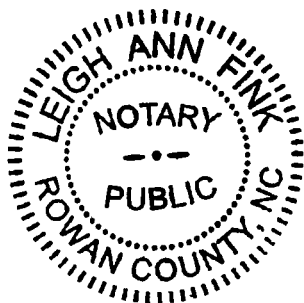
STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

I, Leigh Ann Fink, a Notary Public for said County and State, do hereby certify that Christine Osborne, Vice President of Bald Head Association, personally appeared before me this day and being authorized to do so, executed the foregoing on behalf of the corporation.

WITNESS my hand and official seal, this the 20th day of December, 2023.

{stamp or seal}

Leigh Ann Fink
Notary Public/My commission expires: 7/05/2026



**Exhibit A**

As originally platted, SF-18 was comprised of 11 buildable lots. One Lot 2596 has been donated to SILT. Lots 2611 and 2615 were combined into a new Lot 2611R. Lot 2613R is to be donated to SILT. Lot 2609 and part of Lot 2605 and Lot 2607 have been re-platted to form 2607R. Two Lots 2601 and 2603 have been re-platted to form 2601R and 2603R.

Lot Number	Maximum Square Footage, Impervious/BUA
2596	5,500
2597	6,000
2599	5,500
2601(R)	8,000
2603(R)	8,000
2607(R)	8,000
2611(R)	11,000
2613(R)	3,000

BUA shall mean “Impervious/Built Upon Area” which includes, but is not limited to, main structures and all accessory 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 allotted amount includes any built-upon area constructed within the lot boundaries, and that portion of the right-of-way between the front lot line and the edge of the pavement.