

STATE OF NORTH CAROLINA

COUNTY OF BRUNSWICK

FILED FOR REGISTRATION
BOOK 1062 PAGE 110

95 NOV 16 PM 3:59

ROBERT J. ROBINSON
REGISTER OF DEEDS
BRUNSWICK COUNTY

001087

AMENDED DECLARATION OF PROTECTIVE COVENANTS AND ANNEXATION

PALM COURT

THIS AMENDED DECLARATION OF PROTECTIVE COVENANTS AND ANNEXATION is dated for purposes of reference only this 8th day of November, 1995, by Bald Head Island Limited, a Texas limited partnership ("Declarant").

WITNESSETH:

WHEREAS, Declarant is the developer of the property generally referred to as Bald Head Island; and

WHEREAS, within the development generally known as Bald Head Island, Declarant has subdivided certain properties for purposes of sale and other utilization; and

WHEREAS, one of the subdivisions on Bald Head Island is referred to as Palm Court, which subdivision consists of fifteen (15) single family residential lots; and

WHEREAS, by Declaration of Annexation recorded in Book 989, Page 782 et seq., as amended in Book 1019, Page 809, Brunswick County Registry, Declarant did provisionally annex the properties within Palm Court to the terms, provisions and conditions of the Amended and Restated Declaration of Covenants and Restrictions for Bald Head Island recorded in Book 498, Page 260, et seq., Brunswick County Registry ("Original Covenants"); and

WHEREAS, Palm Court is within an area of Bald Head Island generally referred to as Stage Two; and

WHEREAS, Declarant has caused to be recorded Protective Covenants for Bald Head Island Stage Two, which Protective Covenants are recorded in Book 1045, Page 676, et seq., Brunswick County Registry ("Stage Two Covenants"); and

WHEREAS, Declarant wishes to subject the property known as Palm Court to the terms, provisions and conditions of the Stage Two Protective Covenants, and to otherwise amend, clarify and restate the Declaration of Annexation, recorded in Book 989, Page 782, et seq. Brunswick County Registry.

REI.	<u>E. Cantrell</u>	
TOTAL	14.00	
TG "	<u>38</u>	17122
CK "		0363
CASH		

NOW, THEREFORE, under authority reserved to Declarant in accordance with the Declaration of Annexation and the Stage Two Covenants, as above referenced, Declarant hereby submits and subjects the properties described hereinafter to the terms, provisions and conditions contained herein:

1. ANNEXATION. Effective at 11:59 p.m. on December 31, 1995, all that certain tract or parcel of land known as Palm Court lying to the east of Muscadine Wynd and containing 5.474 acres, more or less, including fifteen (15) lots numbered 2 through 16 inclusive, and being more particularly shown and described on that certain plat of survey prepared by Timothy J. Cawood R.L.S., McKim & Creed, and recorded in Map Cabinet Y, Page 348, of the Brunswick County Registry, (the "Plat"), which property is herein referred to "Palm Court," is and shall be made fully subject to the terms, provisions and conditions of the Stage Two Covenants, and such property shall be bound by all restrictions contained therein, except as specifically modified herein.

2. WITHDRAWAL. Declarant hereby withdraws all of the property within Palm Court from the encumbrances of the Amended and Restated Declaration of Covenants and Restrictions for Bald Head Island recorded in Book 498, Page 260, et seq., Brunswick County Registry, which withdrawal shall be effective at 11:59 PM, December 31, 1995.

3. UTILIZATION. Each numbered residential Lot within Palm Court shall be used for single family residential purposes only as set out in Paragraph 3 of the Stage Two Covenants, subject to the rights of Declarant as reserved in the Stage Two Covenants.

4. BUILDING AND SITE RESTRICTIONS - PALM COURT. All Lots within Palm Court shall be subject to the following restrictions:

- (a) The minimum square footage of heated, enclosed living space for each approved primary residential structure shall be 1,600 square feet.
- (b) Each Lot owner shall keep the grounds on his Lot and all structures located thereon in a clean, neat and sightly condition, and shall provide for the regular removal of all trash or refuse from the Lot.
- (c) No animals, livestock or poultry of any kind shall be kept or maintained on any Lot except that no more than two (2) dogs or cats are allowed, and provided they are attended as required by the ordinances of the Village of Bald Head.
- (d) In order to comply with the North Carolina Coastal Stormwater Regulations enacted by the Department of Environmental Management of the State of North Carolina, each Lot shall contain a maximum of 4,000 square feet covered by impervious surfaces (as defined by the Department of Environmental Management). Impervious surfaces include structures, paved surfaces, walkways, patios of brick, stone, slate and similar materials, and use of other materials that substantially negatively impact the ability of water to be assimilated into the soil.

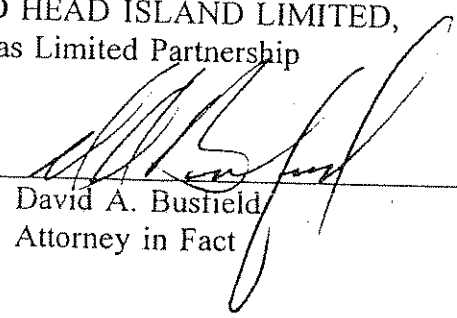
This provision of the Protective Covenants, runs with the land and is binding on all persons owning any Lot as shown on the Plat. No amendment of this provision shall be allowed unless consented to in writing by the State of North Carolina, Department of Environmental Management.

5. COMMON PROPERTIES. All property within Palm Court not included within a numbered residential subdivision lot shall be considered Common Property. Within twelve months following conveyance by Declarant to a third party of all lots within Palm Court, Declarant shall convey all Common Property either to the Village of Bald Head, to the Bald Head Island Nature Conservancy, or to the Bald Head Island Stage Two Association, Inc.

6. BINDING EFFECT. The terms, provisions and conditions contained herein shall be binding on each and every owner of every numbered residential Lot within Palm Court, and their heirs, successors and assigns as to ownership of said Lot. The provisions, conditions and terms contained herein are for the benefit of each and every Lot within Palm Court, and are further for the use and benefit of all of the owners of properties within Bald Head Island Stage Two. Any of such parties, including the Association and the Declarant, shall have full right and authority to enforce by legal or equitable means any of the provisions contained herein. Upon the effective date hereof, the Declaration of Annexation shall be of no further force and effect, and all provisions of the State Two Covenants, except as specifically modified herein, shall encumber Palm Court.

7. DEFINITIONS. Defined words or phrases, denoted by capitalization of the initial letter of such words or phrases, shall have the meaning set out in the Stage II Covenants, unless otherwise defined herein.

BALD HEAD ISLAND LIMITED,
a Texas Limited Partnership (SEAL)

By:  (SEAL)
David A. Busfield
Attorney in Fact

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

I, Elizabeth T. Cantrell, a Notary Public for said County and State, do hereby certify that David A. Busfield, attorney in fact for Bald Head Island Limited, personally appeared before me this day, and being by me duly sworn, says that he executed the foregoing and annexed instrument for and in behalf of the said Bald Head Island Limited, and that his authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged and recorded in the Office of the Register of Deeds in the County of Brunswick, State of North Carolina, in Deed Book 1021 at Page 1089, and that this instrument was executed under and by virtue of the authority given by said instrument granting him power of attorney.

I do further certify that David A. Busfield acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and in behalf of the said Bald Head Island Limited.

WITNESS my hand and official seal this the 8th day of November, 1995.



Elizabeth T. Cantrell
Notary Public

My commission expires: December 11, 1996

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

The Foregoing (or annexed) Certificate(s) of Elizabeth T. Cantrell

Notary(ies) Public (is)(are) Certified to be Correct.

This Instrument was filed for Registration on the Day and Hour in the Book and Page shown on the First Page hereof.

Robert J. Robinson
ROBERT J. ROBINSON, Register of Deeds

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

FILED FOR REGISTRATION
BOOK 1062 PAGE 110
95 NOV 16 PM 3:59

WILLIAM J. ROBINSON
REGISTER OF DEEDS
BRUNSWICK COUNTY

11/16/95

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PALM COURT

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REI. E. Cantrell
TOTL 14.00
TG " 38
CK " 17122
CASH 0363

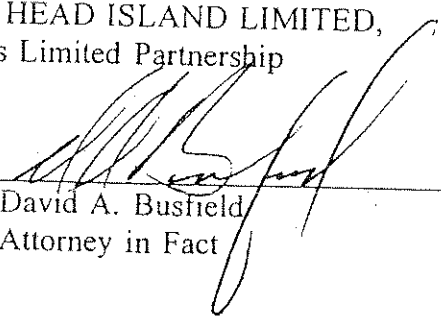
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BALD HEAD ISLAND LIMITED,
a Texas Limited Partnership (SEAL)

By:  (SEAL)
David A. Busfield
Attorney in Fact

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

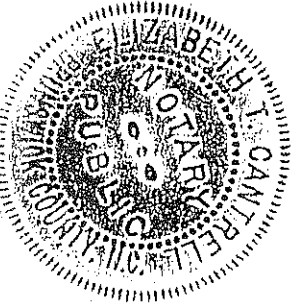
I, Elizabeth T. Cantrell, a Notary Public for said County and State, do hereby certify that David A. Busfield, attorney in fact for Bald Head Island Limited, personally appeared before me this day, and being by me duly sworn, says that he executed the foregoing and annexed instrument for and in behalf of the said Bald Head Island Limited, and that his authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged and recorded in the Office of the Register of Deeds in the County of Brunswick, State of North Carolina, in Deed Book 1021 at Page 1089, and that this instrument was executed under and by virtue of the authority given by said instrument granting him power of attorney.

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WITNESS my hand and official seal this the 8th day of November, 1995.

Elizabeth Cantrell
Notary Public

My commission expires: December 11, 1996



STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

The Foregoing (or annexed) Certificate(s) of Elizabeth T. Cantrell

Notary(ies) Public (is)(are) Certified to be Correct.

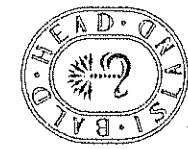
This Instrument was filed for Registration on the Day and Hour in the Book and Page shown on the First Page hereof.

Robert J. Robinson
ROBERT J. ROBINSON, Register of Deeds

CHORD	RADIUS	CHORD BEARING	CHORD LENGTH	ARC
C1	110.74	S 81° 14' 30" W	110.74	110.74
C2	110.74	S 81° 14' 30" W	110.74	110.74
C3	110.74	S 81° 14' 30" W	110.74	110.74
C4	110.74	S 81° 14' 30" W	110.74	110.74
C5	110.74	S 81° 14' 30" W	110.74	110.74
C6	110.74	S 81° 14' 30" W	110.74	110.74
C7	110.74	S 81° 14' 30" W	110.74	110.74
C8	110.74	S 81° 14' 30" W	110.74	110.74
C9	110.74	S 81° 14' 30" W	110.74	110.74
C10	110.74	S 81° 14' 30" W	110.74	110.74
C11	110.74	S 81° 14' 30" W	110.74	110.74
C12	110.74	S 81° 14' 30" W	110.74	110.74
C13	110.74	S 81° 14' 30" W	110.74	110.74
C14	110.74	S 81° 14' 30" W	110.74	110.74
C15	110.74	S 81° 14' 30" W	110.74	110.74
C16	110.74	S 81° 14' 30" W	110.74	110.74
C17	110.74	S 81° 14' 30" W	110.74	110.74
C18	110.74	S 81° 14' 30" W	110.74	110.74
C19	110.74	S 81° 14' 30" W	110.74	110.74
C20	110.74	S 81° 14' 30" W	110.74	110.74

ORDINANCE	DISTANCE
L1	18.61
L2	18.61
L3	18.61
L4	18.61
L5	18.61
L6	18.61
L7	18.61
L8	18.61
L9	18.61
L10	18.61
L11	18.61
L12	18.61
L13	18.61
L14	18.61
L15	18.61
L16	18.61
L17	18.61
L18	18.61
L19	18.61
L20	18.61

SOUTHERN WEST CORNER OF PLAT 23, EAST END, SERVICE VILLAGE PLAT CABBLET U PAGE 235

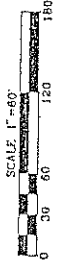


A REVISED PLAT OF
PALM COURT
 SMITHFIELD TRSP, BRUNSWICK COUNTY
 NORTH CAROLINA
 JUNE 24 1994

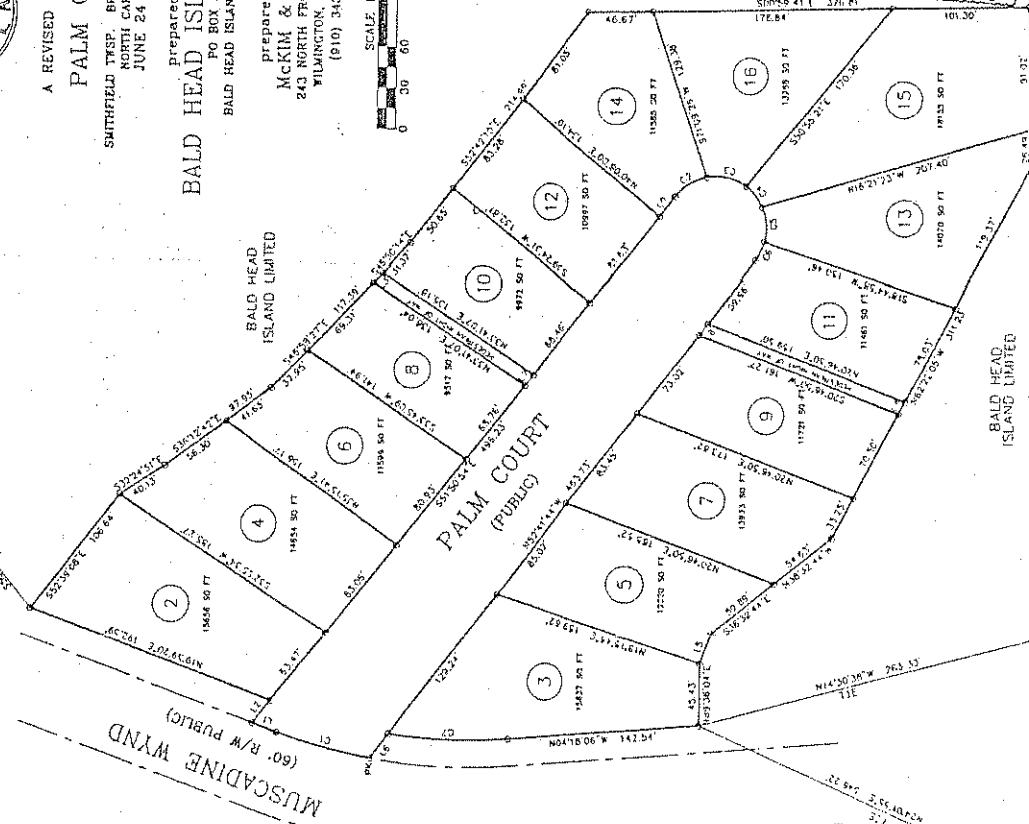
Prepared for:
BALD HEAD ISLAND LIMITED
 PO BOX 3089
 BALD HEAD ISLAND, NC 28461

Prepared by:
McKIM & CREED
 243 NORTH FRONT STREET
 WILMINGTON, NC 28401
 (910) 343-1048

NOTE: THIS PLAT SUPERSEDES PLAT ENTITLED "BALD HEAD ISLAND LIMITED - LOTS 3 & 5" DATED 11/15/93 AND RECORDED IN MAP BOOK Y PAGE 322 AT THE BRUNSWICK COUNTY REGISTER OF DEEDS

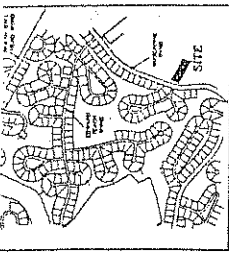
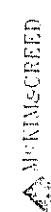


LEGEND
 ○ 100' STAKE SET
 ● 600' STAKE SET
 ○ 600' P.V. STAKE SET

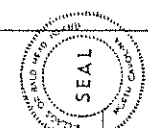


NORTHWEST CORNER LOT 2001 OF PLAT 23, SECTION ONE OF PLAT CABBLET U PAGE 235

NOTE: IN THE CENTER LINE OF MUSCADINE WYND, FROM BALD HEAD ISLAND LIMITED



1. ALL DISTANCES SHOWN ARE MEASURED ALONG THE CENTER OF THE PLAT.
 2. ALL DISTANCES ARE IN FEET UNLESS OTHERWISE NOTED.
 3. ALL DISTANCES WERE MEASURED BY THE SURVEYOR.
 4. ALL DISTANCES WERE MEASURED BY THE SURVEYOR.
 5. THE SURVEYOR HAS BEEN ADVISED BY THE PROPERTY OWNERS THAT THE PLAT IS CORRECT AND ACCURATE.
 6. THE SURVEYOR HAS BEEN ADVISED BY THE PROPERTY OWNERS THAT THE PLAT IS CORRECT AND ACCURATE.
 7. THE SURVEYOR HAS BEEN ADVISED BY THE PROPERTY OWNERS THAT THE PLAT IS CORRECT AND ACCURATE.
 8. THE SURVEYOR HAS BEEN ADVISED BY THE PROPERTY OWNERS THAT THE PLAT IS CORRECT AND ACCURATE.
 9. THE SURVEYOR HAS BEEN ADVISED BY THE PROPERTY OWNERS THAT THE PLAT IS CORRECT AND ACCURATE.
 10. THE SURVEYOR HAS BEEN ADVISED BY THE PROPERTY OWNERS THAT THE PLAT IS CORRECT AND ACCURATE.



Rec 7-1-94 Y-348

