

Brunswick County—Register of Deeds
Robert J. Robinson
Inst #154027 Book 1733Page 763
04/17/2003 02:45:45pm Rec# 148031

RET Judy Ward
TOTAL 25 REV 38 TC# 38
REC# 151 CK AMT 1444 CK# 1444
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AMENDMENT AND ANNEXATION TO PROTECTIVE COVENANTS
BALD HEAD ISLAND STAGE TWO
SINGLE FAMILY 16 – SHOALS WATCH
CAPE FEAR STATION

This Amendment and Annexation to Protective Covenants, Bald Head Island Stage Two, (“Amendment”) is made by Bald Head Island Limited this 17th day of April, 2003.

RECITALS:

Bald Head Island Limited, a Texas Limited Partnership qualified to do business in the State of North Carolina (“Declarant”) is the developer of property generally referred to as Bald Head Island. In furtherance of that plan of development, Declarant did record Protective Covenants for Bald Head Island Stage Two, dated August 3, 1995 (“Protective Covenants”), which Protective Covenants are recorded in Deed Book 1045, Page 676 et seq., Brunswick County Registry. Paragraph 2 of the Protective Covenants authorizes and allows Declarant to annex additional property on Bald Head Island to the provisions of the Protective Covenants, and to subject lots so annexed to building and site restrictions as may be set out in the Amendment annexing said lots.

By execution and recordation of this Amendment, it is the intent of the Declarant to annex those properties described hereinafter to the terms, provisions and conditions of the Protective Covenants, subject to the specific provisions contained herein. The Protective Covenants, as previously amended, are hereby further amended as follows:

1. **ADDITIONAL PROPERTIES.** The provisions of the Protective Covenants shall apply fully to all of the property (including even-numbered Lots 3210 through 3230, odd-numbered Lots 3211 through 3215, and the area designated Open Space) as shown on that plat recorded in Map Cabinet 27, Instrument 413, Brunswick County Registry (“Plat”), as the same may be amended from time to time. As used herein, “Lot” shall mean any numbered Lot designated for residential use as shown on the Plat made subject to the Protective Covenants by this Amendment.

2. ASSOCIATION. As set out in the Protective Covenants, Declarant has chartered a North Carolina non-profit homeowners association named Bald Head Island Stage Two Association, Inc. ("Association"). The owner of each Lot shall be a member of the Association, and shall be required to pay dues thereto as set out in the Protective Covenants. The owner of each of the Lots shall begin paying dues to the Association as of the date of acquisition of title, and as for Lots owned by Declarant or an entity owned or controlled by Declarant, as of the first day of the calendar month immediately following the recording of the Plat.
3. SINGLE FAMILY UTILIZATION. Except for such other uses as are hereinafter reserved to Declarant, all Lots shall be limited to use only for single family residential purposes. All of the provisions of Paragraph 3 of the Protective Covenants are specifically incorporated herein by reference.
4. SETBACKS. The Plat sets out an allowable building envelope for each Lot within Single Family 16, Cape Fear Station. There shall be no setbacks, other than those imposed by the Village of Bald Head Island or other governmental authority, as set forth on the Plat, or as contained in the Cape Fear Station Design Guidelines ("Guidelines"), except that all construction of every Living Unit, garage, crofter, garage/crofter combination, or other heated and/or enclosed space, must be within the allowable building envelope as shown on the Plat, subject to the approval of the Committee, as more fully set out in Paragraph 4 of the Protective Covenants. The requirement to construct all heated and/or enclosed space within the allowable building envelope shall specifically take precedence over any presumed setbacks as set out in Paragraph 8 of the Protective Covenants. No construction except improvements allowed in accordance with the ordinances of the Village of Bald Head Island shall be allowed within any setback imposed by the Village of Bald Head Island. With the approval of the Committee, construction of improvements which are not heated and not enclosed (i.e., open decks, gazebos, pools, walkways) may be permitted outside the rear (southerly) line of the allowable building envelopes on even-numbered Lots 3210 through 3230, provided that such construction is consistent with the zoning ordinances of the Village of Bald Head Island, and further provided that such construction will not violate any provisions pertaining to use of the Conservation Easement as set forth herein. No improvements shall be constructed by the Owner of any Lot to the extent located between the public street adjacent to the Living Unit on said Lot, and the entry to the Living Unit closest thereto, which would significantly impede emergency access to said entry. Fencing must have unlocked gates sufficiently wide to accommodate such access.
5. COMBINATION OF LOTS. Any two or more contiguous Lots shown on the Plat may be combined into a single Lot, and the provisions of Paragraph 12 of the Protective Covenants shall apply thereto. In the event of such a combination of Lots, any easements, building envelope, or set back requirements, whether set forth herein

or appearing on the Plat, which are located along or pertain to a Lot line between any two combined Lots, shall, upon such combination of Lots, be extinguished, provided that said easements shall be extinguished only to the extent that they are used to provide services solely to the combined Lots. Notwithstanding anything to the contrary contained herein or in the Design Guidelines, the maximum square footage of heated, enclosed living space for the primary Living Unit on any combination of Lots shall be limited to seventy-five (75%) percent of the total allowable maximum square footage for heated, enclosed living space for the combined Lots as set forth in the Design Guidelines. The remaining twenty-five (25%) percent of the total allowable maximum square footage for heated, enclosed living space may be utilized in other structure(s) permitted by the Design Guidelines and approved by the Committee for construction on the combined Lots.

6. LIMITATION ON HEIGHT. No structure constructed on any Lot shall exceed thirty-five (35) feet in height as measured from the lowest natural point where the building perimeter meets grade to the roof ridge. The provisions of Paragraph 19 of the Protective Covenants are specifically incorporated herein by reference.
7. BUILDING AND SITE RESTRICTIONS. All Lots as shown on the Plat shall be subject to the following restrictions:
 - (a) The Declarant has adopted certain Design Guidelines for the Cape Fear Station Development ("Guidelines"), which are incorporated herein by this reference, and which will be applied by the Committee when approval is sought for construction pursuant to the Protective Covenants. All Lots shown on the Plat are subject to both the general Guidelines and the specific Guidelines applicable to the lot types described therein, as the same may be amended from time to time by Declarant or the Association. Declarant reserves the right to change the lot type designation for any Lot prior to the sale of said Lot to a third party, notwithstanding the sale of other Lots which are subject to the Guidelines. For purposes of the Guidelines, the Lots shown on the Plat shall have the following lot type designations: Even-numbered Lots 3210 through 3230 are designated "Shoals Watch Beach Lots". Lots 3211, 3213 and 3215 are designated "Shoals Watch Manor Lots". In accordance with the Guidelines, the minimum square footage of heated, enclosed living space for each approved Living Unit on even-numbered Lots 3210 through 3230 shall be 2,000 square feet, and the maximum shall be 6,000 square feet; on Lots 3211 and 3213 the minimum shall be 1,500 square feet, and the maximum shall be 3,500 square feet; on Lot 3215 the minimum shall be 1,200 square feet and the maximum shall be 3,000 square feet.
 - (b) Yards shall be maintained with natural vegetation. No grasses or ornamental vegetation shall be permitted, EXCEPT, in the event the Association adopts

landscaping guidelines or standards specific to the Lots hereby annexed, then in that event such vegetation shall be permitted as is described in said guidelines or standards and approved for the Lot by the Committee.

- (c) Each Lot owner shall keep the grounds on his Lot and all structures located thereon in a clean, neat and slightly condition, and shall provide for the regular removal of all trash or refuse from the Lot.
- (d) No animals, livestock or poultry of any kind shall be kept or maintained on any Lot except that no more than 2 dogs or cats are allowed, provided they are attended as required by the ordinances of the Village of Bald Head Island.
- (e) In order to comply with the North Carolina Coastal Storm Water Regulations enacted by the Department of Environmental Management of the State of North Carolina, each Lot shall contain a maximum square footage covered by impervious surfaces (as defined by the Department of Environmental Management), which limitation shall be as follows: for Lot 3215, two thousand eight hundred and ten (2,810) square feet; for Lots 3211 and 3213, four thousand (4,000) square feet per Lot; for Lot 3230, six thousand five hundred (6,500) square feet; for all other Lots on the Plat, five thousand five hundred (5,500) square feet per Lot. 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 is intended to ensure continued compliance with storm water runoff regulations adopted by the State of North Carolina, and therefore this Paragraph 7(e) may be enforced by the State of North Carolina, as well as any other party entitled to enforce the Protective Covenants. To the extent that the State of North Carolina should revise its existing stormwater permit to allow different imperious surface amount(s) on any one of more of the Lots, upon filing by Declarant or the Association of a notice of said change in permit, the impervious surface limitation as to said Lot or Lots shall be automatically deemed amended to comply with the changed impervious surface limitation allowed by the State of North Carolina by permit. This provision, as well as all other provisions 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.
- (f) There are hereby reserved for the benefit of the owners of the Lots within the Plat, the Declarant, the Association, and all public and private utilities, and for the benefit of the Village of Bald Head Island, those certain easements for the installation and maintenance of all utilities, public and private, and the

maintenance of all roads and rights-of-way, upon, under and across the front seven (7') feet of each Lot (including the Open Space) adjacent to the public road right-of-way, Shoals Watch, as shown on the Plat. There is also reserved, for the benefit of the Declarant, its assigns, and all public and private utilities, an easement ten (10') feet in width, for the installation and maintenance of all utilities, public and private, upon, under and across the northerly ten (10') feet of the Conservation Easement area on Lot 3230 and the westernmost five (5') feet of the northerly ten (10') feet of the Conservation Easement area on Lot 3228, and running northerly from said Conservation Easement area five (5') feet on either side of the common boundary line between said Lots 3230 and 3228, ending where the front lot line of Lot 3228 meets the intersection of the front lot line of Lot 3230 and the southwest corner of the terminus of Shoals Watch, all as shown on the Plat. There is further reserved, for the benefit of Declarant and its assigns, an easement for the installation and maintenance of sign(s), over and upon that entire triangle of land measuring fifteen (15') feet on a side and located in the northeast corner Lot 3210 where it meets Shoals Watch, as shown on the Plat.

- (g) There is hereby reserved for the benefit of the Village of Bald Head Island, its successors and assigns (including, *inter alia*, the United States Army Corps of Engineers or its contractors), a perpetual, alienable and releaseable easement in, over, under, upon and across those lands lying between the waters of the Atlantic Ocean and the first continuous line of mature, salt-tolerant vegetation or the 11-foot NGVD contour (whichever is more seaward) adjacent to said body of water, as to all of the even-numbered Lots shown on the Plat, allowing the Village of Bald Head Island, its successors and assigns, to go upon said lands as necessary or appropriate for the deposit, placement, replacement, maintenance, stabilization, movement, grading, regrading and excavation of soils, including dredged soils, in order to accomplish beach nourishment and renourishment, and/or dune construction, stabilization and maintenance, including the right to travel on, over or under said lands with such machinery as may be reasonably necessary to accomplish the purpose of such easement, to conduct reasonable studies thereof, and to perform all activities necessarily ancillary to the undertaking and successful conclusion of any beach nourishment or Federal beach disposal project and, from time to time, to reenter the said lands for said purposes.
- (h) There is shown on the Plat a Conservation Easement (indicated by the hatched area), totaling 9.2 acres in size, upon the southernmost portion of even-numbered Lots 3210 through 3230 (Shoals Watch Beach Lots) as shown on the Plat. No construction or land disturbing activities of any kind shall be allowed in or upon the Conservation Easement area, except for beach

nourishment activities as described above, installation of underground utilities or drainage structures as approved by the appropriate authorities, and private pedestrian crossings as are necessary or convenient for obtaining beach access, provided that all such crossings shall be located at the specific sites shown on the Plat as ten (10') foot access easements between every other even-numbered Lot, as described in the Guidelines for Shoals Watch Beach Lots, and shall conform to all requirements set forth in the Guidelines. Said access easements shall further be subject to the joint construction and maintenance provisions set forth in paragraph 8 herein. The Conservation Easement area shall be kept in its natural state. No removal of vegetation, and no landscaping or altering of the terrain shall be allowed, except as may be required to allow the limited activities and construction described in this paragraph 7(h).

- (i) There is shown on the Plat a buffer area, twenty-five (25) feet in width, along the western boundary of Lot 3230, and along the southern boundary of even-numbered Lots 3210 through 3230 (within the Conservation Easement area). No construction of any kind shall be allowed in said buffer area, except for underground utilities installation, pedestrian crossings, or drainage structures. The buffer area shall be kept in its natural state, and no tree removal, landscaping or altering of the terrain shall be allowed, except for regular maintenance to include the clearing of brush, and as may be required to allow permitted construction.
- (j) The tract designated on the Plat as Open Space, being 0.79 acres in size, is hereby declared to be Common Property, and shall be conveyed by Declarant to the Association, subject to any utility and access easements shown on the Plat and/or as set forth herein. The Association shall thereafter be responsible for the maintenance and upkeep of said tract. The said tract shall remain as open space, and no above-ground improvements shall be constructed or maintained thereon, except that minor utility structures for pumps, wells, and similar purposes, as well as walkways, paths, benches and similar improvements consistent with the enjoyment of open space, may be installed by Declarant or the Association, and provided that underground utility installation shall be allowed within the easements.
- (k) There will be installed on each of the Lots, by Bald Head Island Utilities, Inc., its successors or assigns (hereinafter Utility Company), a grinder pump for the removal of waste water generated at the Lot, together with the equipment, pipes and lines necessary to process and transport the waste water from the grinder pump to the sewer main tap located in the utility easement at the front of the Lot. The grinder pump for each Lot shall be installed within the area of the Lot designated for that purpose in the Guidelines, subject to

approval by the Utility Company of the suitability of the exact location of said grinder pump. In no event shall any grinder pump be installed within five (5') feet of the exterior wall of any dwelling. There is hereby reserved, for the benefit of the Declarant and the Utility Company, a perpetual and assignable easement and right-of-way over, upon, under and across each of the Lots for the purpose of installing, accessing, monitoring, maintaining, repairing and replacing the grinder pumps and the appurtenant equipment, pipes and lines, which easements and rights-of-way shall run with the land. The Utility Company shall be responsible only for the re-establishment of the grade of any Lot upon which the aforesaid installation, maintenance, repair or replacement activity occurs, and the Lot owner shall be responsible for the restoration of any improvements or landscaping damaged or disturbed by such activity, and shall hold the Utility Company, its agents and employees, free and harmless from liability therefor.

8. JOINT EASEMENT PROVISIONS. There are shown on the Plat five (5) pedestrian access easements, each ten (10') feet in width, for the benefit of even-numbered Lots 3210 through 3228. Each access easement shall be shared by and used for the exclusive joint benefit of the owners of the two Lots upon which said easement is located. The purpose of the joint access easements is to identify the only locations from which from which access may be gained to the foreshore of the Atlantic Ocean from the benefited Lots. The right to utilize each access easement shall be deemed appurtenant to and inseparable from ownership of the Lots to which the easement pertains. The cost of constructing and maintaining a walkway over and upon each easement, as allowed by the Design Guidelines, shall be the joint responsibility of the owners of the two Lots benefited thereby, and shall be shared equally by the owners of the two benefited Lots. In the event an owner does not receive contribution from the jointly-benefited owner for one-half of the reasonable cost of construction and maintenance of their shared walkway, said owner shall give written notice of same to the Association and, upon verification of non-payment, the Association shall attempt to collect the unpaid contribution (and all costs of collection) as an Assessment against the non-paying owner (and his Lot), and shall, upon actual collection, reimburse the owner who had advanced the funds.
9. DEFINITIONS. All capitalized terms set out within this Amendment shall have the meaning specified herein, and if not so specified, the definition as contained in the Protective Covenants shall be applicable.
10. INCORPORATION BY REFERENCE. Except as specifically amended by a provision contained within this Amendment, or by a specific limitation contained in the Protective Covenants, all the terms, provisions and

conditions of the Protective Covenants are made fully applicable to the property described in Paragraph 1 herein.

- 11. DECLARANT RESERVATION. There is hereby reserved to the Declarant, and to any assignee to whom Declarant transfers or assigns its interests hereunder, the right to use any Lot as a model home, sales office, or for any similar purpose related to the marketing and sale of the Lots, in accordance with Village of Bald Head Island ordinances, notwithstanding any other provisions of this Amendment or the Protective Covenants to the contrary, this right to expire when Declarant or its assigns is no longer actively engaged in the original sale of subdivided Lots on Bald Head Island.

This Amendment is executed as of the day and year first above written, on behalf of Declarant, by its Attorney in Fact, under authority duly granted.

BALD HEAD ISLAND LIMITED
a Texas Limited Partnership

By: *M. Kent Mitchell* (SEAL)
M. Kent Mitchell
Attorney in Fact

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

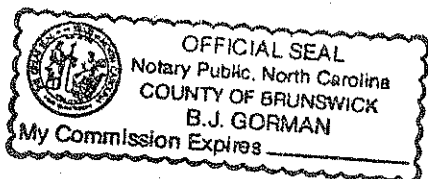
I, B. J. Gorman, a Notary Public for said County and State, do hereby certify that M. Kent Mitchell, attorney in fact for Bald Head Island Limited, personally appeared before me this day, and being by me duly sworn, says that he executed the foregoing and annexed instrument for and in behalf of the said 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 1143 at Page 912, and that this instrument was executed under and by virtue of the authority given by said instrument granting him power of attorney.

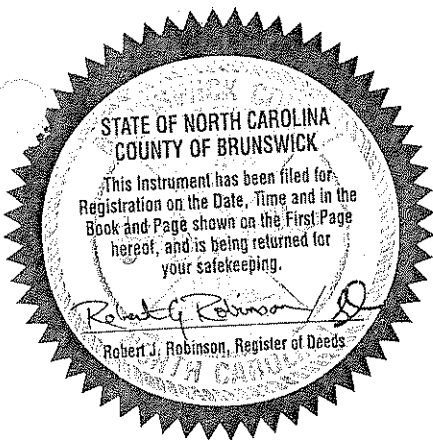
I do further certify that the said M. Kent Mitchell acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for an in behalf of the said Bald Head Island Limited.

WITNESS my hand and official seal, this the 17th day of April, 2003.

My Commission expires: 3/10/08

B. J. Gorman
Notary Public





RET Bald Head Island
TOTAL 17 REV TC# 38
REC# CK AMT 85 CK# 3030
CASH REF BY 86

ADDENDUM TO AMENDMENT AND ANNEXATION
TO PROTECTIVE COVENANTS
BALD HEAD ISLAND STAGE TWO
SINGLE FAMILY 16 – SHOALS WATCH
CAPE FEAR STATION

THIS ADDENDUM TO AMENDMENT AND ANNEXATION TO PROTECTIVE COVENANTS, BALD HEAD ISLAND STAGE TWO, SINGLE FAMILY 16 – SHOALS WATCH, CAPE FEAR STATION, is made as of the 28th day of April, 2006, as follows:

WHEREAS, Bald Head Island Limited, a Texas limited partnership, is the owner and developer of that certain real property on Bald Head Island known as Single Family 16 – Shoals Watch, Cape Fear Station, located in the Village of Bald Head Island, Brunswick County, North Carolina; and;

WHEREAS, Bald Head Island Limited, as Declarant, has heretofore caused to be recorded in the records of the Brunswick County Registry in Book 1733 at Page 763, an Amendment and Annexation to Protective Covenants for Bald Head Island Stage Two, Single Family 16 – Shoals Watch, Cape Fear Station; and,

WHEREAS, Bald Head Island Limited, Declarant and developer of the Lots within Bald Head Island Stage Two, including the Lots in Single Family 16, Cape Fear Station, as shown on that certain plat of survey recorded in the aforesaid Registry in Map Cabinet 27, Instrument 473, has, in accordance with the provisions of Title 15 NCAC 2H.1000 *et seq.*, recorded within the above-referenced Amendment and Annexation to Protective Covenants the impervious coverage limitations for each of the Lots shown on the aforesaid Plat, along with a reservation of the right to revise such impervious coverage limitations upon any revision of the stormwater management permit issued by the State of North Carolina for the property depicted on the Plat; and,

WHEREAS, Article 14 of the Protective Covenants for Bald Head Island Stage Two, recorded in the Brunswick County Registry in Book 1045 at Page 676, further reserves to Declarant the right to amend the said Protective Covenants for the purpose of “adding or deleting any incidental provisions deemed in the sole discretion of Declarant to be in the best interest of Declarant” without the consent, joinder or approval of any other owner;

NOW, THEREFORE, Declarant, Bald Head Island Limited, hereby declares that in accordance with Title 15 NCAC 2H.1000, *et seq.*, subparagraph (e) of paragraph 7 of the Amendment and Annexation to Protective Covenants, Bald Head Island Stage Two, Single Family 16 – Shoals Watch, Cape Fear Station, recorded in the Brunswick County Registry in Book 1733, Page 763, is hereby amended to change the allowable maximum square footage covered by impervious surfaces for Lot 3215 from two thousand eight hundred ten (2,810) square feet to four thousand (4,000) square feet. Except as herein set forth, the aforesaid Amendment and Annexation to Protective Covenants shall remain unchanged, and in full force and effect.

This Addendum is made as a result of the modification of the stormwater management permit issued for Cape Fear Station, including the subject property, on March 16, 2006, and is intended to insure continued compliance with stormwater runoff rules adopted by the State of North Carolina, and may be enforced by the State of North Carolina. The covenants contained herein shall run with the land and shall be binding on all parties and all persons claiming under them.

IN WITNESS WHEREOF, the undersigned being the Declarant herein has caused this instrument to be executed by its duly authorized attorney in fact, under seal, this the ___ day of April, 2006.

BALD HEAD ISLAND LIMITED (SEAL)
a Texas Limited Partnership

By: *M. Kent Mitchell* (SEAL)
M. Kent Mitchell
Attorney in Fact

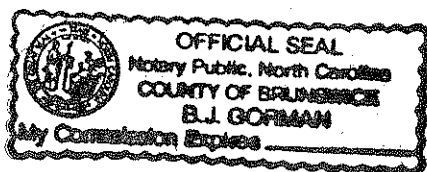
STATE OF NORTH CAROLINA
BRUNSWICK COUNTY

I, B. J. Gorman, a Notary Public for said County and State, do hereby certify that M. Kent Mitchell, 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 on 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 1143 at Page 912, 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 the said M. Kent Mitchell acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and on behalf of the said Bald Head Island Limited.

WITNESS my hand and official seal, this the 28th day of April, 2006.

{SEAL-STAMP}



B.J. Gorman
Notary Public
My commission expires: 3/10/08



Presenter Judy Ward Ret: IS
 2 Total 17 Rev _____ Int. 25
 Ck \$ 42 Ck # 2071 Cash \$ _____
 Refund: _____ Cash \$ _____ Finance _____
 Portions of document are illegible due to condition of original.
 Document contains seals verified by original instrument that cannot be reproduced or copied.

SECOND ADDENDUM
TO AMENDMENT AND ANNEXATION TO PROTECTIVE COVENANTS
BALD HEAD ISLAND STAGE TWO
SINGLE FAMILY 16 – SHOALS WATCH, CAPE FEAR STATION

THIS SECOND ADDENDUM TO AMENDMENT AND ANNEXATION TO PROTECTIVE COVENANTS, BALD HEAD ISLAND STAGE TWO, SINGLE FAMILY 16 – SHOALS WATCH, CAPE FEAR STATION, made as of the 12th day of July, 2007, as follows:

WHEREAS, Bald Head Island Limited, LLC, a Texas limited liability company, is the developer and sole owner of that certain real property located in the Village of Bald Head Island and known as Lot 3230, Single Family 16 – Shoals Watch, Cape Fear Station, Brunswick County, North Carolina; and,

WHEREAS, Bald Head Island Limited, as Declarant, has heretofore caused to be recorded in the records of the Brunswick County Registry in Book 1733 at Page 763 an Amendment and Annexation to Protective Covenants for Bald Head Island Stage Two, Single Family 16 - Shoals Watch, Cape Fear Station, as well as an Addendum to said Amendment in Book 2389 at Page 61, and has further caused to be recorded in said Registry in Map Book 27, Page 473, a Plat of survey which sets out and describes the real property and Lots subject to said Amendment and Addendum, and which depicts the allowable building envelope for each Lot, including Lot 3230; and,

WHEREAS, Paragraph 7 (a) of the aforesaid Amendment sets forth and describes certain lot type designations for each Lot subject to the Design Guidelines for the Cape Fear Station Development, and provides that the Declarant has reserved the right to change the lot type designation for any Lot prior to the sale of said Lot to a third party, notwithstanding the sale of other Lots which are subject to the Guidelines; and,

WHEREAS, the Declarant deems it necessary to change the lot type designation for Lot 3230 from “Shoals Watch Manor Lot” to “Shoals Watch Estate Lot” and to adjust the platted building envelope for Lot 3230 in connection with said change;

NOW, THEREFORE, Bald Head Island Limited, LLC, Declarant and sole owner of Lot 3230, Single Family 16 – Shoals Watch, Cape Fear Station, Bald Head Island, Brunswick County, North Carolina, hereby declares as follows:



1.) Declarant has caused the aforesaid Lot 3230 and the building envelope depicted thereon to be resurveyed and replatted, which revised plat of survey is recorded in Map Cabinet 41, Page 46, Brunswick County Registry. Henceforth, Lot 3230 shall be described with reference to said revised plat, but shall nonetheless remain subject to the conditions of said plat and the aforesaid Protective Covenants for Bald Head Island Stage Two and all Amendments and Annexations thereto, and all references to Lot 3230 shall mean Lot 3230 Revised.

2.) For purposes of the Design Guidelines, said Lot 3230 Revised shall have the following lot type designation: "Shoals Watch Estate Lot", and the minimum square footage of heated, enclosed living space for the Living Unit on said Lot shall be 2,000 square feet. The maximum allowable heated, enclosed living space on Lot 3230 Revised shall be 9,000 square feet, PROVIDED that in no event shall the heated, enclosed living space of the primary Living Unit on Lot 3230 Revised exceed 6,000 square feet. Paragraph 7 (a), "BUILDING AND SITE RESTRICTIONS", is hereby amended in accordance with this declaration as to Lot 3230 Revised.

Except as specifically amended and supplemented by this Second Addendum, all of the terms, provisions and conditions of the Protective Covenants for Bald Head Island Stage Two, and of the Amendment and Annexation to Protective Covenants, Bald Head Island Stage Two, Single Family 16 - Shoals Watch, Cape Fear Station, as previously amended, remain in full force and effect and fully applicable to the subject property described herein.

IN WITNESS WHEREOF, the undersigned being the Declarant herein has caused this instrument to be executed by its authorized representative the day and year above written.

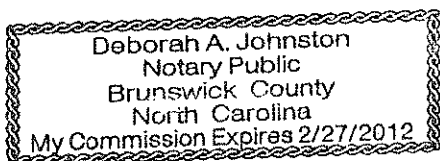
BALD HEAD ISLAND LIMITED, LLC
a Texas limited liability company

By: Stephen O. Robertson
Stephen O. Robertson
Senior Vice President

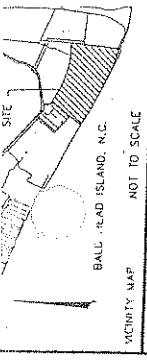
STATE OF NORTH CAROLINA
BRUNSWICK COUNTY

I, Deborah A. Johnston, a Notary Public for said County and State, do hereby certify that Stephen O. Robertson, Senior Vice President of Bald Head Island Limited, LLC, 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, LLC.

WITNESS my hand and official seal, this the 12th day of July, 2007.



Deborah A. Johnston
Notary Public / My commission expires: 2-27-2012



ACTUAL MAP NOT TO SCALE

BALD HEAD ISLAND, N.C.

NORTH CAROLINA COUNTY

1. THOMAS W. MORGAN, CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY PERSONAL SUPERVISION OR FROM A SURVEY MADE UNDER MY PERSONAL SUPERVISION OR FROM A SURVEY MADE UNDER THE SUPERVISION OF ANOTHER REGISTERED PROFESSIONAL SURVEYOR. THAT THE ERROR OF CLOSURE IS $1/100,000$ OF THE PERIMETER OF THE SURVEYED AREA. THAT THE PLAN IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY MADE BY ME OR BY ANOTHER REGISTERED PROFESSIONAL SURVEYOR UNDER MY SUPERVISION. THAT THE PLAN IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY MADE BY ME OR BY ANOTHER REGISTERED PROFESSIONAL SURVEYOR UNDER MY SUPERVISION. THAT THE PLAN IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY MADE BY ME OR BY ANOTHER REGISTERED PROFESSIONAL SURVEYOR UNDER MY SUPERVISION.

DATE OF SURVEY: APRIL 2001

PROFESSIONAL SURVEYOR NUMBER: 1-2318

LEGEND:

EXISTING REBAR CONCRETE MONUMENT

NEW REBAR

ALLOWABLE BUILDING ENVELOPE

CONSERVATION EASEMENT

THE LINE

CONDAEMNING AT "BALD HEAD LICHENOUS" (N.C. GRID COORDINATES N=448,422.8572 E=2,303,303.0000) THEREAS N=54,407.35 E=14,577.10 FEET TO N.C.G.S. MONUMENT THEREAS N.C. GRID COORDINATES N=437,994.4450 E=2,315,204.2845 THEREAS N=50,175.03 W=19,955.26 FEET TO N.C.A. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.

NOTES:

A PORTION OF THE PLATTED TRACT APPEARS TO BE A FLOOD HAZARD ZONE. SEE PLAT.

ALL STREETS ARE PUBLIC UNLESS OTHERWISE SPECIFIED.

ROW AND PAVEMENT WIDTHS WILL MEET REQUIREMENTS OF SECTION 16-100 AND SUBDIVISION ORDINANCE ARTICLE 16-100.

ALL LOTS ARE SUBJECT TO THE PROVISIONS, CONDITIONS AND RESTRICTIONS FOR CAPE FEAR STATION.

PUBLIC USES ARE TO BE SERVED BY PUBLIC WATER AND SEWERAGE.

30' RIGHT OF WAY ROADS WILL HAVE A BASE WIDTH OF 14 FEET AND 12 FEET OF PAVEMENT.

THE LOT FRONT IS SUBJECT TO A 7' UTILITY EASEMENT AND A 10' BEACH ACCESS EASEMENT.

ZONING: P.U.D. SINGLE FAMILY.

BUILDING SETBACKS:

FRONT: 10 FT. EAST SIDE: 15 FT.

REAR: 10 FT.

CALCULATIONS TO 10 FT.

TOTAL PLATTED AREA = 18.85 AC

MINIMUM LOT SIZE = 14

MINIMUM FEET OF STREETS = 816.81 FEET +/-

TOTAL AREA OF RIGHT OF WAY = 29,402 SF.

OWNER: BALD HEAD ISLAND LIMITED

Plot Of Survey For

SINGLE FAMILY 16

CAPE FEAR STATION

BALD HEAD ISLAND LIMITED

MADE FROM DEED BOOK 350, PAGE 68 AND EXISTING PHYSICAL EVIDENCE.

BRUNSWICK SURVEYING, INC

Thomas W. Morgan

Professional Land Surveyor

North Carolina and South Carolina

1037 Bambash Home Rd., SW

Supply, North Carolina 28882 (919)842-9332

1" = 100'

SCALE

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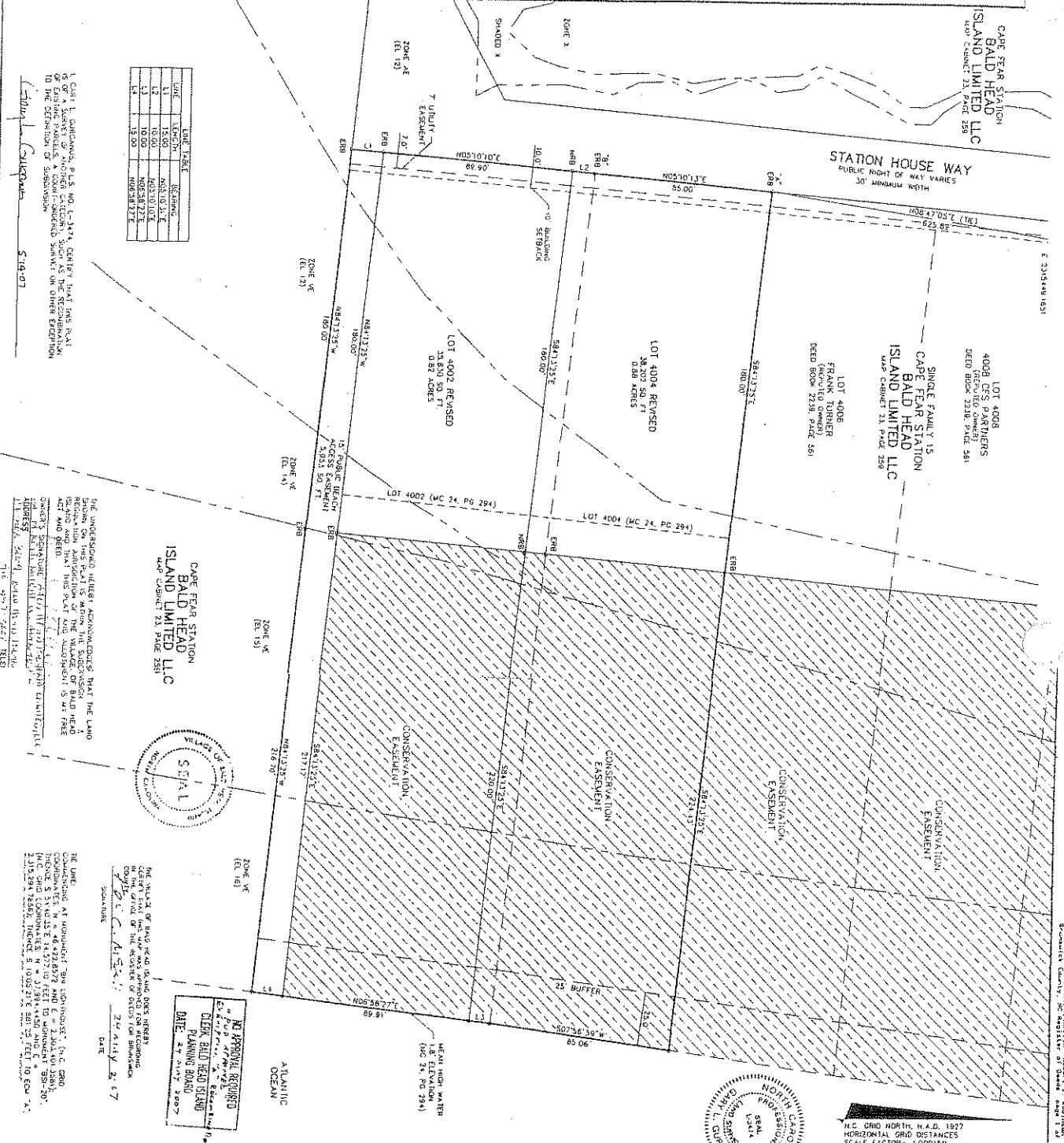
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LINE	LINE TYPE	REMARKS
L1	15.00'	15.00' SETBACK
L2	10.00'	10.00' SETBACK
L3	10.00'	10.00' SETBACK
L4	15.00'	15.00' SETBACK

1. CAP, 1. SURVEYOR, P.L.S. AND L.S.V. CERTIFY THAT THIS PLAN IS A TRUE AND CORRECT REPRESENTATION OF THE LAND AND OF THE EXISTING RECORDS AND THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ACT AND RULES.

2. THE UNDERGROUND NEAREST ADJACENTS THAT THE LAND REASON ON THIS PLAN IS WITHIN THE SUBDIVISION AND ISLAND AND THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ACT AND RULES.

3. THE SURVEYOR HAS BEEN ADVISED BY THE OWNER THAT THE LAND IS NOT SUBJECT TO ANY OTHER EASEMENTS OR ENCUMBRANCES.

4. THE SURVEYOR HAS BEEN ADVISED BY THE OWNER THAT THE LAND IS NOT SUBJECT TO ANY OTHER EASEMENTS OR ENCUMBRANCES.

5. THE SURVEYOR HAS BEEN ADVISED BY THE OWNER THAT THE LAND IS NOT SUBJECT TO ANY OTHER EASEMENTS OR ENCUMBRANCES.



NO APPROVAL REQUIRED FOR THIS PLAN UNDER THE PLANNING BOARD ACT.

DATE: 27 MAY 2007

SCALE: 1" = 30'

OWNER: BALD HEAD ISLAND LIMITED, LLC

PLANNING BOARD: BRUNSWICK COUNTY

DATE: 27 MAY 2007

SCALE: 1" = 30'

RECORDED BY: WITHERS & RAVENI

MAP CABINET 40, PAGE 27

WITHERS & RAVENI
BRUNSWICK SURVEY

5007 SARGENT ROAD, SUITE 100
MILLSBORO, DE 19966
TEL: 302-422-3322 FAX: 302-422-3323
WWW.WITHERSRAVENI.COM

LEGEND

- EXISTING REBAR (FOUND)
- NEW REBAR (SET)

NOTES

1. THE PLANNED LOTS ARE IN FLOOD ZONE "E" B WITH AN ELEVATION 12 FEET AND ZONE "V" DUNE FLOOD WITH AN ELEVATION 10 FEET. THE PLANNED LOTS ARE BASED ON HAWA 1988 DATA.

NEIGHBORLY MAP NOT TO SCALE

SCALE FACTOR: 1:1000159

