

**FIRST AMENDMENT TO THE SECONDARY COVENANTS
FOR SINGLE FAMILY 6, CAPE FEAR STATION**

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

This **First Amendment** ("Amendment") to the **Secondary Covenants for Single Family 6, Cape Fear Station** ("SF-6"), 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 Article 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 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-6, a community originally consisting of three (3) lots depicted as Lot 5400, Lot 5450, and Lot 5500 on the plat of survey recorded in Map Cabinet 29, Page 132 of said Registry ("Plat"), are duly recorded in Deed Book 1862, Page 1159 of the aforesaid Registry, amended in Deed Book 3962, Page 383 of said Registry, and incorporated into the Declaration, as amended; and

WHEREAS, the Plat and Sections 5 and 7(f) of the Secondary Covenants for SF-6 establish, for the benefit of the SF-6 Member/Lot-owners, the Declarant, and the Association, a pedestrian easement ten (10') feet in width, over and upon the east five (5') feet of Lot 5450 and the adjacent west five (5') feet of Lot 5500 ("Easement"), running from the public right-of-way known as Whale Head Way to Recreation 1, Village Common, as shown on the Plat, and provide that the Easement may not be extinguished should said Lots 5450 and 5500 be combined into a single Lot; and

WHEREAS, the Member/owners of all of the property and Lots constituting SF-6, by various instruments recorded in the aforesaid Registry, have combined Lots 5400, 5450, and 5500 so as to create revised Lot 5400R and revised Lot 5500R, which revised Lots have the metes, bounds and locations shown on the plat of survey ("New Plat") recorded in Map Cabinet 133, Page 85 of said Registry; and

WHEREAS, the undersigned owners of Lots 5400R and 5500R, comprising 100% of the Members of the SF-6 community, have voted unanimously to amend the Secondary Covenants applicable to SF-6 to relocate the Easement from its original location shown on the Plat to the location identified on the New Plat as "NEW 10' PEDESTRIAN EASEMENT"; the Declarant has consented to such relocation and amendment; and the Association, by the unanimous vote of its Board of Directors and in accordance with Section 17.3 of the Declaration, has approved such amendment of the Secondary Covenants as hereinafter set forth;

AMENDMENT:

NOW THEREFORE, the Secondary Covenants applicable to Single Family 6, 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 133, Page 85 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 6 shall mean and refer to the Secondary Covenants as herein amended.

2. The last phrase of Section 5 of the Secondary Covenants is revised to provide that the pedestrian access easement is located along the Lot line between Lots 5400R and 5500R, is shown on the New Plat as "NEW 10' PEDESTRIAN EASEMENT", and shall not be extinguished in the event of a combination of said Lots. The remainder of Section 5 shall remain unchanged.

3. The last sentence of sub-paragraph (f) of Section 7 of the Secondary Covenants shall be amended to read as follows: There is further reserved, for the benefit of the owners of the Lots, the Declarant and the Association, a pedestrian access easement ten (10') feet in width, running from Whale Head Way to the Village Common (Recreation 1, Cape Fear Station), upon and across the western five (5') feet of Lot 5500R, and the eastern five (5') feet of Lot 5400R, as shown on the New Plat. The remainder of Section 7(f) shall remain unchanged.

4. All burdens, benefits, rights and obligations attached to or associated with the pedestrian access easement shown on the Plat and referenced in the Secondary Covenants as running upon and across Lots 5450 and 5500 are hereby transferred to the relocated 10' pedestrian easement shown on the New Plat, and the original pedestrian easement is deemed abandoned.

5. Except as specifically amended by this First Amendment to the Secondary Covenants for Single Family 6, 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 6 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.

6. 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.

7. A certified copy of the Resolution of the Board of Directors of Bald Head Association, adopting this First Amendment, signed by its President and attested by its Secretary, is attached hereto and recorded herewith.

IN WITNESS WHEREOF, this First Amendment to the Secondary Covenants for Single Family 6, Cape Fear Station, has been duly executed by the following persons and entities or their duly authorized representatives, the 22 day of DECEMBER, 2022.

[SIGNATURES AND NOTARY ACKNOWLEDGMENTS
FOLLOW ON THE NEXT PAGES.]



The undersigned constitute all of the Member/owners of property comprising the community known as Single Family 6, 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 Lot 5400R:

William G. Way
William G. Way, a/k/a William Way
and William G. Way, Jr.

Lisa A. Way
Lisa A. Way, a/k/a Lisa Way
Address: 7713 Oakmont Place
Raleigh, NC 27615

As to Lot 5500R:

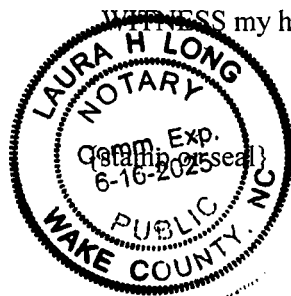
Christopher John Bruno

Mary Ellen Bruno

Address: 104 Seabreeze Court
Cary, NC 27513

STATE OF NORTH CAROLINA
COUNTY OF Wake

I, Laura H. Long, a Notary Public for said County and State, do hereby certify that **William G. Way and Lisa A. Way**, personally known to me or whose identities were 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 their free act and deed.



WITNESS my hand and official seal, this the 22 day of September, 2022.

Laura H. Long
Notary Public/My commission expires: 6-16-2025

STATE OF NORTH CAROLINA
COUNTY OF _____

I, _____, a Notary Public for said County and State, do hereby certify that **Christopher John Bruno and Mary Ellen Bruno**, personally known to me or whose identities were evidenced by the form of _____, personally appeared before me this day, and being by me duly sworn, acknowledged the due execution of the foregoing and annexed instrument as their free act and deed.

WITNESS my hand and official seal, this the ____ day of _____, 2022.

{stamp or seal}

Notary Public/My commission expires: _____

The undersigned constitute all of the Member/owners of property comprising the community known as Single Family 6, 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 Lot 5400R:

William G. Way, a/k/a William Way
and William G. Way, Jr.

Lisa A. Way, a/k/a Lisa Way

Address: 7713 Oakmont Place
Raleigh, NC 27615

As to Lot 5500R:

Christopher John Bruno

Mary Ellen Bruno

Address: 104 Seabreeze Court
Cary, NC 27513

STATE OF NORTH CAROLINA
COUNTY OF _____

I, _____, a Notary Public for said County and State, do hereby certify that **William G. Way and Lisa A. Way**, personally known to me or whose identities were evidenced by the form of _____, personally appeared before me this day, and being by me duly sworn, acknowledged the due execution of the foregoing and annexed instrument as their free act and deed.

WITNESS my hand and official seal, this the _____ day of _____, 2022.

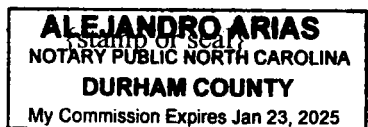
{stamp or seal}

Notary Public/My commission expires: _____

STATE OF NORTH CAROLINA
COUNTY OF Wake

I, Alejandro Arias, a Notary Public for said County and State, do hereby certify that **Christopher John Bruno and Mary Ellen Bruno**, personally known to me or whose identities were 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 their free act and deed.

WITNESS my hand and official seal, this the 23 day of September, 2022.




Alejandro Arias
Notary Public/My commission expires: Jan 23, 2025



The undersigned, Declarant of the Secondary Covenants for Single Family 6, Cape Fear Station, and one of the parties for whose benefit the pedestrian easement was established, consents to the relocation of said easement as set forth in this First Amendment to said Secondary Covenants.

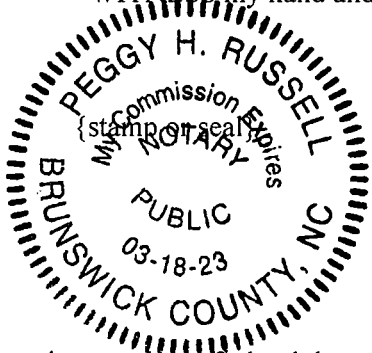
BALD HEAD ISLAND LIMITED, LLC,
a Texas limited liability company

By: 
Charles A. Paul, III, Manager
Address: P.O. Box 3069
Bald Head Island, NC 28461

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

I, Peggy H. Russell, a Notary Public for said County and State, do hereby certify that Charles A. Paul, III, Manager 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 as authorized by and on behalf of Bald Head Island Limited, LLC.

WITNESS my hand and official seal, this the 7th day of October, 2022.



Peggy H. Russell
Notary Public My commission expires: 03-18-2023

In witness whereof, the duly authorized representatives of Bald Head Association have set their hands and seals, the _____ day of _____, 2022.

BALD HEAD ASSOCIATION,
a North Carolina non-profit corporation

{corporate seal}

By: _____
Alan Briggs, President
Address: P.O. Box 3030
Bald Head Island, NC 28461

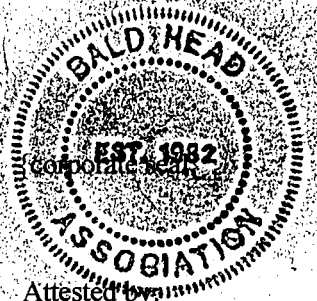
Attested by:

Robert Drumheller, Secretary



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In witness whereof, the duly authorized representatives of Bald Head Association have set their hands and seals, the 13 day of December, 2022.



BALD HEAD ASSOCIATION,
a North Carolina non-profit corporation

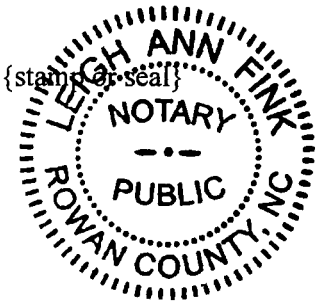
By: Alan Briggs
Alan Briggs, President
Address: P.O. Box 3030
Bald Head Island, NC 28461

Robert Drumheller
Robert Drumheller, Secretary

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

I, Leigh Ann Fink, a Notary Public for said County and State, do hereby certify that Robert Drumheller personally appeared before me this day, and being by me duly sworn, says that he is the Secretary of Bald Head Association, a North Carolina non-profit corporation, and they by authority duly given and as the act of said corporation, the foregoing and annexed instrument was signed in its name by its President, sealed with its corporate seal, and attested by him as its Secretary.

WITNESS my hand and official seal, this the 22nd day of Dec, 2022.



Leigh Ann Fink
Notary Public/My commission expires: 7-5-26