

SEARCHED AND VERIFIED
REGISTER OF DEEDS
NEW HANOVER CO. NC
95 FEB 15 AM 11 23

AMENDMENT TO
SUPPLEMENTAL DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS

SECTION 2. OCEANA

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THIS AMENDMENT TO SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is made this 15th day of February, 1995, by OCEANA LIMITED PARTNERSHIP, a North Carolina limited partnership, hereinafter referred to as "Declarant".

WITNESSETH:

WHEREAS, Declarant is the developer of an exclusive residential community of single family residences known as "Oceana"; and

WHEREAS, in order to insure the attractiveness of Oceana and to prevent any future impairment thereof, to prevent nuisances, to preserve, protect and enhance the values and amenities of all properties within Oceana, and to provide for the maintenance and upkeep of all common areas in Oceana, the Declarant did execute a Declaration of Covenants, Conditions and Restrictions for Oceana and cause the same to be recorded on March 17, 1994, in Book 1756, Page 277, in the New Hanover County Registry, thereby subjecting to the terms of said Declaration that certain property shown on a map of Oceana recorded in Map Book 33, Page 336 and 337, in the New Hanover County Registry; and

WHEREAS, said Declaration, in Article II, Section 2 thereof, provides that the Declarant may, by the recording of Supplemental Declarations, add contiguous lands to said development, thereby bringing such lands within the scheme of said Declaration; and

WHEREAS, the Declarant has added to said development certain

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contiguous lands consisting of all of that real property shown and depicted upon that certain plat of Section 2, Oceana, as recorded in Map Book 34, Page 143, in the New Hanover County Registry, in accordance with a Supplemental Declaration of Covenants, Conditions and Restrictions for Section 2, Oceana, recorded September 29, 1994, in Book 1815, Page 946, in the New Hanover County Registry;

WHEREAS, under the terms of said Supplemental Declaration, each lot in Section 2 of Oceana is subject to the provisions and conditions of the original Declaration recorded in Book 1756, Page 277, in the New Hanover County Registry, except as otherwise provided in the Supplemental Declaration; and

WHEREAS, pursuant to Article XIII, Section 8 of the original Declaration, the Declarant has the right to amend the restrictions by filing an amendment thereto with the New Hanover County Register of Deeds; and

WHEREAS, the Declarant executes this instrument for the purpose of amending the restrictions as to Section 2 of Oceana.

NOW, THEREFORE, the Declarant hereby amends the Supplemental Declaration of Covenants, Conditions and Restrictions for Section 2, Oceana, as recorded on September 29, 1994, in Book 1815, Page 946, in the New Hanover County Registry, by adding thereto the following new paragraph 5 which shall be inserted following the conclusion of paragraph 4 of the terms and provisions applying to lots in Section 2 of Oceana:

5. As to each lot in Section 2 of Oceana, the maximum allowable built-upon area (or "Footprint") shall be 2,767 square feet of impervious materials including right-of-way, structures, pavement, walkways, and patios of brick, stone, or

slate, but not including wood decking. This covenant shall be binding upon all parties owning any right, title or interest in any of said real property or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner of any portion of said property and also to the State of North Carolina. This covenant may be enforced by the State of North Carolina and cannot be amended, modified, deleted, or terminated without the written consent of the State of North Carolina.

Except as hereinabove specifically amended, the Supplemental Declaration of Covenants, Conditions and Restrictions for Section 2, Oceana, as recorded on September 29, 1994, in Book 1815, Page 946, in the New Hanover County Registry, shall remain in full force and effect.

IN WITNESS WHEREOF, Oceana Limited Partnership, the Declarant, has caused this instrument to be executed by J. B. Gerald, its General Partner, who executes this instrument by and through his attorney-in-fact, Linda A. Payette, who has hereunto set her hand and seal the day and year first above written.

OCEANA LIMITED PARTNERSHIP

By: J. B. Gerald - General Partner

By Linda A. Payette (Seal)
Linda A. Payette, Attorney-in-Fact


STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

I, Betty C. Rackley, a Notary Public, do hereby certify that Linda A. Payette, Attorney-In-Fact for J.B. Gerald, General Partner of Oceana Limited Partnership, personally appeared before me this day, and being by me first duly sworn, says that she executed the foregoing and annexed instrument for and in behalf of J.B. Gerald as General Partner of Oceana Limited Partnership, and that her 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 of New Hanover County, on the 5th day of December, 1991, in Book 1578, Page 492, and that this instrument was executed under and by virtue of the authority given by said instrument granting her power of attorney; that the said Linda A. Payette, acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and in behalf of the said J.B. Gerald as General Partner of Oceana Limited Partnership.

WITNESS my hand and official seal, this the 15th day of February, 1995.

Retty C. Rackley
Notary Public 8-11-99
My Commission Expires:


STATE OF NORTH CAROLINA
New Hanover County

The Foregoing/ Annexed Certificate(s) of

RETTY C. RACKLEY

Notary (Notaries) Public is/ are certified to be correct.

This the 15 day of FEBRUARY 1995

Mary Sue Oots, Register of deeds

by Josephine Nolan
Deputy/Assistant