

FOR REGISTRATION REGISTER OF DEEDS  
JENNIFER LEGGETT WHITEHURST  
BEAUFORT COUNTY, NC  
2003 MAY 14 10:28:12 AM  
BK: 1325 PG: 306-309 FEE: \$20.00  
INSTRUMENT # 2003004253

THIS INSTRUMENT DRAFTED BY: FREDERICK N. HOLSCHER

AFTER RECORDING, MAIL TO: FREDERICK N. HOLSCHER

INDEXED IN GRANTEE INDEX:

BAILEY POINTE SUBDIVISION  
BAILEY POINTE HOMEOWNERS' ASSOCIATION

INDEXED IN THE GRANTOR INDEX:

GREENVILLE TIMBERLINE, L.L.C.  
C. G. WATKEYS

GREENVILLE TIMBERLINE, L.L.C.  
BAILEY POINTE HOMEOWNERS' ASSOCIATION

NORTH CAROLINA  
BEAUFORT COUNTY

AMENDMENT TO  
DECLARATION OF RESTRICTIVE  
AND PROTECTIVE COVENANTS

BAILEY POINTE SUBDIVISION

THIS AMENDMENT TO DECLARATION OF RESTRICTIVE AND PROTECTIVE COVENANTS is made pursuant to the North Carolina Planned Community Act, Chapter 47F of the North Carolina General Statutes and is entered this the 12<sup>th</sup> day of May, 2003, between GREENVILLE TIMBERLINE, L.L.C., a Delaware Limited Liability Company, acting by and through its Attorney-in-Fact, C.G. Watkeys (hereinafter "Declarant"), BAILEY POINTE HOMEOWNERS' ASSOCIATION, a North Carolina Non-Profit Corporation (hereinafter "Association"), and all parties hereafter acquiring any of the property described hereinafter.

WHEREAS, GREENVILLE TIMBERLINE, LLC previously executed that certain Declaration of Restrictive and Protective Covenants, the same being recorded in Book 1319, Page 417 of the Beaufort County Registry; and

WHEREAS, the purpose of this Amendment is to correct certain provisions contained in said Declaration recorded in Book 1319, Page 417 and to add new provisions thereto.

W I T N E S S E T H:

Declarant in original recording GREENVILLE TIMBERLINE, L.L.C., a North Carolina Limited Liability Company was incorrect and should read GREENVILLE TIMBERLINE, L.L.C., a Delaware Limited Liability Company.

ARTICLE III, Section 7 of said Declaration is hereby amended to delete the word "Agricultural" and substitute "Architectural" therein.

ARTICLE V, Section 1, shall be amended as follows: The final sentence of said Section states "The obligation of an owner for delinquent assessments shall not pass to his successors or assigns in title." This sentence shall now read "The obligation of an owner for delinquent assessments shall pass to his successors or assigns in title."

ARTICLE III, GENERAL RESTRICTIONS, Section 3, the following shall be added as Section 3a: A portion of this property has been determined to meet the requirements for designation as a wetlands stream or protected stream buffer under the current rules and regulations of state and federal agencies that are in effect at the time of the recordation of this subdivision. Any subsequent impacts to these areas shall conform to the requirements of the state rules adopted by the State of North Carolina and in force at the time of the proposed impacts. Property owners should not assume that future application for impacts to these areas would be approved. The property owner shall report the name of the subdivision in any application pertaining to said rules. This covenant is solely intended to insure compliance with the rules adopted by the State of North Carolina and therefore the State of North Carolina may enforce benefits. This covenant runs with the land and shall be binding on all parties and all persons claiming under them.

ARTICLE III, GENERAL RESTRICTIONS, Section 3, the following shall be added as Section 3b: Lots 1-14 are subject to the terms and conditions of that certain Permanent Conservation Easement dated April 29, 2003 between Greenville Timberline, LLC and the U.S. Army Corps of Engineers and being recorded in the Beaufort County Registry in Book 1325, Page 296, Beaufort County Registry.

ARTICLE IV, Section 3 contains the following: "Class II: The Class II member(s) shall be the Declarant and shall be entitled to two (2) votes for each Lot owned." This provision shall be changed to read: Class II: The Class II member(s) shall be the Declarant and shall be entitled to ten (10) votes for each lot owned.

IN WITNESS WHEREOF, Greenville Timberline, L.L.C. has caused this instrument to be signed in its corporate name by its duly appointed Attorney-in-Fact, all by authority of its Board of Directors first duly given, this the day and year first above written.

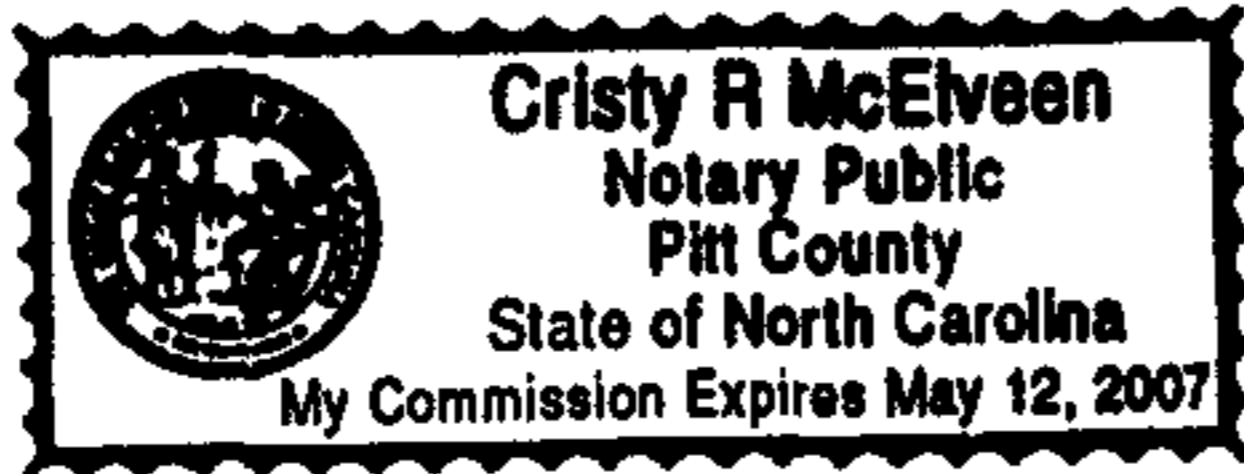
GREENVILLE TIMBERLINE, L.L.C.

BY: C.G. Watkins  
C.G. Watkins, Attorney in Fact

STATE OF NORTH CAROLINA  
COUNTY OF Pitt

I, the undersigned Notary Public, do hereby certify that C.G. Watkins, Attorney-in-Fact for Greenville, Timberline, L.L.C. 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 Greenville Timberline, L.L.C. and that his authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged and recorded in the Office of Register of Deeds for Beaufort County, North Carolina, on April 16, 2003 and recorded in Book 1319, Page 414 and that this instrument was executed under and by virtue of the authority duly given by said instrument granting him the power of attorney; that the said C.G. Watkins acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and on behalf of the said Greenville Timberline, L.L.C.

WITNESS my hand and official seal, this the 12 day of May, 2003.



Cristy R. McEveen  
NOTARY PUBLIC  
My Commission Expires: May 12 2007



JENNIFER LEGGETT WHITEHURST  
BEAUFORT COUNTY REGISTER OF DEEDS  
COURTHOUSE BUILDING  
112 W. 2ND STREET  
WASHINGTON, NC 27889

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Filed For Registration: 05/14/2003 10:28:12 AM  
Book: RE 1325 Page: 306-309  
Document No.: 2003004253  
DECLR 4 PGS \$20.00

Recorder: BARBARA TAYLOR

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State of North Carolina, County of Beaufort

The foregoing certificate of CRISTY R MCELVEEN Notary is certified to be correct. This 14TH of May 2003

JENNIFER LEGGETT WHITEHURST , REGISTER OF DEEDS

By: Barbara Taylor  
Deputy/Assistant Register of Deeds

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Fred A.

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