

STATE OF NORTH CAROLINA BOOK
COUNTY OF NEW HANOVER 1671

PAGE AMENDED
DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS
SECTION 3, CROSSWINDS

KNOW ALL MEN BY THESE PRESENTS THAT:

B & D Development Corporation, a North Carolina Corporation, (herein the Declarant), heretofore executed a Declaration of Covenants, Conditions and Restrictions, Section 1, Crosswinds, and caused the same to be recorded in Book 1388 at Page 1271 in the New Hanover County Registry, with an amendment thereto recorded in Book 1435 at Page 1363 in the New Hanover County Registry, (herein collectively the "Declaration"); and

WHEREAS, the Declarant has subdivided and developed and now desires, pursuant to Article IX, Section 2 of the Declaration, to annex to Sections 1 & 2, Crosswinds, additional lands adjoining said Sections, to be known as Section 3, Crosswinds (herein "Section 3"); and Declarant desires to make the changes to the Declaration hereinafter set forth, affecting Section 3.

NOW, THEREFORE, the Declarant does hereby declare that all of Section 3, Crosswinds, as shown on the plat thereof recorded in Map Book 33 at Page 71 of the New Hanover County Registry (the "Section 3 plat"), shall be held, sold and conveyed subject to the following covenants, conditions, easements and restrictions, which covenants, conditions and restrictions are for the purpose of protecting the value and desirability of and which shall run with the real property and be binding on all parties having any right, title or interest in the above described and annexed properties, or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof; which said covenants, restrictions, and conditions are as follows:

All of Section 3, Crosswinds, as above described, is hereby made subject to the same covenants, conditions, easements and restrictions as are applicable to Sections 1 and 2, Crosswinds, as more fully described in the Declaration (as amended), all of which are hereby incorporated herein by this reference and made a part hereof as though fully set out verbatim herein, but subject to the following changes and additions:

1. ARTICLE 1, SECTION 3, is hereby amended and revised to read as follows:

10160

~~"Properties shall mean and refer to all of Crosswinds, Sections 1, 2 and 3 as shown on the plats thereof duly recorded in the New Hanover County Registry, and any of the Additional Properties that may hereafter be brought within the jurisdiction of the Association as provided in the Declaration."~~

2. ARTICLE VII, ARCHITECTURAL CONTROL, is hereby amended (by adding only the word "colors") to change the first sentence in SECTION 2 to read as follows:

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"SECTION 2. Building and Site Improvements. No dwelling, fence and/or hedgerow, wall or other structure shall be commenced, erected, or maintained upon any lot in the Properties, nor shall any exterior addition to or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, colors, heights, materials, and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Declarant, or its designee, or, after the sale of all lots by Declarant, by the Board of Directors of the Association, or by an Architectural Control Committee composed of three (3) or more representatives appointed by the Board."

3. ARTICLE VII, ARCHITECTURAL CONTROL, SECTION 3, Paragraph B is hereby amended to change the last sentence in the Paragraph to read as follows:

"Provided, however, that no dwelling shall be constructed closer than 10 feet to an adjoining property line, unless a variance from such restrictions is granted by the Declarant."

4. ARTICLE VII, ARCHITECTURAL CONTROL, SECTION 3, is hereby amended and revised as follows:

a. Title of Article is changed from "Approval of Plans" to "Approval of Plans and Builder".

b. Paragraph E is hereby amended to change the last sentence in the Paragraph to read as follows:

"Mailboxes shall be selected by Declarant and furnished by it to lot owners at Declarant's cost."

c. Paragraph G is added as follows:

"In addition to approval of plans, the Declarant shall also approve the contractor or builder. The builder's name should be submitted to the Declarant or the Architectural Control Committee, as the case may be, for approval and the property owner shall have said approval in writing before beginning construction of their residence."

5. ARTICLE VIII, USE RESTRICTIONS, is hereby revised and amended by adding a new SECTION 14, and by changing the other sections designated below to read as follows:

~~SECTION 9. Recreational Vehicles.~~ No boat, motor boat, camper, trailer, motor or mobile homes, or similar type vehicle, shall be permitted to remain on any lot at any time unless by consent of Declarant or the Architectural Control Committee, as applicable."

"SECTION 10. Junk Vehicles and Tractor Trailers. No inoperable vehicle or vehicle without current registration and insurance, and no tractor-trailer or other truck or vehicle larger than a pickup truck shall be permitted on the properties. The Association shall have the right to have all such vehicles towed away at the owner's expense."

"SECTION 11. Signs. No signs of any kind other than professionally prepared "For Sale" or "Sold" signs containing no more than ten square feet, shall be permitted on any Lot or in the common areas without permission of the Board of Directors, except that a sign conforming to New Hanover County Sign Ordinance may be displayed by Declarant on any unsold Lot so long as Declarant owns any Lot in the Properties."

"SECTION 14. Built Upon Area. No more than 3500 square feet, inclusive of street right-of-way, of any lot shall be covered by structures and/or paved surfaces, including walkways or patios of brick, stone, slate or similar materials. This covenant is intended to insure continued compliance with stormwater runoff rules adopted by the State of North Carolina, and therefore, benefits may be enforced by the State of North Carolina."


Except as amended herein, the Declaration and all the provisions thereof shall be and remain in full force and effect, and this Declaration shall be binding upon all owners of lots in Crosswinds, Section 3.

IN WITNESS WHEREOF, this Amended Declaration has been executed by Declarant, as of this the 28th day of MAY, 1993.

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1671 0850

B & D DEVELOPMENT CORPORATION

By: [Signature]
Vice President

ATTEST:
[Signature]
Assistant Secretary


ADMITTED TO RECORD
2 DAY OF June 1993
AT 4:26 P.M.
MARY SUE OOTS
REGISTER OF DEEDS
NEW HANOVER COUNTY

STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

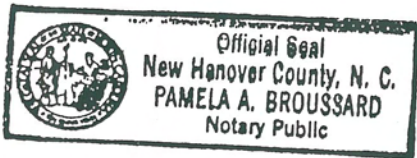
I, a Notary Public of the County and State aforesaid certify that LYNN RIVENBARK personally came before me this day and acknowledged that she is ^{ASSISTANT} Secretary of B & D DEVELOPMENT CORPORATION, a North Carolina Corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its ^{VICE} President, sealed with its corporate seal and attested by her as its Secretary.

WITNESS my hand and official stamp and seal, this the 28th day of May, 1993.

Pamela A. Broussard
Notary Public

My Commission Expires:

1-25-98



STATE OF NORTH CAROLINA
New Hanover County
The Foregoing / Annexed Certificate(s) of

Pamela A. Broussard

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

This the 2 day of June 19 93
Mary Sue Oots, Register of Deeds

by Phyllis Lynn
Deputy / Assistant