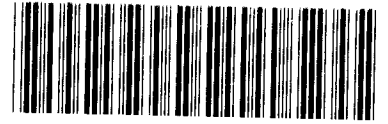


BK 1974 PG 030

FOR REGISTRATION REGISTER OF DEEDS  
Jennifer Leggett Whitehurst  
Beaufort County, NC  
October 19, 2018 09:01:35 AM  
Book 1974 Page 30-34  
FEE: \$26.00  
INSTRUMENT # 2018005571



INSTRUMENT # 2018005571

NORTH CAROLINA

BEAUFORT COUNTY

Prepared by: Amanda S. McKinney, Attorney

Return to: Mason & Jones, PA  
147 N. Market Street  
Washington, NC 27889

**AMENDMENT TO DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS FOR  
BEAUFORT POINTE**

THIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BEAUFORT POINTE is made and entered effective the 19<sup>th</sup> day of October, 2018, by BEAUFORT POINTE OWNERS ASSOCIATION, INC., a North Carolina non-profit corporation (the "Association").

**WITNESSETH:**

WHEREAS, the Declaration of Covenants, Conditions and Restrictions for Beaufort Pointe is recorded in Book 1534, Page 485, Beaufort County Registry, as supplemented by that Supplemental Declaration of Covenants, Conditions and Restrictions for Beaufort Pointe, recorded in Book 1614, Page 710, Beaufort County Registry, and as amended by that Amendment to Declaration of Covenants, Conditions and Restrictions for Beaufort Pointe recorded in Book 1628,

Page 473, Beaufort County Registry, and as further amended by that Amendment to Declaration of Restrictive and Protective Covenants for Beaufort Pointe Subdivision recorded in Book 1652, Page 589, Beaufort County Registry, and as further amended by that Amendment to Declaration of Covenants, Conditions and Restrictions for Beaufort Pointe recorded in Book 1860, Page 102, Beaufort County Registry (said instrument as now amended and/or supplemented in accordance with its terms being herein referred to as the "Declaration"); and

WHEREAS, Section 17.2(b) of the Declaration provides that the "Declaration may be amended only by the affirmative vote or written consent, or any combination thereof, of Owners representing 67% of the total votes in the Association, and the consent of Declarant, so long as the Declarant owns any Private Amenities or during the Development Period"; and

WHEREAS, the Owners of not less than sixty-seven percent (67%) of the Lots have voted to approve this Amendment (the "Consenting Owners") and the votes approving the Amendment have been made a part of the minute book of the Association; and

WHEREAS, the Association has succeeded to all "Declarant Rights" pursuant to that certain Assignment of Declarant Rights recorded in Book 1779, Page 853 of the Beaufort County Registry; and

WHEREAS, as a result thereof, the Association has executed this Amendment in order to give record notice as required by Section 17.2(c) of the Declaration.

#### **AMENDMENT**

NOW, THEREFORE, the Declaration is hereby amended as follows:

1. The following language shall be added to Item 2(d) in Exhibit "B" of the Declaration: "Outside burning of trash, leaves, debris or other materials; exception for fire pits which are allowed".

2. The following language shall be added to Item 2(n) in Exhibit "B" of the Declaration:

"Any activities which materially disturb or destroy the vegetation, wildlife, wetlands, or air quality within the Property or which use excessive amounts of water or which result in unreasonable levels of sound or light pollution, violators are subject to fines up to replacement cost to re-plant vegetation or restore property to original state".

3. Item 2(o)(2) in Exhibit "B" of the Declaration shall be amended to state as follows:

"No vehicle may be left upon any portion of the Property except in a garage, driveway, parking pad, or other area designed by the Board. Commercial vehicles, recreational vehicles, mobile homes, trailers, campers, boats or other watercraft, or other oversized vehicles, stored vehicles, and unlicensed vehicles or inoperable vehicles shall not be parked within the Property other than under house structure, provided however, that one recreational vehicle, one camper, or one boat or other watercraft may be kept in a driveway on a temporary basis."

4. Item 2(p) in Exhibit "B" of the Declaration shall be amended to state as follows: "Any construction, erection, placement, or modification of anything, permanently or temporarily, upon a Lot or on the outside portions of the Unit, whether such portion is improved or unimproved, except as specifically authorized by BP Architectural Committee (per ARC Guidelines). A reasonable amount of firewood is allowed."

5. Definitions. Capitalized terms used herein and not otherwise defined shall have the same meaning as set forth in the Declaration.

6. Conflicting Provisions. In the event of any conflict or inconsistency between the terms of this Amendment and the Declaration, the terms of this Amendment shall prevail, and the term "Declaration" shall hereafter mean the Declaration as modified by this Amendment. Except as herein modified, all terms and provisions of the Declaration are hereby ratified and confirmed and shall

remain in full force and effect.

7. By executing this Amendment the Association hereby certifies and confirms that the Owners of not less than sixty-seven percent (67%) of the Lots have voted to approve this Amendment at a duly called meeting and the votes approving this Amendment have been made a part of the minute book of the Association. Accordingly, the Association certifies as to the validity of this Amendment as follows:


**CERTIFICATION OF VALIDITY OF AMENDMENT TO DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS FOR BEAUFORT POINTE**

By authority of its Board of Directors, Beaufort Pointe Owners Association, Inc. hereby certifies that the foregoing instrument has been approved by a vote of the Owners of not less than sixty-seven percent (67%) of the Lots of Beaufort Pointe and is, therefore, a valid amendment to the existing Declaration of Covenants, Conditions and Restrictions for Beaufort Pointe.

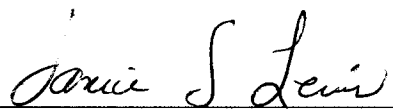
IN WITNESS WHEREOF, the Association has caused this Amendment to Declaration of Covenants, Conditions and Restrictions for Beaufort Pointe to be executed, all as of the day and year first above written.

ASSOCIATION:

**Beaufort Pointe Owners Association, Inc.**  
North Carolina non-profit corporation

By:   
Name: Charles Thomas  
Title: President

ATTEST:

  
Name: Janice Lewis  
Title: Secretary

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NORTH CAROLINA

BEAUFORT COUNTY

Before me, a Notary Public in and for the State and County aforesaid, personally appeared Charles Thomas and Janice Lewis and acknowledged that he is President of BEAUFORT POINTE OWNERS ASSOCIATION, INC., a North Carolina non-profit corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, and attested by Janice Lewis as its Secretary.

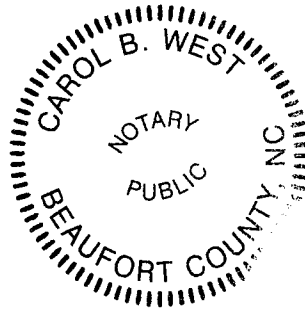
Witness my hand and notarial seal this the 19<sup>th</sup> day of October, 2018.

Carol B. West

Notary Public

My Commission Expires:

3-17-2023



AMANDA MCKINNEY / V33