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Tax Map Parcel No. 2-30-4.00-62.00  
PREPARED BY: MOORE & RUTT, P.A.  
P.O. Box 554

RETURN TO:  
Georgetown, DE 19047  
David N. Rutt, Esquire  
Moore & Rutt, P.A.  
P.O. Box 554  
Georgetown, DE 19047

**FIRST AMENDMENT TO RESTRICTIONS FOR SUBDIVISION  
OF LANDS OF THE ESTATE OF J. HOWARD ISAACS,  
ALSO KNOWN AS SOUTHERN POINTE SHORES**

THIS FIRST AMENDMENT to the Restrictions for Subdivision of Lands of the Estate of J. Howard Isaacs, also known as Southern Pointe Shores, made this 23rd day of August, 2004, is intended to amend the original Restrictions dated November 26, 2003, and recorded in the Office of the Recorder of Deeds, in and for Sussex County, Delaware in Deed Book 2918 at page 307.

1. The Declarants hereby add to the original Restrictions as paragraph 24 the following:

The Declarants recognize the importance in protecting the environmental value of the wetlands lying within the subdivision and hereby declare their intent to provide perpetual protection to them. All recorded building lots, common area, roadways and other lands within the recorded metes and bounds of the subdivision known as Southern Pointe Shores shall be hereafter encumbered with the following Restrictions which shall prohibit the following activities within the Federal wetlands on the referenced parcels:

- a. The removal, excavation, disturbance, or dredging of soil, sand, gravel, or aggregate material of any kind;
- b. The drainage or disturbance of the water level, or the water table;

- c. The direct dumping, discharge, or filling with any materials;
- d. The driving of pilings: HAVE TO LAW OR COUNTY, STATE, CITY CODE
- e. The spraying of insecticides, pesticides or herbicides;
- f. The removal, disturbance, or destruction of any trees, shrubs, or other vegetation;
- g. The construction, placement, preservation, maintenance, alteration, decoration or removal of any buildings, roads, signs, billboards or their advertising, or structures on or above ground;
- h. Any other activity such as will create a nuisance or render the replacement wetland harmful, detrimental or injurious to public health, safety, or welfare by alteration of its physical, chemical, or biological properties or change its temperature, color or odor, or
- i. Any other activity prohibited by law or regulation.
2. In all other regards the heretofore recorded original Restrictions shall remain the same until they may be amended in accordance with paragraph 17 therein.

IN WITNESS WHEREOF, Declarants have hereunto executed this First Amendment to the Declaration of Restrictions the day and year first above written.

James M. Pepper  
Witness

Howard Pepper (SEAL)  
Howard Pepper

James M. Pepper  
Witness

Mark Wells (SEAL)  
Mark Wells

03025 2293

STATE OF DELAWARE

:  
: SS.  
:

COUNTY OF SUSSEX

BE IT REMEMBERED, that on this 23rd day of August, 2004, personally appeared before me, the Subscriber, a Notary Public for the State and County aforesaid, HOWARD PEPPER and MARK WELLS, parties to this instrument, known to me personally to be such, and acknowledged this instrument of writing to be their act and deed.

GIVEN under my hand and seal of office the day and year aforesaid.

GINA M. PEPPER  
NOTARY PUBLIC  
STATE OF DELAWARE  
MY COMMISSION EXP.: 5-30-08

Gina M. Pepper  
Notary Public

MY COMMISSION EXPIRES: \_\_\_\_\_

RECORDER OF DEEDS  
JOHN T. BRADY  
04 AUG 25 PM 2:35  
SUSSEX COUNTY  
DOC. SURCHARGE PAID

Received

AUG 26 2004

ASSESSMENT DIVISION  
OF SUSSEX CTY

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