



Doc ID: 000063720005 Type: CRP
 Recorded: 10/11/2002 at 08:00:00 AM
 Currituck County, NC
 Charlene Y Dowdy Register of Deeds

BK 617 PG 728-732

BK 0617 PG 0728

NORTH CAROLINA
 CURRITUCK COUNTY

AMENDMENT TO RESTRICTIVE COVENANTS FOR BRADY LANDING 406

Know all men by these presents:

That Thomas W. Brady and wife, Janet M. Brady, Geraldine B. Budd and Elizabeth B. Brotsch herein after referred to as "Developers" filed restrictive covenants in Deed Book 588, Page 403 applicable to Parcels 1A, 2A, 3A and 1B as shown on a plat recorded in Plat Cabinet G, Slide 336; and whereas Developers sold Lot 2A to Shoreline Structures, Inc., hereinafter referred to as "Shoreline" by deed recorded in Deed Book 588, Page 414; and whereas Developers recorded a second plat entitled "Amended Private Access Subdivision for Brady Landing Airpark, Crawford Township, Currituck County, North Carolina" recorded in Plat Cabinet C-2, Slide 377 delineating Lots 2A, 3A, 1B and 4B; and whereas the parties hereto desire to rescind and revoke the plat recorded in Plat Cabinet C-2, Slide 377 and to adopt a plat entitled "Private Access Subdivision of Brady Landing Airpark, Crawford Township, Currituck County, North Carolina" recorded in Plat Cabinet C-2, Slide 399; and further the parties desire to amend the Restrictive Covenants recorded in Deed Book 588, Page 403;

Now, therefore Developers and Shoreline do hereby amend the Restrictive Covenants recorded in Deed Book 588, Page 403 as follows:

1. The restrictive covenants, as amended, shall apply to all of the lots or parcels of land shown and delineated on the plat entitled "Private Access Subdivision for Brady Landing Airpark, Crawford Township, Currituck County, North Carolina", recorded in Plat Cabinet C-2, Slide 399.
2. Restrictive Covenant 4 as contained in the restrictions recorded in Deed Book 588, Page 403 is amended as follows:

The owners of the lots are required to become members of the Brady Landing Homeowners Association. At such time as the membership in the Homeowners Association exceeds five members a non profit corporation will be formed. The lot owners shall be subject to the rules, regulations and by laws adopted by the association including the levying of assessments for the purpose of maintaining streets or other subdivision amenities. In determining the affairs of the Association, each lot will be

allotted one vote. Assessments will be made on a per lot basis, provided however that lots owned by the Developers, so long as the lots remain in the name of the Developers, will be assessed at 35 per cent of the assessment made against the lots already transferred by the Developer. Provided further that for so long as Developers own land that is yet unsubdivided but is included within the boundaries of the preliminary plans for the Brady Landing Airpark, Developers shall pay an amount to the Homeowners Association equal to full assessment for a lot within the subdivision. This assessment will be in addition to any assessment made against subdivided lots owned by the Developers. Provided further that it is understood that as to the unsubdivided property the Brady property would be subject to one assessment and the Budd/Brostch property would be subject to one assessment, each of which would end when the respective properties are fully subdivided.

The assessments herein referred to shall be annual assessments payable January 1st of each year.

In the event any assessment is not paid by the due date the amount owed shall become a lien against the lot or parcel of land upon which the assessment is due and, after due filing of a notice of lien in the office of the Clerk of Superior Court, action may be commenced to foreclose the lien in the same manner as a foreclosure of a deed of trust as set forth in Chapter 45 of the General Statutes of North Carolina.

3. Developers represent that they intent to submitted applications to the Currituck County officials for approval to develop adjoining lands that are presently intended to constitute a part of the Brady Landing Airpark. Developers will subject those lands, when developed, to the restrictive covenants recorded in Deed Book 588, Page 503 as amended by this document, provided however Developers reserved the right and privilege to incorporate minor changes in order to address particular characteristics of the lots to be platted that might not apply to the lots shown on the plat referred to herein.

4. Notwithstanding any other provisions contained herein or in the restrictions recorded in Deed Book 588, Page 414 it is expressly agreed that the Barnett house and lot as described in a deed recorded in Deed Book 369, Page 143 and the house and lot presently owned and occupied by Thomas W. Brady and wife, Janet M. Brady as their place of residence as described in Deed Book _____, Page _____

shall not be subject to assessments, nor shall their owners be members of the Homeowners Association.

5. Notwithstanding any other provisions contained herein, any lots within the Brady Landing Airpark owned by children or grandchildren of Thomas W. Brady and wife Janet M. Brady shall be subject to a maximum annual assessment of \$100.00 from the Homeowners association.

6. Except as herein amended the restrictive covenants recorded in Deed Book 558, Page 408 shall remain in full force and effect.

In testimony whereof, Developers and Shoreline Structures, Inc. have hereunto set their hands and seals this the 8 day of October, 2002.

Thomas W. Brady
Thomas W. Brady

Janet M. Brady
Janet M. Brady

Geraldine B. Budd
Geraldine B. Budd

Elizabeth B. Brotsch by
Elizabeth B. Brotsch by Geraldine B. Budd
Her attorney in fact Geraldine B. Budd
Her attorney in fact

SHORELINE STRUCTURES, INC.

By: [Signature] v.l.

Virginia
~~NORTH CAROLINA~~
COUNTY OF ~~CURRITUCK~~
Chesapeake

I, a Notary Public of the County and State aforesaid, certify that Thomas W. Brady and wife, Janet M. Brady personally came before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this the 8th day of ~~September~~ October, 2002.

(SEAL)

Rebecca Lambert
Notary Public

My Commission Expires January 31, 2004

My Commission Expires:
16-29-2002 1-31-2004

Unofficial Document

Unofficial Document

Unofficial Document



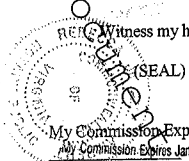
UNOFFICIAL Document

BK 0617PG 0731

STATE OF VIRGINIA
COUNTY/CITY OF Chesapeake

I, a Notary Public of the County and State aforesaid, certify that Geraldine B. Budd personally came before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this the 8th day of October, 2002.



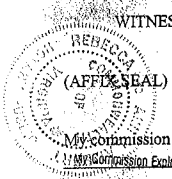
Rebecca Lambert
Notary Public

My Commission Expires:
January 31, 2004

STATE OF VIRGINIA
COUNTY/CITY OF Chesapeake

I, the undersigned Notary Public, do hereby certify that Geraldine B. Budd, Attorney-in-fact for Elizabeth B. Brotsch, personally appeared before me this day and being by me duly sworn, says that she executed the foregoing and annexed instrument for and in behalf of Elizabeth B. Brotsch and that this authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged, and filed for registration in the Office of the Register of Deeds of Currituck County, North Carolina, recorded on the 2 day of AUGUST, 2002, in Book 603, Page 301, and that this instrument was executed on behalf of Elizabeth B. Brotsch under and by virtue of the authority given by said instrument granting her power of attorney; that the said Geraldine B. Budd acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and in behalf of the said Elizabeth B. Brotsch.

WITNESS my hand and notarial seal, this the 8th day of October, 2002.



Rebecca Lambert
Notary Public

My Commission expires:
January 31, 2004

NORTH CAROLINA
COUNTY/CITY OF DARE

I, a Notary Public do hereby certify that Robert L. Howsare personally appeared before me this day and acknowledged that he is Vice President of Shoreline Structures, Inc., a North Carolina Corporation, and that said writing was signed by him in behalf of said corporation by its authority duly given. And the said Robert L. Howsare acknowledged the said writing to be the act and deed of said corporation.

Witness my hand and seal this the 8th day of October, 2002.



Stephanie M. Marshall
Notary Public

My Commission Expires:
3-10-07

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BK 0617PG 0732

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NORTH CAROLINA, CURRITUCK COUNTY

The foregoing certificate(s) of Rebecca Jo Ann Lambert, Notary of the Commonwealth of VA

Stephanie M. Mossoth - Notary of Dare Co., NC is (are) certified

to be correct. This instrument was presented for registration at 8:00 o'clock AM, on Oct. 11

20.02, and recorded in Book 617, Page 128.

By Charlene Y. Dandy
Register of Deeds
Emily H. Costello
Assistant Deputy Register of Deeds

Unofficial Document