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Prepared by: BaxleySmithwick PLLC, Attorneys at Law, Post Office Box 36, Shallotte, NC 28459

**AMENDMENT TO
 DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
 FOR TIDEWATER AT OCEAN ISLE**

THIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR TIDEWATER AT OCEAN ISLE ("Amendment") is made this 29th day of December, 2015, by EDGEWATER PROPERTY GROUP, LLC, a North Carolina Limited Liability Company ("Declarant");

WITNESSETH:

WHEREAS, Declarant is the owner of certain real property in Brunswick County, North Carolina, known as Tidewater at Ocean Isle, as the same is more particularly originally shown on plats thereof recorded in Map Cabinet 47 at Pages 1 through 8 of the Brunswick County Registry, and is now shown in revised plats thereof recorded in Map Cabinet 92 at Pages 83 through 88, inclusive, of the Brunswick County Registry;

WHEREAS, Declarant heretofore amended the original Declaration of Covenants, Conditions and Restrictions for Tidewater at Ocean Isle (said original Declaration being recorded in Book 2725 at Page 171 of the Brunswick County Registry) by Amendments dated October 17, 2013, recorded in Book 3465 at Page 353; May 5, 2014, recorded in Book 3524 at page 238; and October 16, 2015, recorded in Book 3699 at Page 312, of the Brunswick County Registry (collectively, the "Declaration");

WHEREAS, Declarant has determined that it is in the best interest of Tidewater at Ocean Isle to make certain amendments to the Declaration;

WHEREAS, in Article X and Article XIV of the Declaration, the Declarant reserved the right to make certain amendments and revisions to the Declaration without approval of the membership;



WHEREAS, in Article XIV of the Declaration the Declarant reserved to right for the Tidewater at Ocean Isle Home Owners Association, Inc. (the "Association") to make certain amendments and revisions to the Declaration upon approval of sixty-seven percent (67%) of the membership;

WHEREAS, since Declarant has the right to make amendments without membership approval and since Declarant currently owns more than sixty-seven percent (67%) of the Tidewater at Ocean Isle lots, it is not necessary for this Amendment to be submitted to a vote of the membership;

NOW, THERERFORE, in consideration of the premises and in accordance with its rights under Article X and Article XIV of the Declaration, the Declarant hereby amends the Declaration as follows:

1. Article II, Section 4 of the Declaration is amended by deleting, revoking and rescinding the last sentence thereof and by substituting in lieu of and in the place and stead thereof the following sentences:

No truck nor other vehicle in excess of a three-quarter (3/4) ton capacity, no camper, motor home, no trailer of any variety and no similar vehicle or apparatus shall be allowed unless housed or stored in enclosed garage in which said vehicle is screened from view. No customized vehicles which are unsightly in appearance as determined by the Board of Directors of the Association shall be allowed. No motorcycles shall be operated in the subdivision unless equipped with mufflers to control oppressive noise. No all-terrain ("off road") vehicles which are not duly licensed by the Department of Motor Vehicles shall be operated in the Tidewater Subdivision.

2. Article VI of the Declaration is amended by adding a new paragraph at the end thereof as follows:

The Association or Declarant may require that each undeveloped lot be underbrushed ("bushhogged") once each year to remove unsightly overgrown conditions conducive to propagation of mosquitos, insects or other vermin. Such annual underbrushing shall be performed at the expense of the owner of each said undeveloped lot and shall be treated as an annual assessment or charge collectable from each said undeveloped lot owner as provided in Article V.

3. Article VII, Section 5 of the Declaration is amended by adding a new paragraph y as follows:

y. No fuel tanks, garbage or refuse receptacles may be exposed to view. The placement of any such tanks or receptacles must be approved by the Design Review Board



("DRB") and may only be located within the main dwelling house (if authorized by law), within an accessory building (if authorized by law), screened by shrubs or painted lattice, or buried underground.

4. Article VII, Section 5 of the Declaration is amended by adding a new paragraph z as follows:

z. No swimming pools, hot tubs, Jacuzzi, or other similar facilities shall be allowed or located on any Lot without the prior written approval of the Design Review Board ("DRB"). All such improvements or facilities shall be screened from public and neighborhood view, be fenced, and be maintained and operated in accordance with all applicable governmental laws and regulations.

5. Article VII of the Declaration is amended by adding a new Section 9 as follows:

Section 9: Combination of Lots: Upon prior approval of the Declarant or the Design Review Board ("DRB"), no more than two (2) contiguous lots may be combined into one (1) resulting residential building lot. In order to obtain such approval, the owner of said two contiguous lots shall provide the DRB with a proposed combination survey plat which depicts the new proposed lot lines and the location of any current or planned building improvements to the property together with any other relevant documentation as may be required by the Declarant or DRB. The Declarant or DRB shall process the request for combination in accordance with those review standards contained in paragraph o of this Section 9. Upon approval, the owner shall execute and record such instrument of combination or other documentation as shall be required by the Brunswick County tax department and the Brunswick County mapping department to reflect a revised tax parcel number ("PIN"). Once combined into one resulting building lot, the two (2) lots must remain as one (1) lot and can never thereafter be subdivided into more than one (1) lot. Once combined, the one (1) resulting building lot shall have only one (1) vote as a single lot in accordance with the Voting Rights provisions of Article IV, and shall pay only one assessment as provided in Article IV.

6. Article VII of the Declaration is amended by adding a new Section 10 as follows:

Section 10: Driveways; Parking. All driveways constructed on any lots shall be paved with concrete, stamped concrete, colored concrete in earth tone colors, pea gravel concrete, oyster shell concrete, brick pavers, or other material as may be approved by the Design Review Board ("DRB"). Provided prior approval is obtained from the DRB and as authorized by NCDENR and the NC Department of Water Quality rules and regulations, the use of NCDENR approved gravel contained within a prescribed concrete apron may be allowed.

Each Lot shall contain within the driveway of the Lot a minimum of two (2) off-street parking spaces paved with approved materials, excluding garage parking spaces. On-street



parking is prohibited except for temporary, short gatherings unless prior approval is obtained from the DRB pursuant to Section 4 of this Article VII.

7. Article XII, Paragraph (i) of the Declaration is amended to add a new paragraph at the end thereof as follows:

In accordance with Brunswick County Storm Water regulations, trench drain requirements shall include the following criteria and comply with the following construction standards for all lots: (1) Installation of a minimum of four feet (4') of infiltration/trench drain pipe for every 100 square feet impervious surface allocation authorized for a particular lot under the NCDENHR Storm Water Permit to collect runoff from impervious surface; (2) all homes shall be equipped with gutters and roof drains with downspouts connected directly into the a four inch (4") perforated drain pipe system; and, (3) yard inlets are to be installed where feasible to capture runoff from driveway and parking areas of each lot. Approved infiltration drain plans are to be obtained from the Declarant, Design Review Board ("DRB") or the Brunswick County Engineering Department.

8. In all other respects, the Declaration as heretofore amended and as further amended by this Amendment is ratified and confirmed by Declarant.

IN WITNESS WHEREOF, Declarant has caused this Amendment to be executed by its duly authorized Manager, the day and year first above written.

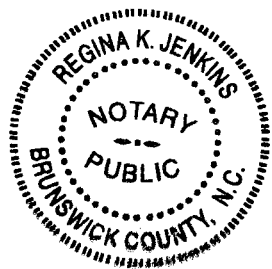
EDGEWATER PROPERTY GROUP, LLC

By: 
SEAN D. SCANLON, Manager

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

I certify that the following person personally appeared before me this day and acknowledged to me that he voluntarily signed the foregoing document for the purposes stated therein and in the capacity indicated: Sean D. Scanlon, as Manager of EDGEWATER PROPERTY GROUP, LLC, a North Carolina Limited Liability Company ("the Company"), as and for the act of the Company.

Date: December 29, 2015




Notary Public's Signature

Notary's Printed Name: Regina K. Jenkins

My Commission Expires: 7-11-2018