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Mailed To John Lyhacz  
7114 Key Point Dr  
W NC 28405

FOR REGISTRATION REGISTER OF DEEDS  
REBECCA T. CHRISTIAN  
NEW HANOVER COUNTY, NC  
2004 JUN 16 09:06:47 AM  
BK: 4369 PG: 344-347 FEE: \$20.00  
INSTRUMENT # 2004031663

STATE OF NORTH CAROLINA  
COUNTY OF NEW HANOVER

AMENDMENT TO DECLARATION OF ARTICLES  
OF COVENANTS, CONDITIONS AND RESTRICTIONS

THIS AMENDMENT TO DECLARATION OF ARTICLES OF COVENANTS, CONDITIONS AND RESTRICTIONS (the "Amendment") is made as of this 7<sup>TH</sup> day of June, 2004 by KEY COLONY AT COVIL ESTATES HOA, INC., a North Carolina non-profit corporation (the "Association").

RECITALS:

A. Key Colony at Covil Estates (the "Subdivision") is a planned residential community subject to that certain Declaration of Covenants, Conditions, and Restrictions of Key Colony at Covil Estates recorded in Book 1667, at Page 623, in the office of the Register of Deeds of New Hanover County, North Carolina, as the same has been amended by certain instruments recorded in the office of the Register of Deeds of New Hanover County, North Carolina including, but not limited to, those instruments recorded in Book 1702, at Page 927, Book 1706, at Page 1, Book 1801, at Page 1215, and Book 2542, at Page 212 (herein collectively referred to as the "Declaration"). Section 5 of Article XI of the Declaration provides that the Association may amend the Declaration by the vote of not less than two-thirds (2/3) of the Lot Owners (as defined in the Declaration).

B. Chapter 47F of the North Carolina General Statutes, as amended, which is commonly referred to as the North Carolina Planned Community Act (the "Act"), provides that the Association may elect to make the provisions of the Act applicable to the Subdivision by an amendment to the Declaration approved by an affirmative vote of at least sixty-seven (67%) percent of the votes in the Association. The Act further provides that to the extent the

procedures and requirements for amendments in the Declaration conflict with the provisions of the Act, the provisions of the Act shall control with respect to any amendment to adopt the Act.

C. The Association and the requisite number of Lot Owners desire to amend the Declaration by adding a new Section to Article XI of the Declaration.

D. The amendment to the Declaration as hereinafter set forth was proposed and, upon the same being submitted to a vote of the Owners, approved by the affirmative vote of more than sixty-seven percent (67%) of the votes allocated in the Subdivision.

NOW, THEREFORE, the Declaration is hereby amended by adding the following provision as ARTICLE XI, Section 7.

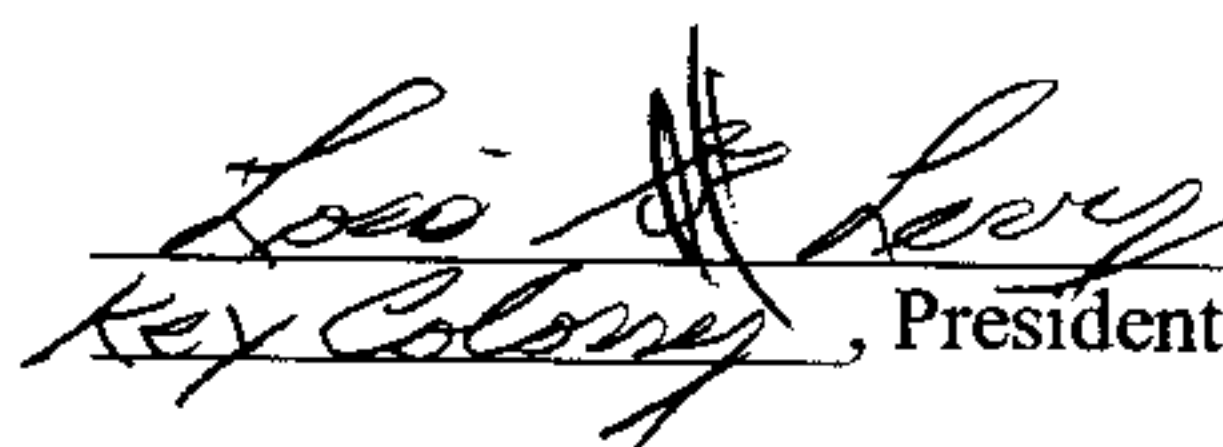
Section 7. The terms and provisions of the North Carolina Planned Community Act ("Planned Community Act"), NCGS § 47f-1-101, et seq., are hereby adopted and incorporated herein by reference as if fully set forth. To the extent any terms and provisions of this Declaration or any amendment thereto conflict with or are inconsistent with the terms and provisions of the Planned Community Act, the terms and provisions of the Planned Community Act shall control.

Except as specifically provided herein, the capitalized terms in this Amendment shall have the same meaning as provided in the Declaration, all of the remaining terms, covenants, conditions, restrictions, and provisions of the Declaration shall be and remain in full force and effect, and the Declaration, as modified by this Amendment, is hereby ratified and affirmed.

IN WITNESS WHEREOF, the Association has caused this Amendment to be executed by its President, by authority first duly given by its Board of Directors, pursuant to the vote of the members of the Association and by the authority granted pursuant to the Declaration and the Act.

KEY COLONY AT COVIL ESTATES HOA, INC.  
a North Carolina non-profit corporation

By:

  
\_\_\_\_\_  
Key Colony, President

STATE OF NORTH CAROLINA  
COUNTY OF NEW HANOVER

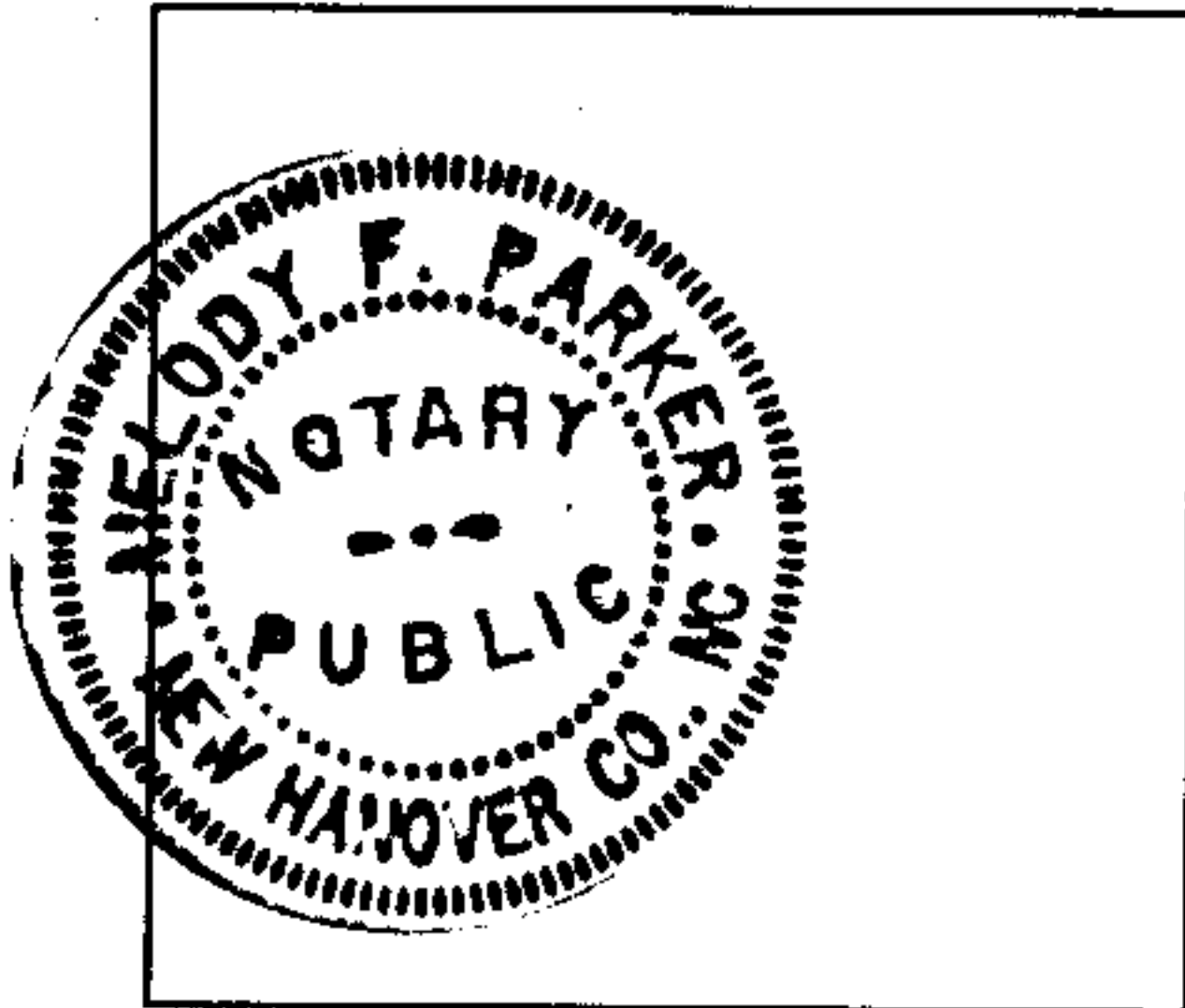
I, Melody J. Parker, a Notary Public in and  
for said County and State, do hereby certify that Lois Levy personally came  
before me this day and acknowledged that he/she is the President of KEY COLONY AT  
COVIL ESTATES HOA, INC., a corporation, and that he/she, as Key Colony President being  
authorized to do so, executed the foregoing on behalf of the corporation.

WITNESS my hand and official seal, this the 7 day of June, 2004

Melody J. Parker  
Notary Public

My Commission Expires:

10/26/07



Notary seal or stamp must appear within this box.



REBECCA T. CHRISTIAN  
REGISTER OF DEEDS, NEW HANOVER  
216 NORTH SECOND STREET

WILMINGTON, NC 28401

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Filed For Registration: 06/16/2004 09:06:47 AM  
Book: RE 4369 Page: 344-347  
Document No.: 2004031663  
AMD DECL 4 PGS \$20.00

Recorder: MARVIS ANN STORER

\*\*\*\*\*  
State of North Carolina, County of New Hanover

The foregoing certificate of MELODY F PARKER Notary is certified to be correct. This 16TH of June 2004

REBECCA T. CHRISTIAN , REGISTER OF DEEDS

By: *Marvis Ann Storer*  
Deputy/Assistant Register of Deeds

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YELLOW PROBATE SHEET IS A VITAL PART OF YOUR RECORDED DOCUMENT.  
PLEASE RETAIN WITH ORIGINAL DOCUMENT AND SUBMIT FOR RE-RECORDING.

**\*2004031663\***

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