

STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

'95 AUG 1 PM 4 26

AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS OF PEPPER TREE AT COVIL ESTATES

THIS AMENDMENT TO DECLARATION, made and entered into this 1st day of Aug., 1995, by DALLAS HARRIS REAL ESTATE-CONSTRUCTION INCORPORATED, a North Carolina corporation, herein referred to as Declarant.

W I T N E S S E T H:

000205

THAT, WHEREAS, Declarant is the owner of certain lots in Pepper Tree at Covil Estates, as the same are shown on a map thereof recorded in Map Book 34, Page 98, in the Office of the Register of Deeds in New Hanover County, North Carolina, reference to which is hereby made for a more particular description; and

WHEREAS, Declarant heretofore executed a Declaration of Covenants, Conditions and Restrictions of Pepper Tree at Covil Estates and caused the same to be recorded in Book 1809, Page 550, of the New Hanover County Registry (herein the "Declaration"); and

WHEREAS, the Declaration provides in Article XI, Section 6.d, that the Declarant may make certain changes to the Declaration so long as the Declarant retains control of the Association; and

WHEREAS, the Declarant presently retains control of the Association; and

WHEREAS, the Declarant now desires to amend the restriction giving Developer/Declarant rights to build up to 10% below the minimum 1,500 square feet of enclosed dwelling area.

NOW, THEREFORE, the Declarant does hereby amend the Declaration of Covenants, Conditions and Restrictions of Pepper Tree at Covil Estates recorded in Book 1809, Page 550, of the New Hanover County Registry by deleting Section 3.a., Article VII and by adding a new Section 3.a., Article VII, as follows:

"Section 3. Approval of Plans.

- a. No house plans will be approved unless the proposed house shall have a minimum of 1,500 square feet of enclosed dwelling area. The term "enclosed dwelling area" as used in the minimum requirement shall be the total enclosed area within a dwelling; provided, however, that such term does not include garages, terraces, decks, open porches, and like areas; provided, further, that shed-type porches, even though attached to the house are specifically excluded from the definition of the aforesaid term "enclosed dwelling area". In the case where the enclosed dwelling area is not more than ten percent (10%) below the minimum set out above, the Developer, Architectural Review Committee or its designated agents may, at their option, approve the construction of the dwelling if it is in conformity with the general development of the subdivision."

Except as amended hereby the Declaration of Covenants, Conditions, and Restrictions of Pepper Tree at Covil Estates shall remain in full force and effect.

IN TESTIMONY WHEREOF, Declarant has caused this instrument to be executed in its corporate name and its corporate seal affixed by its duly authorized officers all the day and year first above written.



DALLAS HARRIS REAL ESTATE-
CONSTRUCTION INCORPORATED

BY: [Signature]
Vice President

[Signature]
Asst Secretary

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

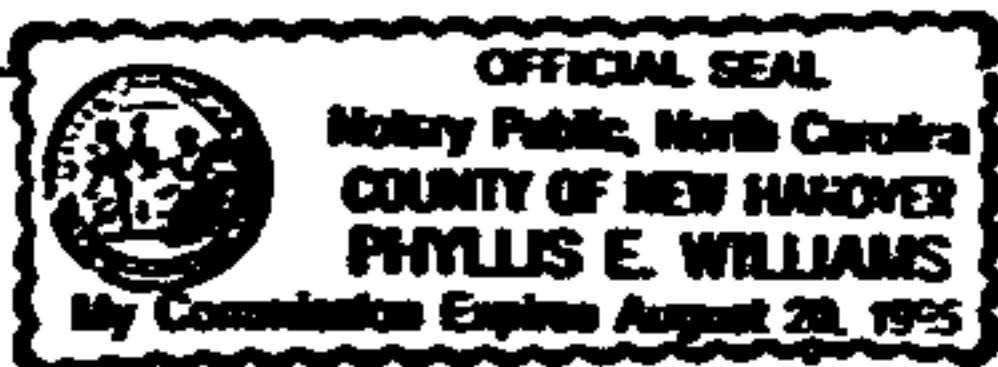
I, PHYLLIS E. WILLIAMS, a Notary Public in and for the county aforesaid, do hereby certify that Melinda Kay Reese personally came before me this day and acknowledged that she is the Asst. Secretary of DALLAS HARRIS REAL ESTATE-CONSTRUCTION INCORPORATED, a North Carolina corporation, and that by authority duly given and as the act of the said corporation, the foregoing instrument was signed in its name by its Vice President, sealed with its corporate seal, and attested by herself as its Asst. Secretary.

WITNESS my hand and official stamp or seal, this the 1st day of August, 1995.

[Signature]
Notary Public

My Commission Expires:

(Notarial Seal)



STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

The foregoing Certificate(s) of Phyllis E. Williams Notary Public, is certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

This the 1 day of August, 1995.

MARY SUE OOTS, Register of Deeds
for New Hanover County

BY: [Signature]