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FOR REGISTRATION REGISTER OF DEEDS
REBECCA J. CHRISTIAN
NEW HANOVER COUNTY, NC
2004 MAY 10 09:55:32 AM
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INSTRUMENT # 2004023743

Prepared by and return to Marshall, Williams & Gorham, LLP

**STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER**

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

This Fourth Amendment to Declaration of Covenants, Conditions and Restrictions of Pepper Tree at Covil Estates ("Amendment") is made effective as of the 24th day of April, 2004 by Pepper Tree at Covil Estates HOA, Inc. a North Carolina non-profit corporation ("Association").

WITNESSETH

A. The Association is the property owners' association charged with the responsibility for the operation of that certain real property known as "Pepper Tree at Covil Estates" located in New Hanover County, North Carolina, and described in a Declaration of Covenants, Conditions and Restrictions of Pepper Tree at Covil Estates recorded in Book 1809, Page 550, New Hanover County Register of Deeds ("Declaration"), and previously amended by instruments recorded in Book 1910, Page 598, Book 1940, Page 654, and Book 2051, Page 821, New Hanover County Register of Deeds.

B. Whereas said Declaration provides in Article XI, Section 5, that the Declaration can be amended upon the vote of not less than two-thirds (2/3) of the Lot Owners.

C. That the Amendment set forth below has been adopted by a vote of not less than two-thirds (2/3) of the Lot Owners and has been properly adopted and approved as required by Article XI, Section 5 of the Declaration.

RETURNED TO *Marshall, Williams & Gorham*

D. That the President of the Association has been duly authorized and empowered to execute this Amendment and caused the same to be filed of record in the New Hanover County Register of Deeds as the binding act and deed of the Association, its Members, Lot Owners and Board of Directors.

Now therefore in consideration of the recitals set forth above, and as the act and deed of the Association, its Members, Lot Owners and Board of Directors, the Declaration is hereby amended and modified as set forth hereinafter.

By deleting Article VII, Section 4(b) (Book 1809, Page 558), in its entirety and substituting in lieu thereof the following:

(b) Driveways, fences and any limited common areas.

Except as specifically amended by this Amendment, all remaining terms, covenants, conditions and provisions of the Declaration shall be and remain in full force and effect.

The undersigned, being the President of Pepper Tree at Covil Estates HOA, Inc., does, by his/her execution hereof, certify that this Amendment was duly adopted by a vote of at least two-thirds (2/3) of the Members and Lot Owners of the Association in person or by proxy, was duly adopted in compliance with Article XI, Section 5 of the Declaration, and was duly adopted by affirmative vote of the Board of Directors of the Association, and that all procedures, steps and requirements necessary to amend said Declaration have been complied with, the day and year first above written.

PEPPER TREE AT COVIL ESTATES
HOA, INC.

BY 
PRESIDENT