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Pamlico, NC
Lynn H. Lewis Register of Deeds
BK **679** PG **708-710**

RETURNED TO: *Linus Martinez*
DATE RETURNED: *4/22/21*

NORTH CAROLINA
PAMLICO COUNTY

THIS AMENDMENT II TO AMENDMENT OF AGREEMENT OF DECLARATION made this 28th day of February 2021, by and among the current recorded owners of Lots 8 through 22, Block F of “Sea Vista Subdivision, Oriental Heights Area”, Chaz and Nelda Coats, Eugene Vanderberg, Jeffrey and Catherine Washburn, Rich Quinn, Jeremiah and Marian Day, Jacqueline Romanello, Maureen Anderson, Russ and Diane Stewart, Richard and Nancy Degen, Linus and Lori Martinez, Ike and Suzanne Williams, hereinafter, called “Declarants”.

WITNESSETH:

WHEREAS, by instrument dated October 14, 1983, and Amendment dated April 5, 1990, the owners of Lots 8 through 22, Block F of “Sea Vista Subdivision, Oriental Heights Area” restricted a portion of each lot through restrictive covenants recorded in Book 228 at page 379, Pamlico County Registry; and

WHEREAS Section 1 provides that the declaration may be amended by a vote of two-thirds of the then record owners after January 1, 1984; and Amendment dated April 5, 1990.

WHEREAS the undersigned current record owners constitute more than two-thirds of the current record owners and desire to amend said declaration.

NOW, THEREFORE, Declarants hereby declare that the Declaration recorded in Book 228 at page 379, Pamlico County Registry, is amended as follows:

Section 2,

Declarants hereby declare that the Declaration recorded in Book 228 at page 379, Pamlico County Registry, Section 2 is hereby amended as follows: Section 2, entitled “use” is omitted in its entirety and the following inserted in lieu thereof:

The Channel strip shall be no more than 10’ feet in width (5’ per each lot hereby noted as “Lots 10 through 18, Block F of “Sea Vista Subdivision, Oriental Heights Area”) to allow the said recorded Declarant’s ingress and egress to the said community Kayak / Dinghy pier.

The Channel strip shall be no more than 80’ in width (40’ per each lot hereby noted as “Lots 8, 9 and 19 – 22 Block F of “Sea Vista Subdivision, Oriental Heights Area”) to

allow the said recorded Declarant's ingress and egress to said community Kayak / Dinghy pier.

Going forward, any future Building Permits shall have a setback of 15' from the center line of the Easement.

Section 2, entitled "USE" is omitted in its entirety and the following inserted in lieu thereof:

2A. USE.

- a) The amended channel strip shall revert back to the current record owners of said lots.
- b) Declarants, their heirs, successors and assigns and their immediate families and guests shall have pedestrian access over the amended channel strip to Whitaker Creek.
- c) No structures, other than a "community dinghy / kayak pier" as described below, shall be erected, placed or permitted to remain on the amended channel strip.
- d) The amended channel strip shall be kept free and clear of weeds, rubbish, trash debris, and other matter.
- e) No noxious or offensive activity shall be permitted on the amended channel strip.
- f) No vehicular traffic of any type shall be permitted on the amended channel strip with exception for maintenance.
- g) No commercial activity shall be permitted on the amended channel strip.
- h) No owner shall make or permit any disturbing noises by himself or herself, his family or her family, servants, employees, agents, visitors and licensees, nor do or permit anything to be done by such persons that will interfere with the right, comforts, or convenience of other lot owners.

2B. THE DINGHY / KAYAK PIER. A dinghy / kayak pier exists in Whitaker Creek with access from the amended channel strip. The use and enjoyment from said dinghy / kayak pier shall be subject to all the restrictions heretofore stated and in addition the following restrictions:

- a) The dinghy / kayak pier is intended for the private use of lot owners 8 through 22, Block F, Sea Vista Subdivision as recorded in Book 228, page 379, Pamlico County Registry.
- b) Guests of the lot owners may use the dinghy / kayak pier when accompanied by lot owners.
- c) Absolutely no dock boxes, boats, or personal gear shall be stored on the dinghy / kayak pier or the amended channel strip.

- d) No commercial activity or any kind shall be allowed on the dinghy / kayak pier.
- e) The Declarants shall have the authority to make, levy and collect dues and assessments to cover the costs and expenses of insurance and maintenance of the dinghy / kayak pier and amended channel strip. These dues and or assessments will be assessed annually and on a uniform basis.

Channel Strip Lot Owners Association

President: *Linus Martinez*
 Linus Martinez

Vice President: *Jeffrey Washburn*
 Jeffrey Washburn

Secretary: *Nelda Coats*
 Nelda Coats

State of NC County of Craven
 Subscribed and sworn to (or affirmed) before me
 on this 22nd day of April, 2021
 by Linus Martinez, Jeffrey Washburn, Nelda Coats
 proved to me on the basis of satisfactory evidence to be
 the person(s) who appeared before me.

Myron Ginwright
 Notary Public Signature

