

**FIFTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS AND EASEMENTS TO DOLPHIN RIDGE AND ROYALL OAKS**

This Fifth Amendment to Declaration of Covenants, Conditions, Restrictions and Easements to Dolphin Ridge and Royall Oaks, made and entered into this the ____ day of November, 2009, by Dolphin Ridge and Royall Oaks Property Owners Association, Inc., a North Carolina non-profit corporation, hereinafter "Association."

WHEREAS, The Nassau Corporation as developer, did record duly approved Subdivision plats for Dolphin Ridge and Royall Oaks whereby certain property was subdivided into single family lots in subdivisions known as Dolphin Ridge and Royall Oaks, and

WHEREAS, The Nassau Corporation did subject all of Dolphin Ridge and Royall Oaks to the Declaration of Covenants, Conditions, Restrictions, and Easements recorded in Book 656, Page 234, Carteret County Registry, (the original Declaration); and as amended in the First Amendment to Declaration as recorded in Book 683, Page 47, Second Amendment to Declaration as recorded in Book 689, Page 488, Third Amendment to Declaration as recorded in Book 756, Page 972, and Fourth Amendment to Declaration as recorded in Book 758, Page 879, all in the Carteret County Registry; and

WHEREAS, the Original Covenants and the Amended Covenants are hereinafter referred to jointly as the "Covenants"; and

WHEREAS, in accordance with the original covenants, Section P Paragraph (1), the covenants may be amended by an instrument signed by not less than three-fourths (3/4) of the individual lot owners within Dolphin Ridge and Royall Oaks and

WHEREAS, the consenting Owners include three-fourths (3/4) of the individual lot owners within Dolphin Ridge and Royall Oaks and such owners have approved, effective _____, 2009, this instrument as an Amendment to the Covenants; and

WHEREAS, the Association through its board of Directors has approved this instrument and directed that it be recorded in the Office of the Carteret County Register of Deeds.

NOW THEREFORE, the consenting Owners and the Association hereby adopt this instrument as the Fifth Amendment to Declaration of Covenants, Conditions, Restrictions and Easements of Dolphin Ridge and Royall Oaks and do acknowledge the changes to the Original covenants and the amendments as follows:

The following paragraph shall be inserted after Paragraph 31 at the end of Section L: Restrictions on Use and Occupancy:

(32) The only above ground pools allowed are those of a temporary nature used as children's pools and must be less than 24 inches in depth, and have no filtration equipment, pumps or electrical components. Anything larger, such as "pop-up" pools or permanent inflatable pools are not allowed. Any pool having filtration equipment, pumps or electrical components, must be a permanent, in-ground pool, subject to review and approval by the Architectural Control Committee.

In all other terms and respects, the aforesaid Declaration (as previously amended) is hereby ratified and affirmed.

Attached hereto as **Schedule "A"** and incorporated herein as if fully set out is a list of all current homeowners upon recordation of this Fifth Amendment, all of the homeowners shall be set forth in the Grantor Index on this Amendment along with the Association whose President has executed this Amendment.

IN WITNESS WHEREOF, Dolphin Ridge and Royall Oaks Property Owners Association, Inc., has caused this instrument to be executed under seal and in such form as to be binding, all by authority of its board of directors first duly given, this day and year first above written.

**DOLPHIN RIDGE AND ROYALL OAKS
PROPERTY OWNERS ASSOCIATION**

Joe Oebbecke, President

NORTH CAROLINA

CARTERET COUNTY

I, _____, a Notary Public of the county and state aforesaid, do hereby certify that **Joe Oebbecke** who is known to me or proved to me on the basis of satisfactory evidence to be the person described, personally appeared before me this day and acknowledged to me that that he is President of Dolphin Ridge and Royall Oaks Property Owners Association, Inc., a corporation and that he as president, being authorized to do so, executed the forgoing instrument on behalf of the Corporation.

Witness my hand and seal this the _____ day of November, 2009.

Notary Public

My Commission expires:

