

Prepared by and Return to:  
Hodges Coxe & Potter, LLP  
3907-100 Wrightsville Avenue  
Wilmington, NC 28403

AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND  
RESTRICTIONS FOR SEABROOKE

Seabrooke Development, LLC, a North Carolina limited liability company (“Declarant”), hereby makes this Amendment to Declaration of Covenants, Conditions and Restrictions for Seabrooke (this “Amendment”) this 29<sup>th</sup> day of December 2021, pursuant to Declarant’s authority set out in that Assignment of Declarant’s Rights Contracts and Permits for Seabrooke Subdivision recorded in Book 4001, Page 1342, Brunswick County Registry.

WHEREAS, Declarant has the right to amend the Declaration of Covenants, Conditions and Restrictions for Seabrooke, recorded in Book 2905, Page 1122, Brunswick County Registry (the “Declarations”) pursuant to the authority set out in Article XIV, Section 2;

WHEREAS, Declarant wishes to amend the Declarations to add a process for De-annexing property from the Declaration where said property has not been developed and Declarant no longer intends to make said property part of the general scheme of development applicable to the Residential Community and the Community Wide Standard.

NOWHEREFORE, Declarant hereby amends the Declarations as follows:

1. A new Section 3, Article II is hereby added:

3. De-Annexation. If Declarant, its successors or assigns, having previously annexed additional property in accordance with Section 2, Article II, determines that Declarant, its successors and assigns no longer intend to develop such annexed property as part of the general scheme of development applicable to the Residential Community and the Community Wide Standard, Declarant may de-annex such property, without the consent of the Class A Members, by recording a document with the Brunswick County Registry stating the same. Declarant may not de-annex land which has actually been developed as part of the Residential Community and the Community Wide Standard.



2. De-annexation of Park and North Park Parcels. Declarant's predecessor recorded that certain Supplemental to Declaration of Covenants, Conditions and Restrictions in Book 3992, page 1205, Brunswick County, annexing the property described therein into the Residential Community. Declarant no longer intends to develop portions of the previously annexed property in accordance with the Residential Community and the Community Wide Standard and hereby removes the property hereinafter described from the provisions of the Declaration. Declarant hereby de-annexes the Park Parcel and the North Park Parcel from the Declaration and the Residential Community as shown on a map recorded in Map Cabinet 132, page 97 of the Brunswick County Registry.

In witness thereof, the undersigned party has executed this Amendment as of the day and year first written above.

SEABROOKE DEVELOPMENT, LLC  
*Thomas R. Smith*  
By: Thomas R. Smith  
Its: Manager

State of North Carolina  
New Hanover County

I, Rachel M. Bengge, a Notary Pubic of New Hanover County North Carolina certify that Thomas R. Smith, personally known to me, who is the manager of Seabrooke Development, LLC, a North Carolina limited liability company, personally appeared before me this day and acknowledged execution of the of the foregoing instrument on behalf of said company for the purposes stated therein.

Witness my hand and notarial seal, this the 29 day of December 2021.

Rachel M. Bengge (SEAL)  
Notary Public  
Printed Name: Rachel M. Bengge  
My Commission Expires: 12/8/2024

RACHEL M BENGGE  
NOTARY PUBLIC  
NEW HANOVER COUNTY, NC  
My Commission Expires 12-8-2024



*Alexander Ricks PLLC*  
 3 *mail*  
 Presenter \_\_\_\_\_ Ret: \_\_\_\_\_  
 Total \$ *210* Rev \_\_\_\_\_ Int. *BN*  
 Ok \$ *210* Clk *2105* Cash \$ \_\_\_\_\_  
 Refund: \_\_\_\_\_ Cash \$ \_\_\_\_\_ Finance \_\_\_\_\_  
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 Document contains seals verified by original instrument that cannot be reproduced or copied.

**Prepared by and return to:**  
**Alexander Ricks PLLC (DAM)**  
**4601 Park Road, Suite 580**  
**Charlotte, NC 28209**

**STATE OF NORTH CAROLINA**  
**COUNTY OF BRUNSWICK**

**SECOND AMENDMENT TO  
 DECLARATION OF COVENANTS,  
 CONDITIONS AND RESTRICTIONS  
 FOR SEABROOKE**

THIS SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR SEABROOKE (this "Amendment") is executed as of this 26 day of October, 2016, by **REO FUNDING SOLUTIONS III, LLC**, a Georgia limited liability company ("Declarant").

WITNESSETH:

WHEREAS, Declarant, by that certain Assignment of Declarant's Rights Contracts and Permits for Seabrooke Subdivision recorded on December 11, 2012 in Deed Book 3346, Page 257, in the Office of the Brunswick County Register of Deeds (the "Register of Deeds"), is the "Declarant" under that certain Declaration of Covenants, Conditions and Restrictions for Seabrooke recorded on March 30, 2009 in Deed Book 2905, Page 1122 in the Register of Deeds, as amended by that certain Amendment to Declaration of Covenants, Conditions and Restrictions for Seabrooke recorded on August 28, 2014 in Deed Book 3560, Page 1387 in the Register of Deeds (as amended and supplemented from time to time, the "Declaration"); and

WHEREAS, Section 2 of Article XIV of the Declaration provides that as long as Declarant owns any of the Property (as defined in the Declaration), the Declaration may be amended by Declarant in its sole discretion, except as otherwise specifically provided in Section 5 of Article III and Section 33 of Article VII of the Declaration; and

WHEREAS, Declarant presently owns certain parcels within the Property (as defined in the Declaration); and

WHEREAS, Declarant wishes to amend the Declaration as more fully set forth herein, which amendments do not concern the matters provided in Section 5 of Article III or Section 33 of Article VII of the Declaration.

NOW, THEREFORE, Declarant hereby amends the Declaration as follows:



1. Article I of the Declaration is hereby amended by inserting the following as a new Section 23:

“23. “Builder” shall mean a Person who regularly is in the business of constructing Homes on Lots for resale to other Persons, and who purchases or becomes the Owner of one or more Lots within the Residential Community for the purpose of constructing thereon one or more Homes for resale to other Persons.”

2. Section 14 of Article VI of the Declaration is hereby amended by inserting the following as a new Subsection f:

“f. Any of the Property owned by a Builder.”

3. Subsection f of Section 4 of Article VIII of the Declaration is hereby amended by deleting the period at the end of the first sentence and inserting the following in lieu thereof:


“; provided, however, a Builder shall be exempt from the foregoing.”

**[Signature on Following Page]**



IN WITNESS WHEREOF, the undersigned party has executed this Amendment as of the day and year first above written.

**REO FUNDING SOLUTIONS III, LLC,**  
a Georgia limited liability company

By:   
Name: Judd Gilats  
Title: Vice President

STATE OF MINNESOTA

COUNTY OF HENNEPIN

I, Cristina Aurora Zhang, a Notary Public of the County and State aforesaid, certify that Judd Gilats, personally known to me, who is the vp of **REO FUNDING SOLUTIONS III, LLC**, a Georgia limited liability company, personally appeared before me this day and acknowledged execution of the foregoing instrument on behalf of said company for the purposes stated therein.

Witness my hand and notarial seal, this the 26th day of October, 2016.

Cristina Aurora Zhang  
Notary Public  
Print Name: Cristina Aurora Zhang

My Commission Expires:

January 31, 2021





B3560 P1387 08-28-2014  
 15:16:23.000  
 Brenda M. Clemmons PROP  
 Brunswick County, NC Register of Deeds page 1 of 3

*Johnston, Allison & Hord*  
 Presenter \_\_\_\_\_ Ret: mail  
 3 Total 26 Rev \_\_\_\_\_ Int. 26  
 Ck \$ 26. Ck # 2355 Cash \$ \_\_\_\_\_  
 Refund: \_\_\_\_\_ Cash \$ \_\_\_\_\_ Finance \_\_\_\_\_  
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 Document contains spots verified by original instrument that cannot be reproduced or corrected.

Prepared by and return to:  
**Johnston, Allison & Hord, P.A. (DAM)**  
 1065 East Morehead Street  
 Charlotte, NC 28204

STATE OF NORTH CAROLINA

AMENDMENT TO DECLARATION OF  
 COVENANTS, CONDITIONS AND  
 RESTRICTIONS FOR SEABROOKE

BRUNSWICK COUNTY

THIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR SEABROOKE (this "Amendment") is executed as of this 21<sup>st</sup> day of August, 2014, by **REO FUNDING SOLUTIONS III, LLC**, a Georgia limited liability company ("Declarant").

WITNESSETH:

WHEREAS, Declarant, by Assignment of Declarant's Rights Contracts and Permits for Seabrooke Subdivision recorded in Deed Book 3346, Page 257 in the Office of the Brunswick County Register of Deeds (the "Register of Deeds"), is the "Declarant" under that certain Declaration of Covenants, Conditions and Restrictions for Seabrooke recorded in Deed Book 2905, Page 1122 in the Register of Deeds (as amended and supplemented from time to time, the "Declaration"); and

WHEREAS, Section 2 of Article XIV of the Declaration provides that as long as Declarant owns any of the Property (as defined in the Declaration), the Declaration may be amended by Declarant in its sole discretion, except as otherwise specifically provided in Section 5 of Article III and Section 33 of Article VII of the Declaration;

WHEREAS, Declarant presently owns certain parcels within the Property (as defined in the Declaration); and

WHEREAS, Declarant wishes to amend the Declaration as more fully set forth herein, which amendments do not concern the matters provided in Section 5 of Article III or Section 33 of Article VII of the Declaration.



NOW, THEREFORE, Declarant hereby amends the Declaration as follows:

1. Subsection e of Section 3 of Article VI of the Declaration is hereby deleted in its entirety and of no further force or effect.
2. Section 12 of Article VI of the Declaration is hereby deleted in its entirety and of no further force and effect, and the following is inserted in lieu thereof:

“12. Intentionally omitted.”

3. Section 14 of Article VI of the Declaration is hereby amended by adding the following as a new Subsection e:

“e. Any of the Property owned by the Declarant.”

4. Section 14 of Article VI of the Declaration is hereby further amended by (1) deleting the word “and” at the end of Subsection c, and (2) deleting the period at the end of Subsection d and inserting a semicolon followed by the word “and” in lieu thereof.

5. Section 1 of Article VI of the Declaration is hereby amended by deleting “Every” (the first word of the first sentence of Section 1) and inserting the following in lieu thereof:

“Except as otherwise provided in Section 14 of this Article VI, every”.

6. Article I of the Declaration is hereby amended by inserting the following as a new Section 22:

“22. “Assessments” or “assessments” shall mean any and all assessments authorized, fixed, established and/or collected from time to time pursuant to Article VI of this Declaration.”

**[Signatures on Following Page(s)]**



IN WITNESS WHEREOF, the undersigned party has executed this Amendment as of the day and year first above written.

**REO FUNDING SOLUTIONS III, LLC,**  
a Georgia limited liability company

By: *Julie K. Braun*  
Name: **Julie K. Braun**  
Title: **Vice President**

STATE OF *Minnesota*  
COUNTY OF *Hennepin*

I, *Kim Baeumler*, a Notary Public of the County and State  
aforsaid, certify that *Julie Braun*, personally known to me, who is the  
*Vice President* of REO FUNDING SOLUTIONS III, LLC, a Georgia limited liability  
company, personally appeared before me this day and acknowledged execution of the foregoing  
instrument on behalf of said company for the purposes stated therein.

Witness my hand and notarial seal, this the *21st* day of August, 2014.

*Kim R. Baeumler*  
Notary Public  
Print Name: *Kim R. Baeumler*

My Commission Expires:  
*1/31/17*

