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Prepared by: James R. Prevatte, Jr.
 Return to: Prevatte, Prevatte & Campbell, PLLC, P. O. Box 10969, Southport, NC 28461

STATE OF NORTH CAROLINA

AMENDMENT OF DECLARATION OF
 COVENANTS, CONDITIONS AND
 RESTRICTIONS FOR CADES COVE

COUNTY OF BRUNSWICK

THIS AMENDMENT OF DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR CADES COVE is made this 2nd day of January, 2007, by ITAC 62, LLC (hereinafter called "Declarant").

WITNESSETH:

WHEREAS, Declarant caused to be recorded a certain Declaration of Covenants, Conditions and Restrictions for Cades Cove in Book 2337 at page 1407, et seq. as Amended in Book 2338, page 1, et seq. and as Supplemented in Book 2391, page 125, et seq. all in the Office of the Register of Deeds of Brunswick County, North Carolina (the "Declaration") subjecting the real property, more particularly described therein, to certain covenants, conditions, restrictions, easements, charges and liens, for the benefit of each owner of said real property; and

WHEREAS, pursuant to the provisions of Article XI, of the Declaration, the Declarant may unilaterally amend the Declaration for any purpose so long as such amendment promotes or makes no change to the common scheme of development and Declarant has the right to annex additional real property which has been or will be developed as part of the general plan of development for Cades Cove.

WHEREAS, Declarant, is the current Owner of the subject property contained in the aforementioned Declaration, Amendment and Supplement; and

WHEREAS, Declarant desires to amend certain provisions of the Declaration, Amendment and Supplement; and



NOW, THEREFORE, the Declarant for itself, its successors and assigns, does hereby amend the Declaration as follows:

ARTICLE IX is deleted in its entirety and replaced with the following which shall become ARTICLE IX of the Declaration.

ARTICLE IX

STORMWATER RESTRICTIONS

The following covenants are intended to ensure ongoing compliance with State Stormwater Management Permit Number SW8 041011, as issued by the Division of Water Quality under NCAC 2H.1000.

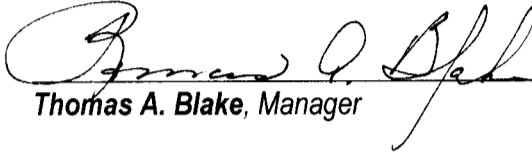
- a. The State of North Carolina is made a beneficiary of these covenants to the extent necessary to maintain compliance with the Stormwater Management Permit.
- b. These covenants are to run with the land and be binding on all persons and parties claiming under them.
- c. These covenants pertaining to stormwater may not be altered or rescinded without the express written consent of the State of North Carolina, Division of Water Quality.
- d. Alteration of the drainage as shown on the approved plans may not take place without the concurrence of the Division of Water Quality.
- e. The maximum built-upon area per lot is 5,000 square feet. This allotted amount includes any built-upon area constructed within the lot property boundaries, and that portion of the right-of-way between the front lot line and the edge of the pavement. Built upon area includes, but is not limited to, structures, asphalt, concrete, gravel, brick, stone, slate, coquina and parking areas, but does not include raised, open wood decking, or the water surface of swimming pools.
- f. All runoff on the lot must drain into the permitted system. This may be accomplished through providing roof drain gutters which drain to the street, grading the lot to drain toward the street, or grading perimeter swales and directing them into th4e pond or street. Lots that will naturally drain into the system are not required to provide these additional measures.



IN WITNESS WHEREOF, the undersigned, being the Declarant herein, hereunto sets its hand and seal this 2nd day of January, 2007.

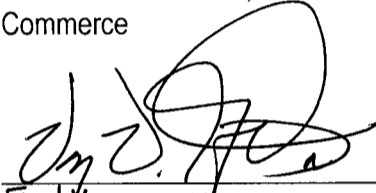
ITAC 62, LLC

By: Blake Family Properties, L.L.C., Member/Manager

By: 
Thomas A. Blake, Manager

JOINDER BY SUNTRUST BANK

SUNTRUST BANKS, INC., successor by merger to
CENTRAL CAROLINA BANK, a division of National
Bank of Commerce

By: 
First Vice President

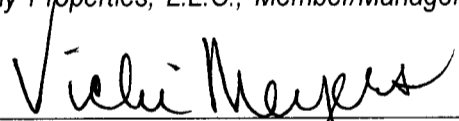
STATE OF NORTH CAROLINA

COUNTY OF BRUNSWICK

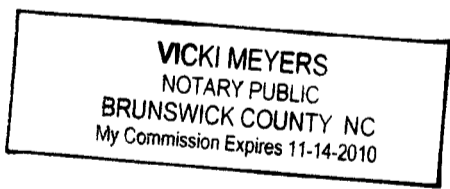
I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose(s) stated herein and in the capacity indicated: *Thomas A. Blake, Manager of Blake Family Properties, L.L.C., Member/Manager of ITAC 62, LLC.*

Date: 1/2/07

[SEAL]


OFFICIAL SIGNATURE OF NOTARY
Vicki Meyers
NOTARY'S PRINTED OR TYPED NAME, Notary Public

My Commission Expires: 11/14/2010



STATE OF NORTH CAROLINA

County of New Hanover
~~BRUNSWICK~~

I, Stella G. Norwood, Notary Public in and for said County and State, do hereby certify that Van W. Gunter, III personally appeared before me and acknowledged that he/she is First Vice Pres. of SUNTRUST BANK and that by authority duly given and as the act of the Corporation, the foregoing instrument was signed in its name by its First Vice President, sealed with its corporate seal and attested by its _____ Secretary.

WITNESS my hand and notarial seal, this the 3 day of January, 2007.

Stella G. Norwood
Notary Public

My Commission Expires:

05-01-11

[SEAL]

