

Book 528 PAGE 538 (6)

417248



SEE ATTACHED PIN'S *CEL*

**AMENDMENT TO SUPPLEMENTAL & AMENDED DECLARATION
CONTAINING COVENANTS, CONDITIONS AND RESTRICTIONS FOR
MALLARD COVE SUBDIVISION IN EDENTON BAY PLANTATION**

On November 23, 1999, NC Timberline, LLC, a Delaware Limited Liability Company, filed in Chowan County Registry, a Declaration of Covenants, Conditions and Restrictions for Edenton Bay Plantation, Book 258, Page 604. On June 10, 2019, Edenton Bay Plantation Home Owner's Association (hereinafter referred to as "The Association"), filed in the Chowan County Registry in Book 516, Page 47, Amended Declaration of Covenants, Conditions and Restrictions for Edenton Bay Plantation which includes 20 individual lots within the Mallard Cove Subdivision.

On March 28, 2000, Belvidere Properties, LLC, and Jack's Pasture, LLC, owners of the properties within the Mallard Cove Subdivision of Edenton Bay Plantation, filed in Chowan County Registry, March 28, 2000, Book 262, Page 44, Supplemental & Amended Declaration Containing Covenants, Conditions and Restrictions for Mallard Cove Subdivision in Edenton Bay Plantation.

This will serve as an Amendment to Supplemental & Amended Declaration Containing Covenants, Conditions and Restrictions for Mallard Cove Subdivision in Edenton Bay Plantation updating aforesaid document to remove Declarant NC Timberline, LLC, a Delaware Limited Liability Company, and Belvidere Properties and Jack's Pasture as owners of the properties in Mallard Cove Subdivision. The property has since been sold to individual owners encompassing 20 lots.

The execution and recording of the Amended Declaration in Book 516, Page 47 of the Chowan County Registry placed those certain Covenants, Conditions and Restrictions embodied in the Amended Declaration on the real property described therein.

Pursuant to Article 9, Section 9.8 of the Amended Declaration, The Association reserved the right to modify or amend the Amended Declaration.

The Association desires to include property designated as Mallard Cove Subdivision to the Community Properties covered by the Amended Declaration for Edenton Bay Plantation, (recorded June 10, 2019) as identified in Book 516, Pages 76-78; and, including, but not limited to, documents as follows:

Amendment to Supplemental CC&Rs for Mallard Cove Subdivision in Edenton Bay Plantation, June 2020

Bylaws of Edenton Bay Plantation Home Owner's Association, Amended June 2018, filed in Chowan County Registry, June 29, 2018, Book 506, Pages 706-721;

Bicycle & Pedestrian Easement, filed in Chowan County Registry, October 22, 1999, Book 257, Page 835;

General Warranty Deed made October 15, 1999, between Belvidere Properties, L.L.C., and Jack's Pasture, L.L.C. to NC Timberline, L.L.C., filed in Chowan County Registry, October 22, 1999, Book 257, Page 820;

As planned by the original owners of the properties in the Mallard Cove Subdivision (Belvidere Properties, L.L.C. and Jack's Pasture, L.L.C.), Mallard Cove Subdivision is subjected to the Amended Declaration as modified and amended herein in order to share Common Properties within Edenton Bay Plantation and Mallard Cove Subdivision, establishing a unique, superior and integrated community with Edenton Bay Plantation, protecting the value of individual lots and assuring the architectural environment within Mallard Cove Subdivision is in keeping with the high standards for Edenton Bay Plantation.

Building Restrictions. Except as herein stated, all Dwelling units within Mallard Cove Subdivision must comply with the most current edition of the Edenton Bay Plantation Architectural Code.

Amendment to Section 8.3 "Minimum Square Feet in Dwelling Unit." Section 8.3 of the Amended Declaration is modified and amended to read as follows:

Except with respect to Dwellings on Lots in Mallard Cove Subdivision, each Dwelling shall contain a minimum of 2,200 square feet of heated living areas.

Stormwater Runoff Rule Compliance. The allowable built-upon area per lot in Mallard Cove Subdivision shall not exceed the allowable built-upon area and square feet for each lot shown on Exhibit B attached hereto, inclusive of that portion of the right-of-way between the front lot line and the edge of the pavement, structures, walkways of brick, stone, slate, not including wood decking. The covenants, conditions and restrictions pertaining to stormwater regulations may not be changed or deleted without concurrence of the State of North Carolina. Filling in or piping of any vegetative conveyances (ditches, swales, etc.) associated with the development of Mallard Cove Subdivision (except for driveway crossings) is strictly prohibited by any persons.

Reciprocal Rights in the Common Properties. Subject to the Covenants, Conditions and Restrictions set forth in this Amended Supplement and in the Amended Declaration, every owner, members of the owner's household, guests of the owner, agent and licensees in Edenton Bay Plantation as described in the Amended Declaration and in Mallard Cove Subdivision as described in this Amendment to Supplemental & Amended Declaration shall have a permanent,

Amendment to Supplemental CC&Rs for Mallard Cove Subdivision in Edenton Bay Plantation, June 2020

perpetual and reciprocal easement for the use and enjoyment of the common properties as defined in the Amended Declaration and shown on the respective plats of the Edenton Bay Plantation property and the Mallard Cove Subdivision property (Exhibit A to this Amendment to Supplemental & Amended Declaration.

Amendment. This Amendment to Supplemental & Amended Declaration may be amended by The Association provided such amendment does not materially alter the basic plan of development.

Cumulative Effect. All of the Covenants, Conditions and Restrictions contained in this Amendment to Supplemental & Amended Declaration shall encumber Mallard Cove Subdivision in addition to those Covenants, Conditions and Restrictions contained in the Amended Declaration. Wherever a specific provision of this Amendment to Supplemental & Amended Declaration conflicts with specific provisions of the Amended Declaration, the provisions of this Amendment to Supplemental & Amended Declaration shall control and prevail.

Binding Effect and Duration. These Covenants, Conditions and Restrictions set forth in this Amendment to Supplemental & Amended Declaration shall run with the land set forth on Exhibit A attached (Mallard Cove Subdivision) and shall be binding on all parties owning any portion of Mallard Cove Subdivision, their heirs, successors and assigns, for the same period of time as the Amended Declaration, including extensions thereof.

Enforcement. The Association, or any owner of a Lot within Mallard Cove Subdivision shall have the right (but not the affirmative obligation) to enforce by proceedings at law or in equity all the Covenants, Conditions and Restrictions now or hereinafter imposed by this Amendment to Supplemental & Amended Declaration and the Amended Declaration; however, the failure to do so shall not be deemed a waiver of the right to do so in the future. Furthermore, The Association and their agents and employees, has the right to enter upon any Lot in the Mallard Cove Subdivision for inspection.

IN WITNESS WHEREOF, this Amendment to Supplemental & Amended Declaration together with the Covenants, Conditions and Restrictions set forth herein have been executed and sealed by The Association this 30th day of June 2020.

EDENTON BAY PLANTATION HOME OWNER'S ASSOCIATION, INC.

Michele D. Lewis

Michele D. Lewis, President

Gary T. Roth

Gary T. Roth, Vice President

STATE OF NORTH CAROLINA

COUNTY OF CHOWAN

I, the undersigned Notary Public, do hereby certify that Michele D. Lewis and Gary T. Roth, personally appeared before me this day and acknowledged that they serve as President and Vice President, respectively, of Edenton Bay Plantation Home Owner's Association, Inc., a corporation; and, being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official seal this 30th day of June 2020.

Kirstina D. Copeland

Notary Public

My Commission Expires: 1/29/2021



EXHIBIT A

All of those certain Lots, streets, roads, open spaces, and other Common Properties shown on the plats of Mallard Cove Subdivision of record in the Office of the Register of Deeds of Chowan County in Plat Cabinet 1,

Slides 182-D, incorporated herein by reference.

MALLARD COVE SUBDIVISION

TABLE "A"

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<u>Lot</u>	<u>Area (Acres)</u>	<u>Lot</u>	<u>Area (Acres)</u>
1	1.59	16	1.04
2	2.02	17	0.96
3	2.98	18	0.70
4	1.79	19	0.73
5	1.26	20	0.89
6	1.11		
7	1.39		
8	1.15		
9	3.41		
10	1.95		
11	1.18		
12	0.92		
13	1.02		
14	1.32		
15	1.78		

MALLARD COVE LOTS w/ PINs

<u>Lot</u>	<u>PIN</u>
1	7814-03-00-9516
2	7814-03-00-9324
3	7814-03-00-9105
4	7814-03-00-7082
5 & 6	7813-01-09-7645
7	7813-01-09-9509
8	7813-01-19-0661
9	7813-01-19-1597
10	7813-01-19-2388
11	7813-01-19-1342
12	7813-01-19-0291
13	7813-01-19-0107
14	7813-01-09-9101
15 +	7813-01-09-7056
16	7813-01-09-6117
17	7813-01-09-4299
18	7813-01-09-4308
19	7813-01-09-3469
20	7913-01-09-3600
Common Areas	7814-03-00-5133
