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BY: STEPHANIE PEREZ  
DEPUTY



2018030303

NEW HANOVER COUNTY, NC

TAMMY THEUSCH BEASLEY

REGISTER OF DEEDS

NC FEE \$26.00

FOURTH AMENDMENT  
TO  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR  
THE FORKS AT BARCLAY

THIS FOURTH AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS FOR THE FORKS AT BARCLAY (the "Declaration") is made effective the 4 day of October, 2018 by FORKS DEVELOPMENT, LLC, a limited liability company organized and existing under North Carolina law (the "Declarant").

WHEREAS, Declarant subjected that Planned Unit Development located in the City of Wilmington, County of New Hanover and State of North Carolina and known as "The Forks at Barclay" to those residential covenants as set forth in the "Declaration" recorded on February 17, 2015 in Book 5868, Pages 1880-1916, of the New Hanover County Registry; and

WHEREAS, the Declaration has previously been amended by instruments recorded in Book 5906 at Page 695, Book 5945 at Page 894, and Book 5974 at Page 1094, of the New Hanover County Registry; and

WHEREAS under ARTICLE VI RIGHTS OF DECLARANT, SECTION 3 AMENDMENT OF DECLARATION BY DECLARANT Declarant may amend the Declaration without the approval of the Members or the Board of the Owners' Association under subparagraph (g) to conform, by amendment or otherwise, the Declaration to the requirements of any law or governmental agency having legal jurisdiction over the Property or Additional Property.....;

NOW THEREFORE, this Fourth Amendment To Declaration of Covenants, Conditions and Restrictions for The Forks at Barclay,

WITNESSETH:

ARTICLE VIII STORMWATER PERMITS/FACILITIES Section 4 Enforcement of State Stormwater Runoff Regulations and Section 5 Enforcement of City of Wilmington Stormwater Runoff Regulations are hereby amended to read as follows:

**ARTICLE VIII**  
**STORMWATER PERMITS/FACILITIES**

SECTION 4. Enforcement of State Stormwater Runoff Regulations.

- (a) The following covenants are intended to ensure ongoing compliance with State Stormwater Management Permit Numbers SW8 140417, as issued by the North Carolina Division of Energy, Mineral and Land Resources under the Stormwater Management Regulations (including 15A NCAC 2H 1000), as revised, including SW8 140417 MOD, dated January 6, 2017, and SW8 140417 MINOR MOD, dated July 16, 2018 (making reference to SW8 951208 and SW8 000226 therein as part of the permitted system). These permits and the permits described in Section 5(a) are herein collectively the "Permit" or "Permits" or the "stormwater management permit" or "stormwater management permits" when no reference to a specific permit number is made.
- (b) The State of North Carolina is made a beneficiary of these covenants to the extent necessary to maintain compliance with the stormwater management permit.
- (c) These covenants are to run with the land and be binding on all persons and parties claiming under them.
- (d) The covenants pertaining to stormwater may not be altered or rescinded without the express written consent of the State of North Carolina, Division of Energy, Mineral and Land Resources.
- (e) Alteration of the drainage as shown on the approved plan may not take place without the concurrence of the State of North Carolina, Division of Energy, Mineral and Land Resources.
- (f) The maximum built-upon area per Lot, in square feet, is as stated in Exhibit A to this instrument, which is incorporated herein as if set out in full. 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.
- (g) All runoff from the built-upon areas on the Lot must drain into the permitted system. This may be accomplished through providing roof drain gutters which drain to the pond or street, grading the Lot to drain toward the street or directly into the pond, or grading perimeters swales and directing them into the pond or street.

- (h) Built-upon area in excess of the permitted amount will require a permit modification.
- (i) All affected Lots shall maintain a 50' wide vegetated buffer adjacent to surface waters, measured horizontally from and perpendicular to the normal pool of impounded structures, the top bank of each side of streams and rivers, and the mean high water line of tidal waters.
- (j) Any individual or entity found to be in noncompliance with the provisions of a stormwater management permit or the requirements of Stormwater Rules is subject to enforcement procedures as set forth in G.S. Chapter 143, Article 21.
- (i) The Declarant, or after transfer of the Permit to the Association, the Association as Transferee of the Permit, shall upon receipt of the actual built upon area of each of the above listed Lots, recompute the allowable built-upon area and allocate same among the remaining undeveloped Lots, or upon the development of the last lot to be developed, among all Lots and the Common Elements, in order to ensure continued compliance with the allowable built-upon area authorized by the Permit. After transfer of the Permit to the Association, the Association will be responsible for tracking the built-upon area granted to each Lot and the Common Elements for future improvements through the architectural review process, by the Architectural Control Committee; and which shall be responsible for verifying this total is within each of the following: total allocation for each permit, the total allocation for the subdivision, and the allocation for each pond (BMP #1, BMP #2, and BMP #3) included in the permitted system.

SECTION 5. Enforcement of City of Wilmington Stormwater Runoff Regulations.

- (a) The following covenants are intended to ensure ongoing compliance with City of Wilmington Stormwater Management Permit Number 2014023 as issued by the City of Wilmington/Engineering under Article 14, Division III of the Land Development Code (and any and all amendments or modification or revisions thereof) (as revised, including 2014023R1, dated May 3, 2017, and 2014023R2 dated May 30, 2018) (making reference to SW8 140417, SW8 951208 and SW8 000226 therein as part of the permitted system). These permits and the permits described in Section 4(a) are herein collectively the "Permit" or "Permits" or the "stormwater management permit" or "stormwater management permits" when no reference to a specific permit number is made.
- (b) The City of Wilmington is made a beneficiary of these covenants to the extent necessary to maintain compliance with the stormwater management permit.
- (c) These covenants are to run with the land and be binding on all persons and parties claiming under them.
- (d) The covenants pertaining to stormwater may not be altered or rescinded without the express written consent of the City of Wilmington.
- (e) Alteration of the drainage as shown on the approved plan may not take place without the concurrence of the City of Wilmington.

(f) The maximum allowable built-upon area per Lot, in square feet, is as stated in Exhibit A to this instrument, which is incorporated herein as if set out in full. 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.

(g) All runoff from the built-upon areas on the Lot must drain into the permitted system. This may be accomplished through a variety of means including roof drain gutters which drain to the street, grading the Lot to drain toward the street, or grading perimeters swales to collect Lot runoff and directing them into a component of the stormwater collection system. Lots that will naturally drain into the system are not required to provide these additional measures.

(h) The Declarant, or after transfer of the Permit to the Association, the Association as Transferee of the Permit, shall upon receipt of the actual built upon area of each of the above listed Lots, recompute the allowable built-upon area and allocate same among the remaining undeveloped Lots, or upon the development of the last lot to be developed, among all Lots and the Common Elements, in order to ensure continued compliance with the allowable built-upon area authorized by the Permit. After transfer of the Permit to the Association, the Association will be responsible for tracking the built-upon area granted to each Lot and the Common Elements for future improvements through the architectural review process, by the Architectural Control Committee, and which shall be responsible for verifying this total is within each of the following: total allocation for each permit, the total allocation for the subdivision, and the allocation for each pond (BMP #1, BMP #2, and BMP #3) included in the permitted system.

Except as is necessarily changed by this Amendment, the Declaration is hereby re-confirmed and restated as of the day and year first above stated.

FORKS DEVELOPMENT, LLC

By: SH3, LLC, Member/Manager

By:   
Shawn C. Horton, Manager

STATE OF NORTH CAROLINA  
COUNTY OF NEW HANOVER

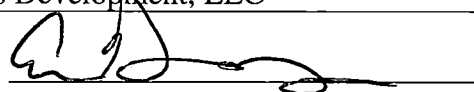
I, Erin Gregory, certify that the following person(s) personally appeared before me this day, and

- I have personal knowledge of the identity of the principal(s)
- I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a
- A credible witness has sworn to the identity of the principal(s);

each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

Name	Capacity
Shawn C. Horton	Manager of SH3, LLC, Member/Manager Of Forks Development, LLC

Date: 10-4-18

  
Notary Public Erin Gregory

(official seal)

My commission expires: 5-10-21

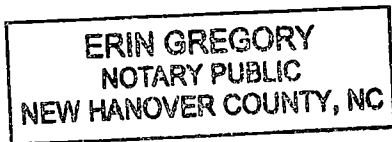


EXHIBIT A TO FOURTH AMENDMENT  
TO  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR  
THE FORKS AT BARCLAY

LOT #	Phase/Section	Built-upon Area Used (Primary Allocation) SF	Additional Built-upon Area Unused (Secondary Allocation) SF	Total Built-upon Area Allocated (Primary and Secondary) SF
1-R	1/1	3883	100	3983
2-R	1/1	4104	100	4204
3-R	1/1	3915	150	4065
4	1/1	3707	100	3807
5	1/1	3707	100	3807
6	1/1	3485	163	3648
7	1/1	3485	163	3648
8	1/1	3780	100	3880
9	1/1	3780	100	3880
10	1/1	3544	104	3648
11	1/1	3413	235	3648
12-R	1/1	3697	100	3797
13-R	1/1	3821	100	3921
14	1/1	3664	100	3764
15	1/1	3729	100	3829
16	1/1	3584	100	3684
17	1/1	3623	100	3723
18	1/1	3759	100	3859
19	1/1	3566	101	3667
20	1/1	3332	316	3648
21	1/1	3356	292	3648
22-R	1/1	3277	371	3648
23-R	1/1	3277	371	3648
24-R	1/1	3805	100	3905
25-R	1/1	3804	100	3904
26	1/1	3697	100	3797
27	1/1	3697	100	3797
28	1/1	3697	100	3797
29	1/1	3697	100	3797
30	1/1	4001	100	4101
31	1/1	4002	100	4102

LOT #	Phase/Section	Built-upon Area Used (Primary Allocation) SF	Additional Built-upon Area Unused (Secondary Allocation) SF	Total Built-upon Area Allocated (Primary and Secondary) SF
32-R	1/1	3593	103	3696
33-R	1/1	3594	102	3696
34	1/1	3524	172	3696
35	1/1	3596	100	3696
36	1/2	4099	555	4654
37	1/2	4418	232	4650
38	1/2	3254	1396	4650
39	1/2	4488	162	4650
40	1/2	4293	707	5000
41	1/2	4316	150	4466
42	1/2	3751	150	3901
43	1/2	3873	150	4023
44	1/2	3819	150	3969
45	1/2	3200	525	3725
46	1/3	3598	150	3748
47	1/3	4705	150	4855
48	1/3	3827	150	3977
49	1/3	3829	150	3979
50	1/3	3664	150	3814
51	1/3	3902	150	4052
52	1/2	3884	150	4034
53	1/2	3471	254	3725
54	1/2	4316	150	4466
55	1/2	3395	330	3725
56	1/2	3808	150	3958
57	1/2	3365	360	3725
58	1/2	3247	478	3725
59	1/2	4756	150	4906
60	1/3	4496	154	4650
61	1/3	3415	1235	4650
62	1/3	3292	1358	4650
63	1/3	4234	416	4650
64	1/3	4742	150	4892
65	1/3	3911	250	4161
66	1/3	4265	385	4650
67	1/3	3375	1275	4650

<b>LOT #</b>	<b>Phase/Section</b>	<b>Built-upon Area Used (Primary Allocation) SF</b>	<b>Additional Built-upon Area Unused (Secondary Allocation) SF</b>	<b>Total Built-upon Area Allocated (Primary and Secondary) SF</b>
68	1/3	4238	412	4650
69	1/3	4315	335	4650
70	1/3	3723	150	3873
71	1/3	3723	927	4650
72	1/3	4182	468	4650
73	2/1	3642	250	3892
74	2/1	4347	303	4650
75	2/1	3279	250	3529
76	2/1	3982	250	4232
77	2/1	3338	250	3588
78	2/1	3747	250	3997
79	2/1	3924	250	4174
80-R	2/1	3964	150	4114
81-R	2/1	4446	204	4650
82-R	2/1	4926	150	5076
83-R	2/1	4156	250	4406
84-R	2/1	3889	250	4139
85	2/1	3920	150	4070
86	2/1	4378	272	4650
87	2/1	4180	470	4650
88	2/1	3521	127	3648
89	2/1	3561	100	3661
90	2/1	3250	398	3648
91	2/1	3562	100	3662
92	2/1	3489	159	3648
93	2/1	3561	100	3661
94	2/1	3459	189	3648
95	2/1	3621	100	3721
96	2/1	4323	327	4650
97	2/1	3146	250	3396
98	2/1	3185	463	3648
99	2/1	3529	150	3679
100	2/1	3672	150	3822
101	2/1	3566	150	3716
102	2/1	3660	150	3810
103	2/1	3374	274	3648

LOT #	Phase/Section	Built-upon Area Used (Primary Allocation) SF	Additional Built-upon Area Unused (Secondary Allocation) SF	Total Built-upon Area Allocated (Primary and Secondary) SF
104	2/1	3404	244	3648
105	2/1	3288	250	3538
106	2/1	3174	250	3424
107	2/1	3756	150	3906
108	2/1	3451	1199	4650
109	2/1	3835	815	4650
110	2/1	4465	185	4650
111	2/1	4375	150	4525
112	2/1	4597	150	4747
113	2/1	4740	150	4890
114	2/1	3640	150	3790
115-R	2/1	5750	0	5750
116-R	2/1	5750	0	5750
117	2/1	Lot Deleted	Lot Deleted	Lot Deleted
118-R	2/1	4693	307	5000
119-R	2/1	4783	217	5000
120-R	2/1	4579	150	4729
121	2/1	4369	281	4650
122	2/1	3586	250	3836
123	2/1	4264	250	4514
124	2/1	3909	250	4159
		0		
<b>Totals</b>		<b>474,389</b>	<b>31,741</b>	<b>506,130</b>

TAMMY THEUSCH  
BEASLEY  
Register of Deeds

# New Hanover County

## Register of Deeds

320 CHESTNUT ST SUITE 102 • WILMINGTON, NORTH CAROLINA 28401  
Telephone 910-798-4530 • Fax 910-798-7716



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State of North Carolina, County of NEW HANOVER  
Filed For Registration: 10/04/2018 10:29:35 AM  
Book: RB 6171 Page: 599-608  
10 PGS \$26.00  
Real Property \$26.00  
Recorder: STEPHANIE PEREZ  
Document No: 2018030303

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