

Brunswick County Register of Deeds

Robert J. Robinson

Inst #146655 Book 1704 Page 674

02/24/2003 11:51:11am Rec# 135438

RECORD OF POOR QUALITY
DUE TO CONDITION OF ORIGINAL

EXPLANATION STATEMENT TO CORRECT OBVIOUS MINOR ERROR (S) MADE IN AN INSTRUMENT AS ORIGINALLY RECORDED

RE: BOOK 1700
PAGE 1290

RET Rob Serra
TOTAL 21- KEY TC# 38
REC# CK AMT 17- CK# 1576
CASH 10- REF BY 38

RECORDED IN THE Brunswick COUNTY REGISTRY

NAMES OF ALL PARTIES TO THE ORIGINAL INSTRUMENT:

GRANTORS: Southwind Associates INC

TRUSTEE: Beaver Creek Plantation

GRANTEES: Beaver Creek Plantation Annexing Phase 4

2 Southwind Associates INC
Beaver Creek Plantation

STATE OF NORTH CAROLINA
COUNTY OF Brunswick Beaver Creek Plantation Annexing Phase 4

I/WE, The Undersigned, hereby certify that the following corrections are made in the above named recorded instrument in accordance with the provisions of G.S. 47-36.1 ratified June 30, 1986.

DESCRIPTION OF CORRECTION (S): To fill in the plot reference in paragraph 1. Dimensional Requirements the correct reference in "map book 27 page 309" The undersigned is the attorney who prepared the document.

THIS, THE DAY OF 19

Robert K Serra (SEAL)

(SEAL)

(SEAL)

(SEAL)

This explanation statement together with the attached instrument duly rerecorded at 11:51.11 o'clock A M this the 24 day of February, 2003 in the Book and page shown on the first page hereof.

Robert J Robinson
Register of Deeds

By [Signature]
Assistant/Deputy Register of Deeds

Brunswick County Register of Deeds
Robert J. Robinson
Inst #145745 Book 1700 Page 1290
02/14/2003 03:13:18pm Rec# 134648

Inst # 146655 Book 1704 Page: 675

Record

Rob Serra

TOTAL *70* REC# *66* CK# *2257*
BY *TAV*

Prepared By: ROBERT K. SERRA
SERRA LAW FIRM, PLLC

Index in the Grantor Index Under:
Beaver Creek Plantation
Southwind Associates, Inc.
Beaver Creek Plantation Homeowners Association

NORTH CAROLINA

BRUNSWICK COUNTY

**FIFTH AMENDMENT TO
DECLARATION OF COVENANTS
AND RESTRICTIONS FOR
BEAVER CREEK PLANTATION
ANNEXING PHASE 4 (Revised), MAP BOOK 27,
PAGE 309, BRUNSWICK COUNTY REGISTRY**

THIS FIFTH AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS FOR BEAVER CREEK PLANTATION, made this the 11 day of Feb., 2003 by SOUTHWIND ASSOCIATES, INC., a North Carolina Corporation hereinafter called "Declarant" and BEAVER CREEK PLANTATION HOMEOWNERS ASSOCIATION, INC., a non-profit community services association;

WITNESSETH:

WHEREAS, Southwind Associates, Inc. recorded a Declaration of Covenants and Restrictions for Beaver Creek Plantation in Deed Book 1357, Page 1278 on February 8, 2000 and the First Amendment to Declarations of Covenants and Restrictions for Beaver

Record

Creek Plantation recorded in Book 1389, Page 730 on July 13, 2000 and Second Amendment to Declaration of Covenants and Restrictions for Beaver Creek Subdivision annexing Phase 3 recorded in Book 1450, Page 875 on April 10, 2001; Third Amendment to Declaration of Covenants and Restrictions recorded in Book 1482, Page 788; and Fourth Amendment to Declaration of Covenants and Restrictions for Beaver Creek Subdivision recorded in Book 1497, Page 796 on September 5, 2001.

WHEREAS, under Paragraph 9, Annexation, (Page 16 of the original Restrictions) Declarant reserved the right to expand the development by annexation without the consent of the owners or the Association by recording a plat and an Amendment to the Declaration in the Brunswick County Registry before January 2, 2010; and

WHEREAS, Declarant wishes to annex additional land to the development by recordation of this Amendment.

NOW, THEREFORE, Declarant declares that all the property shown on a plat of Beaver Creek Plantation, Phase 4 more particularly described in plat recorded in Map Book 27, Page 309 Brunswick County Registry which is incorporated herein by reference are hereby annexed into Beaver Creek Plantation and shall be held, sold and conveyed subject the Declaration of Covenants and Restrictions for Beaver Creek Plantation recorded in Book 1357, Page 1278, Brunswick County Registry and the First Amendment to Declaration of Covenants and Restrictions for Beaver Creek Plantation recorded in Book 1389, Page 730, Brunswick County Registry and Second Amendment to Declaration of Covenants and Restrictions recorded in Book 1450, Page 875; Third Amendment to Declaration of Covenants and Restrictions recorded in Book 1482, Page 788 and Fourth Amendment to Declaration of Covenants and Restrictions for Beaver Creek Plantation recorded in Book 1497, Page 796 with the following additional restriction:

R/S 1. **DIMENSIONAL REQUIREMENTS.** All dwellings constructed on Lots 60, 61, 67, 68 and 69, Phase 4, Beaver Creek Plantation as shown on a plat recorded in Map Book 27, Page 309, Brunswick County Registry shall have a minimum of 1,800 square feet of heated floor space and all dwellings constructed on Lots 62, 63, 64, 65 and 66 shall have a minimum of 2000 square feet of heated floor space. All structures including dwellings, garages and storage buildings shall have a minimum roof pitch of 7/12. All dwellings must have a front porch of at least 100 square feet.

2. **RESERVATION OF DECLARANT RIGHTS.**

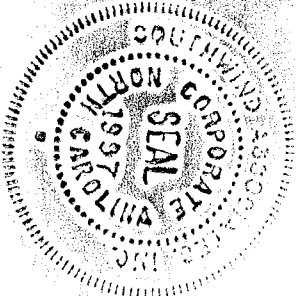
a. Declarant reserves the right to use any lot or common area it owns shown on the plat of Phase 4 as a community drainfield as part of a community wastewater disposal system.

b. Declarant reserves the right to relocate, modify, reduce or terminate any easement or right of way shown on the plat of Phase 4 provided any abutting lot has reasonable access for ingress and utilities thereafter.

re-record

3. **PRIORITY.** The provisions of these Restrictions shall supercede any provisions in the Restrictions recorded in Book 1357, Page 1278 and all subsequent amendments thereto that may conflict herewith.

IN WITNESS WHEREOF, the Declarant has caused this Amendment to the Declaration of Covenants and Restrictions for Beaver Creek Plantation to be executed in its name by authority duly given as of the day and year first above written.



(Affix Corporate Seal)

SOUTHWIND ASSOCIATES, INC.

By: *[Signature]* (SEAL)
JOSEPH F. COUGHLIN, PRESIDENT

STATE OF NORTH CAROLINA

COUNTY OF BRUNSWICK

Personally came before me, a Notary Public in and for the State and County aforesaid, JOSEPH F. COUGHLIN who, being by me duly sworn, says that he is President of Southwind Associates, Inc., a North Carolina Corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said writing was signed and seal by him in behalf of the said corporation by its authority duly given. And the said President acknowledged the said writing to be the act and deed of said corporation. Witness my hand and seal, this the 11 day of Feb, 2003.

[Signature]
NOTARY PUBLIC

My Commission Expires:
2-12-06



"OFFICIAL SEAL"
Notary Public, North Carolina
County of Brunswick
DONNA D. KOSTBADE
My Commission Expires

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

The Foregoing (or annexed) Certificate(s) of

[Signature]

Notary(ies) Public is (are) Certified to be Correct.
This Instrument was filed for Registration on this 14th Day of February, 2003
in the Book and page shown on the First Page hereof.

[Signature]
ROBERT J. ROBINSON, Register of Deeds

Brunswick County Register of Deeds
Robert J. Robinson
Inst #211402 Book 1949 Page 529
05/24/2004 03:35:25pm Rec# 190753

Prepared By: ROBERT K. SERRA
SERRA LAW FIRM, PLLC

Index in the Grantor Index Under
Beaver Creek Plantation
Southwind Associates, Inc.
Beaver Creek Plantation Homeowners Association

NORTH CAROLINA

BRUNSWICK COUNTY

RET Rob Serra
TOTAL 20 REV TC# 17
REC# CK AMT 20 CK# 36060
CASH REF BY RS

**SIXTH AMENDMENT TO
DECLARATION OF COVENANTS
AND RESTRICTIONS FOR
BEAVER CREEK PLANTATION
ANNEXING PHASE 2A (LOTS 48, 49 AND 50)
AND PHASE 3B (LOT 72)**

THIS SIXTH AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS FOR BEAVER CREEK PLANTATION, made this the 20 day of MAY, 2004 by SOUTHWIND ASSOCIATES, INC., a North Carolina Corporation hereinafter called "Declarant" and BEAVER CREEK PLANTATION HOMEOWNERS ASSOCIATION, INC., a non-profit community services association;

WITNESSETH:

WHEREAS, Southwind Associates, Inc. recorded a Declaration of Covenants and Restrictions for Beaver Creek Plantation in Deed Book 1357, Page 1278 on February 8, 2000 and the First Amendment to Declarations of Covenants and Restrictions for Beaver

Creek Plantation recorded in Book 1389, Page 730 on July 13, 2000 and Second Amendment to Declaration of Covenants and Restrictions for Beaver Creek Subdivision annexing Phase 3 recorded in Book 1450, Page 875 on April 10, 2001; Third Amendment to Declaration of Covenants and Restrictions recorded in Book 1482, Page 788; and Fourth Amendment to Declaration of Covenants and Restrictions for Beaver Creek Subdivision recorded in Book 1497, Page 796 on September 5, 2001 and Fifth Amendment to Declaration of Covenants recorded in Book 1704, Page 674.

WHEREAS, under Paragraph 9, Annexation, (Page 16 of the original Restrictions) Declarant reserved the right to expand the development by annexation without the consent of the owners or the Association by recording a plat and an Amendment to the Declaration in the Brunswick County Registry before January 2, 2010; and

WHEREAS, Declarant wishes to annex additional land to the development by recordation of this Amendment.

NOW, THEREFORE, Declarant declares that all the property shown on a plat of Beaver Creek Plantation, Phase 2A recorded in Map Cabinet 29, Page 513 and a plat of Beaver Creek Plantation Phase 3B recorded in Map Cabinet 29, Page 512. Brunswick County Registry are hereby annexed into Beaver Creek Plantation and shall be held, sold and conveyed subject the Declaration of Covenants and Restrictions for Beaver Creek Plantation recorded in Book 1357, Page 1278, Brunswick County Registry and the First Amendment to Declaration of Covenants and Restrictions for Beaver Creek Plantation recorded in Book 1389, Page 730, Brunswick County Registry and Second Amendment to Declaration of Covenants and Restrictions recorded in Book 1450, Page 875; Third Amendment to Declaration of Covenants and Restrictions recorded in Book 1482, Page 788 and Fourth Amendment to Declaration of Covenants and Restrictions for Beaver Creek Plantation recorded in Book 1497, Page 796 and Fifth Amendment recorded in Book 1704, Page 674 with the following additional restrictions:

1. **DIMENSIONAL REQUIREMENTS.** Any dwelling constructed on Lot 72, Phase 3B, Beaver Creek Plantation as shown on a plat recorded in Map Cabinet 29, Page 512, Brunswick County Registry shall have a minimum of 1,800 square feet of heated floor space and all dwellings constructed on Lots 48, 49, and 50 in Phase 2A as shown on the plat recorded in Map Cabinet 29, Page 513 shall have a minimum of 2500 square feet of heated floor space. All structures including dwellings, garages and storage buildings shall have a minimum roof pitch of 7/12. All dwellings must have a front porch of at least 100 square feet.

2. **RESERVATION OF DECLARANT RIGHTS.**

a. Declarant reserves the right to use any lot or common area it owns shown on the plats of Phase 2A and Phase 3B as a community drainfield as part of a community wastewater disposal system.

b. Declarant reserves the right to relocate, modify, reduce or terminate any easement or right of way shown on the plat of Phase 2A or 3B provided any abutting lot has reasonable access for ingress and utilities thereafter.

3. **PRIORITY.** The provisions of these Restrictions shall supercede any provisions in the Restrictions recorded in Book 1957, Page 1278 and all subsequent amendments thereto that may conflict herewith.

IN WITNESS WHEREOF, the Declarant has caused this Amendment to the Declaration of Covenants and Restrictions for Beaver Creek Plantation to be executed in its name by authority duly given as of the day and year first above written.



(Affix Corporate Seal)

SOUTHWIND ASSOCIATES, INC.

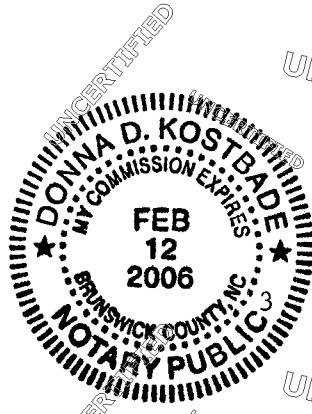
By: [Signature] (SEAL)
JOSEPH F. COUGHLIN, PRESIDENT

STATE OF NORTH CAROLINA

COUNTY OF BRUNSWICK

Personally came before me, a Notary Public in and for the State and County aforesaid, JOSEPH F. COUGHLIN who, being by me duly sworn, says that he is President of Southwind Associates, Inc. a North Carolina Corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said writing was signed and seal by him in behalf of the said corporation by its authority duly given. And the said President acknowledged the said writing to be the act and deed of said corporation. Witness my hand and seal, this the 20 day of May, 2004.

My Commission Expires:
2-12-06



[Signature]
NOTARY PUBLIC

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

The Foregoing (or annexed) Certificate(s) of DONNA D KOSTBADE

Notary(ies) Public is (are) Certified to be Correct.

This Instrument was filed for Registration on this 24TH Day of May, 2004
in the Book and page shown on the First Page hereof.

[Signature]
ROBERT J. ROBINSON, Register of Deeds