

STATE OF NORTH CAROLINA

COUNTY OF CRAVEN

FIRST AMENDMENT TO PROTECTIVE COVENANTS INNISBROOK COURT

THIS FIRST AMENDMENT TO THE DECLARATION OF PROTECTIVE COVENANTS, RESTRICTIONS AND EASEMENTS FOR INNISBROOK COURT is dated for purposes of reference only this 1st day of July, 1992, and is submitted for recordation by Weyerhaeuser Real Estate Company, a Washington corporation qualified to do business in the State of North Carolina (hereinafter "Declarant").

R E C I T A L S:

Declarant has, by recordation of a subdivision plat, subdivided certain properties described on said plat into lots intended for utilization for construction of single-family homes. The subdivision plat is recorded in Map Book F, Pages 126F, 126G and 126H, Craven County Registry, and all property shown thereon is hereinafter referred to as the "Subdivision."

The Protective Covenants for Innisbrook Court, which encumber the lots within the Subdivision, are recorded in Plat Cabinet F, Slide 126G, Craven County Registry (hereinafter the "Protective Covenants").

Paragraph 9 of the Protective Covenants allows amendment of the Protective Covenants by recordation of an amendment in the Office of the Register of Deeds of Craven County upon approval of eighty percent (80%) of the lots subject to the Protective Covenants. There are twenty-two lots within the Subdivision; the owners of at least eighteen (18) of such lots have consented to this amendment (see attached consents). Therefore, Declarant, in accordance with the provisions of the Protective Covenants, is entitled to amend the Protective Covenants.

Therefore, the Protective Covenants of Innisbrook Court are hereby amended as follows:

1. SETBACK VARIANCE. Paragraph 4(f) of the Protective Covenants is hereby amended by adding thereto the following: "The building setback requirements shown on the recorded plat of the Subdivision may be varied by written variance granted by the Architectural Control Committee, which variance shall be recorded in the Office of the Register of Deeds of Craven County, if such variance does not exceed ten percent (10%) of the total setback. Variances up to a maximum of twenty-five percent (25%) of the total setback may be granted by the Architectural Control Committee of the Association, but only with joinder of the Board of Directors of the Association. Variances may be granted upon request of the owner of the lot seeking the variance, upon a finding that the variance will not significantly impact the value of adjoining

KIRKMAN & WHITFORD, P.A.

POST OFFICE DRAWER 147

MOREHEAD CITY, NORTH CAROLINA 28557-1417

SEE BK 1471 pg. 458 For Variance 8-16-95 Becky Thompson ROD  
By Alice [unclear] Deputy

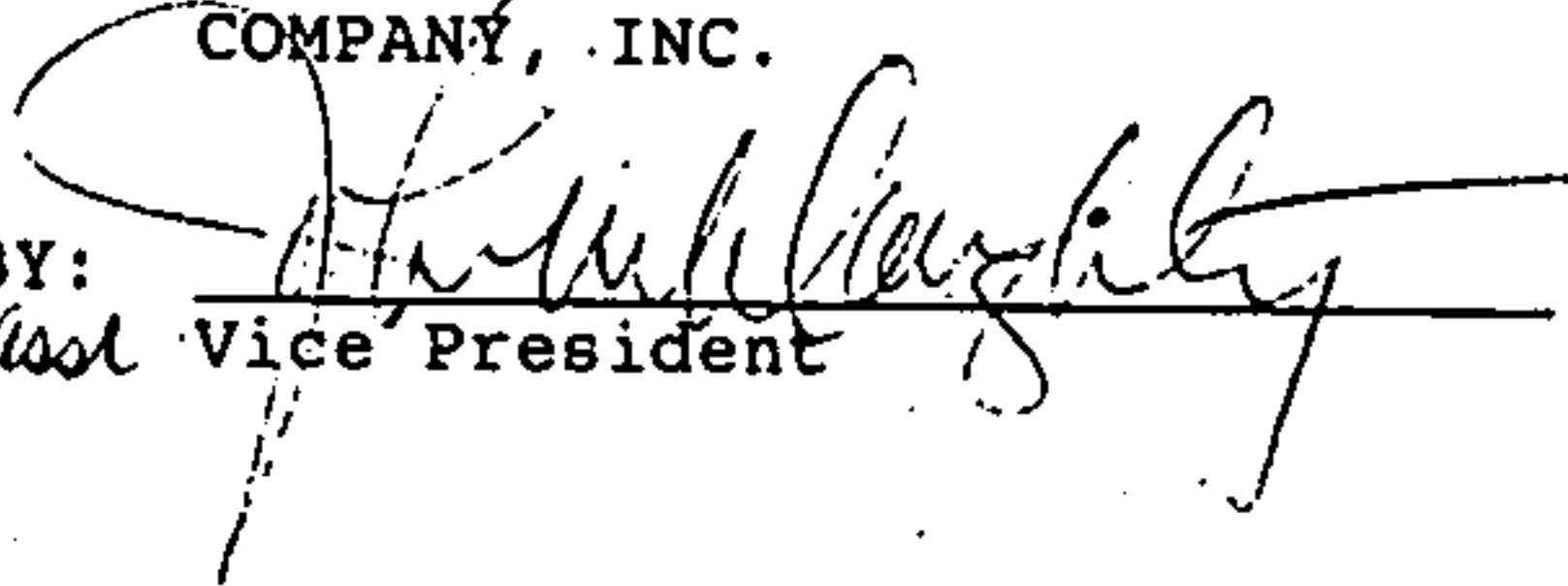
*Becky Thompson Sec. 1-95*  
*Wesley G. 1-95*  
*See BK 1465 pg. 390 for Variance 8-16-95*

properties, and upon a further finding that failure to grant the variance will have a significantly detrimental impact upon the subject lot."

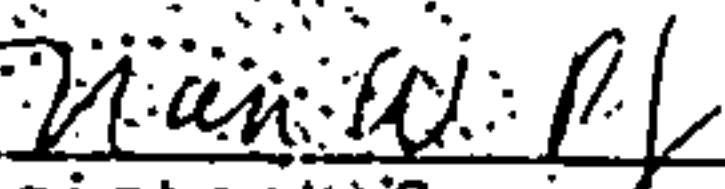
2. SURVIVAL. Except as specifically amended by these Amended Protective Covenants, the terms and provisions of the Protective Covenants shall remain in full force and effect.

IN TESTIMONY WHEREOF, Declarant has caused this instrument to be executed in its corporate name by its duly elected corporate officers, and Declarant's corporate seal has been hereto affixed, all by order of their Board of Directors first duly given, this the day and year first above written.

WEYERHAEUSER REAL ESTATE  
COMPANY, INC.

BY:   
Asst. Vice President

ATTEST:

  
Assistant Secretary

(Corporate Seal)

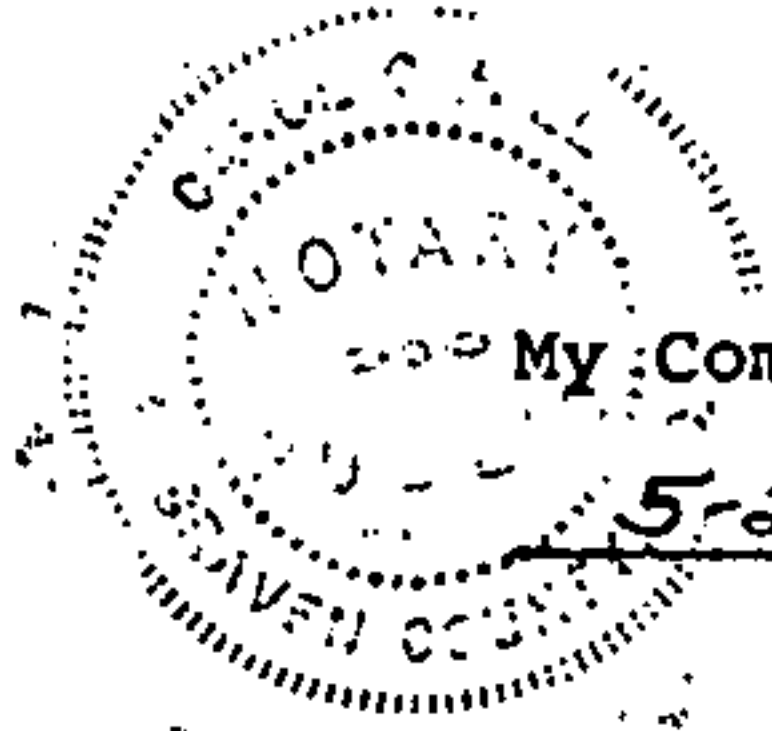
STATE OF NORTH CAROLINA

COUNTY OF CRAVEN

I, Carol C. Hill, a Notary Public in and for the above-named State and County do hereby certify that personally appeared before me this day John M. Doughty, who being by me duly sworn, says that he is the Assistant Vice President of WEYERHAEUSER REAL ESTATE COMPANY, INC., and that he knows that Nan W. Rackley is the Assistant Secretary, and that he knows the common seal of the said corporation; that the corporation's name was subscribed to the within document by him as Assistant Vice President and was attested by its Assistant Secretary with its corporate seal thereto affixed, and all by order of its Board of Directors duly given, and that the said instrument is the act and deed of said corporation.

WITNESS my hand and notarial seal, this 17<sup>th</sup> day of July, 1992.

Carol C. Hill  
Notary Public



My Commission Expires:

5-25-94

State of North Carolina, Craven County  
The foregoing certificate(s) of Carol C. Hill

is (are) certified to be correct. This instrument was presented for registration this day and hour and duly recorded in the office of the Register of Deeds of Craven County, NC in Book 1329, Page 769  
This 31 day of July, A.D. 1992 at 12:30 o'clock PM

Register of Deeds

[Signature]  
Asst. Deputy Register of Deeds

STATE OF NORTH CAROLINA

COUNTY OF CRAVEN

C O N S E N T

Weyerhaeuser Real Estate Company hereby consents to the First Amendment to Protective Covenants of Innisbrook Court to which this Consent is attached. Weyerhaeuser Real Estate Company at time of execution of this Consent owns a total of 12 lots, which lots are as follows: LOTS 1,4,5,8,9,10,11,12,13,14,15,16

Nan W. P. J. (SEAL)

WEYERHAEUSER REAL ESTATE COMPANY  
BY: [Signature]

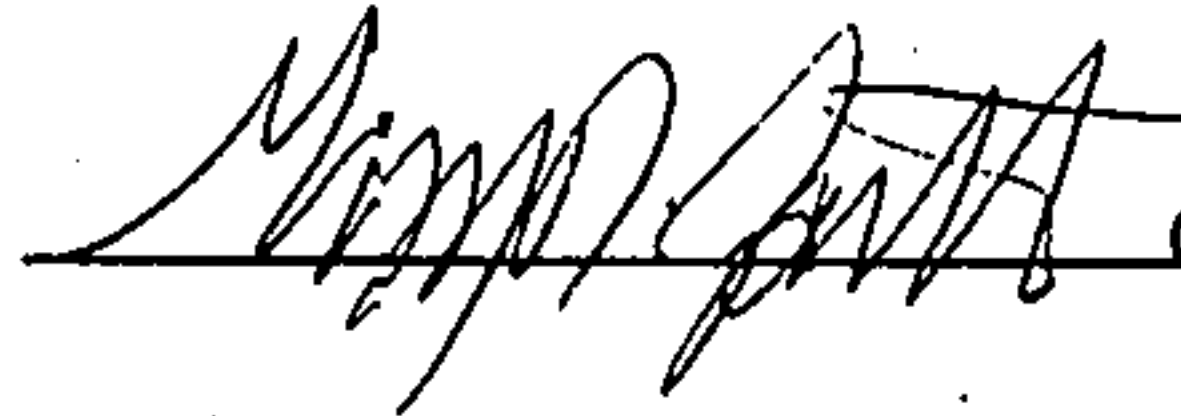
Consent  
Weyer  
#1

STATE OF NORTH CAROLINA

COUNTY OF CRAVEN

C O N S E N T

The undersigned hereby consents to the First Amendment to Protective Covenants of Innisbrook Court to which this Consent is attached. The undersigned at time of execution of this Consent owns a total of 1 lots, which lots are as follows: LTO 22

 (SEAL)

\_\_\_\_\_  
(SEAL)

KIRKMAN & WHITFORD, P.A.

POST OFFICE DRAWER 137

MOREHEAD CITY, NORTH CAROLINA 28557-137

Consent.Frm  
Weyer  
#1

BOOK 1329 PAGE 774

STATE OF NORTH CAROLINA

COUNTY OF CRAVEN

C O N S E N T

The undersigned hereby consents to the First Amendment to Protective Covenants of Innisbrook Court to which this Consent is attached. The undersigned at time of execution of this Consent owns a total of   /   lots, which lots are as follows: LOT 20

Andrew D. Clutterman (SEAL)

Myron Clutterman (SEAL)

Consent.Frm  
Weyer  
#1

STATE OF NORTH CAROLINA

COUNTY OF CRAVEN

C O N S E N T

The undersigned hereby consents to the First Amendment to Protective Covenants of Innisbrook Court to which this Consent is attached. The undersigned at time of execution of this Consent owns a total of 1 lots, which lots are as follows: LOT 21

Francis V. Peyer (SEAL)

\_\_\_\_\_  
(SEAL)

KIRKMAN & WHITFORD, P.A.

POST OFFICE DRAWER 137

MOREHEAD CITY, NORTH CAROLINA 28557-137

Consent.Frm  
Weyer  
#1

STATE OF NORTH CAROLINA

COUNTY OF CRAVEN

C O N S E N T

The undersigned hereby consents to the First Amendment to Protective Covenants of Innisbrook Court to which this Consent is attached. The undersigned at time of execution of this Consent owns a total of 1 lots, which lots are as follows: LOT 19

*John W. King Jr.* (SEAL)

*April D. King* (SEAL)

Consent.Frm  
Weyer  
#1

STATE OF NORTH CAROLINA

COUNTY OF CRAVEN

C O N S E N T

The undersigned hereby consents to the First Amendment to Protective Covenants of Innisbrook Court to which this Consent is attached. The undersigned at time of execution of this Consent owns a total of 1 lots, which lots are as follows: Lot 18

Helen R. Rogers (SEAL)

\_\_\_\_\_  
(SEAL)

KIRKMAN & WHITFORD, P.A.  
POST OFFICE DRAWER 1347  
MOREHEAD CITY, NORTH CAROLINA 28557-1347

Consent.Frm  
Weyer  
#1

STATE OF NORTH CAROLINA

COUNTY OF CRAVEN

C O N S E N T

The undersigned hereby consents to the First Amendment to Protective Covenants of Innisbrook Court to which this Consent is attached. The undersigned at time of execution of this Consent owns a total of 1 lots, which lots are as follows: LOT 2

*Lawrence H. Weyer* (SEAL)

*Ann V. Weyer* (SEAL)

Consent.Frm  
Weyer  
#1