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Onslow County, NC
Rebecca L. Pollard Reg. of Deeds

BK **3216** PG **804-805**

Prepared by and return to: Lanier, Fountain & Ceruzzi/dh

STATE OF NORTH CAROLINA
COUNTY OF ONSLOW

**ANNEXATION AND THIRD AMENDMENT TO
DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS
FOR SOUTHWEST PLANTATION**

THIS DECLARATION of Annexation and Amendment made this the th **21st** day of April 2009, by Carolina Investments, Inc., a North Carolina Corporation, (the "Declarant".)

WITNESSETH

WHEREAS, the Declaration of Covenants, Conditions, and Restrictions for Southwest Plantation (the "Declaration") dated August 14, 2007 was duly recorded in the Onslow County Registry in Book 2931, Page 854-888; and

WHEREAS, the Declaration was amended by instruments recorded in Book 3024, Page 793-795 and in Book 3195, Page 758-761, respectively; and

WHEREAS, Article XVII (i) of the said Declaration gives the Declarant the right to amend the said Declaration; and

WHEREAS, Article XVII (j), of the said Declaration gives to the Declarant the right to annex additional lands to be subject to the Declaration.

NOW, THEREFORE, the Declaration is hereby amended as follows:

1. **ANNEXATION**. The provisions of the Declaration are hereby made applicable to the following described property, except as hereinafter provided. Except as specifically amended by a provision of this Third Amendment, all of the terms and provisions of the Declaration, as amended, shall be fully binding and applicable to all said lots as though such lots were described in the Declaration at the time of its recordation. The property is described as follows:

Being all of Lo 2, 17, 18, 19, 20, and 21 as shown on survey entitled "FINAL PLAT FOR, SOUTHWEST PLANTATION, PHASE I, SECTION C, LOT 2 AND LOTS 17-24" prepared by Johnny J. Williams Land Surveying, P.C. dated March 25, 2009 and recorded in Map Book 57, Page 212, Onslow County Registry.

2. The Declaration is hereby amended to include the following restrictions for the property described in paragraph 1 above.

a. The minimum square footage of heated, enclosed living space for each approved residential structure shall not be less than 1,100 square feet.

b. **Section 10.15 Garage** Shall not apply to the property described in paragraph 1 above.

c. **Section 10.22 Antennas/Satellite Dishes.** No radio or television transmission or reception towers, antennas, or satellite reception dishes or discs shall be erected in the front yard of any Lot unless approved by the Architectural Control Committee.

d. **Section 10.29 Sod & Irrigation System.** All yards shall be sodded prior to occupying any dwelling located thereon.

e. **Section 11.1 Limitations.** The State of North Carolina has imposed limitations on the amount of impervious surfaces that may be created on any Lot to manage the run off of rain or storm water. The limitations and regulations are currently enforced by the North Carolina Department of Environmental Health and Natural Resources ("DEHNR"). The amount of impervious surface allocated to each Lot will be set forth in this Declaration as to Phase One and as to additional Phases will be set out in an amendment or supplemental to this Declaration. Impervious surfaces are defined from time to time by DEHNR, but generally include the utilization of any surface area that has a substantial impact on the ability of such surface to percolate rainwater, and includes areas under roof, driveways, walkways, and other hardened surfaces, including designated parking areas, but generally excluding wood decking. The ARC shall not approve any proposed improvements on any Lot that, when combined with other improvements, exceed the allowed impervious surface limitations. The maximum allowable built-upon area per lot is 6,000 square feet for Phase 1C. This allotted amount includes any build-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 are includes, but is not limited to, structures, asphalt, concrete, gravel, brick, stone, slate, and coquina, but does not include raised, open wood decking, or the water surface of swimming pools.

3. **SURVIVAL.** Except as specifically amended or altered by this Declaration of Annexation and Amendment all provisions, restrictions and covenants contained in the original Declaration shall remain in full force and effect as to all property described in the said Declaration, as amended.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has hereunto set its hand and seal, this the 24th day of April, 2009.

Carolina Investments, Inc.,
a North Carolina Corporation

BY: Marion Dean Brown, Jr. (SEAL)
Marion Dean Brown, Jr., President

STATE OF NORTH CAROLINA
COUNTY OF ONSLOW

I certify that the following person personally appeared before me this day, acknowledging to me that he signed the foregoing document in the capacity indicated thereon:

Marion Dean Brown, Jr.

Date: 4-24-09

Donna L. Haskell

Notary Public

Print Name: Donna L. Haskell

My commission expires: 4-3-2011

Donna L. Haskell
Notary Public
Onslow County, NC