

5th



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 Onslow County, NC
 Rebecca L. Pollard Reg. of Deeds
 BK 3558 PG 121-124

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

STATE OF NORTH CAROLINA
 COUNTY OF ONSLOW

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

THIS DECLARATION of Annexation and Amendment made this the 25th day of February, 2011 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 2966, Page 740-743; Book 3024, Page 793-795; Book 3195, Page 758-761, and in Book 3450, Page 802-804, 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 Lots 9-26, 183-190 & Lot 209 as shown on survey entitled "FINAL PLAT FOR: THE FAIRWAYS AT SOUTHWEST PLANTATION LOTS 1, 9-26, 183-190 & 209" prepared by Johnny J. Williams Land Surveying, P.C. dated September 30, 2010 and recorded in Map Book 61, Page 73, Slide M-1867, 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.

c. **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. 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 areas include, 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 28th day of February, 2011.

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

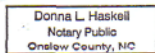
I certify that the following person personally appeared before me this day, acknowledging to me that he signed the foregoing document in the capacity indicated thereon:

Marion Dean Brown, Jr.

Date: Feb. 28, 2011

Donna L. Haskell
Notary Public
Print Name: Donna L. Haskell

My commission expires: 4-3-2011



NORTH CAROLINA
ONSLow COUNTY

CONSENT TO AMEND

The undersigned, being the Owner of Lot 209 as depicted on that plat entitled "FINAL PLAT FOR: THE FAIRWAYS AT SOUTHWEST PLANTATION, LOTS 1, 9-26, 183-190 & 209" prepared by Johnny J. Williams Land Surveying, P.C., dated September 30, 2010 and recorded in Map Book 61, Page 73, Slide M-1867, Onslow County Registry does hereby consent and by the execution hereof, does hereby join in this Amendment to the Declaration of Restrictive Covenants, Conditions, and Restriction of Southwest Plantation for the purpose of subjecting said property to the said Declaration of Covenants, Conditions, and Restrictions for Southwest Plantation recorded in Book 2931, Page 854 and amended by instruments recorded in Book 2966, Page 740; Book 3024, Page 793; Book 3195, Page 758; Book 3450, Page 802, respectively.

IN WITNESS WHEREOF, the undersigned have hereunto set his hand and seal, this the 25 day of February, 2011.

SEVENTY WEST BUILDERS, INC.

By: [Signature] (SEAL)
Name: Craig Smith
Title: VP

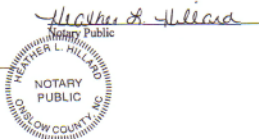
STATE OF NORTH CAROLINA
COUNTY OF ONSLOW

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:

Craig Smith

Date: 2-25-2011

My Commission Expires: 3-12-2011



NORTH CAROLINA
ONSLow COUNTY

CONSENT TO AMEND

The undersigned, being the Owner of Lots 16-23, and Lots 183-189 as depicted on that plat entitled "FINAL PLAT FOR: THE FAIRWAYS AT SOUTHWEST PLANTATION, LOTS 1, 9-26, 183-190 & 209" prepared by Johnny J. Williams Land Surveying, P.C., dated September 30, 2010 and recorded in Map Book 61, Page 73, Slide M-1867, Onslow County Registry does hereby consent and by the execution hereof, does hereby join in this Amendment to the Declaration of Restrictive Covenants, Conditions, and Restriction of Southwest Plantation for the purpose of subjecting said property to the said Declaration of Covenants, Conditions, and Restrictions for Southwest Plantation recorded in Book 2931, Page 854 and amended by instruments recorded in Book 2966, Page 740; Book 3024, Page 793; Book 3195, Page 758; Book 3450, Page 802, respectively.

IN WITNESS WHEREOF, the undersigned have hereunto set his hand and seal, this the 25th day of February, 2011.

AMERICAN HOMESMITH, LLC

By: Jonathan Williams
Name: Jonathan Williams
Title: Manager

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:
Jonathan Williams

Date: Feb 25 2011

Donna L Haskell
Notary Public

My Commission Expires: 4-3-2011

Donna L. Haskell
Notary Public
Onslow County, NC