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Prepared by and return to:
Aycok & Butler, PLLC

NORTH CAROLINA
DARE COUNTY

FIRST AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS FOR HICKORY RIDGE SUBDIVISION

THIS FIRST AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS, (hereinafter referred to as "First Amendment") is made and entered into this ~~24~~ day of March, 2011, by Aberdaron Ventures, Inc., a North Carolina corporation, being hereinafter referred to as the "Declarant" within this document.

WITNESSETH

WHEREAS, the Declarant is the owner of certain real property known generally as "Hickory Ridge" Subdivision (Phases 1 and 2), located in the town of Kitty Hawk, Atlantic Township, Dare County, North Carolina; and

WHEREAS, the Declarant has previously recorded Declaration of Protective Covenants dated April 21, 2008 and recorded in Deed Book 1764, page 478 in the Dare County Public Registry (hereinafter referred to as the "Declaration"); and

WHEREAS, the Declarant owns more than five percent (5.0%) of the lots in the subdivision and thus retains the right to modify and amend the Declaration heretofore filed in accordance with paragraph 17 thereof; and

WHEREAS, pursuant to the authority granted, Declarant now desires to amend and modify said Declaration as set forth therein.

NOW, THEREFORE, the Declarant declares that the property described in the Declaration shall be amended to include the following restrictions, reservations and covenants:

26. State-Mandated Stormwater Provisions. The following covenants are intended to ensure ongoing compliance with State Stormwater Management Permit Number SW7070717, as issued by the Division of Water Quality under NCAC 2H.1000. In compliance with the terms of said permit, the following restrictions shall apply to the subdivision:

- a. The State of North Carolina is made a beneficiary of these covenants to the extent necessary to maintain compliance with the stormwater management permit.
- b. These covenants are to run with the land and be binding on all persons and parties claiming under them.

- c. The covenants pertaining to stormwater may not be altered or rescinded without the express written consent of the State of North Carolina, Division of Water Quality.
- d. Alteration of the drainage as shown on the approved plan may not take place without the concurrence of the Division of Water Quality.
- e. The maximum allowable built-upon area per lot is as shown on Exhibit A (which is attached hereto and incorporated herein by reference). 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, and coquina, but does not include raised, open wood decking, or the water surface of swimming pools.
- f. In the case of a lot within CAMA's regulated AEC, where the Division of Coastal Management calculates a different maximum allowable built-upon area for that lot than is shown herein, the governing maximum built-upon area for that lot shall be the most restrictive of the two.
- g. Filling in or piping of any vegetative conveyances (ditches, swales, etc.) associated with the development, except for average driveway crossings, is strictly prohibited by any persons.
- h. Each lot will maintain a 30' wide vegetated buffer between all impervious areas and surface waters.
- i. All roof drains shall terminate at least 30' from the mean high water mark of surface waters.

EXCEPT AS HEREBY MODIFIED by this First Amendment, all of the terms and provisions of the Declaration are hereby expressly ratified and confirmed, shall remain in full force and effect and shall apply to the Declaration previously filed. Conveyances made with reference only to the Declaration shall be understood to refer also to this First Amendment, whether specific reference is made or not in such conveyance or other instruments.

IN WITNESS WHEREOF, the Declarant has caused this instrument to be executed in its name and in the capacity as set forth below, this the 24th day of March, 2011.

ABERDARON VENTURES, INC.

By: Kimberly P. Minton
Kimberly P. Minton, President

STATE OF NORTH CAROLINA
COUNTY OF DARE

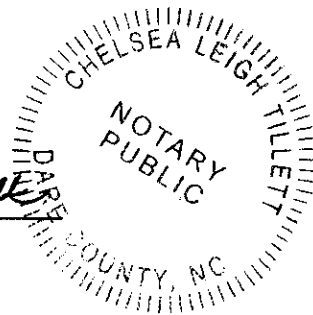
I, Chelsea Leigh Tillett, Notary Public for said county and state, hereby certify that Kimberly P. Minton personally appeared before me this day and acknowledged that she is President of Aberdaron Ventures, Inc., a North Carolina corporation, and that by authority duly given and as the act of the corporation, she signed the foregoing instrument in its name as its President.

Witness my hand and official seal, this the 24th day of March, 2011.

{NOTARY STAMP / SEAL}

Chelsea Leigh Tillett
NOTARY PUBLIC

MY COMMISSION EXPIRES: 2/14/2012





HICKORY RIDGE SUBDIVISION – KITTY HAWK, NORTH CAROLINA

ALLOWABLE BUILT UPON AREA TABULATION

July 19, 2007

LOT#	TOTAL AREA	ADJUSTED UPLANDS*	ALLOW B.U.A.	30% OF
1	15,346 S.F.	16,776 S.F.	4,604 S.F.	TOTAL
2	15,040 S.F.	15,861 S.F.	4,512 S.F.	TOTAL
3	15,040 S.F.	14,651 S.F.	4,395 S.F.	ADJ. UPLANDS
4	15,040 S.F.	13,490 S.F.	4,500 S.F.	3.3% OF ADJ. UPLANDS
5	15,000 S.F.	14,248 S.F.	4,274 S.F.	ADJ. UPLANDS
6	16,501 S.F.	19,043 S.F.	4,950 S.F.	TOTAL
7	15,000 S.F.	15,005 S.F.	4,500 S.F.	TOTAL
8	15,099 S.F.	16,640 S.F.	4,530 S.F.	TOTAL
9	24,633 S.F.	24,095 S.F.	7,000 S.F.	29% OF ADJ. UPLANDS
10	37,592 S.F.	40,073 S.F.	7,386 S.F.	19.6% OF TOTAL
11	29,911 S.F.	26,587 S.F.	6,476 S.F.	24.4% OF ADJ. UPLANDS
12	22,142 S.F.	26,487 S.F.	6,643 S.F.	TOTAL
13	17,062 S.F.	16,898 S.F.	5,069 S.F.	ADJ. UPLANDS
14	16,058 S.F.	17,997 S.F.	4,817 S.F.	TOTAL
15	16,058 S.F.	17,349 S.F.	4,817 S.F.	TOTAL
16	21,648 S.F.	20,846 S.F.	6,259 S.F.	ADJ. UPLANDS
17	36,331 S.F.	30,812 S.F.	7,349 S.F.	23.9% OF ADJ. UPLANDS
18	17,125 S.F.	20,569 S.F.	5,138 S.F.	TOTAL
19	28,602 S.F.	26,664 S.F.	6,500 S.F.	24.4% OF ADJ. UPLANDS
			103,719 S.F. TOTAL	

- ADJUSTED UPLANDS CALCULATED BY ADDING THE UPLANDS AREA OF A GIVEN LOT AND 25% OF THE TOTAL LOT AREA
- LOT 4 BUILT UPON AREA HAS BEEN INCREASED IN KEEPING WITH THE PROVISION WHICH ALLOWS UP TO 10% OF THE LOTS TO EXCEED 30% B.U.A. UP TO A 40% MAXIMUM
- LOTS 9, 10, 11, 17 AND 19 HAVE HAD ALLOWABLE B.U.A. REDUCED IN ORDER TO COMPLY WITH THE PROJECT WIDE LIMIT OF 30%