

Prepared by and Return to:
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FILED
Should be filed in Base file
95 MAY 16 PM 3 10
DONALD A. FRY
REGISTER OF DEEDS
DARE COUNTY, N.C.

SECOND AMENDMENT
ISLAND PINES SUBDIVISION
RESTRICTIVE COVENANTS

THIS SECOND AMENDMENT of and to The Declaration of Restrictive Covenants is now made and declared this 10th day of May, 1995 by DAVIS & GRIFFIN, a North Carolina General Partnership; and Charles H. Allen, Trustee for Nationsbank, John Pierre Picardat and Anne E. Bloomsurg, hereinafter collectively referred to as Third Party, hereinafter referred to as Declarants;

W I T N E S S E T H :

THAT WHEREAS, Declarants have imposed certain restrictive covenants upon the lots in Island Pines Subdivision in The Declaration of Restrictive Covenants dated January 7, 1994 and recorded in Book 909, Page 875, Dare County Registry and which Covenants were amended by instrument dated January 12, 1995 and recorded in Deed Book 971, Page 651 in the Dare County Registry; and

WHEREAS, the Declarants reserved unto itself, its successors or assigns, the right to alter, mend, modify, change, or eliminate any or all of the covenants contained therein as more specifically provided in paragraph 14 of said original declarations; and

WHEREAS, Declarant desires to recombine Lots 5 and 6 of the subdivision in order to effect the configuration of the Lots as shown and delineated on the plat prepared by Bissell Professional Group dated April 14, 1995 entitled "Island Pines, Lot Recombination of Lots 5 and 6, Village of Waves, Kinnakeet Township, Dare County, North Carolina" and recorded in Plat cabinet D, Slides 40 and 41 inclusive, and to limit the eight foot ocean access easement shown on the original subdivision plat and the aforesaid recombination plat of Lots 5 and 6 as hereinafter provided.

NOW, THEREFORE, The Declarant, its successors and assigns,

988/722

hereby declares and makes known the following second amendment to the covenants, restrictions, and reservations previously imposed upon Lots 1 through 16 inclusive of Island Pines Subdivision as recorded in Deed Book 909, Page 875 and first amended by instrument recorded in Book 971, Page 651, and as delineated on the subdivision map or plat recorded in plat cabinet C, slides 189C and D, and as amended by the recombination plat of Lots 5 and 6 of the subdivision as delineated on the map or plat recorded in plat cabinet D, slides 40 and 41 inclusive of the Dare County Registry, and except as hereinafter amended, said covenants and amendments thereto shall run with the land delineated on the aforesaid plat and shall be binding upon the Declarant, its successors, grantees and assigns, and upon all subsequent owners of lots of land as shown on the aforesaid plat who claim by and through the Declarant.

ARTICLE I

USE RESTRICTIONS AND COVENANTS

Paragraph 1 of Article I is hereby amended by adding thereto the following additional paragraph:

1. Permitted Uses: Commercial Use Prohibition and Exceptions.

Declarant for itself, its successors and assigns and for its grantees, their heirs, successors and assigns, and JOHN PIERRE PICARDAT and ANNE E. BLOOMSBURG, the owners of Lot 7 of Island Pines Subdivision, (who join in this declaration for the purpose of creating the easement set forth in this paragraph) hereby declare and reserve unto themselves, their successors, heirs and assigns, the right to use the eight foot ocean access easement shown on the plat of the subdivision along with the common boundary of lots 5 and 7 as recombined on the aforesaid recombination plat for the purpose of pedestrian ingress, egress, and access within the easement to the Cape Hatteras National Seashore boundary from the eastern terminus of Island Pines Drive as more particularly shown and delineated on the aforesaid plats. The pedestrian access easement shall be for the use and benefit of the lot owners in the subdivision, and their families, guests,

and tenants. Any improvements constructed within the access easement in order to facilitate the use of the easement as a pedestrian access to the ocean shall be maintained by the lotowners with the owners of each lot contributing equally to the annual costs of such maintenance as provided in Article III of the Declaration except as may be otherwise provided in the covenants of the subdivision.

3. Subdivision or Re-subdivision of Lots. Notwithstanding any limitation contained in Article III, paragraph 3 of the original declaration of covenants and restrictions, the Declarant has recombined lots 5 and 6 of the subdivision as more particularly shown and delineated on the recombination plat of Island Pines, Lots 5 and 6 found in plat cabinet D, slides 40 and 41, and the Declarant and JOHN PIERRE PICARDAT and ANNE E. BLOOMSBURG, being all of the owners of the lots in the subdivision on the effective date of the recombination of lots 5 and 6 hereby evidence their consent to the recombination as shown on said plat thereof.

Charles H. Allen, trustee for Nations Bank of North Carolina, N.A. in the Deed of Trust recorded in Deed Book 910, Page 143, of the Dare County Registry joins in this instrument to subordinate the lien of said Deed of Trust to this Second Amendment to the Covenants and Restrictions.

IN WITNESS WHEREOF, DAVIS & GRIFFIN, a North Carolina General Partnership, Declarant, has executed this Second Amendment to the Declaration of Restrictive Covenants by and through its general partners, as the act of the partnership and by the authority of said partnership, CHARLES H. ALLEN, Trustee, and JOHN PIERRE PICARDAT and ANNE E. BLOOMSBURG join in for the purposes stated herein, the day and year first above written

DAVIS & GRIFFIN

BY: [Signature]
General Partner

BY: [Signature]
General Partner

[Signature] (SEAL)
CHARLES H. ALLEN
Trustee for Nationsbank

JOHN PIERRE PICARDAT

ANNE E. BLOOMSBURG

STATE OF _____
CITY/COUNTY _____

I, a Notary Public of the County and State aforesaid, certify that JOHN PIERRE PICARDAT, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this day of _____, 1995.

My Commission expires:

NOTARY PUBLIC

STATE OF _____
CITY/COUNTY _____

I, a Notary Public of the County and State aforesaid, certify that ANNE E. BLOOMSBURG, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this day of _____, 1995.

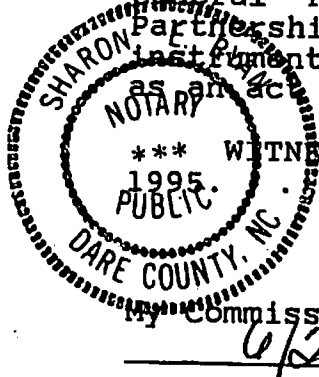
My Commission expires:

NOTARY PUBLIC

STATE OF N.C.
CITY/COUNTY Dare

BK 988 PG 0726

I, the undersigned Notary Public, do hereby certify that on this date personally appeared before me Zane G. Davis General Partner of DAVIS & GRIFFIN, a North Carolina General Partnership, who acknowledged the due execution of the foregoing instrument for the purposes therein expressed by authority of and as an act of the partnership.



*** WITNESS my hand and notarial seal, this 12 day of May, 1995.

Sharon E. Ryan
Notary Public

SEAL/STAMP

STATE OF _____
CITY/COUNTY _____

I, the undersigned Notary Public, do hereby certify that on this date personally appeared before me H. Lee Griffin General Partner of DAVIS & GRIFFIN, a North Carolina General Partnership, who acknowledged the due execution of the foregoing instrument for the purposes therein expressed by authority of and as an act of the partnership.

WITNESS my hand and notarial seal, this 11th day of May, 1995.

Michelle Pusey
Notary Public

My Commission Expires: _____

My Commission Expires September 30, 1995

SEAL/STAMP

NORTH CAROLINA
DARE COUNTY

I, Ruth Ann Ballance, a Notary Public of the County and State aforesaid, certify that CHARLES H. ALLEN, TRUSTEE FOR NATIONSBANK OF NORTH CAROLINA, N.A., personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this the 15th day of May, 1995.

Ruth Ann Ballance
Notary Public

My Commission Expires: _____

11-19-98

SEAL/STAMP

NORTH CAROLINA
DARE COUNTY

The foregoing certificate(s) of Sharon E. Ryan, And

Ruth Ann Ballance, Dare County, N.C., Also Michelle Y. Johnson, the Commonwealth of Va is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

Dorris A. Fry
Register of Deeds

By:

Lama S. Vata
Deputy/Assistant
Register of Deeds