

NORTH CAROLINA)
)
)
)
FORSYTH COUNTY) SECOND AMENDMENT TO DECLARATION OF
 COVENANTS CONDITIONS AND RESTRICTIONS .

Know all men by these presents, that this Second Amendment to Declaration of Covenants, Conditions, and Restrictions (the "Second Amendment") is made and entered into as of the 3rd day of August, 1996, by SIHO Properties, Inc. , a North Carolina corporation (hereinafter referred to as "Developer");

W I T N E S S E T H :

WHEREAS, Developer entered into that certain Declaration of Covenants, Conditions, and Restrictions (hereinafter the "Declaration") dated October 16, 1991, and recorded in Book 1763, at Page 496 et seq., of the Catawba County Public Registry (the "CPR"); and

WHEREAS, Developer desires to amend the Declaration with respect to: 1) requiring that each home have an attached automobile storage area (no open carports); 2) the relative level of annual assessments for Class A-2 lots (lots without living units as defined in Article Seven, Section 6 of the Declaration) and Class B lots (lots owned by the Developer); and 3) the imposition of a requirement that a dumpster be maintained on any lot during the construction of any home; and

WHEREAS, Developer, pursuant to Article Ten, subparagraph (b) of such Declaration, is expressly authorized to amend the Declaration during the first twenty year period with written permission of the Board of Directors of the Bay Pointe Homeowners Association, Inc. ("the Board"); and

WHEREAS, at a special meeting of the members held on August 3, 1996, for which notice was duly given and at which a quorum was present, including a quorum of non-waterfront lot owners, the members, including specifically a two-thirds majority of the non-waterfront owners, voted to give the Board authority to consent to said amendments to the Declaration;

NOW, THEREFORE, in consideration of the premises herein contained, the Declaration is hereby amended as follows:

1. The final sentence of Article Four, Section 1, subparagraph (a) is hereby amended to read, in its entirety:

" Each home must have attached automobile storage which shall be enclosed and carports are specifically prohibited."

2. Article Seven, Section 6, subparagraph (b) is amended to read "Class A-2 - \$ 100.00", it being the intention that Class A-2 lots shall pay the same annual assessments as Class A-1 lots.

3. Article Seven, Section 6, subparagraph (c) is amended to read "Class B - \$100.00", it being the intention that Class B lots shall pay the same annual assessments as Class A-1 lots.

4. Article Four is amended by the addition of a subparagraph (s), as follows:

" (s) Dumpsters Required During Construction. A dumpster shall be maintained on any lot during the construction of any home on said lot."

5. All other provisions contained in the Declaration shall remain unchanged and in full force and effect, and shall apply equally to all such Lots subject to this Declaration.

IN WITNESS WHEREOF, the Developer has caused this Second Amendment to Declaration of Covenants, Conditions, and Restrictions to be executed effective as of the 3rd day of August, 1996.

Developer

SIHO PROPERTIES, Inc., a North Carolina Corporation

By: *William P. Hark*
President

Attest: *Olin C. Lamb*
Asst Secretary

(CORPORATE SEAL)



The undersigned does hereby certify that the Board has duly adopted and approved this Second Amendment and that the Board has given its written permission to this Second Amendment.

BAY POINTE HOMEOWNERS ASSOCIATION, INC.

By: Don Thompson
Don Thompson, President

Attest: Alvin A. Adams
Secretary

(CORPORATE SEAL)

STATE OF NORTH CAROLINA

COUNTY OF FORSYTH

This _____ day of _____, personally came before me, _____, a Notary Public, _____, who being by me duly sworn, says that he knows the corporate seal of SIHO Properties, Inc. and is acquainted with _____ who is the _____ President of said corporation, and that he, the said _____, is the _____ Secretary of the said Corporation, and saw the said _____ President sign the foregoing instrument and saw the corporate seal of said corporation affixed to said instrument by said _____ President, and that he, the said _____ Secretary, signed his/her name in attestation of the execution of said instrument in the presence of said _____ President of said corporation.

WITNESS my hand and notarial seal or stamp, this the _____ day of _____, _____.

Notary Public

My Commission Expires:

STATE OF NORTH CAROLINA

COUNTY OF _____

This _____ day of _____, _____, personally came before me, _____, a Notary Public, _____, who being by me duly sworn, says that _____ he knows the corporate seal of Bay Pointe Homeowners Association, Inc. and is acquainted with Don Thompson who is the President of said corporation, and that _____ he, the said _____, is the Secretary of the said Corporation, and saw the said President sign the foregoing instrument and saw the corporate seal of said corporation affixed to said instrument by said President, and that _____ he, the said Secretary, signed his/her name in attestation of the execution of said instrument in the presence of said President of said corporation.

WITNESS my hand and notarial seal or stamp, this the _____ day of _____, _____.

Notary Public

My Commission Expires:
