

Given to SiHo Company 1/11

DRAWN BY: JAMES W. ARMENTROUT, P.O. BOX 11840, WINSTON-SALEM, NC 27106

THIRD AMENDMENT

NORTH CAROLINA)
CATAWBA COUNTY)

WAIVER OF RESTRICTIVE COVENANTS
LOT 10, BAY POINTE, PLAT BOOK 29, PAGE 31

This Waiver of Restrictive Covenants, made this _____ day of _____, 1996, by SiHo Properties, Inc., a North Carolina corporation with an office and place of business in Catawba County, North Carolina (hereinafter referred to as "Developer"), and Bay Pointe Homeowners Association, Inc., a North Carolina corporation with an office and place of business in Catawba County, North Carolina (hereinafter "HOA"), to James W. Armentrout and wife Johnne W. Armentrout, their heirs, successors and assigns, (hereinafter "Lot Owners"), both of Forsyth County, North Carolina;

WITNESSETH:

WHEREAS, the original developer, SiHo Properties, Inc. had placed restrictions on the development known as Bay Pointe, located in Catawba County, and shown on a plat recorded in Plat Book 29, Page 31, in the office of the Register of Deeds of Catawba County, North Carolina; and

WHEREAS, said restrictions were recorded in Book 1763, Page 496, in the office of the Register of Deeds of Catawba County, North Carolina; and

WHEREAS, the original developer, SiHo Properties, Inc., in the restrictive covenants, assigned approval rights concerning restrictive covenants modifications in Book 1763, Page 496 (Article Ten), Catawba County Registry, to Bay Pointe Homeowners Association, Inc.; and

WHEREAS, Lot Owners are the owners of Lot Number 10, Bay Pointe, Plat Book 29, Page 31, Catawba County Registry; and

WHEREAS, the Restrictions in Article Four, Section 1(a) indicate that each residence must have an attached "automobile storage" (garage) which may or may not be enclosed; and

WHEREAS, because of the lot configuration, residence configuration, and zoning requirements, Lot Owners were not feasibly able at this time to construct an attached garage and/or open carport, discussed same with SiHo Properties, Inc. prior to any construction, who verbally waived the need for an attached garage or carport under these special circumstances at this time, and determined that this waiver would not adversely affect the remaining lots in the subdivision; and

WHEREAS, Developer and HOA desire, in accordance with Article Ten of said restrictions, to waive the requirement of an attached garage and/or carport at this time with respect to Lot 10, Bay Pointe, Plat Book 21, Page 31, Catawba County Registry;

NOW THEREFORE, Developer and HOA do hereby waive the restrictions in Article Four, Section 1(a) of the Bay Pointe Subdivision Restrictive Covenants recorded in Book 1763, Page 496, Catawba County Registry, as to the requirement for an attached garage and/or carport for Lot 10 only, and said amendment is to be effective immediately and to run with the said land by whomsoever owned. This amendment applies specifically to Lot 10 of Bay Pointe, Plat Book 29, Page 31, Catawba County Registry. All restrictions shall remain in full force and effect as to the remaining lots in Bay Pointe, Plat Book 29, Page 31, Catawba County Registry, unless previously modified by other recorded instruments. Should Lot Owners later determine that they can construct an attached automobile storage onto said lot, they shall proceed in conformity with the Restrictions in place at the time the automobile storage shall be added.

This the _____ day of _____, 1996.

SiHo Properties, Inc.

by *William Pittman*
President

James W. Armentrout (Seal)
James W. Armentrout, Lot Owner

Attest:

John W. Armentrout
Secretary

John W. Armentrout (Seal)
John W. Armentrout, Lot Owner

(Corporate Seal)

Bay Pointe Homeowners Association, Inc.

by *William Pittman*
President

Attest:

William Pittman
Secretary

(Corporate Seal)

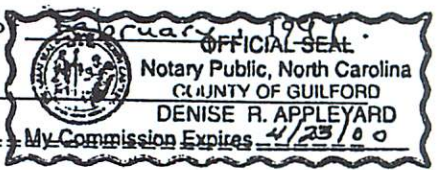


STATE OF NORTH CAROLINA - COUNTY OF FORSYTH

This 6 day of February, 1997, personally came before me, Denise R. Appleyard a notary public, Olin C. Cranfill, who, being made by me duly sworn, says that he knows the Common Seal of Silho Properties, Inc. and is acquainted with William E. Hollan, Jr. who is the President of said Corporation, and that he, the said Olin C. Cranfill is the Secretary of the said Corporation, and saw the said President sign the foregoing instrument, and saw the Common Seal of said Corporation affixed to said instrument by said President, and that he, the said Olin C. Cranfill signed his 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 6 day of February, 1997. (Notarial Seal or Stamp) My commission expires: 4/23/00

Denise R. Appleyard Notary Public



STATE OF NORTH CAROLINA - COUNTY OF FORSYTH

This 10 day of February, 1997, personally came before me, Kullie J. Kimmel a notary public, William E. Hollan, who, being made by me duly sworn, says that he knows the Common Seal of Bay Pointe Homes, Inc. and is acquainted with Donald A. Thompson who is the President of said Corporation, and that he, the said William E. Hollan, Jr. is the Secretary of the said Corporation, and saw the said President sign the foregoing instrument, and saw the Common Seal of said Corporation affixed to said instrument by said President, and that he, the said William E. Hollan, Jr. signed his 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 10 day of February, 1997. (Notarial Seal or Stamp) My commission expires: August 31, 2000

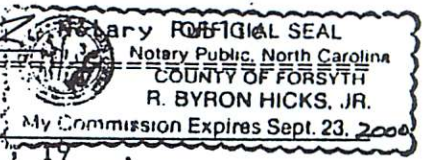
Kullie J. Kimmel Notary Public

STATE OF NORTH CAROLINA - FORSYTH COUNTY

I, R. BYRON HICKS, JR. a Notary Public of Forsyth County, North Carolina do hereby certify that JAMES W. ARMENTROUT AND WIFE JONNNE W. ARMENTROUT grantor(s), each personally appeared before me this day and acknowledged the execution of the foregoing deed of conveyance.

Witness my hand and notarial seal or stamp this the 5 day of DECEMBER, 1976. (Notarial Stamp or Seal)

My commission expires SEPT 23, 2000 R. Byron Hicks, Jr.



NORTH CAROLINA - FORSYTH COUNTY

The foregoing (or annexed) certificate of is (are) certified to be correct. This the day of Probate and filing fee \$ paid.

Forsyth County Register of Deeds

by