

RETURN TO:
KILLIAN, KERSTEN & PATTON
FIRST AMENDMENT TO DECLARATION
OF
COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS
FOR
CAMPBELL WOODS SUBDIVISION

Book 459 Page 656
FILED
HAYWOOD COUNTY NC
05/22/97 2:11 PM
AMY R. MURRAY
Register Of Deeds
By: _____ Deputy/Asst

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THIS FIRST AMENDMENT TO DECLARATION, made as of the date hereinafter set forth by Gulf Highway Land, Corporation, a Florida Corporation, hereinafter referred to as "Successor Declarant:

W I T N E S S E T H:

WHEREAS, Successor Declarant is the owner of the remainder of certain "properties" in Haywood County, North Carolina, which were originally described in that certain Declaration of Covenants, Conditions, Restrictions and Easements for Campbell Woods Subdivision (hereinafter "Declaration") recorded in Deed Book 403, Page 982, Haywood County Registry, several properties having been previously sold and conveyed and the remainder of which having been conveyed to Gulf Highway Land Corporation by deed of record in Deed Book 449, Page 1430, Haywood County Registry; and

WHEREAS, Article VI, TERM AND AMENDMENT, Paragraph B of said Declaration provides that the same may be amended by the DECLARANT until ninety percent (90%) of the lots have been conveyed or contracted for conveyance; and

WHEREAS, fewer than said ninety percent (90%) of such lots have been conveyed or contracted for conveyance; and

WHEREAS, by virtue of property interest and powers acquired pursuant to that deed of record in Deed Book 449 Page 1430, Haywood County Registry, Gulf Highway Land Corporation became the "Successor Declarant" to the original Declarant, Dingus Properties, Inc., as defined in Article I, Paragraph C of said Declaration; and

WHEREAS, said Successor Declarant desires to amend said Declaration;

NOW THEREFORE, Successor Declarant hereby amends said Declaration as follows:

1. ARTICLE I, DEFINITIONS, Paragraph A is hereby amended by the addition of the following sentence: "Association shall also mean any North Carolina non-profit corporation formed for the purposes set forth in any future Declaration of Restrictions recorded which create a planned unit development as hereinafter defined."

2. ARTICLE I, DEFINITIONS, Paragraph F is hereby amended by the addition thereto of the following sentence, "Development shall also mean that portion of the hereinabove described properties hereinafter re-platted as separate numbered lots and Common Areas which said plat is placed of record in the Haywood County Registry."

3. ARTICLE I, DEFINITIONS, Paragraph H is hereby amended by the addition

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thereto of the following sentence, "'Lots" or "Home Lots" shall mean and refer to any numbered lot shown upon any recorded subdivision map of the Properties with the exception of the Common Area and dedicated streets, upon which are constructed or are designed for construction thereon of Homes, all of which are for single family use, and which may be connected by common party walls."

4. Said Article I is hereby amended by the addition thereto of the following paragraphs:

- O. "Common Area" shall mean all real property owned by an Association which shall be a North Carolina non-profit corporation formed for the purposes set forth in any future Declaration creating a planned unit development on any of the properties for the common use and enjoyment of the Owners. The Common Area to be owned by the Association shall be designated on a plat or plats, recorded or to be recorded in the Office of the Register of Deeds of Haywood County, North Carolina, prior to or simultaneously with the delivery of the first deed to any purchaser of a lot in any Phase of such planned unit development, and shall consist of all land which is not included within a numbered lot. The Common Area in any phase will be conveyed to the Association by warranty deed prior to or simultaneously with the delivery of the first deed to any purchaser of a lot in any Phase of the Development as hereinabove described.
- P. "Limited Common Area" shall mean that portion of common areas the use of which is limited to specified owners within the development. Such limited common areas shall be as shown and specified on any plat or plats now or hereinafter recorded.
- Q. "Planned Unit Development" shall mean any portion of the properties upon which is created, by the recordation of an appropriate Declaration, and plat or plats, a plan of single family development wherein single family lots are individually described and separately owned and certain common areas are owned by an Association for the benefit of such lot owners as herein contemplated.

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5. ARTICLE I, DEFINITIONS, Paragraph N is hereby amended by the addition of the following sentence, "In addition, a future Declaration may be recorded to create a planned unit development as contemplated by Paragraph 1 through 4 inclusive of this Amendment."

6. ARTICLE II, LAND USE RESTRICTIONS, Paragraph A is hereby amended by the addition of the following sentence: "Notwithstanding any language to the contrary, a lot may be utilized for the construction of a single family dwelling as contemplated by paragraphs 1,2,3,4 and 5 of this Amendment."

7. ARTICLE II, LAND USE RESTRICTIONS, Paragraph E is hereby amended by addition of the following sentence, "Notwithstanding any language to the contrary, a single family residence built pursuant to paragraphs 1,2,3,4, and 5 of this Amendment may be of a minimum size of one thousand one hundred (1,100.00) sq. feet for a one story building."

8. ARTICLE II, LAND USE RESTRICTIONS, Paragraph F is hereby amended by addition of the following sentence: "Notwithstanding any language to the contrary, a single family residence, built pursuant to Paragraphs 1,2,3,4 and 5 of this Amendment may share a common partywall with another single family residence and any such building or buildings shall be located a minimum of ten (10) feet from the side, front or back property lines of the common area or areas surrounding any such building or buildings which such common area or areas form a part of the planned unit development within which such building or buildings are located. Individual buildings, if not connected, shall be no closer than three (3) feet from any other building."

9. ARTICLE II, LAND USE RESTRICTIONS, Paragraph V is hereby amended by the addition of the following sentence: "Notwithstanding any language to the contrary, a television antenna of a dish type not exceeding 36 inches in diameter and reasonably and effectively screened from the view of neighboring property owners may be installed and maintained on a Lot."

IN WITNESS WHEREOF, the undersigned being the Successor Declarant has caused this instrument to be executed in its name this the 12th day of May, 1997.

SUCCESSOR DECLARANT:
GULF HIGHWAY LAND CORPORATION

BY: [Signature]
President

STATE OF NORTH CAROLINA, HAYWOOD COUNTY

The foregoing certificate of Winston Patton

is certified to be correct

This 22 day of May, 1997, Book 451 Page 65

By: Jackie D. Paris Deputy Amy R. Murray
Register of Deeds
AMY R. MURRAY

STATE OF ~~NORTH CAROLINA~~ FLORIDA
COUNTY OF ~~HAYWOOD~~ PASCO

I, a Notary Public of the County and State aforesaid, certify that Virginia W. Piper personally came before me this day and acknowledged that she is the Secretary of GULF HIGHWAY LAND CORPORATION, A FLORIDA CORPORATION, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal, and attested by her as its Secretary.

Witness my hand and official seal, this the 12th day of May, 1997.

Winston Patton
Notary Public Winston Patton

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My Commission Expires:

NOTARY PUBLIC
STATE OF FLORIDA
WINSTON PATTON
COMMISSION # CC 441673
EXPIRES MAR 1, 1999
BONDED THRU
ATLANTIC BONDING CO., INC.