

SUPPLEMENTARY DECLARATION OF  
DECLARATION OF  
RESTRICTIVE COVENANTS  
OF  
STONEY POINT HARBOR SUBDIVISION

1057-317  
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DONALD B. HALLIBUTT  
REGISTER OF DEEDS  
DAVIDSON COUNTY, N.C.

THIS SUPPLEMENTARY DECLARATION OF THE DECLARATION OF RESTRICTIVE COVENANTS OF STONEY POINT HARBOR SUBDIVISION is made this 24<sup>th</sup> day of November, 1997, by KEJ Marketing Co., Inc., hereinafter referred to as "Declarant", and any and all persons, firms, or corporations hereinafter acquiring any of the within described property or any of the property hereinafter made subject to this Supplementary Declaration of Restrictive Covenants of Stoney Point Harbor Subdivision, hereinafter "Restrictions."

WITNESSETH:

WHEREAS, Declarant is the owner of certain property in Davidson County, North Carolina known as Stoney Point Harbor Subdivision; and

WHEREAS, Phase 1 and Phase 2, of Stoney Point Harbor Subdivision are more particularly described by plat(s) thereof recorded in Plat Book 27, Pages 56, 57 and 58, in the Office of the Register of Deeds for Davidson County, North Carolina, to which reference is hereby made for a more complete description; and

WHEREAS, Phase 2, Map 2, Lots 45 thru 48 and Lots 54 thru 62 of Stoney Point Harbor Subdivision are more particularly described by plat(s) thereof recorded in Plat Book 27, Page 70, and re-recorded in Plat Book 27, Page 75, in the Office of the Register of Deeds for Davidson County, North Carolina, to which reference is hereby made for a more complete description; and

WHEREAS, the real property and lots as shown on said Plat Book 27, Pages 56, 57 and 58 are subject to the Declaration of Restrictive Covenants of Stoney Point Harbor Subdivision as described in Book 1049, Page 1571, and the Declaration of Covenants, Conditions, Restrictions of Stoney Point Harbor Subdivision and Homeowners Association, as set forth in Book 1049, Page 1578, in the Office of the Register of Deeds for Davidson County, North Carolina, hereinafter Declarations; and

WHEREAS, said Declarations provide that plans for additional phases shall be made a part of this subdivision and that such additional property may be brought within the scheme of the said restrictions and declarations and the jurisdiction of the "Association", pursuant to the terms and conditions of Paragraph 2 (c) of said Declaration of Restrictive Covenants by filing of record such Supplementary Declaration of the Declaration of Restrictive Covenants of Stoney Point Harbor Subdivision and by filing of record Supplementary Declaration of the Declaration of Covenants, Conditions, and Restrictions of Stoney Point Harbor Subdivision and Homeowners Association with respect to such additional property; and

WHEREAS, the Declarant is the owner of Phase 2, Map 2, Lots 45 thru 48 and Lots 54 thru 62 of Stoney Point Harbor Subdivision as more particularly described by plat thereof recorded in Plat Book 27, Page 70, and re-recorded in Plat Book 27, Page 75, in the Office of the Register of Deeds for Davidson County, North Carolina, which reference is hereby made for a more particular description; and

WHEREAS, pursuant to the terms and conditions of the Declarations and Restrictive Covenants as described above, the Declarant has agreed to make all of the lots as described in Phase 2, Map 2, Lots 45 thru 48 and Lots 54 thru 62 subject to the above referenced Declarations as set forth in Book 1049, Page 1571, and Book 1049, page 1578, Davidson County Registry by filing this Supplementary Declaration of the Declaration of Restrictive Covenants of Stoney Point Harbor Subdivision and Supplementary Declaration of the Declaration of Covenants, Conditions, and Restrictions of Stoney Point Harbor Subdivision and Homeowners Association.

NOW, THEREFORE, in accordance with the recitals which by this reference are made a substantive part hereof, Declarant declares as follows:

1. PHASE 2, MAP 2, LOTS 45 THRU 48 AND LOTS 54 THRU 62. All the real property and lots of Phase 2, Map 2, Lots 45 thru 48 and Lots 54 thru 62 of Stoney Point Harbor Subdivision, more particularly described by plat thereof recorded in Plat Book 27, Page 70 and re-recorded in Plat Book 27, Page 75, in the Office of the Register of Deeds for Davidson County, North Carolina, shall be held, transferred, conveyed and occupied subject to the Declaration of Restrictive Covenants of Stoney Point Harbor Subdivision as set forth in Book 1049, Page 1571 and the Declaration of Covenants, Conditions, and Restrictions of Stoney Point Harbor Subdivision and Homeowners Association as set forth in Book 1049, Page 1578, Davidson County Registry, the terms and conditions of which are incorporated herein by reference.

2. Paragraph 2 of the General Use Restrictions as set forth in Book 1049, Page 1571, in the Declaration of Restrictive Covenants is amended and modified as follows:

Each single-family dwelling shall have an enclosed, heated living area (exclusive to open porches, garages, and other unheated spaces) not less than 1,800 square feet on the waterfront and 1,600 square feet on the interior lots within the subdivision, regardless of the number of stories. Design, construction of all improvements on each lot (regardless of when such improvements are made) and the landscape in each lot must be approved in advance by the Architectural Review Committee, hereinafter referred to as the "Committee" which Committee is established pursuant to the Declaration. Except as herein amended, all the real property and lots described as Phase 2, Map 2, Lots 45 thru 48 and Lots 54 thru 62, of Stoney Point Harbor Subdivision as set forth in Plat Book 27, Page 70 and re-recorded in Plat Book 27, Page 75, in the Office of the Register of Deeds for Davidson County, North Carolina, shall be held, transferred, conveyed, or sold, and occupied subject to the original Declaration of

Restrictive Covenants of Stoney Point Harbor Subdivision as set forth in Book 1049, Page 1571, and the Declaration of Covenants, Conditions, and Restrictions of Stoney Point Harbor Subdivision and Homeowners Association as described in Book 1049, Page 1578, Davidson County Registry.

3. Declarant hereby reserves, for its benefit, its successors and assigns perpetual Drainfield Utility and Access Easements for the purpose of installing, constructing, maintaining, inspecting, and repairing septic tank and sewer lines across, upon and along the streets and road right of ways of Phase 2, Map 2, Lots 45 thru 48 and Lots 54 thru 62 of Stoney Point Harbor Subdivision as well as the "drainage and access easements for Drainfield lots" as shown on the recorded plats of Phase 2, Map 2, Lots 45 thru 48 and Lots 54 thru 62 of Stoney Point Harbor Subdivision as referred to herein. In constructing and repairing said sewer lines, the Declarant, its successors and assigns shall remove all surplus earth, make level the surface of the ground above said sewer line, and interfere as little as reasonably possible with the land and any improvements thereon.

IN WITNESS WHEREOF, the Declarant has cause this Supplementary Declaration of the Declaration of Covenants, Conditions, and Restrictions of Stoney Point Harbor Subdivision and Homeowners Association and Supplementary Declaration of the Declaration of Restrictive Covenants of Stoney Point Harbor Subdivision to be duly executed this the 21<sup>st</sup> day of November, 1997.

KEJ MARKETING CO., INC.

By: [Signature]  
President

(Corporate Seal)

ATTEST:

[Signature]  
STATE OF NORTH CAROLINA  
COUNTY OF

I, Tammy L. Crosier, a Notary Public of the County and State aforesaid, do hereby certify that Maxine W. Turner personally appeared before me this day and acknowledged that she is \_\_\_\_\_ Secretary of KEJ MARKETING CO., INC., 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 herself as its \_\_\_\_\_ Secretary.

Witness my hand and official seal or stamp, this 21<sup>st</sup> day of November, 1997.

[Signature] (SEAL)  
Notary Public

My commission expires: 11-11-2000