

North Carolina, Catawba County

The following certificate of...

J A KESSLER, PATRICIA H BOST

Notary Public, is certified to be correct. Presented for registration and recorded

August 16, 2005 08:12:56 am

Book 02685 Page 1587 **Inst # 22385**

Donna Hicks Spencer

Register of Deeds Catawba County, North Carolina

By: Pam Williams
Deputy/Assistant Register of Deeds

✓ Prepared by/Return to: James M. Gaither, Jr., P.O. Box 279, Conover, North Carolina 28613

STATE OF NORTH CAROLINA

COUNTY OF CATAWBA

**FIRST AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS
FOR CATAWBA SHORES PHASE I**

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is entered into this 27 day of May, 2005, between SHUFORD DEVELOPMENT, INC. (hereinafter "Declarant"), and the undersigned Lot Owners set forth below (hereinafter "Lot Owners"), and all parties hereafter acquiring any of the described property.

WITNESSETH:

WHEREAS, Declarant and Lot Owners entered into a Declaration of Covenants, Conditions, and Restrictions dated July 23, 2004, recorded in Book 2601, Page 1077, Catawba County Registry, concerning the creation of a homeowner's association for Catawba Shores Subdivision – Section I; and

WHEREAS, Declarant and Lot Owners are seized of certain but not all of the tracts or parcels of real property situated in the Clines Township, County of Catawba, North Carolina, which are shown on a plat of "Catawba Shores Subdivision – Section I" recorded in Plat Book 43 at Page 10 in the office of the Register of Deeds of Catawba County, North Carolina and more specifically described as **Lots 2, 3, 4, 5, 6, 12, 16, 17, 18, and 19 of Plat Book 43 at Page 10 and Lot 7a of Plat Book 57 at Page 117, Catawba County Registry;** and

WHEREAS, the above-mentioned parties desire to amend Article A, Section 2 of the said Declaration of Covenants, Conditions and Restrictions, and add a new Article G, Section 6, prior to conveying and for the purposes set forth in the Declarations.

NOW, THEREFORE, the above mentioned parties, for themselves, their successors and assigns, and for their future grantees, their heirs and assigns, declare that the real property described in and subject to the Declarations recorded in Book 2601, Page 1077, Catawba County Registry, and as

amended hereto, is and shall be owned and conveyed subject to the Declarations and this First Amendment to the Declarations, said Amendment being set forth below:

▶ Article A, Definitions, Section 2 as it appears in Deed Book 2601, Page 1077 is deleted in its entirety and the following inserted in lieu thereof:

A. DEFINITIONS

Section 2. "Lot Owner" shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to the following Lots:

Lots 2, 3, 4, 5, 6, 12, 16, 17, 18, and 19 of Plat Book 43 at Page 10, and Lot 7a of Plat Book 57 at Page 117, Catawba County Registry.

Special condition regarding Lot 6: Lot 6, Plat Book 43, Page 10, Catawba County Registry, is currently not subject to these restrictions because it is presently not in compliance with the zoning laws of Catawba County, North Carolina. Once Lot 6 becomes in compliance with the zoning laws of Catawba County it will be subject to these restrictions. An amendment to these restrictions will be recorded when Lot 6 is in compliance.

The following Lots are not subject to these restrictions unless expressly agreed to in the future by the Lot Owners in a separate written adoption document: Lots 8, 9, 10, and 11, of Plat Book 43, Page 10, Catawba County Registry.

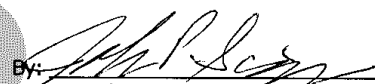
▶ By adding to the Declarations as Article G, Section 6 the following:

G. GENERAL PROVISIONS

Section 6. Amendment. The covenants and restrictions of this Declaration shall run with and bind the land, for a term of twenty (20) years from the date this Declaration is recorded, after which time they shall be automatically extended for successive periods of ten (10) years. This Declaration may be amended during the first twenty (20) year period by an instrument signed by not less than ninety percent (90%) of the Lot Owners, and thereafter by an instrument signed by not less than seventy-five percent (75%) of the Lot Owners.

IN WITNESS WHEREOF, the Declarant and Lot Owners have caused this instrument to be executed this 27 day of May, 2005.

SHUFORD DEVELOPMENT, INC.

By:  (SEAL)
John P. Sigmon, Vice President
Director of Property Management

James M. Gaither (SEAL)
James M. Gaither, Jr.

Diane Lawson Gaither (SEAL)
Diane Lawson Gaither

Eugene H. Wood (SEAL)
Eugene H. Wood

Kathy H. Wood (SEAL)
Kathy H. Wood

____ (SEAL)
Michael R. Sigmon

____ (SEAL)
Kathleen K. Sigmon

____ (SEAL)
Robert D. Hollar

____ (SEAL)
Janette Hollar

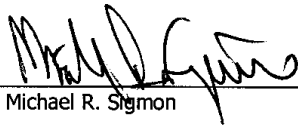
W
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_____(SEAL)
James M. Gaither, Jr.

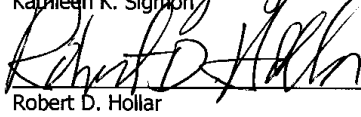
_____(SEAL)
Diane Lawson Gaither

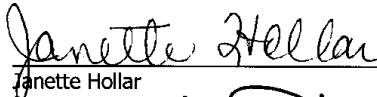
_____(SEAL)
Eugene H. Wood

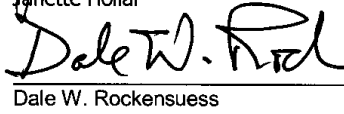
_____(SEAL)
Kathy H. Wood

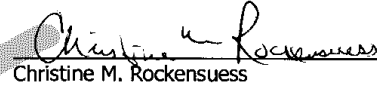

_____(SEAL)
Michael R. Sigmon


_____(SEAL)
Kathleen K. Sigmon


_____(SEAL)
Robert D. Hollar


_____(SEAL)
Janette Hollar

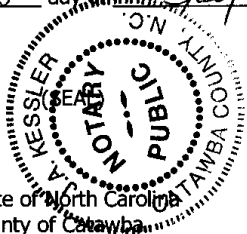

_____(SEAL)
Dale W. Rockensuess


_____(SEAL)
Christine M. Rockensuess

*W
D*

State of North Carolina
County of Catawba

I, a Notary Public of the County and State aforesaid, do hereby certify that John P. Sigmon, personally came before me this day and acknowledged that he is Director of Property Management of Shuford Development, Inc., a North Carolina corporation, and acknowledged, on behalf of Shuford Development, Inc., the due execution of the foregoing instrument. Witness my hand and official stamp or seal, this 15 day of July, 2005.



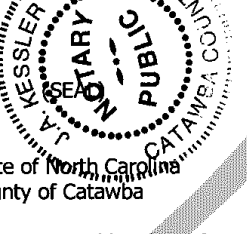
*Vice President/Director

[Signature]
Notary Public

My commission expires: 8-17-08

State of North Carolina
County of Catawba

I, a Notary Public of the County and State aforesaid, certify that James M. Gaither, Jr. personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 15 day of July, 2005.

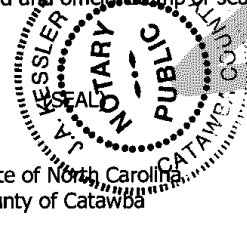


[Signature]
Notary Public

My commission expires: 8-17-08

State of North Carolina
County of Catawba

I, a Notary Public of the County and State aforesaid, certify that Diane Lawson Gaither, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 15 day of July, 2005.

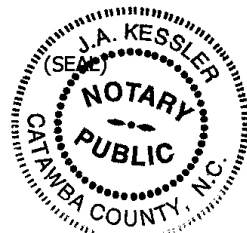


[Signature]
Notary Public

My commission expires: 8-17-08

State of North Carolina
County of Catawba

I, a Notary Public of the County and State aforesaid, certify that Eugene H. Wood, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 27 day of May, 2005.

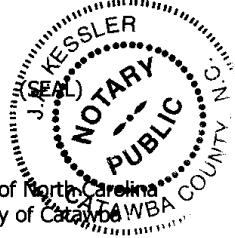


[Signature]
Notary Public

My commission expires: 8-17-08

State of North Carolina
County of Catawba

I, a Notary Public of the County and State aforesaid, certify that Kathy H. Wood, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 14 day of June, 2005.

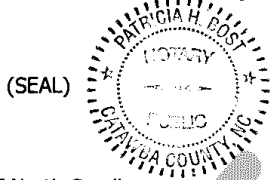


J.A. Kessler
Notary Public

My commission expires: 8-17-08

State of North Carolina
County of Catawba

I, a Notary Public of the County and State aforesaid, certify that Michael R. Sigmon, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 8 day of JULY, 2005.

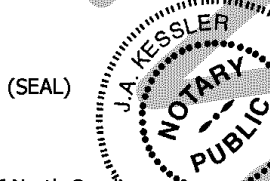


Patricia H. Post
Notary Public

My commission expires: 11-16-09

State of North Carolina
County of Catawba

I, a Notary Public of the County and State aforesaid, certify that Kathleen K. Sigmon, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 11 day of July, 2005.

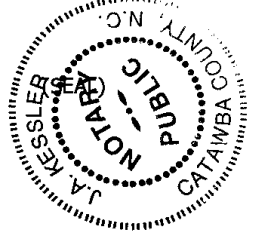


J.A. Kessler
Notary Public

My commission expires: 8-17-08

State of North Carolina
County of Catawba

I, a Notary Public of the County and State aforesaid, certify that Robert D. Hollar, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 9 day of August, 2005.

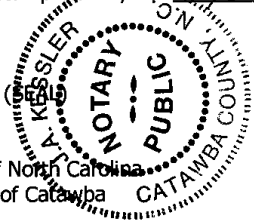


J.A. Kessler
Notary Public

My commission expires: 8-17-08

State of North Carolina
County of Catawba

I, a Notary Public of the County and State aforesaid, certify that Janette Hollar, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 10 day of August, 2005.



J.A. Kessler
Notary Public

My commission expires: 8-17-08

State of North Carolina
County of Catawba

I, a Notary Public of the County and State aforesaid, certify that Dale W. Rockensuess, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 28 day of July, 2005.

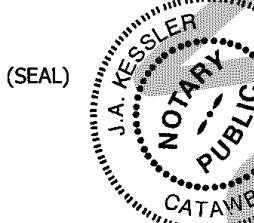


J.A. Kessler
Notary Public

My commission expires: 8-17-08

State of North Carolina
County of Catawba

I, a Notary Public of the County and State aforesaid, certify that Christine M. Rockensuess, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 29 day of July, 2005.



J.A. Kessler
Notary Public

My commission expires: 8-17-08