



Presenter Bryan English Ret: FS  
3 Total 20 Rev \_\_\_\_\_ Int. 25  
Ck \$ \_\_\_\_\_ Ck # \_\_\_\_\_ Cash \$ 20  
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**FIRST AMENDMENT TO  
DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
for  
SOUTHWYNDE AT FOREST OAKS**

THIS FIRST AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR SOUTHWYNDE AT FOREST OAKS (hereinafter referred to as the "Amendment") is made on the date hereinafter set forth by BRIAN ENGLISH BUILDERS, INC., a North Carolina corporation (hereinafter referred to as "Declarant"):

**WITNESS TO:**

WHEREAS, Developer has caused to be recorded that Declaration of Covenants, Conditions and Restrictions for Southwynde at Forest Oaks in Book 2560 at Page 1153 in the Office of the Register of Deeds of Brunswick County, North Carolina ("Declaration"); and

WHEREAS, Article XII, Section 3 of the Declaration provides that for so long as Developer owns any Lot or Unit within Southwynde at Forest Oaks, the Declaration may be amended by the Declarant, without the consent or joinder of any other owner of property within Southwynde or of the Association

WHEREAS, Article XI of the Declaration refers to an incorrect permit number and the State of North Carolina, Division of Water Quality has requested that his provision be amended.

NOW, THEREFORE, Declarant, BRIAN ENGLISH BUILDERS, INC., hereby declares that Article XI of the Declaration is hereby deleted and the following inserted in its place and stead:

**ARTICLE XI  
STORMWATER MANAGEMENT**

Section 1. The following covenants are intended to ensure ongoing compliance with State Stormwater Management Permit Number SW 030117, as issued by the Division of Water Quality under NCAC 2H.1000. The State of North Carolina is made a beneficiary of these covenants to the extent necessary to maintain compliance with the Stormwater Management

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Permit. These covenants are to run with the land and be binding on all persons and parties claiming under them. The covenants pertaining to stormwater regulations may not be altered or rescinded without concurrence of the State of North Carolina, Division of Water Quality.

Section 2. Alteration of the drainage as shown on the plans approved by the State of North Carolina Division of Water Quality may not take place without the express written consent of the State of North Carolina Division of Water Quality.

Section 3. The maximum allowable built-upon area per lot is 3,500 square feet. This allotted amount includes any built-upon area constructed within the lot property boundaries, and that portion of the right-of-way between the front lot line and the edge of the pavement. Built upon area includes, but is not limited to, structures, asphalt, concrete, gravel, brick, stone, slate, coquina, and parking areas, but does not include raised, open wood decking, or the water surface of swimming pools. This allotted amount includes any built upon area constructed within the lot property boundaries, and that portion of the right-of-way between the front of the lot and the edge of the payment. Built upon area includes, but is not limited to, structures, asphalt, concrete, gravel, brick, stone, slate, coquina, and parking areas, but does not include raised, open wood decking, or the water surface of swimming pools.

Section 4. All runoff from the built upon areas on a lot must drain into the permitted system. This may be accomplished through various means including roof drain gutters which drain to the street, grading the lot to drain towards the street, or grading perimeter swales to collect the lot runoff and directing the runoff into a component of the stormwater system. Lots that will naturally drain into the system are not required to provide said additional measures.

Section 5. Lots within CAMA's Area of Environmental Concern may have the permitted built-upon area reduced due to CAMA jurisdiction within the AEC.

Section 6. Filling in, piping or altering any 3:1 vegetative conveyances (ditches, swales, etc.) associated with the development except for average driveway crossings, is strictly prohibited by any persons. Filling in, piping or altering any designated 5:1 curb outlet swale associated with the development is prohibited by any persons.

Section 7. Each Owner of a Lot which borders a water retention area, drainage easement or drainage swale area shall be responsible to maintain any portion of that Owner's lot lying within a retention area, drainage easement, or drainage swale area free of debris but shall not remove any wetlands species or do anything that would affect adversely water quality within the water retention area. No structure of any type shall be permitted within the water retention areas, drainage easements or drainage swale areas.

Swimming and bathing in water retention areas are prohibited. Docks or other structures shall not be erected in water retention areas without the prior written consent of the Association. All other uses of water retention areas shall be subject to the prior written approval of the Association and such rules and regulations as the Association may adopt from time to time.

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