

Prepared by and return to:  
E. Crouse Gray, Jr., a licensed North Carolina Attorney.  
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My File No. 12960-001

NORTH CAROLINA,  
DARE COUNTY

**AMENDMENT TO DECLARATION OF OCEANFRONT  
COVENANTS, CONDITIONS AND RESTRICTIONS  
WIND OVER WAVES OCEANFRONT SUBDIVISION**

**THIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR** (“Declaration”) made and entered into this the \_\_\_\_\_ day of \_\_\_\_\_, 2017, by **TS VENTURE GROUP, LLC, HCL HOMES, LLC, 27241 TARHEEL, LLC, and 27242 TARHEEL, LLC, all being North Carolina limited liability companies** (hereinafter, jointly and severally, sometimes referred to as the “Declarant”).

RECITALS:

1. Wind Over Waves, LLC , a North Carolina limited liability company, executed and recorded a Declaration of Oceanfront Covenants, Conditions and Restrictions Wind Over Waves Oceanfront Subdivision Lots 1-14, as recorded in Deed Book 1952, Page 188, Dare County Public Registry, placing certain covenants, conditions and restrictions upon Lot 1 through 14, Wind Over Waves Oceanfront Subdivision.
2. TS Venture Group, LLC is the present owner of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 11, Wind Over Waves Oceanfront.
3. HCL Homes, LLC is the present owner of Lot 12, Wind Over Waves Oceanfront.
4. 27241 Tarheel, LLC is the present owner of Lot 14, Wind Over Waves Oceanfront.

5. 27242 Tarheel, LLC is the present owner of Lot 13, Wind Over Waves Oceanfront.

6. Wind Over Waves, LLC, as the original party creating the Declaration of Covenants, Conditions and Restrictions for the Wind Over Waves Oceanfront Subdivision assigned its rights as declarant to TS Venture Group, LLC by documents recorded in Deed Book 1984, Page 72 and Deed Book 2129, Page 44, Dare County Public Registry.

7. The parties being all of the lot owners in Wind Over Waves Oceanfront Subdivision are desirous of amending and modifying the existing Declaration of Oceanfront Covenants, Conditions and Restrictions Wind Over Waves Oceanfront Subdivision as recorded in Deed Book 1952, Page 188, as is further specified herein.

NOW, THEREFORE, in consideration of the foregoing recitals, and other good and valuable consideration, the Declarants do hereby make known to all parties that the Declaration of Oceanfront Covenants, Conditions and Restrictions Wind Over Waves Oceanfront Subdivision is hereby amended as specified herein:

A. Section 1.12 is deleted in its entirety and in its place and in its stead the following shall be substituted:

Section 1.12 “Declarant” shall mean TS Venture Group, LLC, a North Carolina limited liability company, and its successors, transferees and assigns. For purposes of the easements described in Section 3.03, 3.04, and 3.05, the Association shall be considered a “successor” to the Declarant following the period of Declarant Control.

B. Section 1.17 is deleted in its entirety and in its place and in its stead the following shall be substituted:

Section 1.17 “Improvements” shall mean and refer to any additions to a lot including a dwelling, structures, garage, carports, porches, terraces, balconies, decks, patios, courtyards, parking areas, greenhouses, mailboxes, exterior antenna, dishes or apparent uses to receive or transmit television, radio or microwave signals, atriums, bulk storage areas, fences, walls, hedges, landscaping, driveways, grading, swimming pools, signs, exterior lighting, recreational equipment, attics and basements and any other construction. All Improvements shall comply with the provisions of this Declaration.

C. Section 3.06 is deleted in its entirety.

D. Section 3.07 is deleted in its entirety and in its place and in its stead the following shall be substituted:

Section 3.07 Shared Access to the Atlantic Ocean.

As shown on the Subdivision Plat, the owners and their guests shall have a pedestrian right of access to the Atlantic Ocean by way of that certain eight (8) foot pedestrian access easement running along the northern boundary of Lot 14. The Association shall have the right to erect and maintain within the easement area a wooden or composite walkway and dune crossing, fencing, and such other

appurtenances as the Association, in its sole discretion, deems advisable. Further, the Association shall have the right to maintain and keep clear said easement from all obstructions and encroachments, including but not limited to, emerging vegetation. Declarant reserves the right to grant rights in and to the eight (8) foot pedestrian access easement to third parties who are not lot owners within the Wind Over Waves Oceanfront Subdivision.

E. Section 5.03(c) 8 is deleted in its entirety and in its place and in its stead the following shall be substituted:

8. Signs: Except for upon Lots 1, 2, 3, 4, and 5, only the following signs are permitted:
- a. Permanent Owner Identification - 8" x 30" with Owner's name or adopted name with colors to be approved.
  - b. Real Estate Sales of Rentals - One 2 square foot Realtor's "For Sale" sign and/or one 24" x 36" Realtors "For Rent" sign allowed for each property.
  - c. Contractor Sign - Shall not be greater than six square feet and shall be removed when a Certificate of Occupancy is issued.
  - d. Marketing signage - During the Period of Declarant Control, the Declarant shall have the right to locate signs and/or flags indicating the location of sales and rental centers, any recreational facilities and amenities and such other information as may be required on any lot which the Declarant locates or needs a marketing medium.

F. There shall be added to Section 5.05 the following:

Notwithstanding the above, Lots 1, 2, 3, 4, and 5 may be used for commercial purposes. In addition, either or both Lots 3 and 7 may be used as a parking area.

IN WITNESS WHEREOF, the Declarant, by authority duly given, has executed this Amendment to Declaration of Oceanfront Covenants, Conditions and Restrictions the day and year first above written.

TS Venture Group, LLC

By: \_\_\_\_\_ (SEAL)  
Prem Gupta, Manager

HCL Homes, LLC

By: \_\_\_\_\_ (SEAL)  
Prem Gupta, Manager

27241 Tarheel, LLC

By: \_\_\_\_\_ (SEAL)  
Prem Gupta, Manager

27242 Tarheel, LLC

By: \_\_\_\_\_ (SEAL)  
Prem Gupta, Manager

STATE OF NORTH CAROLINA  
COUNTY OF DARE

I, \_\_\_\_\_, a Notary Public, hereby certify that **Prem Gupta** personally came before me this day and acknowledged the execution of the foregoing instrument, all in his capacity as a manager in, and in the name and for and on behalf of TS Venture Group, LLC, a limited liability company organized under the laws of the State of North Carolina.

Witness my hand and official seal this the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

(SEAL/STAMP)

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

STATE OF NORTH CAROLINA  
COUNTY OF DARE

I, \_\_\_\_\_, a Notary Public, hereby certify that **Prem Gupta** personally came before me this day and acknowledged the execution of the foregoing instrument, all in his capacity as a manager in, and in the name and for and on behalf of HCL Homes, LLC, a limited liability company organized under the laws of the State of North Carolina.

Witness my hand and official seal this the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

(SEAL/STAMP)

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

STATE OF NORTH CAROLINA  
COUNTY OF DARE

I, \_\_\_\_\_, a Notary Public, hereby certify that **Prem Gupta** personally came before me this day and acknowledged the execution of the foregoing instrument, all in his capacity as a manager in, and in the name and for and on behalf of 27241 Tarheel, LLC, a limited liability company organized under the laws of the State of North Carolina.

Witness my hand and official seal this the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

(SEAL/STAMP)

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

STATE OF NORTH CAROLINA  
COUNTY OF DARE

I, \_\_\_\_\_, a Notary Public, hereby certify that **Prem Gupta** personally came before me this day and acknowledged the execution of the foregoing instrument, all in his capacity as a manager in, and in the name and for and on behalf of 27242, LLC, a limited liability company organized under the laws of the State of North Carolina.

Witness my hand and official seal this the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

(SEAL/STAMP)

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_