

**BK 5157 PG 118 - 121**

Drawn by and Mail to:  
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*Charlotte NC 28226*

STATE OF NORTH CAROLINA

COUNTY OF ONSLOW

**AMENDEMENT AND SUPPLEMENT  
DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS  
FOR  
MIMOSA BAY SUBDIVISION  
(Phase 5, Section 5)**

**THIS AMENDMENT AND SUPPLEMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR MIMOSA BAY** (this “**Supplement**”) is made by **SCHOONER BAY HOLDINGS, LLC**, a North Carolina limited liability company (“**Schooner Bay**” or “**Declarant**”), and is made and effective as of the time and date it is recorded in the Office of the Register of Deeds for Onslow County, North Carolina (the “**Registry**”).

**RECITALS**

**WHEREAS**, Schooner Bay is “Declarant” (by assignment and conveyance of Declarant rights in that Trustee’s Deed recorded at Book 4449, Page 38 in the Registry) for “Mimosa Bay Subdivision” under that Declaration of Covenants, Conditions and Restrictions for Mimosa Bay Subdivision, recorded in Book 2464, Page 372, in the Registry (as amended and supplemented from time to time, the “**Declaration**”) and under the Bylaws of the Mimosa Bay Homeowners’ Association, Inc., recorded in Book 2464, Page 403 in the Registry (as amended and supplemented from time to time, the “**Bylaws**”)(the Declaration and Bylaws together being the “**Mimosa Bay Subdivision Documents**”);

**WHEREAS**, capitalized terms used and not defined in this Supplement shall have the same meaning as ascribed to such terms in the Mimosa Bay Subdivision Documents; and

**WHEREAS**, pursuant to its rights as Declarant under the Mimosa Bay Subdivision Documents, Declarant herein exercises its unilateral right to annex the herein described Additional Property under the Mimosa Bay Subdivision Documents.

**NOW, THEREFORE**, Declarant hereby supplements the Mimosa Bay Subdivision Documents as follows to annex the “Annexation Property” (defined below):

Submitted electronically by "St. Amand & Efir PLLC"  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Onslow County Register of Deeds.

1. Additional Property. Declarant is owner of and hereby subjects that portion of the Additional Property described on EXHIBIT A of this Supplement (the “**Annexation Property**”) to the coverage and encumbrance of the Mimosa Bay Subdivision Documents, such that said Annexation Property shall going forward be subject to the Mimosa Bay Subdivision Documents as herein amended/clarified/supplemented. Without limitation, the annexation herein described is made in part to extend the jurisdiction of the Association to cover the Annexation Property. The Annexation Property is being annexed for purposes of extending the plan and operation of the Mimosa Bay Subdivision Documents to the Annexation Property and for purposes of extending Declarant’s scheme of development to the Annexation Property.

2. Impervious Amendment. The maximum allowable built-upon area (“**Impervious Area**”) per Lot shown on the plat of the Annexation Property shall be 5500 square feet per Lot. For purposes hereof, Impervious Area includes any built-upon area constructed within the Lot boundaries, and that portion of the right-of-way between the front Lot line and the edge of the pavement. Impervious Area includes, but is not limited to, structures, asphalt, concrete, gravel, brick, stone, slate, coquina and parking areas, but does not include raised or open wood decking, or the water surface of swimming pools; provided, however, in the event of a conflict between the terms of this sentence and the requirements of Stormwater Management Permit Number SW8 050325 then that the Stormwater Permit controls.

3. Partial Invalidity/Savings Clause. If any one or more of the provisions contained in this Supplement shall for any reason be held invalid, illegal or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, and this Supplement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

4. Headings: Incorporation. Section headings in this Supplement are used exclusively for ease of reference and for organization, and shall have no substantive meaning or implied meaning for purposes of this Supplement. The terms and provisions in the Recitals and EXHIBIT A attached hereto are incorporated herein.

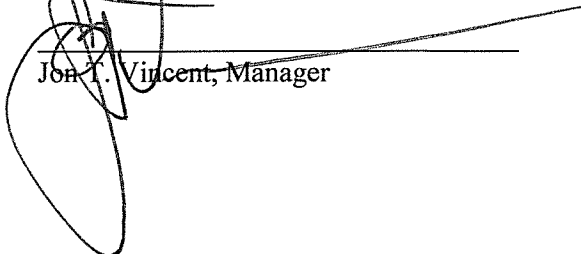
5. Effect of Supplement. Except as expressly amended herein to add the Annexation Property, and to add the Impervious Area restriction in Section 2 above, the Mimosa Bay Subdivision Documents shall remain in full force and effect. Furthermore, and for avoidance of doubt if not otherwise, by execution of this instrument, Declarant accepts the conveyance of all Declarant rights conveyed in that Trustee’s Deed recorded in the Registry at Book 4449, Page 38.

**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK;  
SIGNATURE PAGE FOLLOWS]**

IN WITNESS WHEREOF, Declarant has executed this Supplement as of the day and year notarized below.

SCHOONER BAY HOLDINGS, LLC, a  
North Carolina limited liability company

By:

  
Jon T. Vincent, Manager

STATE OF NORTH CAROLINA

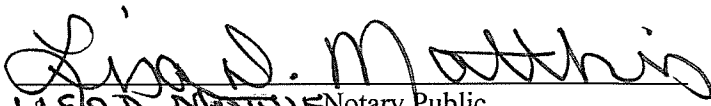
COUNTY OF ~~ONSLOW~~

~~NEW HANOVER~~

I certify that the following person personally appeared before me this day, acknowledging to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Jon T. Vincent.

Date:

04/30/2020

  
LISA D. MATHIS Notary Public

[OFFICIAL SEAL]

My commission expires:

10/01/2023

**EXHIBIT A**

**Annexation Property**

(Legal Description of Additional Property Hereby Subjected to the Mimosa Bay Subdivision Documents)

BEING all that real property (including all of Lots 618, 619, 620, 621A, 621B, 622, 623, 624, 625, 626, 627, 628, 640, 641, 642, 643, 644, 658, 659, 660 and 661) shown on that map entitled "MIMOSA BAY PHASE FIVE SECTION FIVE" recorded March 30, 2020 in Map Book 78, Pages 20, 20A, and 20B, in the Onslow County, North Carolina Registry.