

FOR REGISTRATION REGISTER OF DEEDS
ELIZABETH T COOPER
BURKE COUNTY, NC
2008 NOV 13 10:08:46 AM
BK: 1803 PG: 761-765 FEE: \$23.00

INSTRUMENT # 2008013390

Drawn by and Return to:

Martin E. Steele
GORHAM, CRONE, GREEN & STEELE
Post Office Box 2507
Hickory, NC 28603

STATE OF NORTH CAROLINA

COUNTY OF BURKE

**FIRST AMENDMENT TO DECLARATIONS OF
RESTRICTIVE COVENANTS OF
PARADISE HARBOR SUBDIVISION
PHASES 1, 2, AND 3
AND
PARADISE HARBOR SUBDIVISION
EAST EXTENSION PHASES 1 AND 2**

and

**FIRST AMENDMENT TO RECORDED PLATS OF
PARADISE HARBOR SUBDIVISION
PHASES 1, 2, 3, 4 AND 5
AND
PARADISE HARBOR SUBDIVISION
EAST EXTENSION PHASES 1, 2, 3 AND 4**

THIS FIRST AMENDMENT TO DECLARATIONS OF RESTRICTIVE COVENANTS AND RECORDED PLATS OF PARADISE HARBOR SUBDIVISION PHASES 1, 2, AND 3 AND PARADISE HARBOR SUBDIVISION EAST EXTENSION PHASES 1 AND 2 and FIRST AMENDMENT TO RECORDED PLATS OF PARADISE HARBOR SUBDIVISION PHASES 1, 2, 3, 4 AND 5 AND PARADISE HARBOR SUBDIVISION EAST EXTENSION PHASES 1, 2, 3 AND 4 made this October 27, 2008, by Paradise Harbor, LLC, a North Carolina limited liability company (the "Declarant").

WITNESSETH:

WHEREAS, The Declarant executed the following restrictive covenants for Paradise Harbor Subdivision recorded in the Register of Deeds of Burke County, North Carolina: for Phase 1 in Deed Book 1378 at Page 991 and Deed Book 1379 at Page 1; for Phase 2 in Deed Book 1428 at Page 931; for Phase 3 in Deed Book 1548 at Page 785; and for East Extension Phase 1 in Book 1479 at Page 842 (collectively the "Declarations"); and

WHEREAS, The Declarant recorded the following plats for Paradise Harbor Subdivision recorded in the Register of Deeds of Burke County, North Carolina: for Phase 1 in Plat Book 25 at Pages 190 thru 215; for Phase 2 in Plat Book 27 at Pages 17 thru 28; for Phase 3 in Plat Book 30 at Pages 75-76; for Phase 4 in Plat Book 31 at Pages 203-204; for Phase 5 in Plat Book 33 at Pages 23-24; for East Extension Phase 1 in Plat Book 28 at Pages 179 thru 196; for East Extension Phase 2 in Plat Book 29 at Pages 285 thru 294; and for East Extension Phase 3 in Plat Book 33 at Pages 289-290 (collectively the "Recorded Plats"); and

WHEREAS, the Declarations provide that all property of the Paradise Harbor Subdivision shall be held, sold and conveyed subject to the easements, covenants, restrictions and conditions set forth therein, which are for the purpose of protecting the value and desirability of, and will be binding on all parties having any right, title or interest in the described property or any part thereof, their heirs, successors and assigns and shall inure to the benefit of each owner thereof; and

WHEREAS, the Declarations provides that the Declarations may be modified or amended by written instrument signed by the owners of at least two-thirds (2/3) of the tracts subject to the Declarations at the time thereof; and

WHEREAS, the Declarant owns more than two-thirds (2/3) of the tracts and has voted to amend the language of Paragraph 14 of the Declarations to remove provisions regarding horses and voted in favor of the amendment of Paragraph 14 as indicated below and to amend any and all affected recorded plats, and the Owners approving said modification signed a written instrument memorializing their approval, a copy of the instrument is attached hereto as Exhibit A and incorporated herein, and the approving Owners constitute more than sixty-seven percent (67%) of the Owners of Paradise Harbor Subdivision, and Oscar O. Vasquez is the Manager of the Declarant with custody of the written instrument;

NOW, THEREFORE, in compliance with the Declarations, Paragraph 14 of the Declarations is hereby deleted in its entirety and the following Paragraph 14 is substituted in its stead:

14. No noxious or offensive trade or activity shall be carried on upon any lot, nor shall anything be done thereon, which may become an annoyance or nuisance to the neighborhood. No animals, reptiles or poultry of any kind, except dogs and cats and other indoor household pets may be kept on any lot and fencing must be constructed of white vinyl fencing only and there is a 20 ft. easement from rear of property line. Each owner must see to it that all of the owner's dogs are kept on the owner's property unless leashed. No dogs shall be permitted to roam the property and the Association may have strays and dogs that are not leashed and are found off their owner's lot picked up by governmental authorities. The throwing or dumping of trash, garbage, and waste materials shall not be permitted. The interference of any stream or future waterways so as to cause pollution or stagnation in these waterways is prohibited. There shall be no excavation which does not pertain to the building or construction of a home. Bottled gas containers and oil tanks shall be screened from public view. There shall be no above-ground swimming pools, unless approved by the Committee.

and

The Recorded Plats are hereby amended to eliminate all equestrian easements referenced and established thereon.

IN WITNESS WHEREOF, the undersigned have caused this within instrument to be duly executed this October 27, 2008.

PARADISE HARBOR, LLC



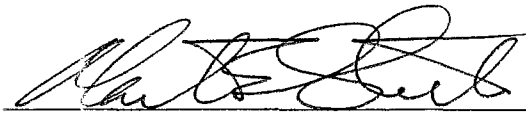
Oscar O. Vasquez
Manager

STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

Sworn to (or affirmed) and subscribed before me this day by Oscar O. Vasquez. I have personal knowledge of the identity of the principal or I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a _____ or a credible witness has sworn to the identity of the principal.

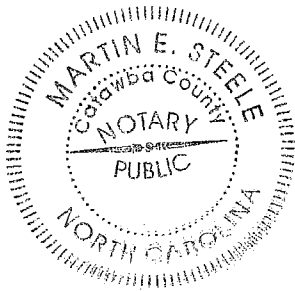
This October 27, 2008.

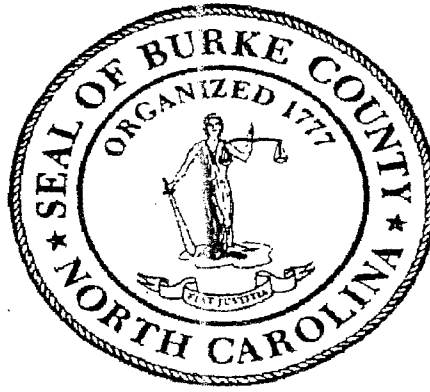
(SEAL)



MARTINE STEELE, Notary Public
(Print Name)

My commission expires: June 23, 2013





ELIZABETH T COOPER
REGISTER OF DEEDS, BURKE
JUDICIAL BUILDING
201 SOUTH GREEN STREET
MORGANTON, NC 28655

PLEASE RETAIN YELLOW TRAILER PAGE

It is part of recorded document, and must be submitted with original for re-recording
and/or cancellation.

Filed For Registration: 11/13/2008 10:08:46 AM
Book: RE 1803 Page: 761-765
Document No.: 2008013390
R/C 5 PGS \$23.00
Recorder: BRENDA THOMAS

2008013390

2008013390

7/25