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Doc ID: 004405030009 Type: CRP  
Recorded: 06/02/2008 at 01:24:59 PM  
Fee Amt: \$38.00 Page 1 of 9  
Onslow County, NC  
Maryland K. Washington Reg. of Deeds

BK **3074** PG **771-779**

AMENDMENT TO RESTRICTIVE  
COVENANTS OF  
EVERETT'S CREEK SUBDIVISION  
PHASE I AND PHASE II

NORTH CAROLINA  
ONSLow COUNTY

AMENDMENT TO RESTRICTIVE COVENANTS OF  
OF EVERETT'S CREEK SUBDIVISION  
PHASE I AND PHASE II

THIS AMENDMENT TO RESTRICTIVE COVENANTS, made this ~~4<sup>th</sup>~~ day of ~~November, 2007~~ <sup>January, 2008</sup>, by LARRY NELSON YOPP, and wife, ~~SARAH J. YOPP~~, PAT YOPP FREEMAN and husband, JOHNNY FREEMAN, CHARLES G. YOPP and wife, WANDA YOPP, BETTY YOPP BERNAT and husband, FRANK E. BERNAT, and EVERETT DOUGLAS YOPP and wife, DELORES YOPP, hereinafter called "Declarants".

WITNESSETH:

THAT WHEREAS, the undersigned Declarants executed and recorded a Declaration of Restrictive and Protective Covenants dated July 16, 1999, and recorded in Book 1588, Page 735, Onslow County Registry, and an Amendment to Restrictive Covenants dated October 31, 2000, recorded in Book 1665, Page 64, Onslow County Registry; and,

WHEREAS, the undersigned Declarants have agreed to amend and supplement the Declaration of Restrictive and Protective Covenants referred to herein in the following manner.

NOW, THEREFORE, in consideration of the premises and other valuable consideration and pursuant to Paragraph 25 of said Declaration of Restrictive and Protective Covenants, it is agreed as follows:

1. All of the restrictions contained in the Declaration of Restrictive and Protective Covenants recorded in Book 1588, Page 735 and the Amendment thereto recorded in Book 1665, Page 64, Onslow County Registry, remain in full force and effect and are incorporated herein as if fully set out.
2. The following additional deed restrictions and protective covenants are hereby set out and the properties referred to herein as Phase I and Phase II of Everett's Creek Estates is and shall be held, transferred, sold and conveyed subject to the following additional protective covenants:
  - a) The following covenants are intended to ensure ongoing compliance with State Stormwater Management Permit Number SW8000524, as issued by the Division of Water Quality under NCAC 2H.1000.
  - b) The State of North Carolina is made beneficiary of these covenants to the extent necessary to maintain compliance with the stormwater management permit.
  - c) These covenants are to run with the land and be binding on all persons and parties claiming under them.
  - d) The covenants pertaining to stormwater may not be altered or rescinded without the express written consent of the State of North Carolina, Division of Water Quality.
  - e) Alteration of the drainage as shown on the approval plan may not take place without the concurrence of the Division of Water Quality.
  - f) The maximum allowable built-upon area per lot is as shown on Exhibit "A" attached

hereto. 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, and coquina, but does not include raised, open wood decking, or the water surface of swimming pools.

g) In the case of a lot with CAMA's regulated AEC, where the Division of Coastal Management calculates a different maximum allowable built-upon area for that lot than is shown herein, the governing maximum built-upon area for that lot shall be the most restrictive of the two.

h) Filling in or piping of any vegetative conveyances (ditches, swales, etc.) associate with the development except for average driveway crossings, is strictly prohibited by any persons.

i) Each lot will maintain a 30-foot wide vegetated buffer between all impervious areas and surface waters.

j) All roof drains shall terminate at least 30 feet from the mean high water mark of surface waters.

k) Lots 1 through 49 in Phase I and Phase II of Everett's Creek Estates shall be governed by the maximum built-upon area for each lot as shown on Exhibit "A" attached hereto.

IN WITNESS WHEREOF, the undersigned have set their hands and seals this the 14th day of ~~November~~ <sup>January</sup>, 2007. ~~2008~~.

Larry Nelson Yopp (SEAL)  
LARRY NELSON YOPP

Deceased (SEAL)  
SARAH J. YOPP

Pat Yopp Freeman (SEAL)  
PAT YOPP FREEMAN

Charles G. Yopp (SEAL)  
CHARLES G. YOPP

Wanda Yopp (SEAL)  
WANDA YOPP

Johnny Freeman (SEAL)  
JOHNNY FREEMAN

Betty Yopp Bernat (SEAL)  
BETTY YOPP BERNAT

Frank E. Bernat (SEAL)  
FRANK E. BERNAT

Everett Douglas Yopp (SEAL)  
EVERETT DOUGLAS YOPP

Delores Yopp (SEAL)  
DELORES YOPP

NORTH CAROLINA  
ONslow COUNTY

I, Barbara J. Gray, a Notary Public in and for said County and State do hereby certify that LARRY NELSON YOPP and wife, SARAH J. YOPP, Declarants, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 18<sup>th</sup> day of ~~November, 2007~~ January, 2008.

Barbara J. Gray  
Notary Public

My commission expires:  
4-10-2011

BARBARA J. GRAY  
NOTARY PUBLIC  
ONslow COUNTY, N.C.

NORTH CAROLINA  
ONslow COUNTY

I, Barbara J. Gray, a Notary Public in and for said County and State do hereby certify that CHARLES G. YOPP and wife, WANDA YOPP, Declarants, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 18<sup>th</sup> day of ~~November, 2007~~ January, 2008.

Barbara J. Gray  
Notary Public

My commission expires:  
4-10-2011

BARBARA J. GRAY  
NOTARY PUBLIC  
ONslow COUNTY, N.C.

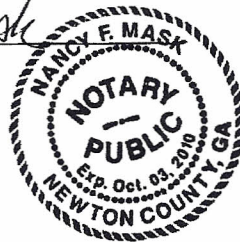
~~NORTH CAROLINA~~  
~~ONslow COUNTY~~  
Georgia  
Newton

I, Nancy F. Mask, a Notary Public in and for said County and State do hereby certify that PAT YOPP FREEMAN and husband, JOHNNY FREEMAN, Declarants, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 4<sup>th</sup> day of ~~November, 2007~~ January, 2008.

Nancy F. Mask  
Notary Public

My commission expires:  
Oct. 3, 2010



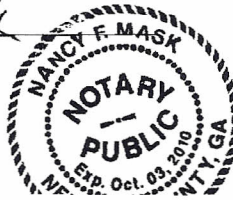
~~NORTH CAROLINA~~  
~~ONslow COUNTY~~  
Georgia  
Newton

I, Nancy F. Mask, a Notary Public in and for said County and State do hereby certify that BETTY YOPP BERNAT and husband, FRANK E. BERNAT, Declarants, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 4<sup>th</sup> day of ~~November, 2007~~ January, 2008.

Nancy F. Mask  
Notary Public

My commission expires:  
Oct. 3, 2010



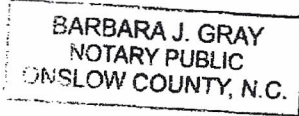
NORTH CAROLINA  
ONSLow COUNTY

I, Barbara J. Gray, a Notary Public in and for said County and State do hereby certify that EVERETT DOUGLAS YOPP and wife, DELORES YOPP, Declarants, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 18<sup>th</sup> day of January, ~~2007~~.2008.

Barbara J. Gray  
Notary Public

My commission expires:  
4-10-2011



STATE OF NORTH CAROLINA, ONSLOW COUNTY

The foregoing certificate(s) of \_\_\_\_\_ is (are) certified to be correct. This instrument was presented for registration this \_\_\_\_ day of \_\_\_\_\_, 2007, at \_\_\_\_ A.M., P.M., and duly recorded in the office of the Register of Deeds of Onslow County, North Carolina, in Book \_\_\_\_\_, Page \_\_\_\_\_.

This the \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
REGISTER OF DEEDS

\_\_\_\_\_  
ASSISTANT, DEPUTY  
REGISTER OF DEEDS

EXHIBIT "A"

EVERETT'S CREEK, PHASE I AND PHASE II ALLOWABLE IMPERVIOUS SURFACE

LOT	ALLOWABLE IMPERVIOUS SURFACE
1	8,000 Sq. Ft.
2	8,000 Sq. Ft.
3	8,000 Sq. Ft.
4	8,000 Sq. Ft.
5	8,000 Sq. Ft.
6	8,000 Sq. Ft.
7	8,000 Sq. Ft.
8	8,000 Sq. Ft.
9	8,000 Sq. Ft.
10	8,000 Sq. Ft.
11	8,000 Sq. Ft.
12	8,000 Sq. Ft.
13	8,000 Sq. Ft.
14	8,000 Sq. Ft.
15	8,000 Sq. Ft.
16	8,000 Sq. Ft.
17	8,000 Sq. Ft.
18	8,000 Sq. Ft.
19	8,000 Sq. Ft.
20	8,000 Sq. Ft.
21	8,000 Sq. Ft.
22	12,000 Sq. Ft.
23	7,493 Sq. Ft.
24	7,493 Sq. Ft.
25	7,493 Sq. Ft.
26	7,493 Sq. Ft.
27	7,493 Sq. Ft.
28	7,493 Sq. Ft.
29	7,493 Sq. Ft.
30	7,493 Sq. Ft.
31	7,493 Sq. Ft.
32	7,493 Sq. Ft.
33	7,493 Sq. Ft.
34	7,493 Sq. Ft.
35	7,493 Sq. Ft.
36	7,493 Sq. Ft.
37	7,493 Sq. Ft.
38	7,493 Sq. Ft.
39	7,493 Sq. Ft.
40	7,493 Sq. Ft.
41	7,493 Sq. Ft.
42	7,493 Sq. Ft.
43	7,493 Sq. Ft.
44	7,493 Sq. Ft.
45	12,000 Sq. Ft.
46	7,493 Sq. Ft.
47	7,494 Sq. Ft.
48	7,494 Sq. Ft.
49	12,000 Sq. Ft.
TOTAL	391,327 Sq. Ft.

54.19 Acre Tract, Everett's Creek Estates  
On N.C. Highway 172 & Everett Yopp Drive  
Town of North Topsail Beach,  
Stump Sound, Onslow County, North Carolina

Commencing at an existing N.C.G.S. Monument Brick at the intersection of N.C. Highway 210 and N.C. Highway 172, having coordinates of North (Y) = 294,359.699 and East (X) 2,469,722.769, thence leaving said monument and said intersection and along N.C. Highway 172 North 78 degrees 35 minutes 34 seconds East 1603.40 feet to an existing N.C.G.S. Monument Sunoco, having coordinates of North (Y) = 294,676.966 and East (X) 2,471,294.332, thence leaving said monument and continuing along said highway North 80 degrees 09 minutes 16 seconds East 2470.24 feet to a set Parker Kalon nail in the intersection of N.C. Highway 172 and Everett Yopp Drive, thence leaving said center line intersection North 41 degrees 08 minutes 04 seconds West 58.40 feet to a set concrete monument in the northern right of way line of N.C. Highway 172 and the western right of way line of Everett Yopp Drive and being the TRUE POINT OF BEGINNING, thence from the above described true point of beginning and leaving said northern right-of-way line of N.C. Highway 172 and along the western right of way line of Everett Yopp Drive the following course and distances; North 10 degrees 45 minutes 48 seconds West 1,172.79 feet to a set concrete monument, thence North 31 degrees 31 minutes 01 seconds East 321.78 feet to a set concrete monument, thence along a curve to the left having a radius of 605.04 feet, a length of 169.45 feet and chord bearing and chord of North 23 degrees 29 minutes 35 seconds East 168.89 feet to a set concrete monument, thence North 15 degrees 28 minutes 15 seconds East 701.39 feet to a set concrete monument, thence along a curve to the left having a radius of 964.78 feet, a length of 152.70 feet and a chord bearing and chord of North 10 degrees 56 minutes 12 seconds East 152.54 feet to a set iron rod in the western right of way line of Everett Yopp Drive and the center line of an existing drainage ditch, thence leaving said western right of way line and along the center line of said ditch the following courses and distances, South 67 degrees 54 minutes 45 seconds West 53.61 feet to a point, thence South 69 degrees 18 minutes 07 seconds West 19.57 feet to a point, thence North 13 degrees 48 minutes 33 seconds West 35.36 feet to a point, thence North 13 degrees 40 minutes 36 seconds West 39.46 feet to a point, thence North 33 degrees 28 minutes 41 seconds West 383.09 feet to a point in the center line intersection of said drainage ditch terminus and an existing un-named branch, thence leaving said drainage ditch terminus and along the center line of said branch the following courses and distances, North 21 degrees 11 minutes 37 seconds West 126.45 feet to a point, thence North 30 degrees 29 minutes 09 seconds West 145.73 feet to a point, thence North 07 degrees 36 minutes 44 seconds West 126.71 feet to a point, thence North 22 degrees 38 minutes 59 seconds West 161.26 feet to a point, thence North 11 degrees 29 minutes 48 seconds West 205.36 feet to a point, thence North 09 degrees 40 minutes 00 seconds East 242.03 feet to a point, thence North 13 degrees 07 minutes 21 seconds East 84.14 feet to a point, thence North 28 degrees 35 minutes 49 seconds East 116.65 feet to a point, thence North 03 degrees 07 minutes 57 seconds West 73.23 feet to a point, thence North 18 degrees 41 minutes 13 seconds East 104.12 feet to a point, thence North 63 degrees 52 minutes 34 seconds East 44.70 feet to a point, thence North 89 degrees 48 minutes 20

seconds East 56.77 feet to a point, thence North 23 degrees 19 minutes 56 seconds East 47.36 feet to a point, thence North 25 degrees 22 minutes 41 seconds East 34.73 feet to a point, thence North 01 degrees 24 minutes 05 seconds East 21.41 feet to a point, thence North 76 degrees 05 minutes 19 seconds West 15.82 feet to a point, thence South 57 degrees 39 minutes 31 seconds West 17.52 feet to a point, thence South 80 degrees 15 minutes 18 seconds West 22.19 feet to a point, thence North 05 degrees 48 minutes 13 seconds East 51.38 feet to a point, thence North 53 degrees 09 minutes 01 seconds East 23.47 feet to a point, thence North 40 degrees 47 minutes 52 seconds East 55.90 feet to a point, thence North 03 degrees 41 minutes 59 seconds West 54.51 feet to a point, thence North 14 degrees 18 minutes 15 seconds East 95.63 feet to a point, thence North 41 degrees 29 minutes 13 seconds West 49.71 feet to a point, thence North 25 degrees 37 minutes 20 seconds West 40.86 feet to a point, thence North 29 degrees 27 minutes 20 seconds East 24.54 feet to a point, thence North 60 degrees 57 minutes 59 seconds East 51.08 feet to a point, thence North 26 degrees 42 minutes 45 seconds West 81.88 feet to a point, thence North 00 degrees 41 minutes 44 seconds West 109.73 feet to a point, thence North 71 degrees 04 minutes 29 seconds West 49.42 feet to a point, thence North 46 degrees 59 minutes 03 seconds West 75.20 feet to a point, thence North 39 degrees 28 minutes 05 seconds West 18.79 feet to a point, thence North 10 degrees 30 minutes 55 seconds East 7.45 feet to a point in the terminus of said un-named branch and the southern edge of Everett Creek, thence leaving said un-named branch centerline terminus and along the southern edge of Everett Creek the following courses and distances, North 58 degrees 22 minutes 42 seconds East 80.76 feet to a point, thence North 29 degrees 02 minutes 44 seconds East 83.27 feet to a point, thence North 44 degrees 37 minutes 30 seconds East 27.67 feet to a point, thence North 65 degrees 53 minutes 52 seconds East 34.66 feet to a point, thence South 82 degrees 00 minutes 43 seconds East 57.39 feet to a point, thence South 49 degrees 33 minutes 10 seconds East 26.43 feet to a point, thence South 70 degrees 45 minutes 44 seconds East 36.60 feet to a point, thence South 71 degrees 30 minutes 34 seconds East 27.83 feet to a point, thence South 63 degrees 32 minutes 36 seconds East 78.40 feet to a point, thence South 82 degrees 03 minutes 18 seconds East 55.62 feet to a point, thence North 88 degrees 28 minutes 15 seconds East 42.61 feet to a point, thence North 62 degrees 47 minutes 20 seconds East 24.12 feet to a point, thence North 57 degrees 18 minutes 45 seconds East 52.37 feet to a point, thence North 33 degrees 12 minutes 26 seconds East 20.97 feet to a point, thence North 35 degrees 40 minutes 45 seconds East 36.26 feet to a point, thence North 63 degrees 29 minutes 51 seconds East 107.33 feet to a point, thence North 47 degrees 16 minutes 16 seconds East 26.07 feet to a point, thence North 35 degrees 27 minutes 32 seconds East 41.33 feet to a point, thence North 51 degrees 50 minutes 59 seconds East 50.65 feet to a point, thence North 57 degrees 30 minutes 40 seconds East 55.14 feet to a point, thence South 85 degrees 13 minutes 34 seconds East 18.64 feet to a point, thence South 66 degrees 21 minutes 15 seconds East 53.36 feet to a point, thence South 18 degrees 58 minutes 53 seconds East 18.39 feet to a point, thence South 63 degrees 35 minutes 16 seconds East 83.29 feet to a point, North 78 degrees 07 minutes 19 seconds East 29.93 feet to a point, thence South 72 degrees 47 minutes 38 seconds East 28.00 feet to a point in the southern edge of said creek, thence leaving said southern edge of Everett Creek, South 12 degrees 22 minutes 03 seconds West 113.57 feet to a point, thence South 09 degrees 38 minutes 53 seconds West 60.49 feet to a point, thence South 32 degrees 24 minutes 50 seconds West



28.99 feet to a point, thence South 36 degrees 22 minutes 27 seconds West 102.38 feet to a point, thence South 63 degrees 48 minutes 14 seconds West 53.18 feet to a point, thence South 64 degrees 30 minutes 13 seconds West 66.83 feet to a point, thence South 45 degrees 39 minutes 14 seconds West 145.90 feet to a point, thence South 04 degrees 33 minutes 04 seconds East 187.02 feet to a point, thence along a curve to the right having a radius of 266.41 feet, a length of 202.33 feet and chord bearing and chord of South 59 degrees 07 minutes 01 seconds East 197.50 feet to a point, thence South 37 degrees 21 minutes 34 seconds East 510.00 feet to a point, thence South 52 degrees 38 minutes 26 seconds West 477.40 feet to a point, thence South 02 degrees 58 minutes 23 seconds East 1286.48 feet to a point, thence North 81 degrees 41 minutes 55 seconds West 428.13 feet to a point in the eastern right of way line of Everett Yopp Drive, thence along a curve to the right having a radius of 1024.78 feet, a length of 109.17 feet and chord bearing and chord of South 12 degrees 25 minutes 09 seconds West 109.11 feet to a point, thence continuing along said eastern right of way line the following courses and distances, thence South 15 degrees 28 minutes 15 seconds West 701.39 feet to a point, thence along a curve to the right having a radius of 665.04 feet, a length of 186.25 feet and chord bearing and chord of South 23 degrees 29 minutes 35 seconds West 185.64 feet to a point, thence South 31 degrees 31 minutes 01 seconds West 298.58 feet to an existing iron rod, thence South 10 degrees 45 minutes 48 seconds East 1149.59 feet to an existing iron rod in the eastern right of way line of Everett Yopp Drive and northern right of way line of N.C. Highway 172, thence leaving said eastern right of way line and along said northern right of way line South 79 degrees 14 minutes 12 seconds West 60.00 feet to a set concrete monument on the western right of way of Everett Yopp Drive and the northern right of way line of N.C. Highway 172 and being the point and place of beginning. Containing 54.19 acres, as surveyed by Charles Francis Riggs, P.L.S. L-2981 on April 20, 1999. The courses contained within are correct in angular relationship and are referenced to NAD 1983.