



Space Above This Line For Recording Data

Prepared by and return to Robert B. Hobbs, Jr., Attorney
Hornthal, Riley, Ellis & Maland, LLP
Post Office Box 310
Nags Head, North Carolina 27959

STATE OF NORTH CAROLINA
COUNTY OF DARE

**FOURTH AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
SANDERLING PHASES 1, 2, 2A, 2B, 3 AND 4
LOTS 1 THROUGH AND INCLUDING 131**

This Fourth Amendment to Declaration of Covenants, Conditions and Restrictions, is made and entered into on this 23rd day of August, 2005, by SANDERLING HOMES ASSOCIATION, INC., a North Carolina nonprofit corporation (hereinafter referred to as the "Association").

WITNESSETH:

WHEREAS, the Association is the entity charged with the powers of maintaining and administering the Community Properties and facilities and with administrating and enforcing the covenants, conditions and restrictions of, and collecting and disbursing the assessments and charges created by, the Declaration of Covenants, Conditions and Restrictions of Sanderling dated July 26, 1977, and recorded in Book 248, Page 661, in the Office of the Register of Deeds of Dare County, North Carolina, as amended by First Amendment to Declaration of Covenants, Conditions and Restrictions, dated October 27, 1977, and recorded in Book 253, Page 281, in the Office of the Register of Deeds of Dare County, North Carolina, and as supplemented by First Supplement to Declaration of Covenants, Conditions and Restrictions, dated July 11, 1978 and recorded in Book 264, Page 661, in the Office of the Register of Deeds of Dare County, North Carolina, and as supplemented by Second Supplement to Declaration of Covenants, Conditions and Restrictions, dated August 9, 1978 and recorded in Book 266, Page 90, in the Office of the Register of Deeds of

Dare County, North Carolina, and as amended by Second Amendment to Declaration of Covenants, Conditions and Restrictions, dated April 23, 1979, and recorded in Book 279, Page 84, in the Office of the Register of Deeds of Dare County, North Carolina, and as supplemented by Third Supplement to Declaration of Covenants, Conditions and Restrictions, dated June 22, 1979, and recorded in Book 281, Page 228, in the Office of the Register of Deeds of Dare County, North Carolina, and as supplemented by Fourth Supplement to Declaration of Covenants, Conditions and Restrictions, dated May 2, 1979 and recorded in Book 281, Page 234, in the Office of the Register of Deeds of Dare County, North Carolina, and as amended by Third Amendment to Declaration of Covenants, Conditions and Restrictions, dated October 6, 2001 and recorded in Book 1417, Page 491, in the Office of the Register of Deeds of Dare County, North Carolina (as corrected by Correction to Third Amendment filed in Book 1471, Page 480, Dare County Registry), and as supplemented by Fifth Supplement to Declaration of Covenants, Conditions and Restrictions, dated October 8, 2003, and recorded in Book 1525, Page 308, in the Office of the Register of Deeds of Dare County, North Carolina (all of said documents being hereinafter referred to collectively as the "Declaration"); and

WHEREAS, by virtue of the Third Amendment to Declaration of Covenants, Conditions and Restrictions, dated October 6, 2001 and recorded in Book 1417, Page 491, in the Office of the Register of Deeds of Dare County, North Carolina (as corrected by Correction to Third Amendment filed in Book 1471, Page 480, Dare County Registry), the Association elected to make the provisions of Chapter 47F, the North Carolina Planned Community Act, applicable to Sanderling Phases 1, 2, 2A, 3 and 4 (the Association subsequently added Lot 68A, Phase 2B to the Planned Community by virtue of the Fifth Supplement to Declaration of Covenants, Conditions and Restrictions, dated October 8, 2003, and recorded in Book 1525, Page 308, in the Office of the Register of Deeds of Dare County, North Carolina); and

WHEREAS, due to the Association's election to make the provisions of the North Carolina Planned Community Act applicable to Sanderling, and pursuant to Sections 47F-1-102(d) and 47F-2-117 of the North Carolina General Statutes, the provisions of Article 9 of the Declaration, relating to amendments to the Declaration, were replaced in their entirety by the provisions of Section 47F-2-117 of the North Carolina General Statutes; and

WHEREAS, the Annual Meeting of the Members of the Association (being the Owners of Lots constituting the Properties) was held, after due notice and with a quorum present, on October 12, 2002, and at such meeting more than sixty-seven percent (67%) of the Members consented to the amendments to the Declaration hereinafter set forth, as required by Section 47F-2-117 of the North Carolina General Statutes.

NOW, THEREFORE, in accordance with the provisions of Section 47F-2-117 of the North Carolina General Statutes, the Association does hereby make the following amendments to the Declaration:

Section 1. Article Four, Section (c) of the Declaration is amended and restated to provide as follows:

(c) Setback Lines. No building shall be located on any Lot nearer to the front property line, side property line, or rear property line than the minimum building setback lines required by applicable zoning regulations or as shown on any recorded plat of The Properties. For purpose of this section, eaves, steps and porches without roofs shall not be construed to permit any portion of any building to encroach upon another Lot. Measurements shall be made to exterior walls.

Section 2. Article Four, Section (e) of the Declaration is amended and restated to provide as follows:

(e) Garage and Storage Receptacles. Each Owner shall provide receptacles for garbage, in compliance with local governmental and/or Association regulations. No fuel tanks or similar storage receptacles, other than solar panels and related storage facilities, may be exposed to view.

Section 3. Article Four, Section (h) of the Declaration is deleted in its entirety.

Section 4. Article Four A, Section 3(c) of the Declaration (as provided in the First Amendment to Declaration of Covenants, Conditions and Restrictions, dated October 27, 1977, and recorded in Book 253, Page 281, and in one or more recorded Supplemental Declarations) is amended and restated to provide as follows:

(c) Control of Committee. All committee members shall be members of the Sanderling Homes Association.

Section 5. All of the provisions contained in this Amendment shall encumber all of the Properties or Planned Community. Wherever a provision of this Amendment conflicts with specific provisions of the Declaration or the Planned Community Act (if the Planned Community Act permits such variation), the provisions of this Amendment shall prevail. Except as herein modified, the provisions and covenants of the Declaration, as amended by the Planned Community Act and by other recorded amendments, shall remain unchanged and continue in full force and effect as therein provided.

IN WITNESS WHEREOF, the Association has caused this Fourth Amendment to Declaration of Covenants, Conditions and Restrictions to be executed by its duly authorized President.

SANDERLING HOMES ASSOCIATION, INC.

BY: Charlotte Lee Waldrop
President

STATE OF Virginia
COUNTY/CITY OF Charlottesville

I, Diane P. Saunders, a Notary Public of the County or City of Charlottesville, and State aforesaid, certify that Charlotte Lee Waldrop personally came before me this day and acknowledged that she is President of SANDERLING HOMES ASSOCIATION, INC., a North Carolina Nonprofit Corporation, and that she, as President, being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official stamp or seal, this 23 day of August, 2005.

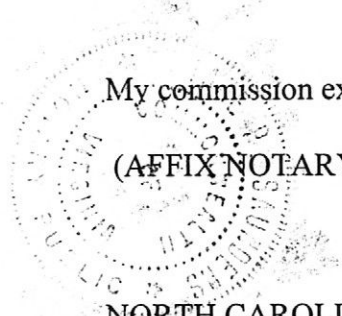
[Signature]
Notary Public

My commission expires: 9/30/06

(AFFIX NOTARY SEAL)



6178365
Page: 4 of 4
09/02/2005 04:47P



NORTH CAROLINA
DARE COUNTY

The foregoing or annexed certificate(s) of Diane P. Saunders
a Notary Public is/~~are~~ certified to be correct.

This 2nd day of September, 2005.

BARBARA M. GRAY
Register of Deeds

BY: Wynne E. Blair
DEPUTY REGISTER OF DEEDS