

INSTRUMENT # 2005003710



2005003710

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

AMENDMENT TO DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS - PRESERVATION POINTE

THIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS - PRESERVATION POINTE (this "Amendment") is made and entered into this 3rd day of January, 2005, by PROVIDENT DEVELOPMENT GROUP, INC., a North Carolina corporation ("Declarant").

Statement of Purpose

By that certain Declaration of Covenants, Conditions and Restrictions -Preservation Pointe, recorded in Book 17579 at Page 363 in the Office of the Register of Deeds of Mecklenburg County (the "Declaration"), Declarant subjected certain real property located in Mecklenburg County, North Carolina, to the protective covenants, conditions and restrictions set forth in the Declaration. (All defined terms used in this Amendment, as indicated by the initial capitalization thereof, shall, unless otherwise specifically defined herein, be deemed to have the same meaning as assigned to such terms in the Declaration.)

Lots 50 and 51 of the Subdivision, as shown on the Map recorded in Map Book 41 at Page 921 of the Mecklenburg Public Registry, are currently designated as Waterfront Lots in the Declaration. However, no Pier Zones can be established for Lots 50 and 51, and Declarant thus desires to redesignate Lots 50 and 51 as Water Access Lots, eligible to lease Boatslips.

The Declaration contemplated that Exhibits A, B, and C, and Pier Zones adjacent to Waterfront Lots, would be furnished by later amendment to the Declaration.

DRAWN BY AND MAIL TO:  
Kennedy Covington Lobbell & Hickman, LLP (BPE) Box 47  
Hearst Tower, 47<sup>th</sup> Floor  
214 North Tryon Street  
Charlotte, North Carolina 28202

2291927.01  
LIB: Charlotte

In accordance with Article XV, Section 3 of the Declaration, Declarant desires to amend the Declaration, as more specifically provided below, to redesignate the aforesaid Lots 50 and 51 as Water Access Lots; to add Exhibits A, B, and C; and to show Pier Zones for Waterfront Lots.

NOW, THEREFORE, Declarant does hereby amend the Declaration to redesignate Lots 50 and 51, which are currently Waterfront Lots, as Water Access Lots; and to incorporate Exhibits A, B, and C attached hereto as Exhibits A, B and C to the Declaration. Exhibit C shows the current approximate configuration of the Pier and Boatslips, and the Pier Zones for the Waterfront Lots. The configuration of the Pier and Boatslips is subject to change based upon final approvals from Duke Energy Corporation and FERC.

The Declaration shall remain in full force and effect as hereby amended.

IN WITNESS WHEREOF, Declarant and has caused this Amendment to be executed the day and year first above written.

"DECLARANT"  
PROVIDENT DEVELOPMENT GROUP, INC.  
a North Carolina corporation

By: [Signature]  
President

STATE OF North Carolina  
COUNTY OF Mecklenburg

I, Kristin Ollard a Notary Public of the County and State aforesaid, certify that Tom Waters personally came before me this day and acknowledged that s/he is  President of Provident Development Group, a North Carolina corporation, and that he/she, as  President, being authorized to do so, executed the foregoing instrument on behalf of the corporation.

Witness my hand and official seal, this 3rd day of January, 2005.



[Signature]  
Notary Public

My commission expires: Aug 20, 2007

**EXHIBIT A**

**EROSION CONTROL PRACTICES**

**Erosion Control Practices are described and shown on the following four pages.  
Erosion control practices must also comply with all governmental requirements and  
all requirements set forth in any Guidelines.**

## EROSION CONTROL

(Page 1 of 4)

Each Owner and Approved Builder shall be responsible for causing the following minimum erosion control practices to be implemented and maintained throughout the course of all earth-disturbing operations until the time of final seeding:

### a. Roadway and Homesite Construction Entrance

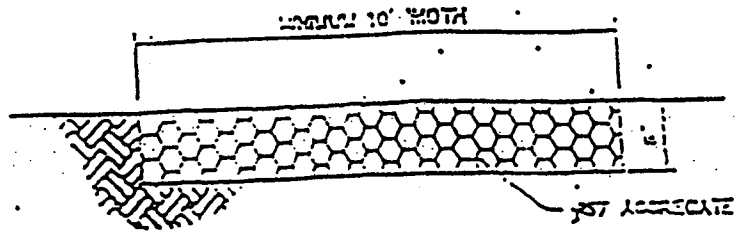
Prior to the start of any earth-disturbing operation, a stone construction entrance shall be installed on the building site (the "Construction Entrance"). The Construction Entrance shall: (i) if possible, be installed in the same location as the proposed driveway so as to minimize the amount of disturbed area; (ii) extend a minimum of 50 feet from an existing roadway; and (iii) be installed, preserved and replaced, if necessary, in accordance with the standards more particularly set forth on page 2 of this Exhibit C.

### b. Silt Control Devices

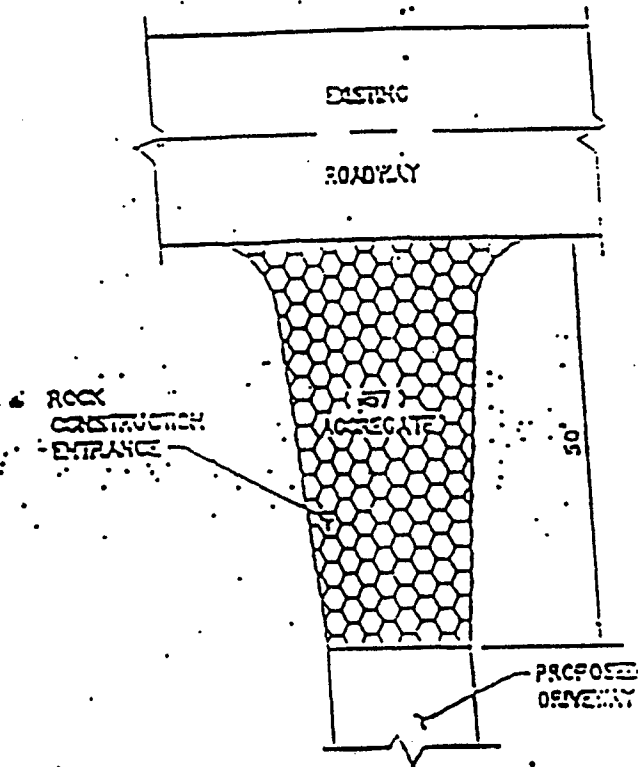
Prior to the start of any earth-disturbing operation, a diversion ditch and rock check dam shall be constructed and maintained on the building site (collectively "Silt Control Devices"). The Silt Control Devices shall be located at the boundary of the estimated disturbed area as set forth more particularly on page 3 of this Exhibit C and shall be constructed, preserved and replaced, if necessary, in accordance with the standards set forth on page 4 of this Exhibit C.

EROSION CONTROL

(Page 2 of 4)



ELEVATION VIEW



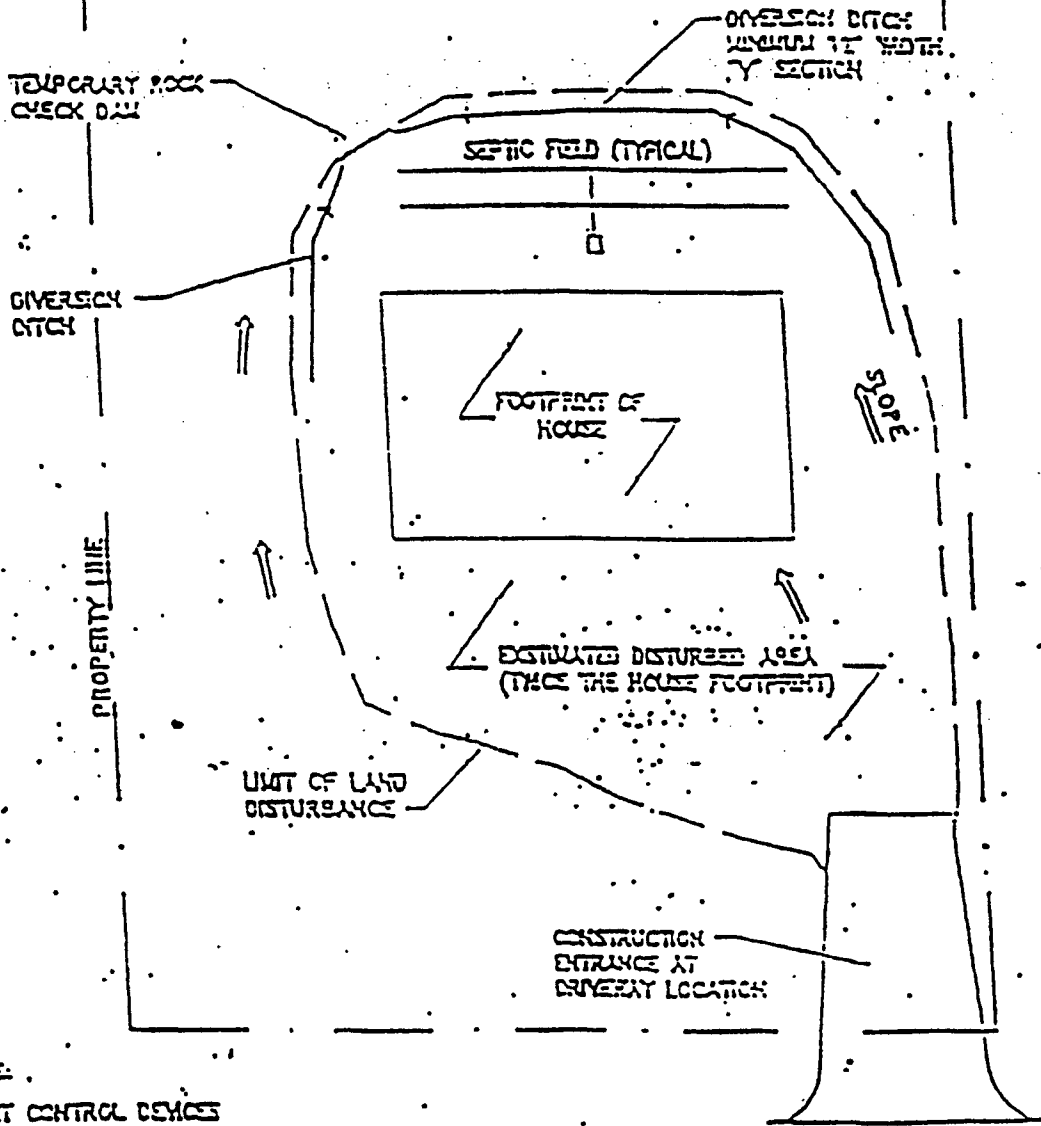
PLAN VIEW

ROADWAY AND HOMESITE  
CONSTRUCTION ENTRANCE DETAIL

H. T. S.

# EROSION CONTROL

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## NOTES:

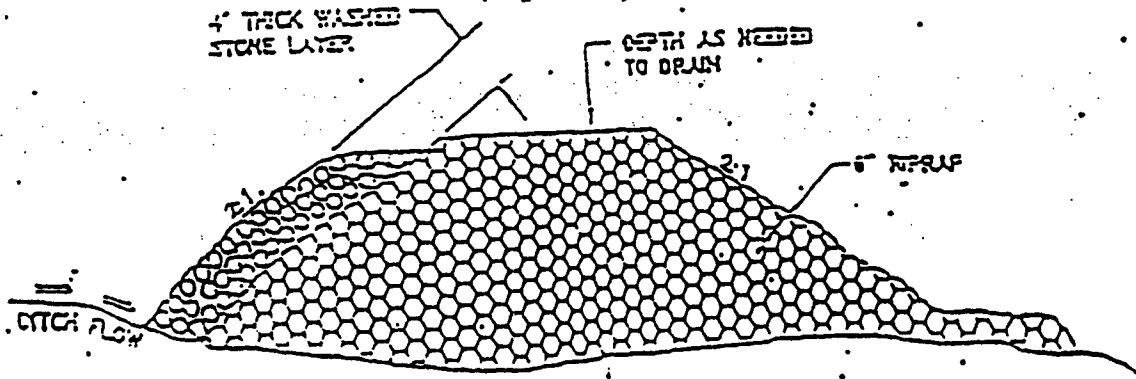
1. SILT CONTROL DEVICES TO REMAIN IN PLACE UP TO TIME OF FINAL SEEDING.
2. ON WATERFRONT LOTS, ALL SEDIMENT CONTROL DEVICES ARE NOT TO ENCRoACH ON 50 FT WATERFRONT SETBACK.

## TYPICAL EROSION CONTROL MEASURES FOR INDIVIDUAL HOMESITES

H. T. S.

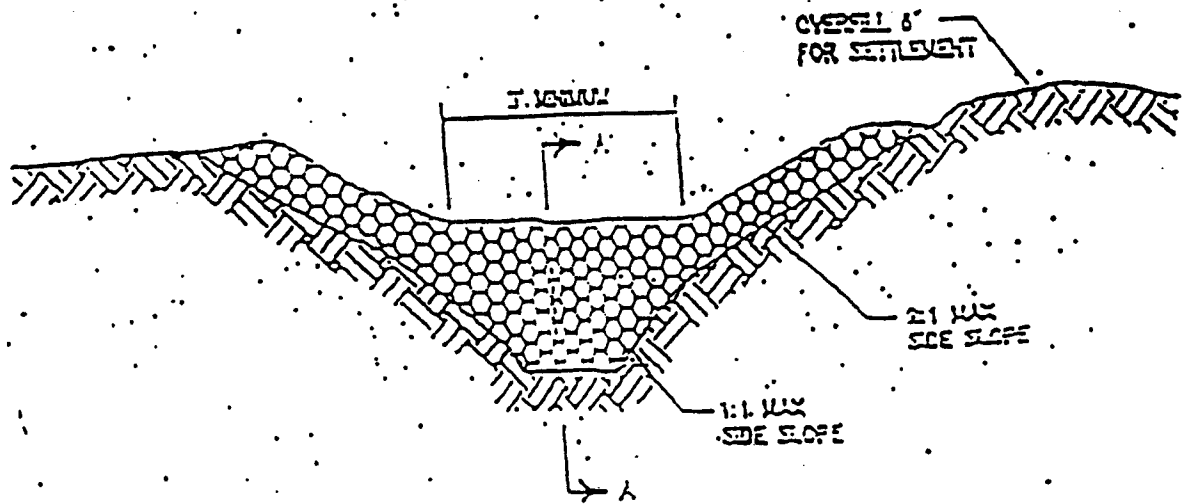
EROSION CONTROL

(Page 4 of 4)



SECTION A-A

N. T. S.



DITCH SECTION

N. T. S.

ROCK CHECK DAM

**EXHIBIT B**

**SHORELINE STABILIZATION AND DOCK IMPROVEMENTS**

**Shoreline stabilization and dock improvements procedures are described and shown on the following page. Shoreline stabilization and dock improvements must also comply with all governmental requirements and all requirements set forth in any Guidelines.**

# Shoreline Stabilization & Dock Improvements

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.

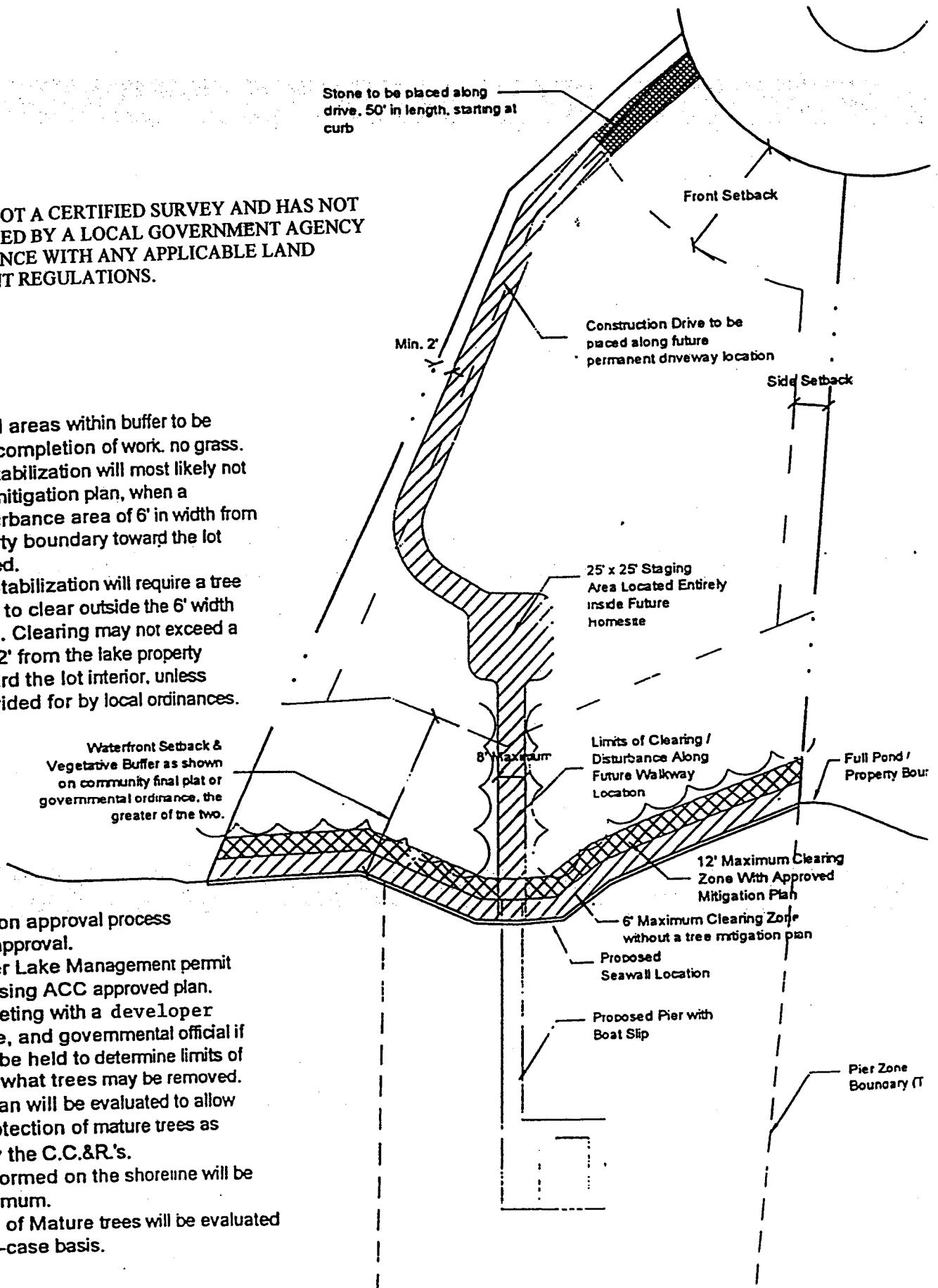
## General Notes:

- 1.) All disturbed areas within buffer to be mulched upon completion of work, no grass.
- 2.) Shoreline Stabilization will most likely not require a tree mitigation plan, when a maximum disturbance area of 6' in width from the lake property boundary toward the lot prior is utilized.

3.) Shoreline Stabilization will require a tree mitigation plan to clear outside the 6' width detailed above. Clearing may not exceed a maximum of 12' from the lake property boundary toward the lot interior, unless otherwise provided for by local ordinances.

## 4.) Construction approval process

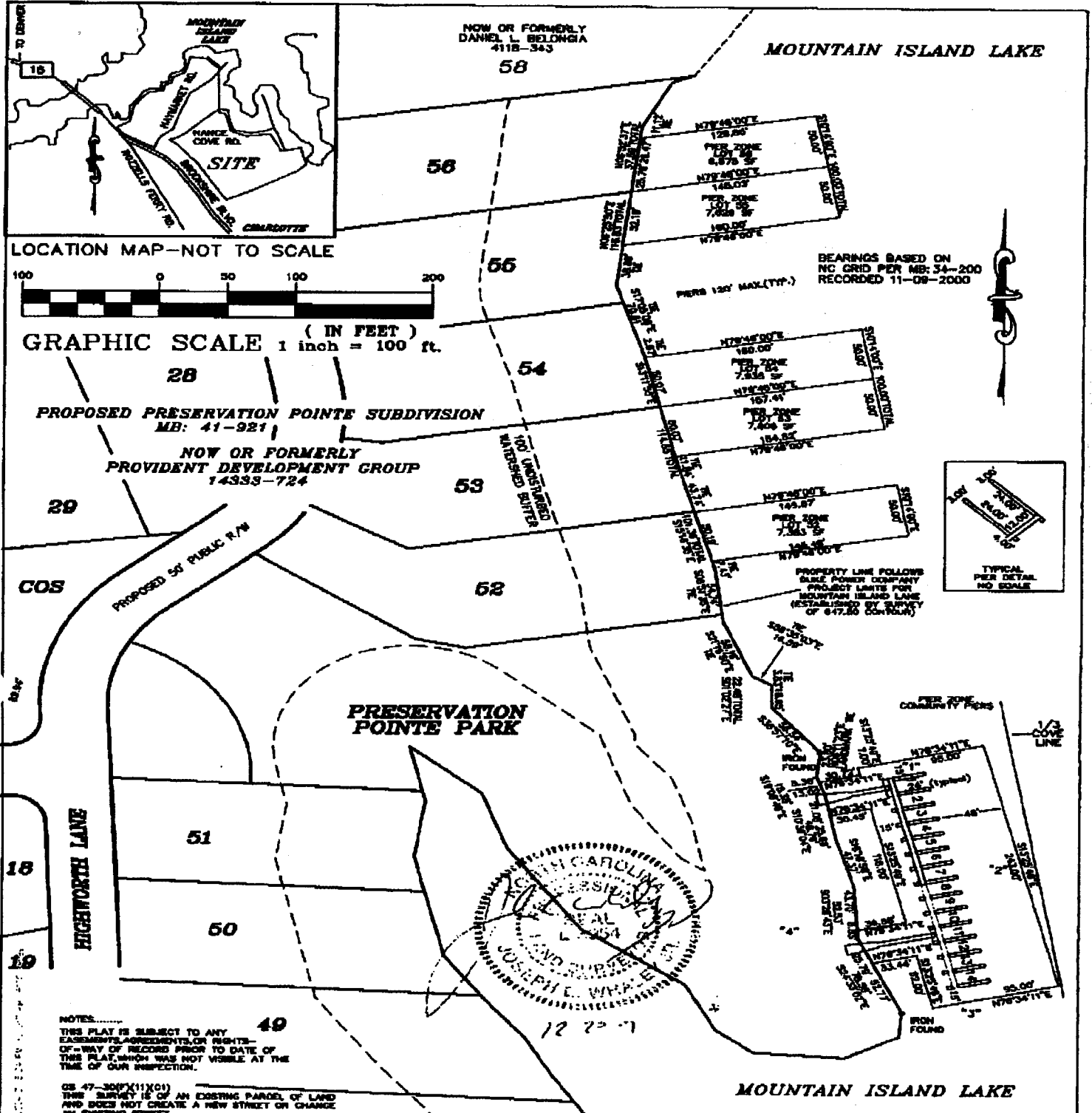
- a. ACC plan approval.
  - b. Duke Power Lake Management permit obtained by using ACC approved plan.
  - c. On-site meeting with a developer representative, and governmental official if required, will be held to determine limits of clearing, and what trees may be removed.
- 5.) Overall Plan will be evaluated to allow maximum protection of mature trees as prescribed by the C.C.&R.'s.
- 6.) Work performed on the shoreline will be held to a minimum.
- 7.) Mitigation of Mature trees will be evaluated on a case-by-case basis.



**EXHIBIT C**

**BOATSLIP CONFIGURATION AND PIER ZONES**

**The approximate configurations of the Piers and Boatslips, and of the Pier Zones for the Waterfront Lots, are described and shown on the following two pages. Such configurations are subject to change to comply with all requirements of FERC and all other governmental requirements, and all requirements of Duke Energy.**



**NOTES:**

THIS PLAT IS SUBJECT TO ANY EASEMENTS, AGREEMENTS, OR RIGHTS-OF-WAY OF RECORD PRIOR TO DATE OF THIS PLAT, WHICH WAS NOT VISIBLE AT THE TIME OF OUR INSPECTION.

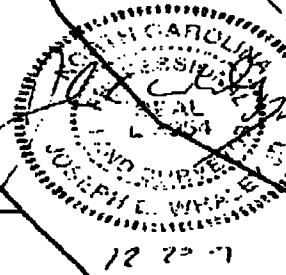
GS 47-309(1)(1)(C1)  
THIS SURVEY IS OF AN EXISTING PARCEL OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

THIS SURVEY NOT INTENDED TO MEET GS-30 REQUIREMENTS. THIS SURVEY WAS PERFORMED PER THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA WITH AN ERROR OF CLOSURE IN EXCESS OF 1:10,000.

PROPERTY CORNERS IDENTIFIED WERE LOCATED BY ACTUAL FIELD SURVEY. ALL DISTANCES ARE HORIZONTAL DISTANCES UNLESS OTHERWISE NOTED.

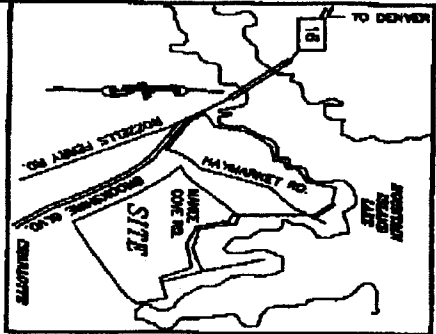
THIS MAP WAS PREPARED FOR THE PURPOSE OF RIGHT-OF-WAY OR EASEMENT ACQUISITION ONLY, AND IS NOT INTENDED TO BE A BOUNDARY SURVEY OF THE PROPERTY SHOWN.

I, JOSEPH E. WHALEY JR., STATE THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY MADE BY TAYBROUGH-WILLIAMS & HOLE, INC.



<b>PIER EASEMENT MAP FOR: PROVIDENT DEVELOPMENT GROUP</b>				
SCALE	TOWNSHIP	COUNTY	STATE	DATE
1" = 100'	PAW CREEK	MECK.	N.C.	12/20/04
<b>PIER EASEMENT MAP (SHEET 1) OF PRESERVATION POINTE</b>				
DRAWN BY	TAYBROUGH-WILLIAMS & HOLE, INC. PLANNING & SURVEYING & ENGINEERING			DATE RECORDED
JEB	12/20/04			11/11/05

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS



LOCATION MAP - NOT TO SCALE

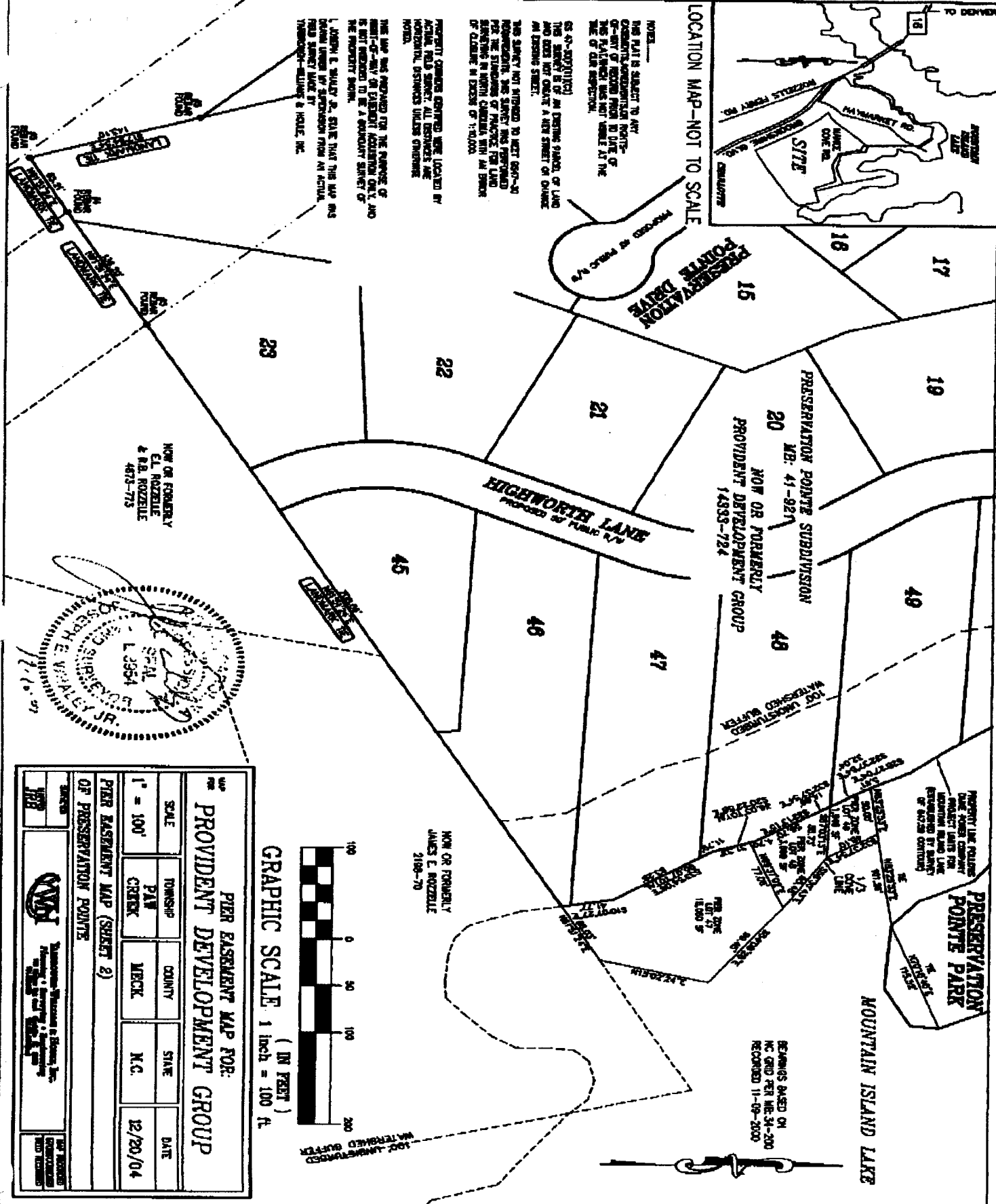
NOTE: THIS PLAT IS SUBJECT TO ANY CORRECTIONS, AMENDMENTS, MODIFICATIONS, OR ANY OF RECORD FROM TO DATE OF THIS PLAT. THIS PLAT DOES NOT VARY AT THE TIME OF THE ORIGINAL SURVEY.

THIS SURVEY IS OF AN EXISTING PARCEL, OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

PROPERT COMPASS BEARING WERE LOCATED BY ACTUAL FIELD SURVEY. ALL DISTANCES ARE HORIZONTAL DISTANCES UNLESS OTHERWISE NOTED.

THIS MAP WAS PREPARED FOR THE PURPOSES OF SUBDIVISION OF LAND FOR EASEMENT ACQUISITION ONLY, AND IS NOT INTENDED TO BE A BOUNDARY SURVEY OF THE PROPERTY BOUND.

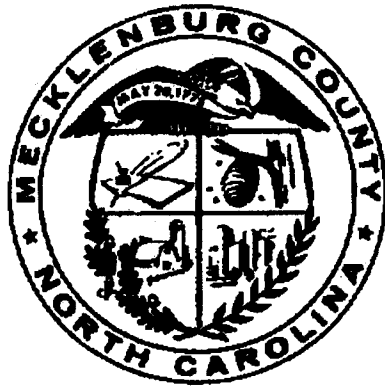
L. JOSEPH E. SHALEY, JR. STATE THAT THIS MAP WAS DRAWN UNDER THE SUPERVISION FROM AN ACTUAL THROUGH-SURVEYING & HOUSE, INC.



BEARINGS BASED ON NC GRID PER ME. 34-200 RECORDED 11-09-2000

PIER EASEMENT MAP FOR:				
<b>PROVIDENT DEVELOPMENT GROUP</b>				
SCALE	TOWNSHIP	COUNTY	STATE	DATE
1" = 100'	PAW	YORK	N.C.	12/20/04
PIER EASEMENT MAP (SHEET 2)				
OF PRESERVATION POINTS				

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS



JUDITH A. GIBSON  
REGISTER OF DEEDS, MECKLENBURG  
COUNTY & COURTS OFFICE BUILDING  
720 EAST FOURTH STREET  
CHARLOTTE, NC 28202

**PLEASE RETAIN YELLOW TRAILER PAGE**

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

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Filed For Registration: 01/06/2005 11:31 AM  
Book: RE 18217 Page: 244-256  
Document No.: 2005003710  
RESTR 13 PGS \$47.00  
Recorder: SERENA ROSS

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State of North Carolina, County of Mecklenburg

The foregoing certificate of KRISTIN DILLARD Notary is certified to be correct. This 6TH of January 2005

JUDITH A. GIBSON, REGISTER OF DEEDS By: Serena m. Ross  
Deputy/Assistant Register of Deeds

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