

STATE OF NORTH CAROLINA

COUNTY OF BURKE

**SIXTH SUPPLEMENTAL DECLARATION
OF
COVENANTS, CONDITIONS AND RESTRICTIONS
EAST SHORES V**

FILED
LOUISE ANDERSON
Book 853 Page 1524
DEC 27 AIO 42
Louise Anderson
REGISTRAR OF DEEDS
BURKE CO. N.C.

THIS SIXTH SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR EAST SHORES V (this "Sixth Supplemental Declaration") is made and entered into this 19th day of December, 1995, by CRESCENT RESOURCES, INC., a South Carolina corporation ("Declarant").

WITNESSETH:

WHEREAS, Declarant has previously filed the Declaration of Covenants, Conditions and Restrictions - East Shores dated September 14, 1990, and recorded in Book 771, Page 364, Burke County Public Registry, as supplemented by that certain Supplemental Declaration of Covenants, Conditions and Restrictions - East Shores II dated October 26, 1990, and recorded in Book 773, Page 1826, Burke County Public Registry, all as amended by that certain Amendment to Declaration of Covenants, Conditions and Restrictions - East Shores and to Supplemental Declaration of Covenants, Conditions and Restrictions - East Shores II dated December 20, 1990, and recorded in Book 774, Page 1229, Burke County Public Registry and that certain Second Amendment to Declaration of Covenants, Conditions and Restrictions - East Shores and to Supplemental Declaration of Covenants, Conditions and Restrictions - East Shores II dated March 28, 1991, and recorded in Book 777, Page 1862, Burke County Public Registry and that certain Second Supplemental Declaration of Covenants, Conditions and Restrictions - East Shores III dated September 18, 1992, and recorded in Book 801, Page 342, Burke County Public Registry and that certain Third Amendment to Declaration of Covenants, Conditions and Restrictions - East Shores and to Supplemental Declaration of Covenants, Conditions and Restrictions - East Shores II and to Second Supplemental Declaration of Covenants, Conditions and Restrictions - East Shores III dated September 18, 1992, and recorded in Book 801, Page 367, Burke County Public Registry and that certain Fourth Amendment to Declaration of Covenants, Conditions and Restrictions - East Shores and to Supplemental Declaration of Covenants, Conditions and Restrictions - East Shores II and to Second Supplemental Declaration of Covenants, Conditions and Restrictions - East Shores III dated June 23, 1993, and recorded in Book 809, Page 9, Burke County Public Registry, and that certain Third Supplemental Declaration of Covenants, Conditions and Restrictions - East Shores IV dated December 8, 1993, and recorded in Book 817, Page 1234, Burke County Public Registry and that certain Fourth Supplemental Declaration of Covenants, Conditions and Restrictions - East Shores V dated February 9, 1994, and recorded in Book 820, Page

618, Burke County Public Registry, and that certain Fifth Amendment to Declaration of Covenants, Conditions and Restriction - East Shores and to Supplemental Declaration of Covenants, Conditions and Restrictions - East Shores II and to Second Supplemental Declaration of Covenants, Conditions and Restrictions - East Shores III and recorded in Book 827, Page 1324, Burke County Public Registry, and that certain Fifth Supplemental Declaration of Covenants, Conditions and Restrictions - East Shores VI dated November 10, 1994, and recorded in Book 834, Page 345, Burke County Public Registry (collectively referred to hereinafter as the "Declaration");

WHEREAS, pursuant to Article II, Section 2 of the Declaration, Declarant may cause additional property to be made subject to the terms and scheme of the Declaration by filing a Supplemental Declaration in Burke County Public Registry; and

WHEREAS, Declarant desires to cause that certain property located in Burke County, North Carolina, and more particularly described as being all of that strip or parcel of land lying between the southern lot lines of Lots 41, 42, 43 and 44 and a portion of the southern lot line of Lot 45 (as said Lots are shown on the map of East Shores, Phase V recorded in Plat Book 10, Page 218, Burke County Public Registry, which map is hereinafter referred to as the "Original Phase V Map") and the contour line of Lake James and more particularly set forth and shown as "area formerly leased to Mimosa Fishing Club" and as Lot 45B on that certain map entitled "Revision of Lots 41, 42, 43 and 44, EAST SHORES---V" recorded in Plat Book 11, Page 120, Burke County Public Registry (the "Former Fishing Club Property"), to be made subject to the terms and scheme of the Declaration.

NOW, THEREFORE, Declarant, by this Sixth Supplemental Declaration, hereby declares that (subject to certain rights of amendment, as set forth in the Declaration) all of the Former Fishing Club Property is and shall be held, transferred, sold, conveyed and occupied subject to the Declaration as supplemented by this Sixth Supplemental Declaration and the easements, covenants, conditions, restrictions, charges and liens set forth therein and in this Sixth Supplemental Declaration, all of which shall run with the title to the Former Fishing Club Property and be binding upon all parties owning any right, title or interest in and to such Former Fishing Club Property, or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof, subject to the following additional terms and conditions:

ARTICLE I DEFINITIONS

Section 1.1. "Additional Property" as defined in the Declaration shall be deemed to include the Former Fishing Club Property (as defined above).

Section 1.2. "Lot" or Lots" as defined in the Declaration shall be deemed to include Lots 41, 42, 43 and 44 as same are shown on the Map entitled "Revision of Lots 41, 42, 43

& 44-East Shores---V recorded in Book 11, Page 120, Burke County Public Registry (the "Revised Phase V Map"); and Lot 45 as shown on the Original Phase V Map and Lot 45B as shown on the Revised Phase V Map (which Lots 45 and 45B shall from and after the date hereof be considered a single Lot for all purposes under the Declaration). The configuration of Lots 41, 42, 43 and 44 as shown on the Revised Phase V Map replaces, supplants and supersedes the configuration thereof shown on the Original Phase V Map; and the configuration of combined Lot 45 as shown on the Original Phase V Map and Lot 45B as shown on the Revised Phase V Map replaces, supplants and supersedes the configuration of Lot 45 as shown on the Original Phase V Map.

Section 1.3. "Map" as defined in the Declaration shall be deemed to include the Revised Phase V Map as described herein.

Section 1.4. "Property" as defined in the Declaration shall be deemed to include the Former Fishing Club Property as shown on the Revised Phase V Map.

Section 1.5. "Waterfront Lots" as defined in the Declaration shall be deemed to include Lots 41 through 44, all as shown on the Revised Phase V Map.

ARTICLE II GENERAL TERMS

All capitalized terms not otherwise defined in this Sixth Supplemental Declaration shall have the same meaning as in the Declaration. Except as expressly amended or modified hereby to reflect specific differences in character of the Former Fishing Club Property, all covenants, conditions, restrictions and easements established by and contained in the Declaration shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, Declarant has caused this Sixth Supplemental Declaration to be executed by its officers thereunto duly authorized and its corporate seal to be hereunto affixed, all the day, month and year first above written.

ATTEST:

By: Ethelene Williams
Secretary



CRESCENT RESOURCES, INC. a
South Carolina corporation

By: [Signature]
vice President

STATE OF NORTH CAROLINA

COUNTY OF Mecklenburg

This 19th day of December, 1995, before me, the undersigned Notary Public in and for the County and State aforesaid, personally came Gilbert D. Stephenson, Jr. who, being duly sworn, says that he is vice President of CRESCENT RESOURCES, INC., a South Carolina corporation, and that the seal affixed to the foregoing instrument in writing is the corporate seal of the corporation, and that he signed and sealed said instrument on behalf of said corporation by its authority duly given. And the said vice President acknowledged said instrument to be the act and deed of said corporation.

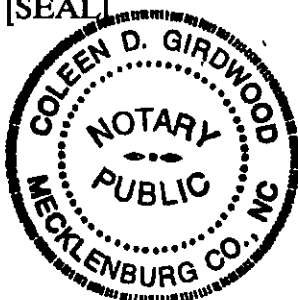
WITNESS my hand and notarial seal the day and year first above written.

Coleen D. Girdwood
Notary Public

My Commission Expires:

6-19-1999

[SEAL]



STATE OF NORTH CAROLINA—BURKE COUNTY

The certificates of Coleen D. Girdwood

D.P. Mecklenburg Co. N.P. of said county is adjudged

to be correct. Let the instrument with its certificates, be regis-

tered this 27 day of Dec 19 95

Elizabeth Stogner Register of Deeds
LOUISE ANDERSON