

SECOND AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
AFFECTING AERIES ON THE BAY, PHASE ONE

THIS AMENDMENT made this 5th day of September, 1984, by the undersigned, being the Declarant who is the owner of all of the property shown on the plat entitled "Aeries on the Bay, Phase One", which said plat is duly recorded in the Clerk's Office of the Circuit Court of the City of Virginia Beach, Virginia in Map Book 171, at page 23 and "Resubdivision of Lots 13 through 24, Block 'A', Aeries on the Bay, Phase One", which said plat is duly recorded in Map Book 173, at page 24.

WHEREAS, Article II, Section 1 of the Declarations of Covenants, Conditions and Restrictions, dated November 19, 1983, and recorded in Deed Book 2307, at page 1541, amended in Deed Book 2330, at page 1733, provides that the declaration of covenants, conditions and restrictions of Aeries on the Bay may be supplemented or modified; and

WHEREAS, the Declarant desires to amend the hereinabove mentioned restrictions; and

NOW, THEREFORE, Article III, Section 2, F. of that certain Aeries on the Bay Declaration of Covenants, Conditions and Restrictions dated November 19, 1983 and duly recorded in the Clerk's Office of the Circuit Court of the City of Virginia Beach, Virginia in Deed Book 2307, at page 1541 is hereby amended to read as follows:

F. Improvements and Alterations. Each of said lots shall be used exclusively for residential purposes and no building, wall, fence, color or stain used on said fence, swimming pool, bathhouse, dog house, tool shed, solar panels or other structure shall be placed upon any building or lot unless and until the plans and specifications therefor and the plot plan have been approved in writing by Declarant. No fence will be allowed in front of the front line of any house. No fence shall be more than six (6) feet in height. No fence shall extend more than twelve (12) feet beyond the masonry deck party walls. Barbed wire, chain link and any other types of fences are specifically prohibited. Only board on

board fences built strictly in compliance with the specifications made by the attached Exhibit 'A', will be allowed. No variation from the type of boards, the spacing of boards or posts will be allowed. Gates are also to be built to the same specification as the fence. The only exception to this restriction will be the allowance of salt treated natural split rail fence on end unit lots only. All plans, specifications and plot plans shall be submitted in duplicate, with one set to be retained by Declarant, if approved, and shall include a floor plan drawn to scale, front elevation, and a landscaping plan providing for a reasonable number of trees and shrubs. Each such building, wall, fence, color or stain used on said fence, or other structure shall be placed on the lot only in accordance with the plans and specifications so approved. Refusal of approval of plans and specifications by Declarant may be based upon any ground, including purely esthetic grounds, which in the sole discretion of Declarant shall be deemed sufficient. (Without in any way limiting the foregoing, plans and specifications providing for cinder block or asbestos siding will be disapproved.) No alteration to the exterior appearance of any structure shall be made without like approval. Declarant reserves the right to designate from time to time one or more individual(s), association(s) or corporation(s) to act in the approval or rejection of such plans and specifications and for the enforcement of the provisions of this Declaration, and each such designee shall have the powers and authority as are reserved to Declarant for the enforcement, and carrying out of the provisions of this Declaration. Authority shall continue and remain vested in each such designee until such time as Declarant shall cancel and terminate the designation by an instrument under seal.

IN WITNESS WHEREOF, Aeries on the Bay, Inc. has caused these presents to be executed in its name and behalf by its president duly authorized, this 5th day of September, 1984.

AERIES ON THE BAY, INC.

By: Donald L. Moore (SEAL)
Donald L. Moore, President

GUY CROWWELL BETZ
& LUSTIG, P.C.
ATTORNEYS AT LAW

BK 7364 PG 0927

STATE OF VIRGINIA, AT LARGE
CITY OF VIRGINIA BEACH, to-wit:

I, Rebecca F. Miles, a Notary Public in and
for the City and State aforesaid, do certify that Donald L. Moore,
President of Aeries on the Bay, Inc., whose name as such is signed
to the foregoing writing, has acknowledged the same before me in
my said City and State.

GIVEN under my hand this 5th day of September, 1984.

Rebecca F. Miles
Notary Public

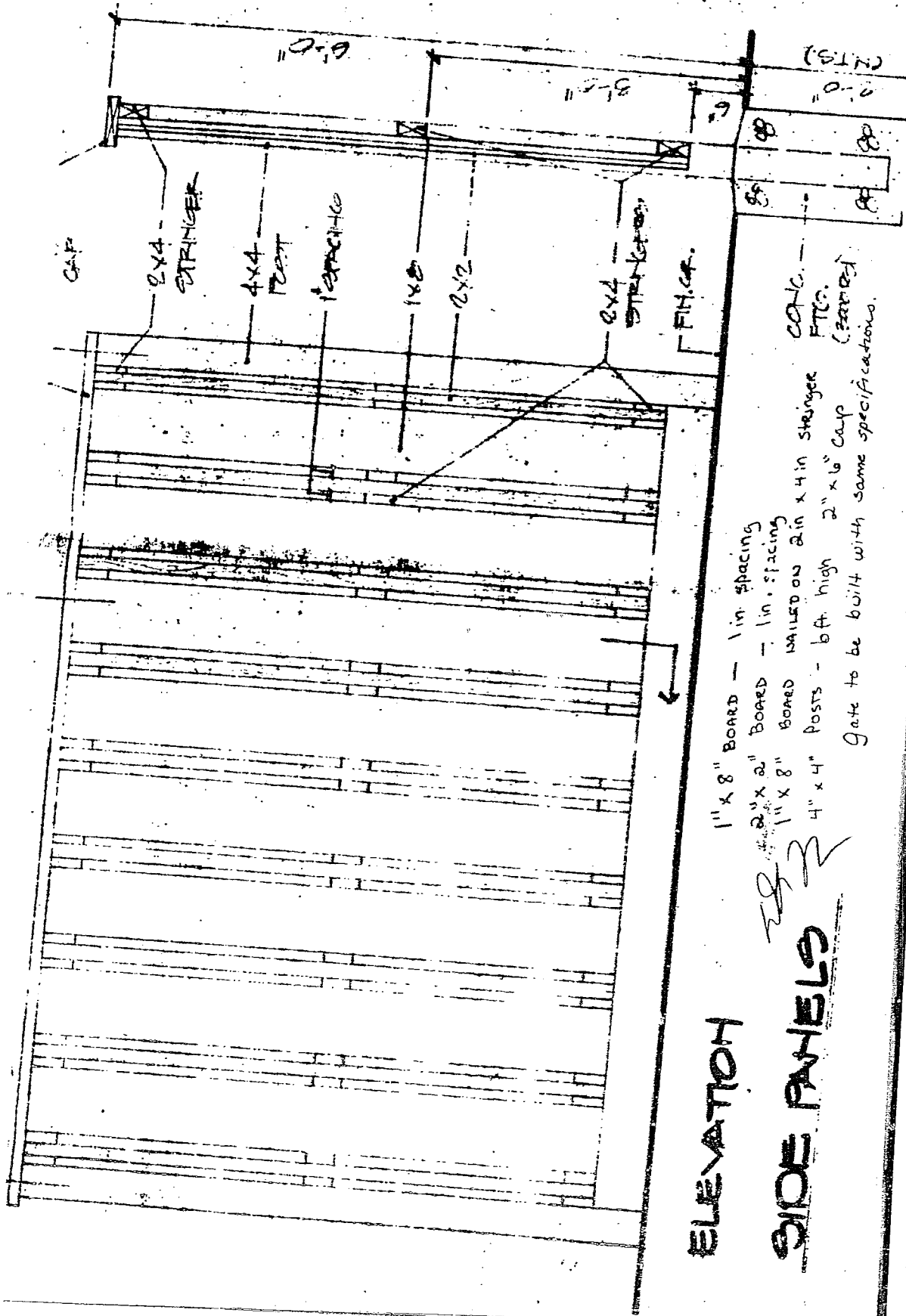
My term of office expires: January 27, 1985

GUY CROWWELL BETZ
& LUSTIG, P.C.
ATTORNEYS AT LAW

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Exhibit "A"

BK 2364 PG 0928



BK 2364 PG 0929

VIRGINIA: October 84 In the Clerk's Office of the Circuit Court of Virginia Beach.....day
of..... 1984..... this instrument was received and upon the
certificate of acknowledgment thereto annexed, submitted to record. The tax imposed by 158-54.1 of the Code,
has been paid, in the amount of \$.....
JAMES J. CURTIS, Clerk *Ligier Stewart* D. C.