

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

THIS AMENDMENT made this 17th day of April, 1984, by the undersigned, being the Declarant who is the owner or previous 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 provides that the declaration of covenants, conditions and restrictions of Aeries on the Bay may be supplemented or modified and

WHEREAS, the contracts of purchase pertaining to any lots conveyed prior to recordation of additional restrictions provide that said purchasers agree to be bound by any additional restrictions of record.

NOW, THEREFORE, Article III, Section 2, A. 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:

A. Townhouses Residential Use. All property in this classification shall be used, improved and devoted exclusively to townhouses. No gainful occupation, profession, trade or other non-residential use shall be conducted on any such property. Nothing herein shall be deemed to prevent the leasing of all such property to a single family from time to time by the owner thereof, subject to all of the provisions of the Declaration, provided, however, that no lease whether oral or written shall be for a period of less than thirty (30) days. No townhouse shall be used for the purpose of a summer weekly rental. No structure whatever, other than one private, townhouse, together with a private garage, if applicable, for not

more than three (3) cars, shall be erected, placed or permitted to be erected on said premises.

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 17th day of April, 1984.

AERIES ON THE BAY, INC.

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

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

I, Monica Theresa Comeskey, 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 17th day of April, 1984.

Monica Theresa Comeskey
Notary Public

My term of office expires: 10-19-84

Notary Seal: In the City's Office of the Circuit Court of Virginia Beach, on the 17th day of April, 1984, at 10:49 AM, the instrument was received and upon the certificate of acknowledgment on the same, the fee of \$10.00 has been paid. The fee imposed by §§ 58-543 of the Code.

James E. Cooper
Notary Public

JOY, CROMWELL, BETZ
& LUSTIG, P.C.
ATTORNEYS AT LAW

RC