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AMENDMENT TO DECLARATION
OF COVENANTS, CONDITIONS AND
RESTRICTIONS AFFECTING
LOTS 92 THROUGH 110, BLOCK B
AERIES ON THE BAY, PHASE TWO, PART 'C'
LOTS 111 THROUGH 120, BLOCK B
AERIES ON THE BAY, PHASE TWO, PART 'B'

THIS AMENDMENT made this 10th day of January, 1986, by the undersigned, being the Declarant who is the developer of all of the property shown on the plat entitled "AERIES ON THE BAY, PHASE TWO, PART 'C'", Bayside Borough, Virginia Beach, Virginia, 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 185, at pages 6 and 7; and "AERIES ON THE BAY, PHASE TWO, PART 'B', AND RESUBDIVISION OF LOTS 36-43, BLOCK 'B', PHASE TWO, PART 'A' BAYSIDE BOROUGH, VIRGINIA BEACH, VIRGINIA", which said plat is duly recorded in the Clerk's Office aforesaid in Map Book 186, at page 48.

WHEREAS, Article II, Section 1 of the Declarations of Covenants, Conditions and Restrictions, dated August 26, 1985, and recorded in Deed Book 2437, at page 1114, provides that the Declaration of Covenants, Conditions and Restrictions of Aeries on the Bay may be supplemented or modified; and

WHEREAS, Article III, Section 2(B) of the Declarations of Covenants, Conditions and Restrictions referenced above reads as follows: "No residence shall be erected on any lot with less than 1940 square feet of living space in the case of a one story building, or less than 1970 square feet of living

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space in any residence of more than one story. The term "living space" as used herein shall be determined by exterior perimeter measurements exclusive of garages, rooms over garages, porches and breezeways. No dwelling erected upon any lot shall be occupied until it has been substantially completed."

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

NOW, THEREFORE, Article III, Section 2(B) of the Declarations of Covenants, Conditions and Restrictions of Aeries on the Bay, dated August 26, 1985 and duly recorded in the Clerk's Office of the Circuit Court of the City of Virginia Beach, Virginia in Deed Book 2437, at page 1114, is hereby amended to read as follows: "No residence shall be erected on any lot with less than 1940 square feet of living space in the case of a one story building, or less than 1750 square feet of living space in any residence of more than one story. The term "living space" as used herein shall be determined by exterior perimeter measurements exclusive of garages, rooms over garages, porches and breezeways. No dwelling erected upon any lot shall be occupied until it has been substantially completed."

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 15th day of January 1985.

AERIES ON THE BAY, INC.,
a Virginia corporation

BY: Donald L. Moore
Donald L. Moore, President

CLARK & STANT, P.C.
ATTORNEYS
VIRGINIA BEACH, VIRGINIA

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STATE OF VIRGINIA

CITY OF VIRGINIA BEACH, to-wit:

I, Constance M. Vache, 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 15th day of January, 1985.

Constance M. Vache
Notary Public

My Commission Expires: 8-22-87

C.C. 21 REV. 3/85

VIRGINIA, January, 19 86 at 12:32 In the Clerk's Office of the Circuit Court of Virginia Beach 22 day
of January, 19 86 at 12:32, this instrument was received and upon the
certificate of acknowledgment thereto annexed, admitted to record. "The tax imposed by §58.1-802 of the Code,
has been paid, in the amount of \$....."

TESTE: J. CURTIS FRUIT, Clerk

By: Jacoby S. Entwistle C.

CLARK & STANT, P.C.
ATTORNEYS
VIRGINIA BEACH, VIRGINIA

RESTRAMP(1)