

Sussex County Tax Map No. *3-34 19.00 112.00 - 1188.00*

Prepared By and Return To:
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P.O. Box 875, Georgetown, DE 19947

SECOND AMENDMENT TO THE DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR BALD EAGLE VILLAGE

THIS SECOND AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is made and executed this *3rd* day of *October*, 2005, by Bald Eagle Village Association of Owners (hereinafter referred to as "Association") of _____.

WHEREAS, Bald Eagle Associates (the "Developer") caused certain Restrictive Covenants to be imposed pursuant to the Bald Eagle Village Declaration of Covenants, Conditions and Restrictions of record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware in Deed Book 1230 at Page 261 &c. (hereinafter referred to as the "Restrictive Covenants"); and

WHEREAS, the Developer has caused to be placed of record the First Amendment to the Declaration of Covenants, Conditions and Restrictions for Bald Eagle Village of record in the Office of the Recorder of Deeds, aforesaid, in Deed Book 1243 at Page 258 &c. (hereinafter referred to as the "First Amendment"); and

WHEREAS, the aforesaid Restrictive Covenants allow for a modification or change by approval by two-thirds (2/3%) of the members; and

WHEREAS, the Board proposed that the Restrictive Covenants be amended to allow storage sheds and fences be placed on property within the development in accordance with the Architecture Review Board; and

NOW, THEREFORE, the Board proposed Amendments have received the necessary two-thirds percent (2/3%) of the members of the Association's approval. It is declared that the Restrictive Covenants having been approved by the required two-thirds (2/3%) of the members of the Association, are amended as follows:

- I. Exhibit "B", Section H, of the Restrictive Covenants is deleted in its entirety and in its place is inserted the following:

" No boundary fence or wall shall be constructed to a height of more than six feet (6'), and no boundary hedge or shrubbery shall be permitted to a height of more than ten feet (10'). No wall of any height shall be constructed upon any

6 in

lot until the height, design and approximate location thereof has been approved in writing by the NCC. No boundary fence or wall shall be constructed within any front setback area. No fence or wall shall be allowed in any area between the center of the main dwelling as measured from its two sides to the street upon which the main dwelling sits. All fences or walls shall be maintained by the lot owner". Any boarded fence and any unfinished fencing, which contains exposed structural supports, must be constructed with any exposed structural supports and unfinished fencing facing the interior of the lot with the finished side facing outward from the lot boundary.

II. Exhibit "B" of the Restrictive Covenants is further amended by adding Section K, as follows, to wit:

"J. Storage Shed. Storage sheds shall be allowed, providing the lot owners submit to the Architecture Review Board for approval a plan for improvement or modification, showing placement thereof. The Architecture Review Board shall require at a minimum that storage sheds: 1) be affixed to a permanent foundation; 2) are not permitted to be located within the side and rear set back areas; 3) be no larger than one-hundred sixty (160) square feet, nor higher than ten feet (10'); and 4) be of the same style and exterior color of the main dwelling.

III. Article IV of the First Amendment, is hereby amended by adding Section 7, as follows, to wit:

"7. Parking Restrictions. No lot owner shall store, park or leave unattended on any lot or any portion of Phillips Drive or Eagle Drive any motor vehicle, which does not have a current unexpired vehicle license plate or is abandoned, wrecked, inoperative, junked or otherwise totally or partially disassembled."

IV. The proposed amendments to the Restrictive Covenants were recommended by the Board to be considered at the annual meeting of the Bald Eagle Village and voted to be approved by the Association of Owners. The President hereby attests that thirty-five (35) number of lots in person, or by proxy, out of forty-eight (48) lots, have approved said Restrictive Covenants at said annual meeting.

V. Other than as above, the Bald Eagle Village Declaration of Covenants, Conditions and Restrictions, as previously amended, are hereby ratified and affirmed.

VI. Attached to this Amendment as Exhibit "1" is the vote tally of the members, which is attested to by the Secretary as actually showing the number of votes for and against for the above-referenced Amendments.

#03225 2054

Exhibit "1"

The foregoing is consented to by 73 percent (73%) of the lot owners of Bald Eagle Village and the Members of the Association. There were 35 votes for and 13 against the requested Amendment.

Bald Eagle Village Association of Owners

Attest: E. Lamm (SEAL)
Secretary

Lot Owner	Lot #	No Vote	Proxy	Budget	Inc./Exp	Board	Picnic	Yard sale	Vehicle	Fence and Shed
Glen Luedtke	12		A	A	A	A	A	A	D	D
Fuller/Lytle			A	A	03225	055	A	A	A	A
Forrey			A	A	A	A	A	A	A	A
DiVirgilio/CoFrancesco			A	A	A	A	A	A	A	A
Holman			A	A	A	A	NV	NV	A	A
Stahl	38		A	A	A	A	A	A	A	A
Stahl	38		A	A	A	A	A	A	A	A
Seppelt/Pellegrini			A	A	A	A	A	A	A	A
Folan			A	A	A	A	A	A	A	A
Watson	13		A	A	A	A	A	A	A	A
Burke/Fox	41		NV	A	A	A	A	A	A	A
Mussoff			A	A	A	A	A	A	A	A
Hiltner			D	A	A	D	A	A	A	D
Lewis			A	A	A	A	D	A	A	A
Steer/Chiedi			A	A	A	A	D	D	A	A
Lawrence			A	A	A	A	NV	A	A	A
Yasik			A	A	A	A	D	A	A	A
Downes			A	A	A	A	A	A	A	A
Broda/Wood			D	A	A	A	A	A	D	D
Dietz	29		A	A	A	A	A	NV	A	A
Jefferson	9		A	A	A	A	D	A	A	A
Beckman	11		A	A	A	A	NV	NV	A	A
Baniak/Orgovan	18		A	A	A	NV	D	D	A	D
Brumbach			A	A	A	A	A	A	A	A
Brumbach			A	A	A	A	A	A	A	A
Powell	40		A	A	A	A	A	A	A	A
Baker	42									
Rogers	44									
Hardeman			A	A	A	A	A	A	A	A
Rosenburg	15		A	A	A	A	A	A	A	D
Lehman		NV								
Martin		NV								
Martin		NV								
Lowandowski/Creedon			A	A	A	A	A	A	A	A
Merto			A	A	A	A	A	A	A	A
Rania/Shade			A	A	A	A	A	A	A	A
Rimel			A	A	A	A	A	A	A	A
Lacey	28		A	A	A		A	A	A	A
Sponaule			A	A	A	A	A	A	A	A
Walter			A	A	A	A	A	A	A	A
Kouvaris			A	A	A	A	D	A	A	A
Cattafi/Heinlein			A	A	A	A	A	A	A	A
Donovan										
Bunting			A	A	A	A	NV	NV	A	A
Sheffick			A	A	A	A	A	A	A	D
Marson		NV								
Koch			A	A	A	A	A	A	A	A
Mazza			A	A	A	A	A	A	A	A
Totals Agree			38	41	41	38	33	35	39	35
Totals Disagree			2			1	5	2		6
Totals No Vote			8	7	7	9	10	11	7	7

RECORDER OF DEEDS
NOV 03 2005

Received

NOV 03 2005

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ASSESSMENT DIVISION
OF SUSSEX CTY

SUSSEX COUNTY
DOC FEE PAID

A=Agree and D=Disagree N=no vote