



**SECOND AMENDMENT**

**TO**

**THIRD SUPPLEMENT**

**TO**

**THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS**

**FOR**

**CHRISTOPHE HARBOUR**

---

**SECOND AMENDMENT TO THIRD SUPPLEMENT**  
**TO**  
**THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS**  
**FOR**  
**CHRISTOPHE HARBOUR**

THIS SECOND AMENDMENT TO THIRD SUPPLEMENT TO THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR CHRISTOPHE HARBOUR (this "Second Amendment") is made this 22nd day of January 2014 (the "Effective Date"), by CHRISTOPHE HARBOUR DEVELOPMENT COMPANY LIMITED, a private ordinary company limited by shares formed under the laws of the Federation of St. Christopher and Nevis (the "Master Developer").

RECITALS:

WHEREAS, pursuant to the St. Kitts (Planned Community) Act, 2008, as amended, and the Master Covenants (hereinafter defined), the Master Developer has created a planned community commonly known as "Christophe Harbour" on the Southeastern Peninsula of the Island of St. Christopher, in the Federation of St. Christopher and Nevis, as described in the Master Covenants; and

WHEREAS, the Master Developer, by the Declaration of Covenants, Conditions and Restrictions for Christophe Harbour dated December 29, 2008, and registered on January 26, 2009, with the Registrar of Titles for the Saint Christopher Circuit in the Planned Community Corporations Index as Planned Community No. 1, made certain properties within Christophe Harbour subject to the aforesaid Declaration (said Declaration, as modified, amended and/or supplemented from time to time, being referred to herein as the "Master Covenants"); and

WHEREAS, the Master Covenants were modified, amended and/or supplemented by that certain First Supplement to the Declaration of Covenants, Conditions, and Restrictions for Christophe Harbour dated December 31, 2008, and registered on January 26, 2009, with the Registrar of Titles for the Saint Christopher Circuit (the "Original First Supplement"), as modified, amended and/or supplemented by that certain Amended and Restated First Supplement to the Declaration of Covenants, Conditions, and Restrictions for Christophe Harbour dated July 20, 2010, and registered on August 12, 2010, with the Registrar of Titles for the Saint Christopher Circuit (the "Amended and Restated First Supplement"), and further modified, amended and/or supplemented by that certain First Amendment to Amended and Restated First Supplement to the Declaration of Covenants, Conditions, and Restrictions for Christophe Harbour dated November 1, 2013, and registered on December 11, 2013, with the Registrar of Titles for the Saint Christopher Circuit (the "First Amendment to Amended and Restated First Supplement," and collectively with the Original First Supplement and the Amended and Restated First Supplement, the "First Supplement"); and

WHEREAS, the Master Covenants were modified, amended and/or supplemented by that certain Second Supplement to the Declaration of Covenants, Conditions, and Restrictions for Christophe Harbour dated December 20, 2010, and registered on January 20, 2011, with the Registrar of Titles for the Saint Christopher Circuit (the "**Second Supplement**"); and

WHEREAS, the Master Covenants were modified, amended and/or supplemented by that certain Third Supplement to the Declaration of Covenants, Conditions, and Restrictions for Christophe Harbour dated June 2, 2011, and registered on June 10, 2011, with the Registrar of Titles for the Saint Christopher Circuit (the "**Original Third Supplement**"), as modified, amended and/or supplemented by that certain First Amendment to Third Supplement to the Declaration of Covenants, Conditions, and Restrictions for Christophe Harbour dated April 1, 2013, and registered on April 19, 2013, with the Registrar of Titles for the Saint Christopher Circuit (the "**First Amended Third Supplement**," and collectively with the Original Third Supplement, the "**Third Supplement**"); and

WHEREAS, the Master Covenants were modified, amended and/or supplemented by that certain Fourth Supplement to the Declaration of Covenants, Conditions, and Restrictions for Christophe Harbour dated June 30, 2011, and registered on July 15, 2011, with the Registrar of Titles for the Saint Christopher Circuit (the "**Fourth Supplement**"); and

WHEREAS, the Master Covenants were modified, amended and/or supplemented by that certain Fifth Supplement to the Declaration of Covenants, Conditions, and Restrictions for Christophe Harbour dated September 20, 2013, and registered on December 10, 2013, with the Registrar of Titles for the Saint Christopher Circuit (the "**Fifth Supplement**"); and

WHEREAS, the Master Covenants provide that during the Master Developer Control Period, the Master Developer, in its discretion, may unilaterally, without the necessity or requirement of having to obtain the joinder, consent, or approval of any Person, execute and register an amendment or supplement to the Master Covenants to, among other things, (i) subject additional property to the Master Covenants, (ii) establish and assign property to specific Neighborhoods and/or Districts within Christophe Harbour, (iii) subject any portion of Christophe Harbour to additional covenants, conditions, restrictions, easements, obligations and limitations that add to, create exceptions to, and/or otherwise modify the terms of the Master Covenants to reflect the different character and intended use of such property, and/or (iv) modify, amend and/or supplement the Master Covenants, or any Supplement thereto, for any purpose from time to time, which modification, amendment or supplement shall be executed by the Master Developer and Registered in the Public Records; and

WHEREAS, the Master Developer is the owner of the Tract 11 Property, which property is delineated on the Tract 11 Boundary Plan; and

WHEREAS, the Master Developer now desires to annex the Tract 11 Property into Christophe Harbour and to subject the Tract 11 Property to the Master Covenants, and to modify, amend and/or supplement the Master Covenants and the Third Supplement as set forth herein.

NOW, THEREFORE, pursuant to the foregoing, the Master Developer hereby modifies, amends and/or supplements the Master Covenants as follows:

1. Definitions. Capitalized terms used but not otherwise defined herein shall have the meanings given them in the Master Covenants and/or the Third Supplement, as the case may be.
2. Definition of Subdivision Plan. **Section 1(b)** of the Third Supplement is hereby deleted in its entirety and shall now read as follows:
  - “(b) **“Subdivision Plan”** means, collectively, the Harbourside Phase 1 Subdivision Plan, the Harbourside Phase 2A Subdivision Plan, and the Harbourside Phase 2B Subdivision Plan.”
3. New Definitions. The Third Supplement is hereby amended by adding the following new definitions and subsections to **Section 1** of the Third Supplement:
  - “(k) **“Harbourside Phase 2B Subdivision Plan”** means the plan of survey prepared by Dwight C. Francis, Licensed Land Surveyor, titled “A SUBDIVISION PLAN OF HARBOURSIDE PHASE 2B SHOWING 4 RESIDENTIAL LOTS” and dated the 23<sup>rd</sup> day of April 2013, and attached hereto as **Exhibit “C-2”**.
  - (i) **“Tract 11 Boundary Plan”** means the plan of survey prepared by Dwight C. Francis, Licensed Land Surveyor, titled “A BOUNDARY PLAN OF TRACT 11 CONTAINING 2.954 ACRES BEING SUBMITTED TO THE CHRISTOPHE HARBOUR PLANNED COMMUNITY” and dated the 22<sup>nd</sup> day of April 2013, and attached hereto as **Exhibit “B-2”**.
  - (j) **“Tract 11 Property”** means that certain real property described in **Exhibit “A-2”** attached hereto, which Tract 11 Property is delineated on the Tract 11 Boundary Plan attached hereto as **Exhibit “B-2”**.”
4. Annexation of Tract 11 Property and Submission to the Master Covenants. The Master Developer hereby declares that all of the Tract 11 Property is hereby annexed into and made a part of Christophe Harbour and subjected to the Master Covenants. The Master Developer hereby further declares that all of the Tract 11 Property shall be held, sold, used and transferred subject to the covenants, conditions, restrictions, easements, obligations and limitations set forth in the Master Covenants, which shall run with the title to the Tract 11 Property and all other portions of Christophe Harbour. The Master Covenants shall be binding upon all parties having any right, title, or interest in or to any portion of Christophe Harbour, including the Tract 11 Property, their heirs, successors, successors-in-title, and assigns, and shall inure to the benefit of each Owner of any portion of Christophe Harbour, including the Tract 11 Property.
5. Assignment to Neighborhood; Neighborhood Assessments; Unit Designation(s); Permitted Use(s).
  - (a) Assignment to Neighborhood. The Tract 11 Property is hereby assigned to and is now a part of the Harbourside Neighborhood.

- (b) Neighborhood Assessments. In addition to General Assessments, Special Assessments, Specific Assessments and any other Assessments under the Master Covenants, the Tract 11 Property, as part of the Harbourside Neighborhood, shall be subject to Neighborhood Assessments as provided in the Master Covenants.
- (c) Unit Designation(s). The Tract 11 Property as shown on the Harbourside Phase 2B Subdivision Plan includes four (4) numbered residential lots. Each of the four (4) numbered lots comprising the Tract 11 Property is hereby designated a Residential Lot, each of which may be further developed into and used as a single-family residential Dwelling Unit.
- (d) Permitted Use(s). In addition to the use limitations placed upon the Tract 11 Property by the Master Covenants and the other Governing Documents, the Residential Lots and Dwelling Units within the Tract 11 Property shall be used only for single-family residential purposes.
6. Easements and Restrictions Applicable to Tract 11 Property. Each reference to the Tract 7 Property in **Sections 4 and 10** of the Original Third Supplement shall be deemed to include all properties within the Harbourside Neighborhood (including, the Tract 7 Property, the Tract 9 Property, the Tract 11 Property, and any properties hereafter made a part of the Harbourside Neighborhood). The reference to the Tract 7 Boundary Plan in **Section 4(c)** of the Original Third Supplement shall be deemed to include the Tract 7 Boundary Plan, the Tract 9 Boundary Plan, the Tract 11 Boundary Plan, and the boundary plan(s) for any properties hereafter made a part of the Harbourside Neighborhood.
7. New Exhibits. The Third Amendment is hereby amended to add the following exhibits thereto, each of which shall be in the form attached to this Second Amendment:
- EXHIBIT "A-2"      Description of the Tract 11 Property
- EXHIBIT "B-2"      Boundary Plan of the Tract 11 Property
- EXHIBIT "C-2"      Harbourside Phase 2B Subdivision Plan
8. Completeness. Except as expressly and specifically modified or amended by this Second Amendment, the Master Covenants and the Third Supplement, together with any and all modifications, amendments and/or supplements thereto, shall remain in full force and effect.

(Signature page follows)

IN WITNESS WHEREOF, the Master Developer has hereunto affixed its hand and seal effective as of the date first above written.

THE COMMON SEAL OF CHRISTOPHE )  
HARBOUR DEVELOPMENT )  
COMPANY LIMITED, a private ordinary )  
company limited by shares and existing )  
under the laws of the Federation of St. )  
Christopher and Nevis, has been hereunto )  
affixed by William P. Lee, )  
Chief Operating Officer of the said )  
Company, )

Before and in the presence of: )

William Miller )

NOTARY PUBLIC

(Signature and Seal)

CHRISTOPHE HARBOUR  
DEVELOPMENT COMPANY  
LIMITED

By: 

Name: William P. Lee

Title: Chief Operating Officer

**EXHIBIT "A-2"**

**TO**

**THIRD SUPPLEMENT**

**Description of the Tract 11 Property**

ALL THAT parcel of land situate, lying and being in the St. Kitts Peninsula Resort District in the Parish of Saint George, in the Island of Saint Christopher, being that portion of the lands of KHT Land Holdings Limited designated as Tract 11 containing 2.954 acres as shown on a plan prepared by Dwight C. Francis, Licensed Land Surveyor, titled "A BOUNDARY PLAN OF Tract 11 CONTAINING 2.954 ACRES BEING SUBMITTED TO THE CHRISTOPHE HARBOUR PLANNED COMMUNITY" and dated the 22<sup>nd</sup> day of April 2013, and bounded and measuring as follows, that is to say, on the South by the Great Salt Pond (Lands of KHT Land Holdings Limited) as shown on said plan; on the Southeast and North by Other Lands of KHT Land Holdings Limited as shown on said plan; on the Northwest by Harbour Moon Lane a development right of way as shown on said plan; being more fully described as follows:

Commencing at a common corner between Tract 11 and Lands of KHT Land Holdings Limited and the right of way of Harbour Moon Lane, being the true Point of Beginning;

thence 99.00' along the arc of a curve to the right having a radius of 480.20' a chord bearing of S 83°12'11" E and a chord length of 98.82' to a corner;

thence S 77°17'49" E a distance of 213.77' to a corner;

thence 25.83' along the arc of a curve to the right having a radius of 30.00' a chord bearing of S 52°37'59" E and a chord length of 25.04' to a corner;

thence S 27°58'09" E a distance of 29.33' to a corner;

thence 95.51' along the arc of a curve to the left having a radius of 44.01' a chord bearing of N 89°51'27" E and a chord length of 77.84' to a corner;

thence S 54°11'09" E a distance of 159.67' to a corner;  
thence S 02°10'03" W a distance of 160.57' to a corner;  
thence N 51°41'00" W a distance of 27.82' to a corner;  
thence N 81°22'58" W a distance of 69.67' to a corner;  
thence S 76°31'45" W a distance of 61.48' to a corner;  
thence S 85°30'09" W a distance of 22.25' to a corner;  
thence S 79°13'49" W a distance of 61.32' to a corner;  
thence S 88°50'00" W a distance of 41.27' to a corner;  
thence N 69°15'23" W a distance of 34.99' to a corner;  
thence N 55°33'14" W a distance of 67.03' to a corner;  
thence N 51°36'17" W a distance of 30.61' to a corner;

thence N 53°00'27" W a distance of 61.57' to a corner;  
thence N 67°01'52" W a distance of 46.02' to a corner;  
thence N 49°21'50" W a distance of 57.56' to a corner;  
thence N 39°45'41" W a distance of 23.27' to a corner;  
thence N 01°44'06" W a distance of 174.54' to the Point Of Beginning.

BEING the same property delineated and set forth on the plan thereof by Dwight C. Francis, Licensed Land Surveyor, titled "A Boundary Plan of Harbourside Parcel M Containing 2.954 Acres" and dated the 22<sup>nd</sup> day of April 2013, and attached to the Certificate of Title in favour of Christophe Harbour Development Company Limited dated the 16<sup>th</sup> day of October 2013, and registered in Register Book M3, Folio 432 of the Register of Titles of the Island of Saint Christopher.



**EXHIBIT "B-2"**

**TO**

**THIRD SUPPLEMENT**

**Boundary Plan of the Tract 11 Property**

See attached plan of survey prepared by Dwight C. Francis, Licensed Land Surveyor, titled "A BOUNDARY PLAN OF TRACT 11 CONTAINING 2.954 ACRES BEING SUBMITTED TO THE CHRISTOPHE HARBOUR PLANNED COMMUNITY" and dated the 22<sup>nd</sup> day of April 2013.

**EXHIBIT "C-2"**

**TO**

**THIRD SUPPLEMENT**

**Harbourside Phase 2B Subdivision Plan**

See attached plan of survey prepared by Dwight C. Francis, Licensed Land Surveyor, titled "A SUBDIVISION PLAN OF HARBOURSIDE PHASE 2B SHOWING 4 RESIDENTIAL LOTS" and dated the 23<sup>rd</sup> day of April 2013.

DR. KENNEDY A. SIMMONDS HIGHWAY

HARBOUR MOON LANE 40' DEVELOPMENT RIGHT OF WAY

LANDS OF KHT LAND HOLDINGS LIMITED (FUTURE DEVELOPMENT)

TRACT 9

TRACT 11  
128,691 sq. ft.  
2.954 Ac.

GREAT SALT POND  
LANDS OF KHT LAND HOLDINGS LIMITED (FUTURE DEVELOPMENT)

EDGE OF LAND

EDGE OF LAND

EDGE OF LAND

EDGE OF LAND



LINE TABLE		
LINE	BEARING	LENGTH
L1	S 27°58'09" E	29.33'
L2	S 54°11'09" E	159.67'
L3	S 02°10'03" W	160.57'
L4	N 51°41'00" W	27.82'
L5	N 81°22'58" W	69.67'
L6	S 76°31'45" W	61.48'
L7	S 85°30'09" W	22.25'
L8	S 79°13'49" W	61.32'
L9	S 88°50'00" W	41.27'
L10	N 69°15'23" W	34.99'
L11	N 55°33'14" W	67.03'
L12	N 51°36'17" W	30.61'
L13	N 53°00'27" W	61.57'
L14	N 67°01'52" W	46.02'
L15	N 49°21'50" W	57.56'
L16	N 39°45'41" W	23.27'
L17	N 01°44'06" W	174.54'

CURVE TABLE					
CURVE	RADIUS	LENGTH	CH BEARING	CH LENGTH	DELTA
C1	480.20'	99.00'	S 83°12'11" E	98.82'	11°48'44"
C2	30.00'	25.83'	S 52°37'59" E	25.04'	49°19'40"
C3	44.01'	95.51'	N 89°51'27" E	77.84'	124°20'52"

LEGEND

- CALCULATED POINT (NO MONUMENT SET)
- PROPERTY CORNER TO BE SET (5/8" REBAR, STABILIZED WITHIN CONCRETE, OR 4" CONCRETE MONUMENT)

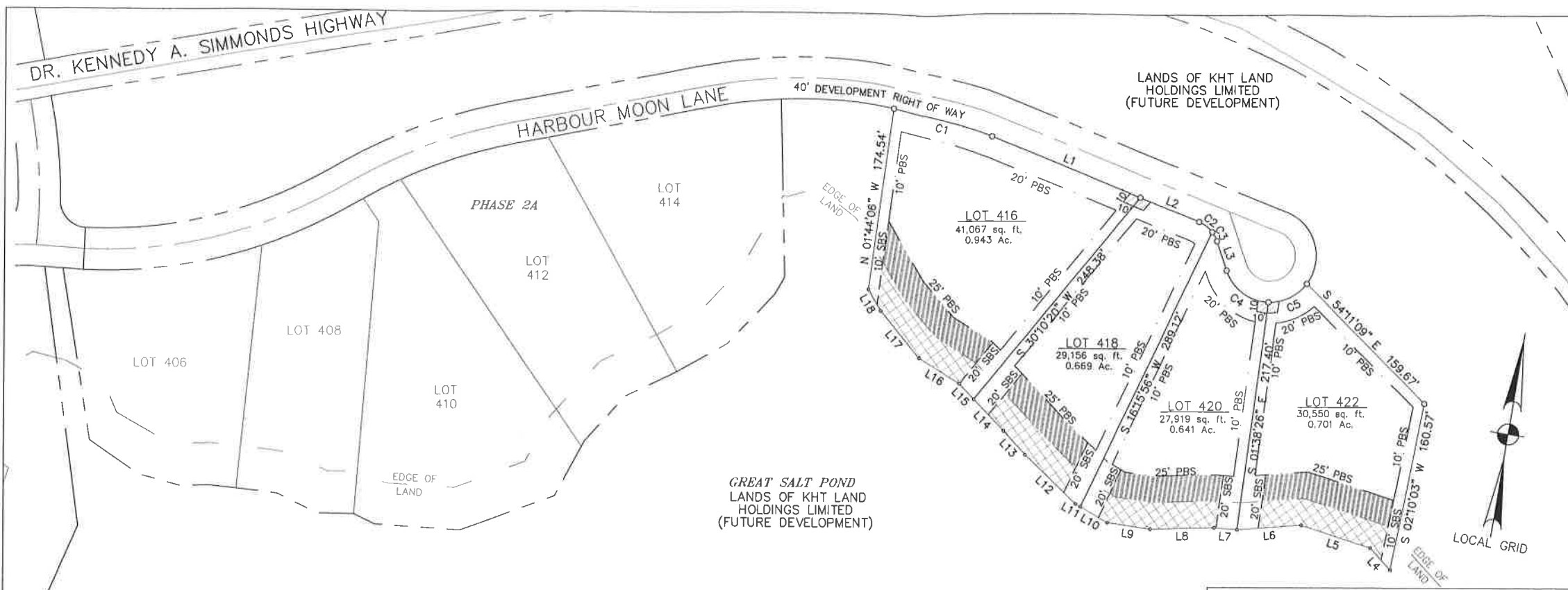
NOTES:

1. ALL DISTANCES SHOWN ARE GROUND. GROUND TO GRID SCALE FACTOR: 0.999615.
2. ALL LOT CORNERS AND RIGHTS-OF-WAY P.C.'S AND P.T.'S ARE TO BE WITNESSED BY CONCRETE MONUMENTS WHEREVER FEASIBLE. 5/8" REBAR, STABILIZED BY CONCRETE, IS TO BE USED OTHERWISE.

A BOUNDARY PLAN OF  
**TRACT 11**  
CONTAINING  
**2.954 ACRES**  
BEING SUBMITTED TO  
THE CHRISTOPHE HARBOUR  
PLANNED COMMUNITY  
CHRISTOPHE HARBOUR  
ST. KITTS PENINSULA RESORT DISTRICT  
ST. KITTS, WEST INDIES  
PREPARED FOR:  
CHRISTOPHE HARBOUR  
DEVELOPMENT COMPANY LIMITED

1 INCH = 100 FEET

*D.C. Francis*  
SURVEYED BY:  
DWIGHT C. FRANCIS  
LICENSED LAND SURVEYOR  
ST. KITTS & NEVIS  
22 APRIL 2013  
SHEET 1 OF 1



LINE	BEARING	LENGTH
L1	S 77°17'49" E	152.95'
L2	S 77°17'49" E	60.82'
L3	S 27°58'09" E	29.33'
L4	N 51°41'00" W	27.82'
L5	N 81°22'58" W	69.67'
L6	S 76°31'45" W	61.48'
L7	S 85°30'09" W	22.25'
L8	S 79°13'49" W	61.32'
L9	S 88°50'00" W	41.27'
L10	N 69°15'23" W	29.68'
L11	N 69°15'23" W	5.31'
L12	N 55°33'14" W	67.03'
L13	N 51°36'17" W	30.61'
L14	N 53°00'27" W	41.20'
L15	N 53°00'27" W	20.37'
L16	N 67°01'52" W	46.02'
L17	N 49°21'50" W	57.56'
L18	N 39°45'41" W	23.27'

CURVE TABLE					
CURVE	RADIUS	LENGTH	CH BEARING	CH LENGTH	DELTA
C1	480.20'	99.00'	S 83°12'11" E	98.82'	11°48'44"
C2	30.00'	15.98'	S 62°02'23" E	15.79'	30°30'52"
C3	30.00'	9.85'	S 37°22'33" E	9.81'	18°48'48"
C4	44.01'	53.32'	S 62°40'29" E	50.12'	69°24'44"
C5	44.01'	42.20'	N 55°09'05" E	40.60'	54°56'08"

**LEGEND**

- CALCULATED POINT (NO MONUMENT SET)
- PROPERTY CORNER TO BE SET (5/8" REBAR, STABILIZED WITHIN CONCRETE, OR 4" CONCRETE MONUMENT)
- PBS PRIMARY BUILDING SETBACK
- SBS SECONDARY BUILDING SETBACK
- [Hatched Box] SECONDARY BUILDING ZONE
- [Cross-hatched Box] OVER WATER BUILDABLE AREA
- [Diagonal Line Box] UTILITY EASEMENT

**NOTES:**

1. ALL DISTANCES SHOWN ARE GROUND. GROUND TO GRID SCALE FACTOR: 0.999615.
2. ALL LOT CORNERS AND RIGHTS-OF-WAY P.C.'S AND P.T.'S ARE TO BE WITNESSED BY CONCRETE MONUMENTS WHEREVER FEASIBLE. 5/8" REBAR, STABILIZED BY CONCRETE, IS TO BE USED OTHERWISE.
3. ALL EASEMENTS SHOWN HEREON, INCLUDING, BUT NOT LIMITED TO UTILITY AND DRAINAGE EASEMENTS, ARE GRANTED AND/OR RESERVED UNTO CHRISTOPHE HARBOUR DEVELOPMENT COMPANY LIMITED, ITS SUCCESSORS, ASSIGNS AND/OR DESIGNEES, AND/OR OTHER DESIGNATED PARTIES AS SET FORTH IN AND PURSUANT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR CHRISTOPHE HARBOUR (THE "MASTER COVENANTS") AND THE OTHER GOVERNING DOCUMENTS (AS DEFINED IN THE MASTER COVENANTS), AS THEY MAY BE MODIFIED, AMENDED AND/OR SUPPLEMENTED FROM TIME TO TIME.
4. IN ACCORDANCE WITH THE MASTER COVENANTS AND THE OTHER GOVERNING DOCUMENTS, AS THEY MAY BE MODIFIED, AMENDED AND/OR SUPPLEMENTED FROM TIME TO TIME, ALL PRIMARY BUILDING SETBACKS, SECONDARY BUILDING SETBACKS, SECONDARY BUILDING ZONES, AND OVER WATER BUILDABLE AREAS SHOWN HEREON RESPECTING LOTS ARE SUBJECT TO CHANGE AND ALTERATION BY THE CHRISTOPHE HARBOUR DESIGN REVIEW BOARD TO ACCOMMODATE INDIVIDUAL HOME DESIGNS AND HOMESITE CHARACTERISTICS.

A SUBDIVISION PLAN OF  
**HARBOURSIDE**  
 PHASE 2B  
 SHOWING  
 4 RESIDENTIAL LOTS

CHRISTOPHE HARBOUR  
 ST. KITTS PENINSULA RESORT DISTRICT  
 ST. KITTS, WEST INDIES  
 PREPARED FOR:  
**CHRISTOPHE HARBOUR**  
 DEVELOPMENT COMPANY LIMITED



*D. Francis*

SURVEYED BY:  
 DWIGHT C. FRANCIS  
 LICENSED LAND SURVEYOR  
 ST. KITTS & NEVIS  
 23 APRIL 2013  
 SHEET 1 OF 1

**CHRISTOPHE HARBOUR  
ST KITTS**

**SECOND AMENDMENT**

**TO**

**THIRD SUPPLEMENT**

**TO**


**THE DECLARATION OF  
COVENANTS, CONDITIONS,  
AND RESTRICTIONS**

**FOR**

**CHRISTOPHE HARBOUR**



**Filed herein January 23, 2014**

  
\_\_\_\_\_  
**Registrar of Titles** (Ag)