

STATE OF NORTH CAROLINA  
COUNTY OF NEW HANOVER

SUPPLEMENTAL DECLARATION TO DECLARATION CREATING UNIT OWNERSHIP OF PROPERTY UNDER THE PROVISIONS OF CHAPTER 47A OF THE NORTH CAROLINA GENERAL STATUTES  
(Recorded: Book 1293, Page 0290)  
SPINNAKER POINTE, PHASE II  
OCT 5 4 09 PM '87

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THIS SUPPLEMENTAL DECLARATION, made this the 14th day of September, 1987, by SPINNAKER POINT, LTD. a North Carolina Corporation with its principal place of business located in the County of New Hanover, State of North Carolina, hereinafter referred to as "DECLARANT";

KNOW ALL BY THESE PRESENTS:

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THAT WHEREAS, the Declarant is the owner of that certain real property in the County of New Hanover, State of North Carolina, which is more particularly described in Exhibit "A" attached hereto and made a part hereof by reference; and

WHEREAS, the Declarant is the owner of the one multi-unit building and certain other improvements heretofore constructed upon the aforesaid property; and

WHEREAS, it is the desire and the intention of the Declarant to market, sell and convey interests in the property and the improvements thereon as a condominium project pursuant to the provisions of Chapter 47A of the North Carolina General Statutes, entitled "Unit Ownership Act"; and

WHEREAS, said real property is located adjacent to the real property known as SPINNAKER POINTE CONDOMINIUM, PHASE ONE, and the recording data is recorded in Book 1293 at Page 0290, and the Condominium Plat is beginning at Condominium Plat Book 7 at Page 72.

WHEREAS, the real property described in Exhibit "A" is a portion of real property described in Exhibit "B" attached to said Declaration and recorded in Book 1293 at Page 0290 which Declarant reserved the right and option to add and subject to the provisions of said recorded Declaration, as set forth in Article 3 thereof; and

WHEREAS, it is the desire and intention of the Declarant in the recordation of this Supplemental Declaration in the Office of the Register of Deeds of New Hanover County, North Carolina, to submit all of the real property and the improvements thereto, described in Exhibit "A" attached hereto, to the provisions of the said Chapter 47A, and specifically to the provisions of the above referenced recorded Declaration;

NOW, THEREFORE, THE DECLARANT DOES HEREBY DECLARE THAT ALL OF THE REAL PROPERTY DESCRIBED IN EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, AS WELL AS ALL OF THE IMPROVEMENTS CONSTRUCTED THEREON, IS HELD AND SHALL BE HELD, CONVEYED, HYPOTHECATED, ENCUMBERED, USED OCCUPIED, AND IMPROVED SUBJECT TO THE FOLLOWING ARTICLES OF COVENANTS, CONDITIONS, RESTRICTIONS, USES, LIMITATIONS AND OBLIGATIONS, ALL OF WHICH ARE DECLARED TO BE IN FURTHERANCE OF A PLAN FOR THE IMPROVEMENT OF SAID PROPERTY AND THE DIVISION THEREOF INTO CONDOMINIUM UNITS AND SHALL BE DEEMED TO RUN WITH THE LAND AND SHALL BE A BURDEN AND A BENEFIT TO THE DECLARANT, ITS SUCCESSORS AND ASSIGNS, AND ANY PERSON OR ENTITY ACQUIRING OR OWNING AN INTEREST IN THE REAL PROPERTY AND IMPROVEMENTS, OR ANY SUBDIVISION THEREOF, THEIR GRANTEES, SUCCESSORS, HEIRS, EXECUTORS, ADMINISTRATORS, DEVISEES AND ASSIGNS.

110731

Return to ALLEN and MacDONALD  
217 N. 5th St., Winston-Salem, NC

ARTICLE ISubmission of Property

A. Pursuant to the provisions of Chapter 47A of the North Carolina General Statutes, Section 47A-2, the Declarant does hereby submit all of the real property described in Exhibit "A", attached hereto and made a part hereof by reference, together with all improvements thereon and described herein, to the provisions of the "Unit Ownership Act" of the State of North Carolina, which is codified as Chapter 47A of the General Statutes of the State of North Carolina.

B. In furtherance thereof, Declarant declares and affirms that the real property described in Exhibit "A", attached hereto, is a portion of the real property described in Exhibit "B" attached to the DECLARATION CREATING UNIT OWNERSHIP OF PROPERTY UNDER THE PROVISIONS OF CHAPTER 47A OF THE GENERAL STATUTES OF THE STATE OF NORTH CAROLINA (hereinafter "Declaration"), which is recorded in Book 1293 beginning at Page 0290 in the Office of the Register of Deeds of New Hanover County, North Carolina, and therefore, by virtue of the exclusive right and option belonging to the Declarant, as reserved to it in Article 3 of said Declaration, the Declarant further declares that all of the real property described in Exhibit "A" attached hereto and made a part hereof by reference, as well as all of the improvements constructed thereon, is hereby subjected to and henceforth shall be held, conveyed, hypothecated, encumbered, used, occupied and improved subject to each and every provision of those obligations which are set forth in that recorded Declaration referred to hereinabove, except as those provisions are necessarily altered or changed for this submission as set forth hereinbelow.

Hereinbelow, Declarant has set forth those provisions of said recorded Declaration which of necessity must change for this submission, and has incorporated by reference those provisions which do not.

ARTICLE IIDefinitions

The definitions for the terms used in this Supplemental Declaration and used in the Articles of the said recorded Declaration (recorded in Book 1293 beginning at Page 0290), as they are applicable to this Submission of real property by incorporation herein shall be as follows:

1. All terms set forth in Article 38 of the Declaration recorded in Book 1293 at Page 0290, referred to hereinabove, are incorporated herein by reference except for the terms Building and Unit or Condominium Unit, which are hereinafter defined.

2. The term Building shall mean and refer to one multi-unit residential structure, which the Declarant has constructed upon the real property described in Exhibit "A", to be used for residential purposes only.

There are eighteen (18) units in PHASE II. The building located in PHASE II consists of three stories. The building contains six two-bedroom units with den and twelve two-bedroom units without den. The buildings have been principally constructed with wood and there are no basements.

Building D contains Units 101, 106, 201, 206, 301 and 306, each of which contains 1176 square feet of heated floor space and 112 square feet of deck area. In addition, Building D contains Units 102, 103, 104, 105, 202, 203, 204, 205, 302, 303 and 305, each of which contains 912 square feet of heated floor space and 96 square feet of balcony space.

Each unit will be conveyed by its unit and building number and letter. No unit bears the same designation as any other unit.

Access to each building is provided through two (2) stairwells located at each end of the building which are joined by exterior hallways extending along the length of the building and provided access to each unit on each of the three (3) levels.

All built-in kitchen appliances, the refrigerator, air conditioning and heating system, dishwasher, hot water heater, and stacked washer/dryer located in each unit are a part of the unit in which they are located and not common elements. The balcony adjacent to each unit, including the railings adjacent to the same, are a part of each unit and are not common areas or elements.

All stairwells and hallways located in each building shall constitute a portion of the common elements.

3. Unit or Condominium Unit shall mean and refer to any of the eighteen (18) subdivisions of enclosed spaces within the building. A deed for any particular unit should convey such unit by its unit and building designation.

Each unit has two (2) bedrooms, a living/dining/kitchen area with bar, two (2) full baths, three (3) clothes closets and a closet housing the hot water heater and the air handling equipment. In addition, all units except Units 101, 106, 201, 206, 301 and 306 in Building D contain a closet housing the washer and dryer connections. Units 101, 106, 201, 206, 301 and 306 Building D also contain a den and an additional clothes closet.

The definition stated herein for "Unit" is complete and all other aspects of the condominium not hereinabove defined as a part of the unit is defined hereby as a part of the common areas and facilities of the condominium.

The specifics, such as style, construction, materials, and finishes of the buildings and the units located therein are best described in the plans of the buildings which are shown in Exhibit "B" attached hereto and made a part hereof by reference, and which control in case of conflict with the provisions hereof.

4. The term "Supplemental Declaration, Phase II" shall mean and refer to this instrument.

### ARTICLE III

#### Plan of Development and Scope of Declaration

The name by which the entire condominium project is known is SPINNAKER POINTE. The Declarant has caused to be constructed upon the real property described in Exhibit "A" the single multi-unit building, containing the eighteen (18) units of the building as well as the common areas and facilities of both the building and the real property, all as defined hereinabove and as shown upon the plans contained in Exhibit "B" attached hereto and made a part hereof by reference. The units of the building, together with their privileges and appurtenances, shall be offered for sale to the public by the Declarant as condominium units pursuant to the provisions of Chapter 47A of the General Statutes of the State of North Carolina, subject to the covenants, conditions, restrictions, and obligations stated in the Articles of this Supplemental Declaration, the Articles of the Declaration recorded in Book 1293 beginning at Page 0290, referred to hereinabove, which have been incorporated herein by reference, the Articles of Incorporation of the Association, its duly adopted By-Laws and its Rules and Regulations. The units and their owners shall be subject to the jurisdiction of the

Association of which each unit owner shall be a member and which shall manage the upkeep and maintenance of the entire condominium project, both Phase I and II of SPINNAKER POINTE, together with any future phases thereof, as a whole, as envisioned and provided for in its Articles of Incorporation and the Declaration (recorded in Book 1293 at Page 0290.

The Declarant, by this Supplemental Declaration, submits only the real property described in Exhibit "A", attached hereto, together with the improvements thereon, and together with any easements for ingress or egress as shown thereon, to the Act and hereinafter this submission shall be referred to as SPINNAKER POINTE, PHASE II. Nevertheless, the Declarant hereby reserves to itself the exclusive right and option, but not the obligation, to add to or expand the property subject to the Declaration recorded in Book 1293 at Page 0290, referred to hereinabove, by the addition of all or any portion or portions of the remainder of the real property described in Exhibit "B" to said Declaration in one or more phases of SPINNAKER POINTE upon the terms and in the manner set forth in Article 3 of said Declaration, which are incorporated herein by reference.

#### ARTICLE IV

##### The Nature and Incidents of Unit Ownership

A. Each unit shall be conveyed and treated as an individual real property capable of independent use and fee simple ownership, and the owner of each unit shall also own, as an appurtenance to the ownership of each said unit, and undivided interest in the common areas and facilities of SPINNAKER POINTE, PHASE I, PHASE II and future phases, if any.

Pursuant to the provisions of Paragraph E of Article 3 of the Declaration recorded in Book 1293 at Page 0290, the Declarant does hereby establish the undivided fractional or percentage interest belonging to each unit owner of the units in SPINNAKER POINTE, PHASE I and PHASE II, which said interest is appurtenant to each of the units in SPINNAKER POINTE, PHASE I and PHASE II, as set out in Exhibit "C", which is hereto attached and incorporated by reference. Declarant covenants with all present unit owners of Units in PHASE I and all future unit owners in either PHASE I or PHASE II of SPINNAKER POINTE that the undivided fractional or percentage interest in the total common areas and facilities of SPINNAKER POINTE, PHASE I and PHASE II, as stated hereinabove, was determined in a manner consistent both with the provisions of Paragraph E of Article 3 of the Declaration and with the Act.

B. The provisions of Paragraphs B, C and D of Article 5 of the Declaration are adopted and incorporated herein by reference, changing the reference in Paragraph B thereof to "Exhibit C" to "Exhibit B".

#### ARTICLE V

##### Survey and Description of Improvements

Annexed hereto and expressly made a part hereof as Exhibit "B" is a plot plan showing the location of the building and other improvements, a set of floor plans of the building which show graphically dimensions, area and location of each dwelling and dimensions, area and location of common elements affording access to each dwelling. Each dwelling is identified by a specific letter on said Exhibit "B" and no dwelling bears the same designation as any other dwelling.

#### ARTICLE VI

##### Incorporation

The terms and provisions of Article 6 through 37,

inclusive, and Exhibit "D" of the Declaration are hereby adopted in their entirety and incorporated herein by reference.

IN WITNESS WHEREOF, the Declarant, SPINNAKER POINT, LTD., has caused this Supplemental Declaration to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

SPINNAKER POINT, LTD.

By: Jamieson  
President



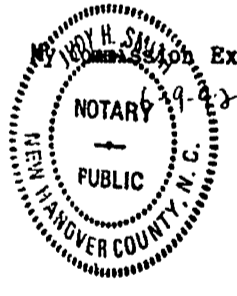
Donald T. Hardee  
Secretary

COUNTY OF

I, a Notary Public in and for the State and County aforesaid, do hereby certify that Donald T. Hardee personally appeared before me this day and acknowledged the he/she is Secretary of SPINNAKER POINT, LTD., a North Carolina Corporation, and tha by authority duly given and as the act of the corporation, the foregoing instrument was signed in its corporate name by its President, sealed with its corporate seal, and attested by him/her as its Secretary.

WITNESS my hand and notarial seal this 14th day of ~~August~~ <sup>September</sup>, 1987.

Judy H. Smith  
Notary Public



Expires:

JOINDER AND CONSENT OF TRUSTEE AND BENEFICIARY/MORTGAGEE

THE CITIZENS AND SOUTHERN NATIONAL BANK and JAMES A. MacDONALD, join in the execution of this / <sup>"SUPPLEMENTAL DECLARATION TO</sup> DECLARATION CREATING UNIT OWNERSHIP PURSUANT TO THE PROVISIONS OF NCGS 47A, THE NORTH CAROLINA CONDOMINIUM ACT, FOR SPINNAKER POINTE, A CONDOMINIUM" for the sole purpose of subjecting, submitting and subordinating any and all right, title and interest in the property described in Exhibit "A" attached hereto, that they have, or either of them has, or may have, by virtue of that Deed of Trust recorded in Book 1269 at Page 1632 and re-recorded in Book 1272 at Page 1373 and amended in Book 1279 at Page 73 and amended in Book 1342 at Page 0114 of the New Hanover Registry, and that Deed of Trust recorded in Book 1279 at Page 47 and amended in Book 1342 at Page 0109 of the New Hanover County Registry, said DECLARATION, and every provision hereof, and to the jurisdiction of SPINNAKER POINTE HOMEOWNERS ASSOCIATION, as the same may be amended or supplemented from time to time.

IN WITNESS WHEREOF, THE CITIZENS AND SOUTHERN NATIONAL BANK has caused this JOINDER AND CONSENT to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, this the 14th day of September, 1987; and JAMES A. MacDONALD, as TRUSTEE, has hereunto set his hand and seal, this the 14th day of September, 1987.



James A. MacDonald (SEAL)  
 JAMES A. MacDONALD, Trustee

THE CITIZENS AND SOUTHERN NATIONAL BANK

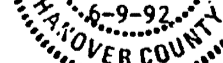
By: Agnes J. McCulloch  
 Title: VICE PRESIDENT

ATTEST:  
Wanda M. Brown  
 \_\_\_\_\_, as a keeper  
 of the Bank Seal

State of North Carolina, County of New Hanover

Judy H. Smith, Notary Public of the County and State aforesaid certify that James A. MacDONALD, Trustee, personally appeared before me this day and acknowledged the execution of the foregoing instrument. WITNESS my hand and seal, this the 14th day of September, 1987.

My Commission Expires: 6-9-92

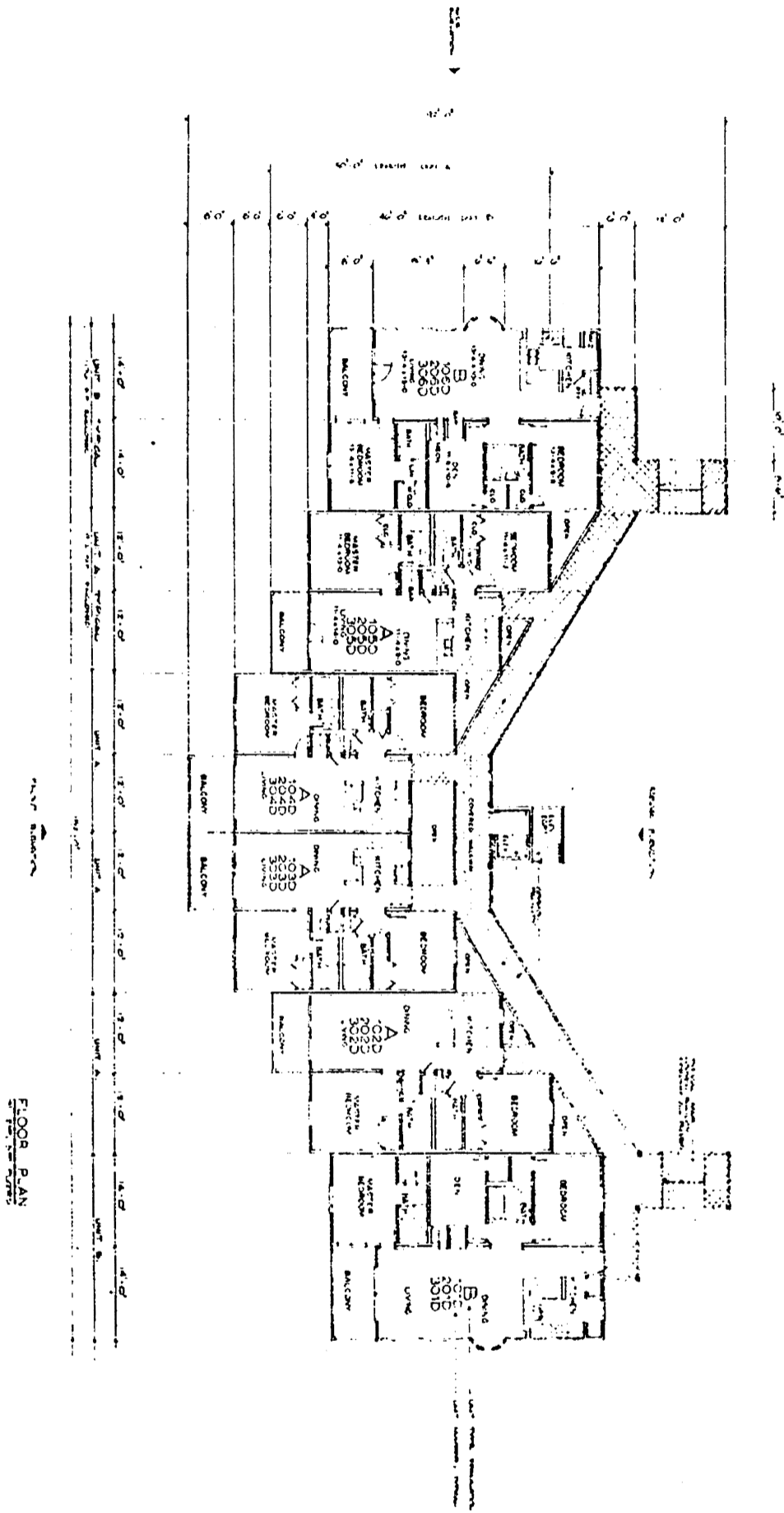


Judy H. Smith  
 Notary Public

## Exhibit "A"

RE: Spinnaker Pointe- Phase II

BEGINNING at a point in the Eastern line of Phase I, Spinnaker Pointe as shown on a map recorded in Condominium Plat; Book 7, Page 72-75 of the New Hanover County Registry, said point being further located South 09 degrees 04 minutes 00 seconds East 25.00 feet, North 80 degrees 56 minutes 00 seconds East 26.50 feet, North 09 degrees 04 minutes 00 seconds West 162.00 feet, North 80 degrees 56 minutes 00 seconds East 138.50 feet and North 09 degrees 04 minutes 00 seconds West 88.0 feet as measured along the lines of the above referred Phase I, Spinnaker Pointe from the point of intersection of the Northern Right-of-Way line of Maryland Avenue (50 foot Right-of-Way), with the Eastern Right-of-Way line of Virginia Avenue (50 foot Right-of-Way); and running thence, from said Beginning point, with the Eastern line of the above referred Phase I, Spinnaker Pointe North 09 degrees 04 minutes 00 seconds West 85.0 feet to a point; running thence, North 54 degrees 06 minutes 42 seconds East 29.35 feet to a point; running thence, North 10 degrees 23 minutes 31 seconds East 92.0 feet to a point; running thence, with a curve to the East to a point that is North 27 degrees 08 minutes 31 seconds East 236.74 feet from the preceding point; running thence, North 41 degrees 09 minutes 03 seconds West 57.98 feet to a point; running thence, with a curve to the West to a point that is North 56 degrees 36 minutes 29 seconds West 45.07 feet from the preceding point; running thence, North 66 degrees 36 minutes 29 seconds West 16.74 feet to a point; running thence, South 68 degrees 23 minutes 31 seconds West 113.03 feet to a point; running thence, South 46 degrees 50 minutes 08 seconds West 43.54 feet to a point; running thence, South 68 degrees 23 minutes 31 seconds West 72.0 feet to a point; running thence, North 21 degrees 36 minutes 29 seconds West 143.0 feet to a point; running thence, North 16 degrees 00 minutes 47 seconds East 91.62 feet to a point; running thence, South 66 degrees 36 minutes 29 seconds East 80.0 feet to a point; running thence, North 68 degrees 23 minutes 31 seconds East 130.00 feet to a point; running thence, South 21 degrees 36 minutes 29 seconds East 126.03 feet to a point; running thence, South 66 degrees 36 minutes 29 seconds East 16.74 feet to a point; running thence, with a curve to the West to a point that is located South 56 degrees 36 minutes 29 seconds East 53.41 feet from the preceding point; running thence, South 46 degrees 36 minutes 29 seconds East 79.05 feet to a point; running thence, with a curve to the North to a point that is located South 38 degrees 15 minutes 20 seconds West 29.84 feet from the preceding point; running thence, with a curve to the East to a point that is South 27 degrees 08 minutes 31 seconds West 222.90 feet from the preceding point; running thence, South 10 degrees 23 minutes 31 seconds West 112.0 feet to a point; running thence, South 21 degrees 29 minutes 49 seconds West 82.91 feet to the point of Beginning, containing 1.21 acres more or less.



FLOOR PLAN



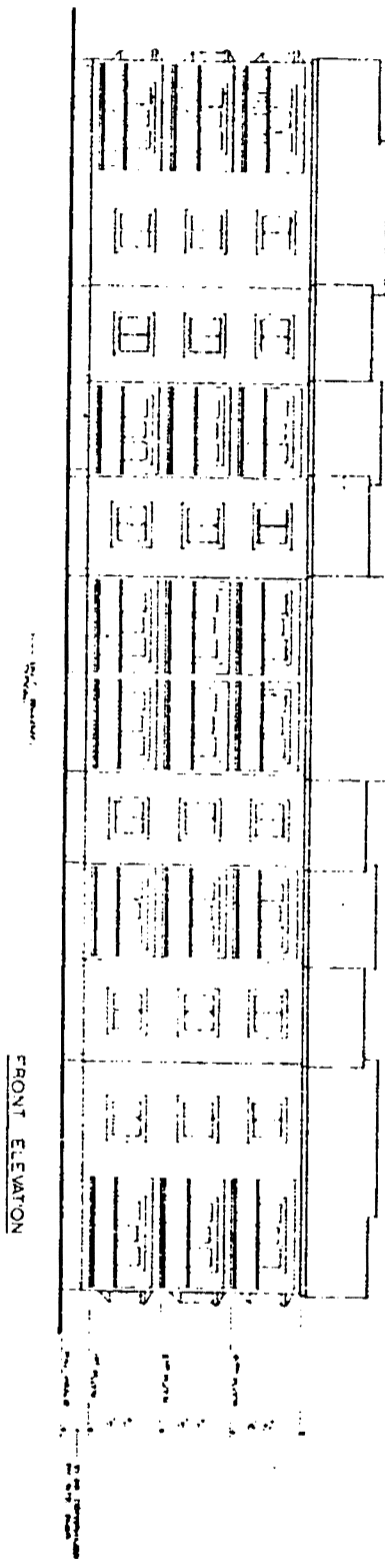
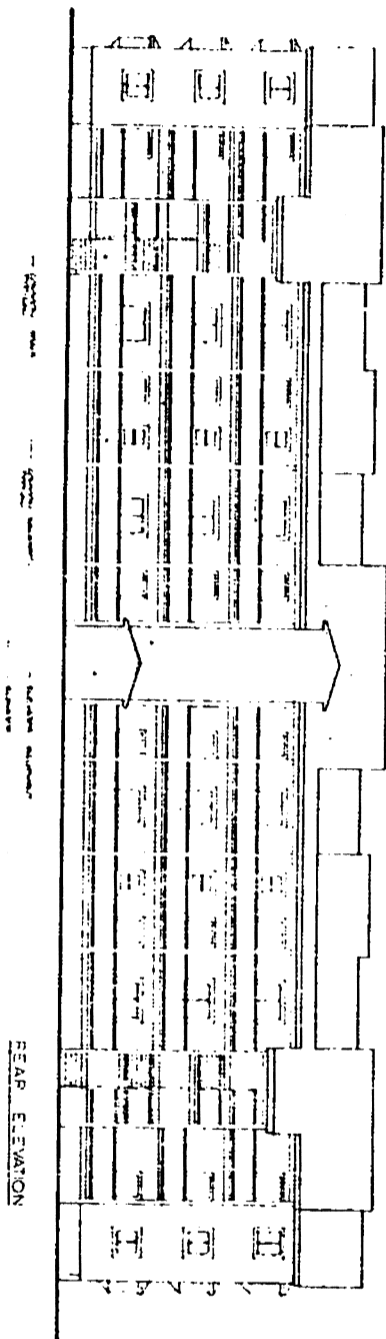
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**COKER BUILDERS**



BUILDING "V"

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<b>N</b>	DATE	SCALE	PROJECT
	BY	DATE	NO.
	CHECKED	DATE	BY
	APPROVED	DATE	BY

**B** COKER BUILDERS



BUILDING "D"




STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

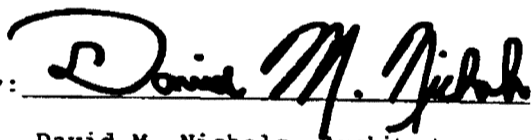
ARCHITECT CERTIFICATE

I certify, to the best of my knowledge, information and belief, that drawings numbered 1 through 3, dated September 4, 1987, to this exhibit B accurately depict (within reasonable construction tolerances) layout, location, ceiling and floor elevation, unit numbers and dimensions of unit building designation and location of the common areas and facilities affording access to each unit and at the same is an accurate copy of the portions of the plans of the buildings filed with and approved by the city of Carolina Beach, North Carolina, in accordance with the requirements of the unit ownership act of North Carolina. Said drawings do not certify building location or other improvements, site work, grades, elevations or compliance with construction drawings.

A professional architect's certification of conditions comprises a declaration of his professional judgement. It does not constitute a warranty or guarantee, express or implied, nor does it relieve any other party of his responsibility to abide by contract documents, applicable codes, standards, regulations and ordinances.

Comprehensive Architects

By:



David M. Nichols, Architect

STATE OF SOUTH CAROLINA

COUNT OF RICHLAND

I, Isabel Ivey, Notary Public in and for the county and state aforesaid, do hereby certify that David M. Nichols, registered architect, personally appeared before me this fourth day of September, 1987 and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal this fourth day of September, 1987.

  
My commission expires September 25, 1996





## SPINNAKER POINTE CONDOMINIUM

## EXHIBIT "C"

TO

## AMENDED DECLARATION

SCHEDULE of percentage (percent rounded off \*) of undivided interest in common elements appurtenant to dwellings after adding Phase II of Spinnaker Pointe Condominium. Statutory value is for establishing percentage of ownership only and has no relation to the actual value of each dwelling.

DWELLING NUMBER	VALUE FOR STATUTORY PURPOSE	*PERCENTAGE FOR COMBINATION OF PHASE I & PHASE II
101	\$97,122.22	1.4509
102	90,900.00	1.3579
103	90,900.00	1.3579
104	90,900.00	1.3579
105	90,900.00	1.3579
106	97,122.22	1.4509
107	97,122.22	1.4509
108	90,900.00	1.3579
109	90,900.00	1.3579
110	90,900.00	1.3579
111	90,900.00	1.3579
112	97,122.22	1.4509
113	97,122.22	1.4509
114	90,900.00	1.3579
115	90,900.00	1.3579
116	90,900.00	1.3579
117	90,900.00	1.3579
118	97,122.22	1.4509
201	97,122.22	1.4509
202	90,900.00	1.3579
203	90,900.00	1.3579
204	90,900.00	1.3579
205	90,900.00	1.3579
206	97,122.22	1.4509
207	97,122.22	1.4509
208	90,900.00	1.3579
209	90,900.00	1.3579
210	90,900.00	1.3579
211	90,900.00	1.3579
212	97,122.22	1.4509
213	97,122.22	1.4509
214	90,900.00	1.3579
215	90,900.00	1.3579
216	90,900.00	1.3579
217	90,900.00	1.3579
218	97,122.22	1.4509
301	97,122.22	1.4509
302	90,900.00	1.3579
303	90,900.00	1.3579
304	90,900.00	1.3579
305	90,900.00	1.3579
306	97,122.22	1.4509
307	97,122.22	1.4509
308	90,900.00	1.3579
309	90,900.00	1.3579
310	90,900.00	1.3579
311	90,900.00	1.3579
312	97,122.22	1.4509
313	97,122.22	1.4509
314	90,900.00	1.3579
315	90,900.00	1.3579
316	90,900.00	1.3579
317	90,900.00	1.3579
318	97,122.22	1.4509

EXHIBIT "C"

DWELLING NUMBER	VALUE FOR STATUTORY PURPOSE	*PERCENTAGE FOR COMBINATION OF PHASE I & PHASE II
D101	\$97,122.22	1.4509
D102	90,900.00	1.3579
D103	90,900.00	1.3579
D104	90,900.00	1.3579
D105	90,900.00	1.3579
D106	97,122.22	1.4509
D201	97,122.22	1.4509
D202	90,900.00	1.3579
D203	90,900.00	1.3579
D204	90,900.00	1.3579
D205	90,900.00	1.3579
D206	97,122.22	1.4509
D301	97,122.22	1.4509
D302	90,900.00	1.3579
D303	90,900.00	1.3579
D304	90,900.00	1.3579
D305	90,900.00	1.3579
D306	97,122.22	1.4509
Totals	\$6,694,133.28	100% rounded

STATE OF NORTH CAROLINA, New Hanover County

The Foregoing Certificate(s) of Judy H. Smith and Isabel Ivey, Notaries Public

This 5th day of Oct (is/are) certified to be correct.

A. D., 19 87

Rebecca P. Tucker, Register of Deeds

By [Signature]  
Deputy