

3
25N

FOR REGISTRATION REGISTER OF DEEDS
REBECCA T. CHRISTIAN
NEW HANOVER COUNTY, NC
2004 MAY 18 04:06:43 PM
BK:4327 PG:372-375 FEE:\$20.00
NS:\$25.00
INSTRUMENT # 2004025736



STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

AMENDMENT TO DECLARATION OF ARTICLES
OF COVENANTS, CONDITIONS AND RESTRICTIONS

THIS AMENDMENT TO DECLARATION OF ARTICLES OF COVENANTS,
CONDITIONS AND RESTRICTIONS ("Amendment") is made as of this 11th day of
MAY, 2004 by THE DOLPHIN BAY HOMEOWNERS ASSOCIATION, INC., a North
Carolina non-profit corporation (the "Association").

RECITALS:

A. Dolphin Bay (the "Subdivision") is a planned residential community
subject to that certain Declaration of Articles of Covenants, Conditions and Restrictions recorded
on November 11, 1983, in Book 1238, at Page 0511 in the office of the Register of Deeds of
New Hanover County, North Carolina (the "Articles"). Section A of Article 8 of the Articles
provides that the Association may amend the Articles by an instrument signed by not less than
seventy-five (75%) percent of the owners of lots in the Subdivision (the "Owners") and recorded
in the New Hanover County Registry.

B. Chapter 47F of the North Carolina General Statutes, as amended, which is
commonly referred to as the North Carolina Planned Community Act (the "Act"), provides that
the Association may elect to make the provisions of the Act applicable to the Subdivision by an
amendment to the Declaration approved by an affirmative vote of at least sixty-seven (67%)
percent of the votes in the Association. The Act further provides that to the extent the
procedures and requirements for amendments in the Declaration conflict with the provisions of
the Act, the provisions of the Act shall control with respect to any amendment to adopt the Act.

C. The Association and the requisite number of Owners as provided in the
Act desire to amend the Articles in order to provide that the Act shall apply to the Subdivision.

D. At a duly noticed meeting of the Association and its members held on
January 24, 2004, the amendment as set forth hereinafter to the Articles was proposed and,
upon the same being submitted to a vote of the Owners, approved by the affirmative vote of
more than sixty-seven (67%) percent of the votes allocated in the Subdivision.

RETURNED TO

WARD AND SMITH

Unless otherwise defined herein, the capitalized terms in this Amendment shall have the same meaning as provided in the Articles.

NOW, THEREFORE, the Association does hereby declare that the Articles are amended as follows:

A new Article IX is hereby added to the Articles as follows:

This Article hereby declares that Chapter 47F of the North Carolina General Statutes, and any subsequent amendments thereto, which is commonly known as the North Carolina Planned Community Act, applies to the Association, Property, Lots and all other aspects of the Dolphin Bay subdivision.

IN WITNESS WHEREOF, the Association has caused this Amendment to be executed by its President, by authority first duly given by its Board of Directors, pursuant to the vote of the members of the Association and by the authority granted pursuant to the Articles and the Act.

THE DOLPHIN BAY HOMEOWNERS
ASSOCIATION, INC.,
a North Carolina non-profit corporation

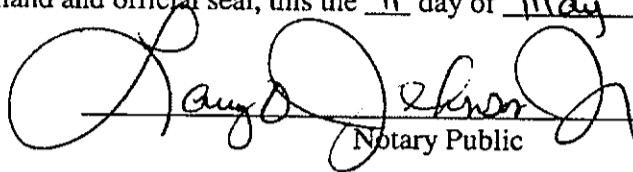
By: Susan Gray
Dolphin Bay, President

NOTARY ACKNOWLEDGEMENT FOLLOWS ON NEXT PAGE

STATE OF NORTH CAROLINA
COUNTY OF New Hanover

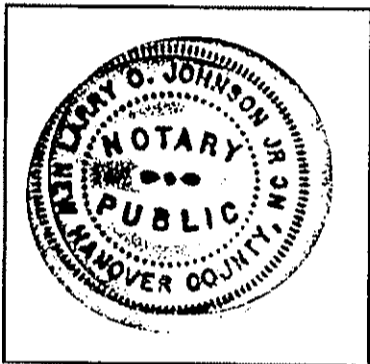
I, Larry O. Johnson Jr, a Notary Public in and for said County and State, do hereby certify that Susan Tracy personally came before me this day and acknowledged that ~~he~~/she is President of THE DOLPHIN BAY HOMEOWNERS ASSOCIATION, INC., a North Carolina non-profit corporation, and that ~~he~~/she, as President being authorized to do so, executed the foregoing on behalf of the corporation.

WITNESS my hand and official seal, this the 11 day of May, 2004.


Notary Public

My Commission Expires:

July 28, 2007



Notary seal or stamp must appear within this box.

020173-0001-001
WLM\MAIN\108496\1



REBECCA T. CHRISTIAN
REGISTER OF DEEDS, NEW HANOVER
216 NORTH SECOND STREET

WILMINGTON, NC 28401

Filed For Registration: 05/18/2004 04:06:43 PM
Book: RE 4327 Page: 372-375
Document No.: 2004025736
AMD COV 4 PGS \$20.00
NS: \$25.00
Recorder: JACQUELINE NELSON

State of North Carolina, County of New Hanover

The foregoing certificate of LARRY O JOHNSON JR Notary is certified to be correct. This 18TH of May 2004

REBECCA T. CHRISTIAN , REGISTER OF DEEDS

By: 
Deputy/Assistant Register of Deeds

YELLOW PROBATE SHEET IS A VITAL PART OF YOUR RECORDED DOCUMENT.
PLEASE RETAIN WITH ORIGINAL DOCUMENT AND SUBMIT FOR RE-RECORDING.

2004025736

2004025736