

NORTH CAROLINA
NEW HANOVER COUNTY,

AMENDMENT TO DECLARATION OF
CAROLINA LAKE BEACH VILLA CONDOMINIUMS

CAROLINA LAKE BEACH VILLAS, INC., a North Carolina corporation with its principal place of business in Cumberland County, North Carolina, hereinafter referred to as DECLARANT, together with DERWOOD H. GODWIN and wife, MARIE S. GODWIN, WILLIAM G. HAYES and wife, JUDITH N. HAYES, KENNETH MARVIN NORRIS and wife, MYRA M. NORRIS, BARRY L. HOOKER and wife, DEBORAH N. HOOKER, OSCAR L. NORRIS and UNITED HOMES OF FAYETTEVILLE, INC., d/b/a UNITED REALTY & CONSTRUCTION, INC., being all of the purchasers of condominium units from DECLARANT and hereinafter collectively referred to as HOMEOWNERS, do hereby amend the DECLARATION CREATING UNIT OWNERSHIP OF PROPERTY dated the 4th day of May, 1982 and recorded in Book 1202, Page 0145 in the New Hanover County Public Registry;

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WHEREAS, said Declaration provided in Paragraphs 3.2, 7.1 and 10.13 that it could be amended to add subsequent phases to said Condominium project; and

WHEREAS, said Declaration provided in Paragraph 14.1 that it could be amended to alter the percentage of ownership in the common areas and facilities appurtenant to each unit; and

WHEREAS, said declaration provided in Paragraph 13 that it could be generally amended; and

WHEREAS, DECLARANT and HOMEOWNERS hereby amend said Declaration to add Phase II to the operation of the Declaration and to otherwise amend the Declaration as set out hereinafter, all amendments being as if they were incorporated in the original document; and

WHEREAS, a meeting was duly held in accordance with the provisions of the By-Laws of CAROLINA LAKE BEACH VILLAS HOMEOWNERS ASSOCIATION, INC., recorded in Book 1202, Page 0191 of the New Hanover County Registry;

NOW, THEREFORE:

1. (a) DECLARANT does hereby amend the Declaration of Carolina Lake Beach Villa Condominiums recorded in Book 1202, Page 0145 to add the additional eighteen (18) units, hereinafter Phase II, as described in the Declaration and does hereby submit the land described in Exhibit B of the Declaration, a copy of said Exhibit B being attached hereto, and improvements located thereon to the Condominium project known as Carolina Lake Beach Villas with Exhibit E of the aforesaid Declaration now being in full force and effect, and being substituted in place thereof for Exhibit D. Filed simultaneously hereby, marked as Exhibit C, and expressly made a part hereof consisting of 12 pages is a survey of the land and graphic descriptions and plans of the improvements constituting Phase II of the Condominium project, identifying the condominium units, common areas and facilities, as said terms were defined in the Declaration, and their respective locations and approximate dimensions.

1. (b) The materials used in the construction of the additional units are of comparable quality as those used in the original units and the architectural style of the additional units is substantially the same as the original units.



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2. DECLARANT and HOMEOWNERS do hereby further amend Paragraph 8.0(e) of the Declaration by substituting for Paragraph 8.0(e) of the Declaration the following new Paragraph 8.0(e) to read as follows:

8.0

(e) No advertising signs, billboards, unsightly objects, or nuisances shall be erected, placed or permitted to remain on the property, including but not limited to the individual units or common or limited common areas, nor shall the property or any part of it be used in any way or for any purpose which may endanger the health of or unreasonably disturb the owner of any residence or any resident thereof. No business activity of any kind whatever shall be conducted at any building or on any portion of the property, provided, however, the foregoing covenants shall not apply to the business activities, signs and billboards of the Declarant, its agents or assigns, during the construction and sale period and thereafter for such periods of time as Declarant, its agents or assigns, shall desire to maintain a sales or rental office.

3. DECLARANT and HOMEOWNERS do hereby amend the Declaration by substituting in place of Paragraph 8.0(f) of the Declaration a new Paragraph 8.0(f) to read as follows:

8.0

(f) No animals, livestock or poultry of any kind shall be raised, bred or kept on any part of the property, this prohibition shall not include common domesticated animals, subject to the Rules and Regulations of the Carolina Lake Beach Villas Homeowners Association governing such pets.

4. DECLARANT and HOMEOWNERS do hereby amend the Declaration by substituting in place of Paragraph 8.0(m) of the Declaration a new Paragraph 8.0(m) to read as follows:

8.0

(m) So long as the Declarant shall retain ownership of any units, it may utilize any such unit or units for sales or rental offices, models or other usage for the purpose of selling or renting units within said project. The Declarant may assign this limited commercial usage right to any other person or entities as it may choose.

5. These amendments do not divest any owner or mortgage holder of any portion of the dwelling unit and does not materially alter the plan and development as set forth in the Declaration.

6. Pursuant to the rights and powers reserved by the DECLARANT and granted to DECLARANT by each unit owner and lender in accordance with the Declaration, the DECLARANT, for and on behalf of itself, each unit owner and each lender holding mortgages on such units, hereby gives consent to the execution and recordation of this Amendment to Declaration, and does hereby consent to all other acts necessary to give effect to this Amendment.



7. The HOMEOWNERS join in the execution of this Amendment and the Amendment to this Declaration in accordance with the Declaration.

CAROLINA LAKE BEACH VILLAS, INC.



BY Murray O. Duggins
Murray O. Duggins, President

William G. Hayes
William G. Hayes, Secretary

HOMEOWNERS:

Derwood H. Godwin (SEAL)
Derwood H. Godwin

Marie S. Godwin (SEAL)
Marie S. Godwin

William G. Hayes (SEAL)
William G. Hayes

Judith N. Hayes (SEAL)
Judith N. Hayes

Kenneth Marvin Norris (SEAL)
Kenneth Marvin Norris

Myra M. Norris (SEAL)
Myra M. Norris

Barry L. Hooker (SEAL)
Barry L. Hooker

Deborah N. Hooker (SEAL)
Deborah N. Hooker

Oscar L. Norris (SEAL)
Oscar L. Norris

UNITED HOMES OF FAYETTEVILLE, INC.
d/b/a UNITED REALTY & CONSTRUCTION, INC.



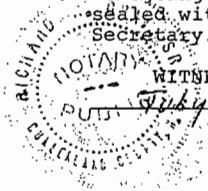
BY Murray O. Duggins
Murray O. Duggins, President

Betty Brock
Betty Brock, Secretary



NORTH CAROLINA
CUMBERLAND COUNTY

I, Richard R. Gray Sr., a Notary Public of Cumberland County, North Carolina certify that William G. Hayes personally came before me this day and acknowledged that he is Secretary of CAROLINA LAKE BEACH VILLAS, INC., a corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal, and attested by himself as its Secretary.



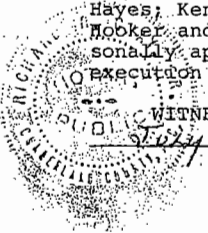
WITNESS my hand and notarial seal, this 14 day of July, 1982.

Richard R. Gray Sr.
Notary Public

My Commission Expires: 9-24-82

NORTH CAROLINA
CUMBERLAND COUNTY

I, Richard R. Gray Sr., a Notary Public of Cumberland County, North Carolina, do hereby certify that Derwood H. Godwin and wife, Marie S. Godwin; William G. Hayes and wife Judith N. Hayes; Kenneth Marvin Norris and wife Myra N. Norris; Barry L. Hooker and wife Deborah N. Hooker; and Oscar L. Norris, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.



WITNESS my hand and notarial seal, this 14 day of July, 1982.

Richard R. Gray Sr.
Notary Public

My Commission Expires: 9-24-82

NORTH CAROLINA
CUMBERLAND COUNTY

I, Richard R. Gray Sr., a Notary Public of Cumberland County, North Carolina certify that Betty Brock personally came before me this day and acknowledged that she is Secretary of UNITED HOMES OF FAYETTEVILLE, INC., d/b/a UNITED REALTY & CONSTRUCTION, INC., a corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal, and attested by herself as its Secretary.



WITNESS my hand and notarial seal, this 14 day of July, 1982.

Richard R. Gray Sr.
Notary Public

My Commission Expires: 9-24-82



The NORTHWESTERN BANK, as holder of a Promissory Note secured by a deed of trust on the real property described in Exhibits A and B of the Declaration, and Arthur J. Baer, as Trustee under said deed of trust, join in the execution hereof for the purpose of subjecting the aforesaid deed of trust to the terms and provision of the Declaration of Condominium.

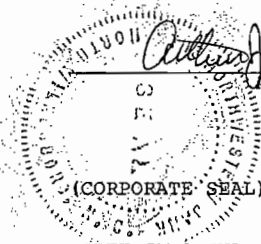
THE NORTHWESTERN BANK

ATTEST:

BY Thomas H. Pearson
Vice-President

Arthur J. Baer
Asst. Secretary

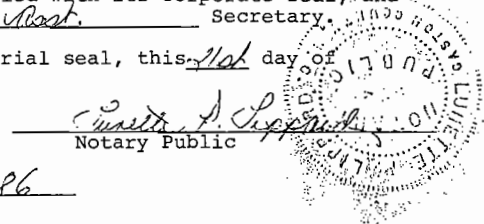
Arthur J. Baer
Arthur J. Baer Trustee



NORTH CAROLINA
COUNTY OF MECKLENBURG

I, Lucretia A. Lippard, a Notary Public of Hastler County, North Carolina certify that Arthur J. Baer personally came before me this day and acknowledged that he is Asst. Secretary of THE NORTHWESTERN BANK, a corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Vice-President, sealed with its corporate seal, and attested by him self as its Asst. Secretary.

WITNESS my hand and notarial seal, this 14th day of July, 1982.

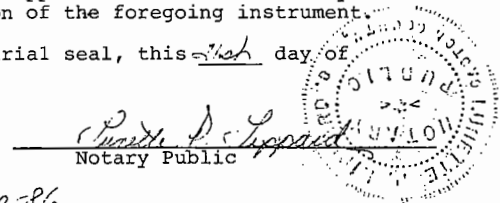


My Commission Expires: 12-30-86

NORTH CAROLINA
COUNTY OF MECKLENBURG

I, Lucretia A. Lippard, a Notary Public of Hastler County, North Carolina, do hereby certify that Arthur J. Baer acting as Trustee, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this 14th day of July, 1982.



My Commission Expires: 12-30-86



BRANCH BANKING & TRUST COMPANY, as holder of a promissory note secured by a deed of trust on the real property described in Exhibits A and B of the Declaration, and William H. Boone, Substitute Trustee under said deed of trust, join in the execution hereof for the purpose of subjecting the aforesaid deed of trust to the terms and provisions of the Declaration of Condominium.

BRANCH BANKING & TRUST COMPANY

ATTEST:

BY William H. Boone Vice-President
Asst. Secretary

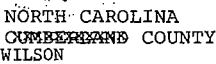
William H. Boone
Substitute Trustee



I, Marlene E. Dunn, a Notary Public of Cumberland County, North Carolina certify that William H. Boone personally came before me this day and acknowledged that he is Assistant Secretary of BRANCH BANKING & TRUST COMPANY, a corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Vice President ~~President~~, sealed with its corporate seal, and attested by himself as its Assistant Secretary.

WITNESS my hand and notarial seal, this 29th day of July, 1982.
Marlene E. Dunn
Notary Public

My Commission Expires: October 9, 1984



I, Marlene E. Dunn, a Notary Public of Cumberland County, North Carolina, do hereby certify that William H. Boone acting as Substitute Trustee, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this 29th day of July, 1982.
Marlene E. Dunn
Notary Public

My Commission Expires: October 9, 1984



STATE OF NORTH CAROLINA, New Hanover County
The Foregoing Certificate(s) of Richard R. Gray, Sr., Lunette P. Lippard and Marlene E. Dunn, Notaries Public

This 2nd day of August, A.D. 1982 (is)(are) certified to be correct.
Rebecca P. Tucker, Register of Deeds

By Linda P. Abbott
Deputy

