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FOR REGISTRATION REGISTER OF DEEDS  
REBECCA T. CHRISTIAN  
NEW HANOVER COUNTY, NC  
2004 APR 29 03:29:49 PM  
BK:4297 PG:773-776 FEE:\$20.00

INSTRUMENT # 2004021629

**THIRD AMENDMENT TO THE DECLARATION OF CONDOMINIUM FOR HARBOR OAKS, PHASE ONE AMENDING THE BY-LAWS OF HARBOR OAKS HOMEOWNERS ASSOCIATION, INC.**

PREPARED BY: MURCHISON, TAYLOR & GIBSON, PLLC

STATE OF NORTH CAROLINA  
COUNTY OF NEW HANOVER

THIS THIRD AMENDMENT TO THE DECLARATION OF CONDOMINIUM FOR HARBOR OAKS, PHASE ONE AMENDING THE BY-LAWS OF HARBOR OAKS HOMEOWNERS ASSOCIATION, INC. (this "Third Amendment") is made as of the 23<sup>rd</sup> day of April, 2004, by Harbor Oaks Homeowners Association, Inc. (the "Association") on behalf of all Unit Owners of Units within Harbor Oaks, a condominium established and described by the "DECLARATION CREATING UNIT OWNERSHIP OF PROPERTY UNDER THE PROVISIONS OF CHAPTER 47A OF THE GENERAL STATUTES OF THE STATE OF NORTH CAROLINA, HARBOR OAKS, PHASE ONE," recorded in Book 1229, at Page 821 in the Office of the Register of Deeds of New Hanover County, North Carolina (the "Declaration").

RECITALS:

WHEREAS, the By-Laws of the Association, which are recorded in Book 1229 at Page 866 in the Office of the Register of Deeds of New Hanover County, North Carolina (the "Registry"), and which were previously modified as provided in those certain Amendments to By-Laws recorded in Book 1455 at Page 9 and in Book 3619 at Page 71 in the Registry (as amended from time to time, the "By-Laws"), provide in Paragraph 8 thereof a procedure by which amendments to the By-Laws may be proposed and adopted;

WHEREAS, the Board of Directors of the Association, by an affirmative vote satisfying the requirements of Paragraph 8.A of the By-Laws, proposed certain amendments to the By-Laws;

WHEREAS, pursuant to Paragraph 8.B of the By-Laws, said amendments were submitted to a vote of the members of the Association at a special meeting duly noticed and held on April 17, 2004 (the "Special Meeting"); and

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WHEREAS, the required votes of the Board of Directors and the membership in favor of certain amendments were obtained at the Special Meeting as provided in Paragraph 8.C of the By-Laws;

NOW, THEREFORE, this Third Amendment is being recorded by the Association to give record notice that the By-Laws have been, and the same hereby are, duly amended as follows:

1. Paragraph 6.D of the By-Laws is hereby deleted in its entirety and replaced with the following text:

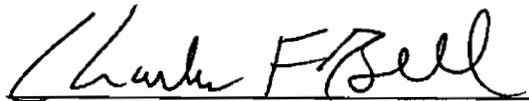
“D. A review of the accounts of the Association shall be made annually by a certified public accountant, and a copy of the report shall be furnished to each member not later than the first annual meeting following the year for which the report is made. All financial records of the Association shall be open for inspection, supervised by a designee of the Board, by any owner.”

2. Notwithstanding anything in Paragraph 8.C of the By-Laws to the contrary, once an amendment or amendments to the By-Laws has been transcribed and certified by the President and Secretary of the Association, the Association (or the agent responsible for recording such amendment or amendments, as the case may be) shall use good faith, diligent efforts to record such amendment or amendments in the Public Records of New Hanover County, North Carolina within ninety (90) days after the date on which such amendment or amendments were affirmatively approved by the Directors or members. Such amendment or amendments shall become operative and effective upon such recordation.

The undersigned President and Secretary of the Association hereby certify on behalf of the Association that the foregoing is a true and correct copy of amendments to the By-Laws duly adopted and approved by the Association at the Special Meeting. Accordingly, such officers do hereby record this Third Amendment in the Public Records of New Hanover County, North Carolina in accordance with the requirements of Paragraph 8.C of such By-Laws.


HARBOR OAKS HOMEOWNERS ASSOCIATION, INC.

By:



President

ATTEST:

  
Secretary



STATE OF NORTH CAROLINA

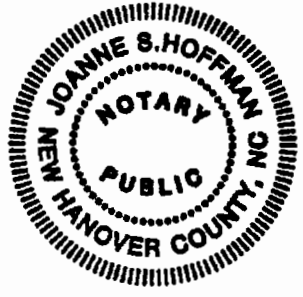
COUNTY OF New Hanover

I, Joanne S. Hoffman, a Notary Public in and for said County and State, do hereby certify that Charles F. Bell, President of Harbor Oaks Homeowners Association, Inc., personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this the 23<sup>rd</sup> day of April, 2004.

Joanne S. Hoffman  
Notary Public

My Commission Expires:  
3-23-08







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

WILMINGTON, NC 28401

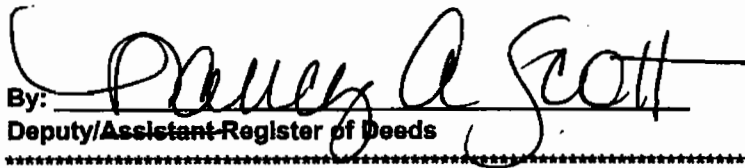
\*\*\*\*\*  
Filed For Registration: 04/29/2004 03:29:49 PM  
Book: RE 4297 Page: 773-776  
Document No.: 2004021629  
DECL 4 PGS \$20.00

Recorder: NANCY A SCOTT

\*\*\*\*\*  
State of North Carolina, County of New Hanover

The foregoing certificate of JOANNE S HOFFMAN Notary is certified to be correct. This 29TH of April 2004

REBECCA T. CHRISTIAN , REGISTER OF DEEDS

By:   
Deputy/Assistant Register of Deeds

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

**\*2004021629\***

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