

STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

ADMITTED TO RECORD  
18 DAY OF APR 19 85  
AT 3:12 PM  
RECORDED IN BOOK \_\_\_\_\_  
PAGE \_\_\_\_\_  
REBECCA P. TUCKER, REGISTER  
NEW HANOVER CO., N. C.

SUPPLEMENTAL DECLARATION TO  
DECLARATION CREATING UNIT OWNERSHIP  
OF PROPERTY UNDER THE PROVISIONS OF  
CHAPTER 47A OF THE GENERAL STATUTES  
OF THE STATE OF NORTH CAROLINA

(Recorded: Book 1200, Page 969, as  
Amended in Book 1200, Page 2131)  
SEASCAPE, PHASE 4

THIS SUPPLEMENTAL DECLARATION, made this 15th day of  
March, 1985, by SUGGS AND HARRELSON, INC., a Delaware corpo-  
ration duly authorized to transact business in the State of North Carolina,  
with an office and place of business in the County of New Hanover, State of  
North Carolina, hereinafter referred to as "DECLARANT";

KNOW ALL BY THESE PRESENTS:

THAT, WHEREAS, the Declarant is the owner of that certain real  
property in the Town of Carolina Beach, New Hanover County, North Carolina,  
more particularly described as follows:

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BEGINNING at the point of intersection of the Eastern  
right of way line of Canal Drive (40 foot right of way)  
with the Southern right of way line of Sea Oats Lane  
(25 foot right of way, formerly 15th. Ave.); running  
thence with the Southern right of way line of Sea Oats  
Lane, South 61 degrees 54 minutes East 133.0 feet to a  
point; running thence South 01 degrees 54 minutes East  
65.0 feet to a point; running thence South 70 degrees  
55 minutes West 59.59 feet to a point; running thence  
South 79 degrees 23 minutes 30 seconds West 51.26 feet  
to a point; running thence North 01 degree 59 minutes  
45 seconds West 48.61 feet to a point; running thence  
South 88 degrees 06 minutes West 70.0 feet to a point  
in the Eastern right of way line of Canal Drive;  
running thence with the Eastern right of way line of  
Canal Drive, North 28 degrees 06 minutes East 125.0  
feet to the point of beginning. The same being lot 20  
and part of lots 9-10-18-19, Block 213, Northern  
section Carolina Beach, Map of same being recorded in  
Map Book 3, at Page 67 of the New Hanover County  
Registry.

WHEREAS, the Declarant is the owner of the one multi-unit build-  
ing, 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, the real property hereinabove is a portion of that real  
property described on Exhibit "B" attached to a Declaration Creating Unit  
Ownership under the provisions of Chapter 47A of the General Statutes of  
North Carolina (hereinafter "DECLARATION") which pertains to Seascape,  
Phase 1, a condominium project established by Declarant, said Declaration  
being recorded in Book 1200, Page 969 of the New Hanover County Registry;  
and

WHEREAS, in said DECLARATION recorded in Book 1200 beginning at  
Page 969, of the New Hanover County Registry (as amended) DECLARANT reserv-  
ed the right and option to add and subject to the provisions of said  
DECLARATION, as set forth in Article III thereof, the real property des-  
cribed in Exhibit "B" thereto; 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 hereinabove described, to the provisions of the said Chapter 47A, and specifically to the provisions of the above referenced recorded DECLARATION, as amended;

NOW, THEREFORE, THE DECLARANT DOES HEREBY DECLARE THAT ALL OF THE REAL PROPERTY HEREINABOVE DESCRIBED 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 GRANTEEES, SUCCESSORS, HEIRS, EXECUTORS, ADMINISTRATORS, DEVISEES AND ASSIGNS.

#### ARTICLE I.

##### Submission 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 hereinabove described, 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 hereinabove described, 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 1200, beginning at Page 969, in the Office of the Register of Deeds of New Hanover County, North Carolina, as amended, and, therefore, by virtue of the exclusive right and option belonging to the Declarant, as reserved to it in Article III of said DECLARATION, as amended, the Declarant further declares that all of the real property hereinabove described, 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 Articles of Covenants, Conditions, Restrictions, Uses, Limitations and Obligations which are set forth in that recorded DECLARATION, as amended referred to hereinabove, except as those provisions necessarily altered or changed for this submission as set forth hereinbelow.

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

#### ARTICLE II.

##### DEFINITIONS

The definitions for the terms used in this Supplemental DECLARATION and used in the Articles of the said recorded DECLARATION (recorded in Book 1200, beginning at Page 969, as amended), as they are applicable to this Submission of real property by incorporation herein shall be as follows:

1. The terms Act, Association, Assessment, Board, By-Laws, Common Areas and Facilities, Common Expenses, Common Surplus, Condominium, Declarant, Majority or Majority of Unit Owners, Person, Real Property, Singular, Plural Gender, and Unit Owner are defined in Article II of the DECLARATION recorded in Book 1200, at Page 969, as amended, referred to

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hereinabove, and said definitions are incorporated herein by reference.

2. The term Building shall mean and refer to the single multi-unit building which the Declarant has constructed upon the real property hereinabove described, to be used for residential purposes, as hereinafter provided. Attached hereto and made a part hereof by reference is Exhibit "A" which consists of a full and exact copy of the layout of the building as well as a survey of the real property, drawn by Jack G. Stocks, R.L.S., showing the location of the building thereon. In general, the building has three stories built above ground level situated on the finished grade. There are no basements. The building has a total of approximately 9,576 gross square feet of heated area within the three levels or stories above the ground level, with approximately 3,192 square feet on each of said three levels. The building has been subdivided into eighteen (18) units, hereinafter defined, as well as the common areas and facilities, also hereinabove defined, of the building. The building has been principally constructed with wood, concrete and asbestos shingle roofing. The building plans and specifications for the building are the same as those for the building of Phase 1 of Seascape, which said plans and specifications are recorded as part of Exhibit "C" in the DECLARATION recorded in Book 1200 beginning at Page 969, as amended, referred to hereinabove, and reference thereto is hereby made for a more detailed description of the building beyond that contained in Exhibit "A" attached hereto and made a part hereof by reference; which said Exhibit "A" shows all particulars of the building as required by law.

3. The term DECLARATION shall mean and refer to that DECLARATION CREATING UNIT OWNERSHIP OF PROPERTY UNDER THE PROVISIONS OF CHAPTER 47A OF THE GENERAL STATUTES OF THE STATE OF NORTH CAROLINA which is recorded in Book 1200, beginning at Page 969, as amended, in the Office of the Register of Deeds of New Hanover County, North Carolina.

4. The term Supplemental Declaration shall mean and refer to this instrument.

5. The term Unit or Condominium Unit shall mean and refer to any one of those eighteen (18) subdivisions of enclosed space within the building, together with any additional areas or spaces accompanying the same as defined hereinbelow, and which are intended to or will be sold as dwelling units pursuant to the Act and this Supplemental Declaration. The deed for any particular unit shall convey such unit by its unit designation and the same shall be deemed to include all that is defined as a part of that unit as stated specifically in this definition, as well as the privileges and appurtenances accompanying any such unit and subject to the covenants, conditions, restrictions, and obligations applicable to unit owners as all are more generally stated and described throughout this Supplemental Declaration.

The eighteen (18) units of the building are and will be identified by their unit designations, which are Units D-19 through D-36, both inclusive, Building D. These units and their designations are shown upon the plans of the building attached hereto in Exhibit "A" which also shows graphically all particulars of the building and its eighteen (18) units, including, but not limited to, the layout, location, ceiling, and floor elevations, dimensions of the units, and the area and location of the common areas and facilities. Reference is hereby made to said plans for the purposes of identifying and locating each unit within the building, as well as identifying its dimensions and approximate areas. No unit bears the same designation as any other. Any conflict between said plans and this definition shall be resolved by reference to the said plans, which shall control.

All units, as well as the additional areas defined as part of each unit hereinbelow, are bounded both as to horizontal and vertical boundaries by the interior finished surface of the units' perimeter walls, ceilings and floors, of the interior surface of the perimeter walls, ceilings, and floors of the additional areas conveyed as part of each unit as defined hereinbelow, subject to the easement reserved hereinbelow for such encroachments as are contained in the building whether the same now

exist or may be caused or created by existing construction, settlement, or movement of the building, or by permissible repairs, construction, or alteration.

All units shall be substantially the same in design, construction and material. Each of the eighteen (18) units is wholly contained within one of the three levels or stories of the building, there being six (6) units upon or within each of the three levels or stories of the building above the ground level situated on finished grade. Each unit contains approximately 532 square feet of heated floor space.

Each unit shall have one bedroom, one full bathroom and one-half bathroom located off the bedroom, a combined living and dining area, a kitchen, a closet housing the air handling equipment, and a clothes closet which also houses the water heater, located in the bedroom. In addition, washer and dryer connections are located off the bedroom.

Each unit is hereby defined to include one open-air deck, shown on said plans, which is located adjacent to the living area of the unit. Each deck contains approximately 116 square feet.

The deck is bounded horizontally by the interior finished surface of the floor and ceiling overhang of the deck and is bounded vertically by the interior finished surface or interior plane of either the deck railings or perimeter walls of the deck. The outside storage room is bounded both horizontally and vertically by the interior finished surface of its ceiling, floor and perimeter walls.

Each unit shall be equipped by the Declarant with and is defined to include its own electrical meter, and a split system heat pump. The air handling equipment for said heat pump shall be housed within the unit within the closet designated for said purpose in said plans. The condensing units of said heat pumps shall be housed and stored as shown on said plans. The thermostat for said equipment shall be located within the unit as shown upon said plans.

Each unit is hereby defined also to include:

1. All non-load bearing partition walls located entirely within the unit;
2. All materials, including, but not limited to, carpet, paint, and vinyl attached to, or on, the interior finished surfaces of the perimeter walls, floors, and ceilings of the unit; and all window panes, frames, panes and exterior doors (including garage doors);
3. All air handling and condensing units, ducts and components, and all water, power, telephone, television and cable television, electricity, plumbing, gas and sewage lines, located within the unit; provided, however, that the portion of said lines located within a common compartment for, or installation of, such lines shall be common areas and facilities as defined hereinabove.

Each unit is hereby defined to exclude all pipes, ducts, wires, conduits and other facilities for the furnishing of utility services and other services to the units up to and including the point of entry of such pipes, ducts, wires, conduits and other facilities through the interior finished surface material for perimeter walls, ceilings and floors of the units. All such pipes, ducts, wires, conduits, and other such facilities are defined as a part of the unit at and from their point of entry into the unit.

The definition stated hereinabove for "Unit" is complete and all other aspects of the condominium not hereinabove defined as a part of the units of Phase 3, Phase 2 or Phase 1, is defined hereby as a part of the common areas and facilities of the condominium.

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Any inconsistency between the definition herein set forth and the plans as shown on Exhibit "A" hereto shall be resolved in favor of said plans.

6. The term Unit Designation shall mean and refer to the letter and number combination which designates a unit within the condominium as the same is shown upon the plans of the building in Exhibit "A" attached hereto.

#### ARTICLE III.

##### Plan of Development and Scope of Declaration

The name by which the entire condominium project is known is SEASCAPE. The Declarant has caused to be constructed upon the real property herein described 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 "A" 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 1200, beginning at Page 969, as amended, 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 PHASES 1, 2, 3, and 4 of SEASCAPE, 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 1200, beginning at Page 969, as amended).

The Declarant, by this Supplemental Declaration, submits only the real property herein described, together with the improvements thereon, to the Act and hereinafter this submission shall be referred to as SEASCAPE, PHASE 4. 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 1200, at Page 969, as amended, 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 SEASCAPE upon the terms and in the manner set forth in Article III of said DECLARATION, as amended, 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, an undivided interest in the common areas and facilities of SEASCAPE, PHASE 1, PHASE 2, PHASE 3, PHASE 4, and future phases, if any.

Pursuant to the provisions of Paragraph E of Article III of the DECLARATION recorded in Book 1200, beginning at Page 969, as amended, the Declarant does hereby establish 1.6667% as the undivided fractional or percentage interest belonging to each unit owner of units in SEASCAPE, PHASE 1, PHASE 2, PHASE 3 and PHASE 4, which said interest is appurtenant to each of the sixty (60) units of SEASCAPE, PHASE 1, PHASE 2, PHASE 3 and PHASE 4. Declarant covenants with all present unit owners of Units in PHASES 1, 2, 3 and 4 of SEASCAPE and all future unit owners of Units in either PHASE 1, PHASE 2, PHASE 3 or PHASE 4 of SEASCAPE that the undivided fractional or percentage interest in the total common areas and facilities of SEASCAPE, PHASE 1, PHASE 2, PHASE 3 and PHASE 4, as stated hereinabove,

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was determined in a manner consistent both with the provisions of Paragraph E of Article III of the DECLARATION and with the Act.

B. The provisions of Paragraphs B, C, and D of Article IV of the DECLARATION, as amended, are adopted and incorporated herein by reference, changing the reference to 'Exhibit "C"' in Paragraph B thereof to Exhibit "A" and the reference to "the owners of Units in SEASCAPE, PHASE 1, to "the owners of Units in SEASCAPE, PHASE 1, PHASE 2, PHASE 3 and PHASE 4".

ARTICLE V.

Incorporation

The terms and provisions of Articles V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV, XVI, XVII and Exhibit "D" of the DECLARATION, as amended, are hereby adopted in their entirety and incorporated herein by reference.

IN WITNESS WHEREOF, the Declarant, SUGGS AND HARRELSON, INC., has caused this Supplemental Declaration to be signed and sealed, all the day and year first above written.

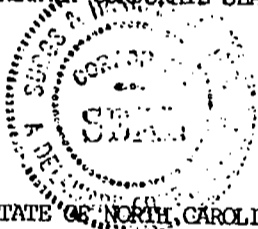
SUGGS AND HARRELSON, INC.

ATTEST:

By *J. Casman*  
V - President

*Cecil Knight*  
Assistant Secretary

(ATTACH CORPORATE SEAL)



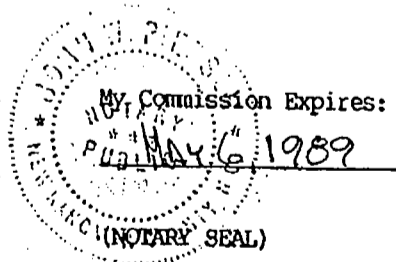
STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

I, John W. Pierson, a Notary Public in and for the State and County aforesaid, do hereby certify that CECIL KNIGHT personally came before me this day and acknowledged that he is Assistant Secretary of SUGGS AND HARRELSON, INC., a Delaware corporation authorized to transact business in the State of North Carolina, and that by authority duly given and as the act of the corporation, the forgoing instrument was signed by its President, sealed with its corporate seal and attested by himself as its Assistant Secretary.

Witness my hand and official stamp or seal, this the 19th day of MARCH, 1985.

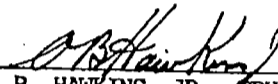
*J. W. Pierson*  
Notary Public



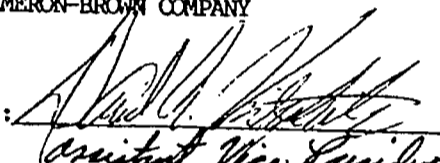
JOINDER AND CONSENT OF TRUSTEE AND BENEFICIARY/MORTGAGEE

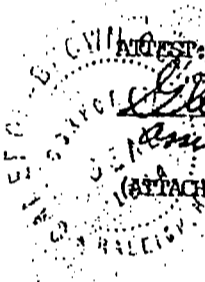
CAMERON BROWN COMPANY and O. B. HAWKINS, JR., as Trustee, join in the execution of this "SUPPLEMENTAL DECLARATION CREATING UNIT OWNERSHIP OF PROPERTY UNDER THE PROVISIONS OF CHAPTER 47A OF THE GENERAL STATUTES OF THE STATE OF NORTH CAROLINA" for the sole purpose of subjecting, submitting and subordinating any and all right, title and interest in the property herein described, that they have, or either of them has, or may have, by virtue of that Deed of Trust recorded in BOOK 1268, at PAGE 1484, in the New Hanover County Registry, to said SUPPLEMENTAL DECLARATION, and every provision hereof, and to the jurisdiction of SEASCAPE HOMEOWNERS ASSOCIATION, INC., as the same may be amended or supplemented from time to time.

IN WITNESS WHEREOF, CAMERON-BROWN COMPANY 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 15th day of March, 1985; and, O. B. HAWKINS, JR., as TRUSTEE, has hereunto set his hand and seal, this the 15th day of March, 1985.

 (SEAL)  
O. B. HAWKINS, JR., TRUSTEE

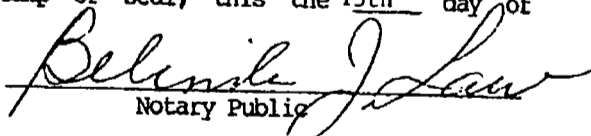
CAMERON-BROWN COMPANY

BY:   
Assistant Vice President


  
Glenda T. Folk  
Assistant Secretary  
(ATTACH CORPORATE SEAL)

STATE OF NORTH CAROLINA  
COUNTY OF MECKLENBURG

I, a Notary Public of the County and State aforesaid, certify that O. B. HAWKINS, JR., TRUSTEE, personally appeared before me this day and acknowledged the execution of the foregoing JOINDER AND CONSENT. Witness my hand and official stamp or seal, this the 15th day of March, 1985.

  
Notary Public

My Commission Expires:  
June 12, 1989

  
(NOTARY SEAL)

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STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I, a Notary Public of the County and State aforesaid, certify that Glenda T. Polk, personally came before me this day and acknowledged that she is Asst. Secretary of CAMERON-BROWN COMPANY, a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Asst. Vice President, sealed with its corporate seal and attested by her self as its Asst. Secretary. Witness my hand and official stamp or seal, this the 15th day of March, 1985.

*Belinda J. Law*  
Notary Public

My Commission Expires:

June 12, 1989

(NOTARY SEAL)



STATE OF NORTH CAROLINA

New Hanover County  
The Foregoing Certificate of  
Belinda J. Law & John W. Pierson  
Notaries Public

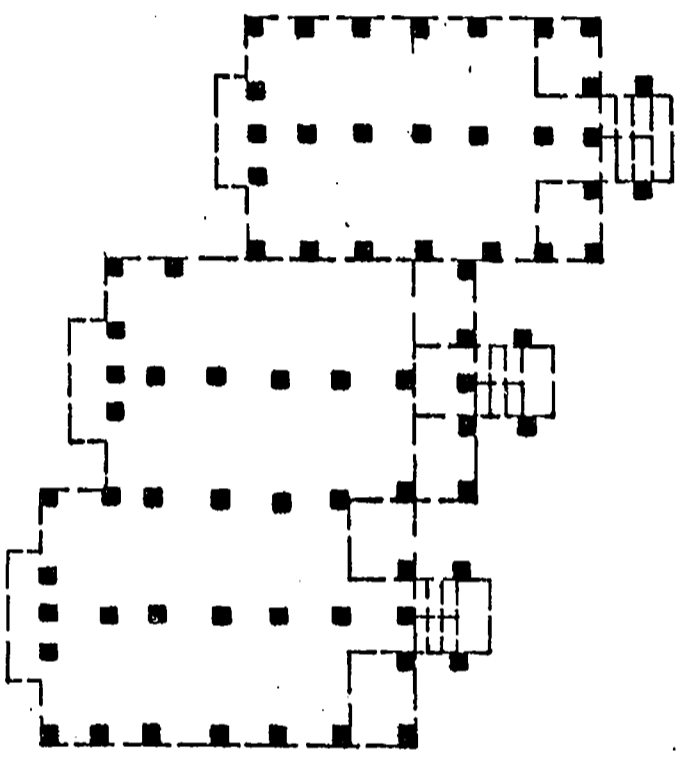
*aw* certified to be correct.  
This the 18 day of April 19 85

Rebecca P. Tucker, Register of Deeds

By *Rebecca P. Tucker*  
Deputy



MAGNETIC (MAP BOOK 3 PAGE 67)



- LEGEND:**
- INDICATES BOUNDARY LINE OF UNITS
  - - - - - INDICATES COMMON AREAS & STRUCTURAL BOUNDARIES
  - ||||| INDICATES STAIRS

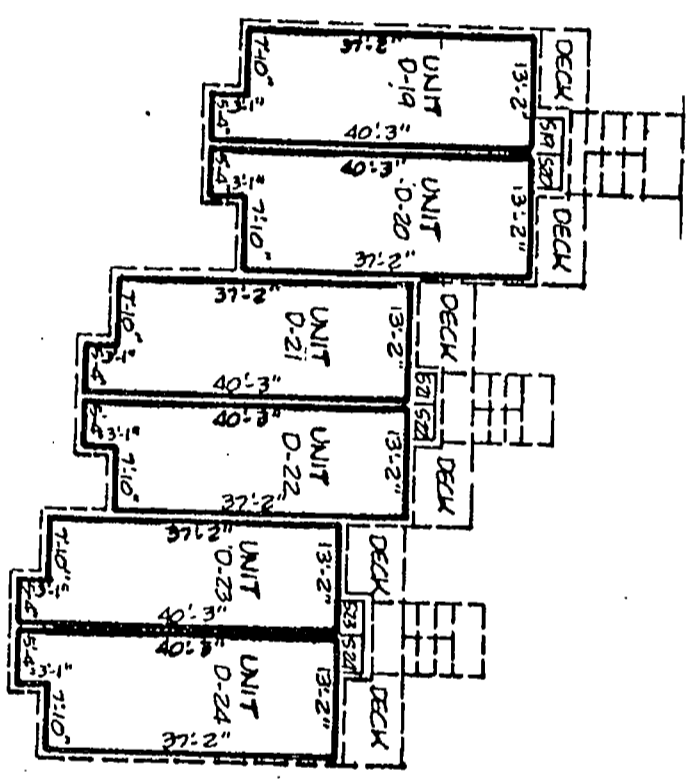
FINISH CONC. SLAB ELEVATION = 5.8 - 6.6

SUB: PAGE  
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GROUND FLOOR PLAN  
**SEASCAPES**  
PHASE 4  
CAROLINA BEACH, N.C.

SHEET 2 OF 5

MAGNETIC (MAP BOOK 3 PAGE 67)



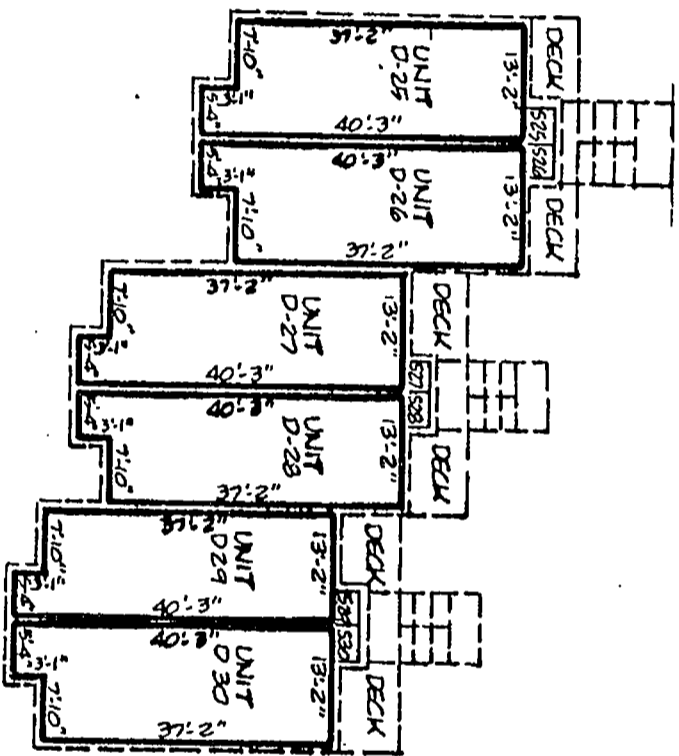
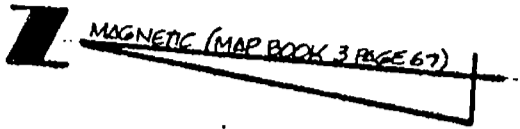
**LEGEND:**

- INDICATES BOUNDARY LINE OF UNITS
- - - INDICATES COMMON AREAS & STRUCTURAL BOUNDARIES
- ||||| INDICATES STAIRS
- INDICATES STORAGE FOR UNIT D-19

FINISH FLOOR ELEVATION = 16.6  
 FINISH CEILING ELEVATION = 24.6

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FIRST FLOOR PLAN  
**SEASCAPE**  
 PHASE 4  
 CAROLINA BEACH, N.C.

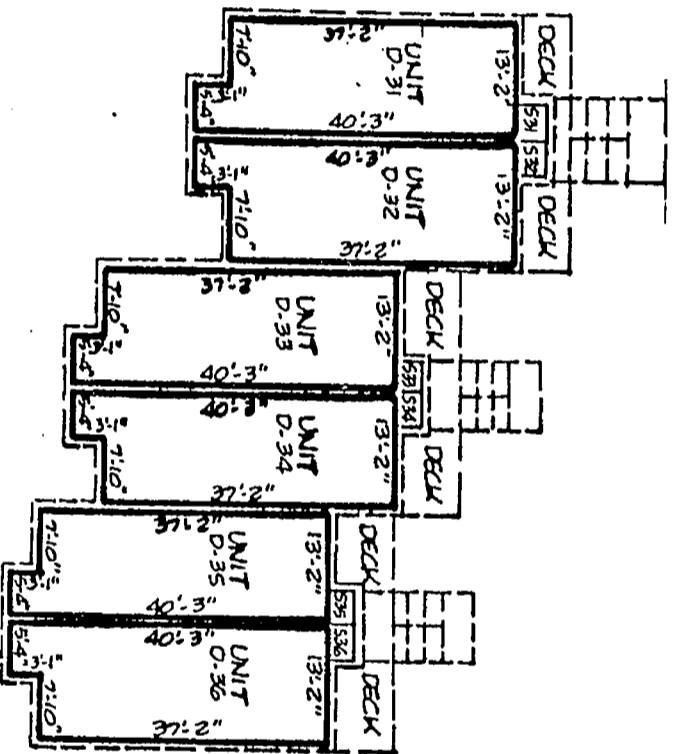
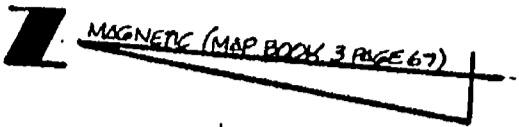


**LEGEND:**

- INDICATES BOUNDARY LINE OF UNITS
- - - INDICATES COMMON AREAS & STRUCTURAL BOUNDARIES
- ▤ INDICATES STAIRS
- ▣ INDICATES STORAGE FOR UNIT D-25

FINISH FLOOR ELEVATION = 25.8  
FINISH CEILING ELEVATION = 33.8

SECOND FLOOR PLAN  
**SEASCAPE**  
PHASE 4  
CAROLINA BEACH, N.C.



**LEGEND:**

INDICATES BOUNDARY LINE OF UNITS

INDICATES COMMON AREAS & STRUCTURAL BOUNDARIES

INDICATES STAIRS

INDICATES STORAGE FOR UNIT D-31

FINISH FLOOR ELEVATION =  
FINISH CEILING ELEVATION =

THIRD FLOOR PLAN  
**SEASCAPE**  
PHASE 4  
CAROLINA BEACH, N.C.