

STATE OF NORTH CAROLINA  
COUNTY OF NEW HANOVER

AMENDMENT TO DECLARATION OF  
TWIN OAKS CONDOMINIUMS

THIS AMENDMENT TO THE DECLARATION OF TWIN OAKS CONDOMINIUMS, made this 14<sup>th</sup> day of April, 1989, by INLET CONSTRUCTION, INC., a North Carolina corporation with its principal place of business in the County of New Hanover and State of North Carolina, hereinafter referred to as "DECLARANT", INLET HOMEOWNERS ASSOCIATION, INC., a non-profit corporation organized and existing under the laws of the State of North Carolina, hereinafter referred to as "ASSOCIATION", certain individual signatories hereto, hereinafter referred to as "UNIT OWNERS", and those lending institutions who are also signatory to this document, hereinafter referred to as "LENDERS";

W I T N E S S E T H :

52

THAT, WHEREAS, DECLARANT, UNIT OWNERS and others, and ASSOCIATION respectively own fee simple title to certain real property lying and being in New Hanover County, North Carolina, and being more particularly described on Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, DECLARANT Inlet Construction, Inc. did, on or about the 20th day of March, 1984, cause to be recorded in the Office of the Register of Deeds of New Hanover County a certain Declaration of Twin Oaks Condominiums, said Declaration being recorded in Book 1248 at Page 1022 of said Registry; and

WHEREAS, Section 26 of the Declaration hereinabove referred to and recorded in Book 1248 at Page 1022 of said Registry deals with the procedures and methods by which the said Declaration may be amended; and

WHEREAS, it is the desire and intention of the all parties hereto to amend the documents hereinabove referred to so as to more accurately reflect the intentions of the said parties and to clearly establish such intentions as a matter of record;

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and valuable considerations, the DECLARANT, ASSOCIATION, UNIT OWNERS, and LENDERS do hereby amend the Declaration of Twin Oaks

RETURNED TO

*Ruby, S.M.M. Lt O' R*

152802

RECORDED AND VERIFIED  
REBECCA P. TUCKER  
REGISTER OF DEEDS  
NEW HANOVER CO. NC

APR 18 12 11 PM '89

Condominiums as recorded in Book 1248 at Page 1022 of the New Hanover County Registry AS FOLLOWS:

SECTION 20., subsection A. (2) shall read as follows:

(2) Public liability insurance coverage in an amount not less than One Million (\$1,000,000.00) Dollars per occurrence (bodily injury) and property damage insurance in an amount not less than One Million (\$1,000,000.00) Dollars in the aggregate, in such forms the Association and Lenders shall require, including legal liability, hired automobile, non-owned automobile and off-premises employee coverages.

SECTION 26, "AMENDMENT OF DECLARATION OF CONDOMINIUM", is hereby deleted in its entirety and the following shall be inserted in its place:

26. AMENDMENT OF DECLARATION OF CONDOMINIUM: This Declaration of Condominium may be amended in the following manner:

A. An amendment to this Declaration of Condominium may be proposed by the Board of Directors of the Association acting upon a vote of a majority of the Condominium Units, whether meeting as members or by instrument in writing signed by them. Upon any Amendment to this Declaration being proposed by the Board of Directors or members, such proposed Amendment shall be transmitted to the President of the Association, or other officer of the Association in the absence of the President, who shall thereupon call a Special Meeting of the members of the Association for a date not sooner than twenty (20) days nor later than sixty (60) days from receipt by him of the proposed Amendment. It shall be the duty of the Secretary to give to each member written notice of such Special Meeting, stating the time and place, and reciting the proposed Amendment in reasonably detailed form, which notice shall be mailed not less than ten (10)

1453 0384

days not more than thirty (30) days before the date set for such Special Meeting. If mailed, such notice shall be deemed to be properly given when deposited in the United States Mail addressed to the member at his Post Office address as it appears on the records of the Association, the postage thereon prepaid. Any member may, by written waiver of notice signed by such member, waive such notice, and such waiver, when filed in the records of the Association, whether before or after the holding of the meeting, shall be deemed equivalent to the giving of notice to such member. At the meeting the Amendment proposed must be approved by an affirmative vote of seventy-five percent (75%) of the members owning Units in the Condominium in order for such Amendment to become effective. Thereupon such Amendment of this Declaration shall be transcribed and certified by the President and Secretary of the Association as having been duly adopted; and, when such Amendment has been so transcribed and certified by the President and Secretary of the Association as having been duly adopted as aforesaid, the same shall be submitted to each of the lenders holding first mortgages or first deeds of trust on the Condominium Units in the condominium for the written approval of such lenders to such Amendment, and such approval of the lenders shall be required prior to the recording of such Amendment. When such approval of all lenders has been received in writing by the Association, such approval signified by the duly authorized execution of the Amendment by such lenders, then the original or an executed copy of such Amendment so certified and executed with the same formalities as a deed, shall be recorded in the New Hanover County Public Registry within ten (10) days from the date on which the same became effective. At any meeting held to consider such Amendment, the written vote of any member of the Association shall be recognized if such member is not in attendance at such meeting or represented thereat by proxy, provided such written vote is delivered to the Secretary of the

1453 0385

Association prior to such meeting or at such meeting. Provided, however, that any Amendment not otherwise in conflict with this Declaration (or any amendment thereto), shall be valid if duly recorded after having been properly executed by the owners of three-fourths (3/4) of the condominium units, the DECLARANT, the ASSOCIATION, and LENDERS (specifically including, without limitation, eligible mortgage holders) who represent at least 51% of the votes of unit estates that are subject to mortgages or Deeds of Trust held by eligible holders. As used herein, "eligible mortgage holders" or "eligible Deed of Trust holders" are those holders of a first mortgage or lien on a unit estate who have requested the ASSOCIATION to notify them on any proposed that requires the consent of a specified percentage of eligible mortgage holders.

B. No alteration in the percentage of ownership in Common Property appurtenant to each Condominium Unit, or alteration of the basis for sharing common expenses and other apportionment of assessments which may be levied by the Association in accordance with the provisions hereof, or alteration of basis of ownership of Common Surplus, or alteration of voting rights in the Association, shall be made without the prior written consent of all of the Owners of all Condominium Units and all of the Lenders holding first mortgages or first deeds of trust on the Condominium Units.

C. No alteration, amendment or modification of the rights and privileges granted and reserved hereunder in favor of Lender shall be made without prior written consent of all Lenders holding mortgages on Condominium Units in the Condominium being first had and obtained.

D. No alteration, amendment or modification of the rights and privileges granted and reserved hereunder in favor of Developer shall be made without the written consent of said party being first had and obtained.

EXCEPT AS HEREIN AMENDED, the Declaration of Twin Oaks Condominiums, as recorded in Book 1248 at Page 1022 of the New Hanover County Registry is hereby ratified, re-adopted and confirmed.

IN WITNESS WHEREOF, the DECLARANT, ASSOCIATION, and LENDERS have, by authority of their respective Boards of Directors, caused this instrument to be signed in their respective corporate names by their respective Presidents or Vice Presidents, attested by their respective Secretaries or Assistant Secretaries, and their respective corporate seals to be hereunto affixed, and the undersigned UNIT OWNERS have hereunto set their hands and seals, all the day and year first above written.

ATTEST:  
*Haydee J. Hendrix*  
Asst. Secretary

INLET CONSTRUCTION, INC.

By: *John O. Williams*  
President



(SEAL)

ATTEST:  
*Haydee J. Hendrix*  
Asst. Secretary

INLET HOMEOWNERS ASSOCIATION, INC.

By: *John O. Williams*  
President



(SEAL)

STATE OF NORTH CAROLINA  
COUNTY OF NEW HANOVER

I, Paula S. Philmore, a Notary Public of New Hanover County, North Carolina, certify that Haydee J. Hendrix personally came before me this day and acknowledged that he (or she) is the Asst. Secretary of INLET 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 himself (or herself) as its Asst. Secretary.

WITNESS my hand and notarial seal, this the 17th day of April, 1989.



Paula S. Philmore  
Notary Public

commission expires: 8-19-90

(SEAL)

1453 0387

STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

I, Pamela S. Philmore, a Notary Public of New Hanover County, North Carolina, certify that Haydee J. Hendrix personally came before me this day and acknowledged that he (or she) is the Asst. Secretary of INLET HOMEOWNERS ASSOCIATION, 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 (or herself) as its Asst. Secretary.

WITNESS my hand and notarial seal, this the 17th day of April, 1989

Pamela S. Philmore  
Notary Public

My commission expires: 8-19-90

(SEAL)

The undersigned, all being lenders holding first deeds of trust on units in Twin Oaks Condominiums, have given their consent to the foregoing Amendment to the Declaration of Twin Oaks Condominiums, and signify the same by their execution of this document.

ATTEST  
Barbara C. Peterson  
Asst. Secretary  
(SEAL)

COOPERATIVE SAVINGS AND LOAN ASSOCIATION

By: [Signature]  
President

ATTEST  
[Signature]  
Secretary  
(SEAL)

CAROLINA SAVINGS BANK (successor in interest to CAROLINA SAVINGS AND LOAN ASSOCIATION)

By: [Signature]  
Vice - President

1453 0388

STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

I, Jeanette Gray, a Notary Public of New Hanover County, North Carolina, certify that C. Harber personally came before me this day and acknowledged that he (or she) is the Asst Secretary of COOPERATIVE SAVINGS AND LOAN ASSOCIATION, 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 (or herself) as its Asst. Secretary.



hand and notarial seal, this the 15<sup>th</sup> day of

Jeanette Gray  
Notary Public

My commission expires: 6-1-93

(SEAL)

STATE OF NORTH CAROLINA

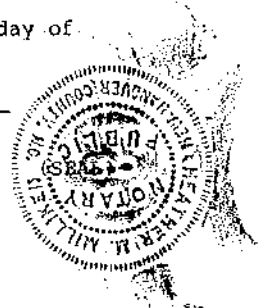
COUNTY OF NEW HANOVER

I, Heather M. Milliken, a Notary Public of New Hanover County, North Carolina, certify that S. Becht personally came before me this day and acknowledged that he (or she) is the Asst. Secretary of CAROLINA SAVINGS 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 himself (or herself) as its Asst. Secretary.

WITNESS my hand and notarial seal, this the 15<sup>th</sup> day of April, 1989.

Heather M. Milliken  
Notary Public

My commission expires: My Commission Expires February 22, 1994



STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

I, \_\_\_\_\_, a Notary Public of \_\_\_\_\_ County, North Carolina, certify that \_\_\_\_\_ personally came before me this day and acknowledged that he (or she) is the \_\_\_\_\_ Secretary of \_\_\_\_\_, 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 (or herself) as its \_\_\_\_\_ Secretary.

WITNESS my hand and notarial seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 1989.

\_\_\_\_\_  
Notary Public

My commission expires:

(SEAL)

1453 0389

STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

I, \_\_\_\_\_, a Notary Public of \_\_\_\_\_ County, North Carolina, certify that \_\_\_\_\_ personally came before me this day and acknowledged that he (or she) is the \_\_\_\_\_ Secretary of \_\_\_\_\_, 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 (or herself) as its \_\_\_\_\_ Secretary.

WITNESS my hand and notarial seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 1989.

\_\_\_\_\_  
Notary Public

My commission expires:

(SEAL)

The undersigned, all being owners of units in Twin Oaks Condominiums, have given their consent to the foregoing Amendment to the Declaration of Twin Oaks Condominiums, and signify the same by their execution of this document.

Owner(s) \_\_\_\_\_

Signature(s) \_\_\_\_\_

Inlet Construction, Inc. By: \_\_\_\_\_

\_\_\_\_\_  
President

Attest:

By: \_\_\_\_\_

\_\_\_\_\_  
Soc. Secretary



Berton Wayman Eason, Jr. \_\_\_\_\_

\_\_\_\_\_  
(SEAL)

Daniel A. Shapiro \_\_\_\_\_

\_\_\_\_\_  
(SEAL)

John O'D. Williams \_\_\_\_\_

\_\_\_\_\_  
(SEAL)

STATE OF NORTH CAROLINA

COUNTY OF New Hanover

J. Jeffrey D. Williams, a Notary Public of New Hanover County, North Carolina, do hereby certify that BERTON WAYMAN EASON, JR. each personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this the 17<sup>th</sup> day of April, 1989.

\_\_\_\_\_  
Notary Public

My commission expires: 4/2/90



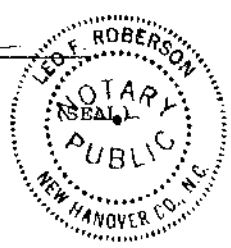


STATE OF NORTH CAROLINA  
COUNTY OF New Hanover

I, Leo F. Roberson, a Notary Public of New Hanover County, North Carolina, do hereby certify that DANIEL A. SHAPIRO personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this the 9<sup>th</sup> day of April, 1989.

Leo F. Roberson  
Notary Public



My commission expires:  
My Commission Expires Sept. 8, 1991

STATE OF NORTH CAROLINA  
COUNTY OF NEW HANOVER

I, Paula S. Philmon, a Notary Public of New Hanover County, North Carolina, do hereby certify that JOHN O'D. WILLIAMS personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this the 17<sup>th</sup> day of April, 1989.



Paula S. Philmon  
Notary Public

My commission expires: 8-19-90

(SEAL)

STATE OF NORTH CAROLINA  
COUNTY OF NEW HANOVER

I, Paula S. Philmon, a Notary Public in and for the State and County aforesaid, hereby certify that HAYDEE J. HENDRIX personally appeared before me this day and acknowledged that she is the Assistant Secretary of INLET CONSTRUCTION, INC., a corporation; that the foregoing and annexed instrument was signed in the name of the corporation by its President, attested by herself as its Assistant Secretary, and the seal of the corporation thereunto affixed, all by authority duly given and as the act of the corporation.

WITNESS my hand and notarial seal, this the 17<sup>th</sup> day of April, 1989.



Paula S. Philmon  
Notary Public

My commission expires: 8-19-90

(SEAL)

1453 0391

The undersigned, also owner of a unit in Twin Oaks Condominiums, has given her consent to the foregoing Amendment to the Declaration of Twin Oaks Condominiums, and signifies the same by her execution of this document.

Unit No.	Owner(s)	Signature(s)
3	Laura Pratt-Davis Everett Van DerVeer Davis, Jr.	<i>Laura Pratt-Davis</i> (SEAL) <i>Everett Van DerVeer Davis, Jr.</i> (SEAL)

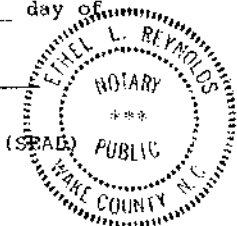
STATE OF NORTH CAROLINA

COUNTY OF Wake  
Ethel L. Reynolds, a Notary Public of Wake

County, North Carolina, do hereby certify that LAURA PRATT DAVIS Laura Pratt-Davis personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this the 11 day of April, 1989.

Ethel L. Reynolds  
Notary Public



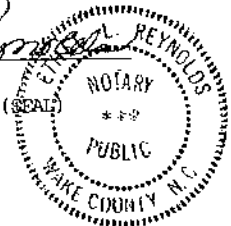
My commission expires:

STATE OF NORTH CAROLINA  
COUNTY OF Wake

Ethel L. Reynolds, a Notary Public of Wake County, North Carolina, do hereby certify that Everett Van DerVeer Davis, Jr. Everett Van DerVeer Davis Jr. personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this the 11 day of April, 1989.

Ethel L. Reynolds  
Notary Public



STATE OF NORTH CAROLINA  
COUNTY OF NEW HANOVER

The foregoing certificates of Ethel L. Reynolds, Leo P. Roberson, Paula S. Philemon, Jeffrey D. Williams, Heather M. Milliken, Jeanette Gray, Notaries Public are certified to be correct this the 18th day of April, 1989.

REBECCA P. TUCKER, Register of Deeds  
By: MS Ote Assistant

BOOK

PAGE

BOOK

PAGE

1248 1040

1453 0392

EXHIBIT "A"

BEING that certain tract or parcel of land called "Pine Acre" as the same is shown on a map of Masonboro Bluffs, said map being dated April, 1926, and recorded in Book 173, Page 11, in the office of the Register of Deeds of New Hanover County, North Carolina, reference to which map is hereby made for a more particular description.