

CREEKSIDE
TOWNHOMES

SUPPLEMENT
DECLARATION

Recorded MAY 03, 1991
Book 0841 pages 521 thru 532

UNOFFICIAL
UNOFFICIAL
UNOFFICIAL

BOOK _____ PAGE _____

0841 521

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK
MAY 6 1991
REGISTER OF DEEDS
BRUNSWICK COUNTY, N.C.

SUPPLEMENTAL DECLARATION TO
DECLARATION CREATING OWNERSHIP
OF PROPERTY UNDER THE PROVISIONS
OF THE ORIGINAL DECLARATION
(Recorded: Book 650, Page 137;
rerecorded in Book 675, Page 18)
Creekside Townhomes Phase 3)

THIS SUPPLEMENTAL DECLARATION, made this 3rd day of May, 1991,
by JOHNSON AND PERRY COMPANY, a North Carolina Corporation,
hereinafter referred to as "Declarant":

KNOW ALL BY THESE PRESENTS:

THAT, WHEREAS, the Declarant is the owner of that certain real
property in the County of Brunswick, State of North Carolina, which
is more particularly described in Exhibit "A" attached hereto and
made a part hereof by reference; and

WHEREAS, the Declarant is the owner of the multi-unit
building, 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 townhouse project pursuant to the
provisions of the original Declaration of Covenants, Conditions and
Restrictions of Creekside Townhomes; and

WHEREAS, said real property is located adjacent to the real
property known and designated as CREEKSIDE TOWNHOMES, PHASE TWO, a
project established by the Declarant by that DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS OF CREEKSIDE TOWNHOMES
(hereinafter Declaration) which is recorded in Book 650 at Page 137
and rerecorded in Book 675 at Page 18 in the Office of the Register
of Deeds of Brunswick County, North Carolina; as supplemented in
Book 695 at Page 306 in the Office of the Register of Deeds of
Brunswick County, and a map showing said PHASE ONE having been
recorded in Map Cabinet 5, at Page 142; and a map showing said
PHASE TWO having been recorded in Map Book R at Page 337, both of
the Brunswick County Registry;

WHEREAS, the real property described in Exhibit "A", attached
hereto, is a portion of that real property described in Exhibit "A"
attached to said Declaration recorded in Book 695 at Page 306 and
rerecorded in Book 675 at Page 18, in which Declarant reserved the

Prepared by
WILLIAM O. EZZELL
Attorney at Law
119 Davis St.
Southport, N.C. 28461

000040

Bill Ezzell
R.D.
0500
050
050

UNOFFICIAL
UNOFFICIAL
UNOFFICIAL

PAGE _____
0841 1522

right and option to add and subject to the provisions of said recorded Declaration, as set forth in Article VIII thereof; and

WHEREAS, it is the desire and intention of the Declarant by the recordation of this Supplemental Declaration in the Office of the Register of Deeds of Brunswick County, North Carolina, to submit all of the real property and the improvements thereto, described in Exhibit "A" attached hereto, to the provisions of the above referenced Declaration;

NOW, THEREFORE, THE DECLARANT DOES HEREBY DECLARE THAT ALL OF THE REAL PROPERTY DESCRIBED IN EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, 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 TOWNHOUSE 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 THE IMPROVEMENTS, OR ANY SUBDIVISION THEREOF, THEIR GRANTEES, SUCCESSORS, HEIRS, EXECUTORS, ADMINISTRATORS, DEVISEES AND ASSIGNS.

ARTICLE I.

Submission of Property

A. In furtherance of the foregoing, the Declarant does hereby submit all of the real property described in Exhibit "A", attached hereto and made a part hereof by reference, together with all improvements thereon and described herein, to the provisions of the Declaration as originally recorded, except as is modified herein or by later Agreements properly executed and recorded.

B. In furtherance thereof, Declarant declares and affirms that the real property described in Exhibit "A", attached hereto, is a portion of the real property described in Exhibit "A" attached to the DECLARATION and therefore, by virtue of the exclusive right and option belonging to the Declarant, as reserved to it in Article VII of said Declaration, the Declarant further declares that all of

Prepared by
WILLIAM G. EZZELL
Attorney at Law
119 Davis St.
Southport, N.C. 28461

UNOFFICIAL
UNOFFICIAL
UNOFFICIAL

BOOK PAGE

841 523

the real property described in Exhibit "A" attached hereto and made a part hereof by reference, 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 these Articles of Covenants, Conditions, Restrictions, Uses, Limitations and Obligations which are set forth in that recorded Declaration referred to hereinabove, except as those provisions are necessarily altered or changed for this submission as set forth hereinbelow.

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

ARTICLE 11

Definitions

The definitions for the terms used in this Supplemental Declaration and used in the Articles of the said recorded Declaration (recorded in Book 650 at Page 137, and rerecorded in Book 675 at Page 18) as they are applicable to this Submission of real property by incorporation herein shall be as follows:

1. The terms Association, Owner or Lot Owner, Properties, Common Area, Lot or Unit and Declarant are defined in Article I of the Declaration recorded in Book 650 at Page 137 and rerecorded in Book 675 at Page 18, referred to hereinabove, and said definitions are incorporated herein by reference.
2. The term "Building" shall mean and refer to the one multi-unit building which the Declarant has constructed upon the real property described in Exhibit "A", to be used for residential purposes, as hereinafter provided. The building has been subdivided into six (6) units, each of which is located entirely on one lot in Creekside Townhomes.
3. The term Supplemental Declaration shall mean and refer to this instrument.
4. The term "Property" means and includes the land described in Exhibit "A" attached hereto and incorporated herein by

Prepared by
WILLIAM D. EZZELL
Attorney at Law
119 Darr St.
Southport, N.C. 28461

UNOFFICIAL
UNOFFICIAL
UNOFFICIAL

BOOK PAGE

6841 524

reference, together with any buildings and improvements located thereon.

ARTICLE III

Plan of Development and Scope of Declaration

The name by which the entire townhouse project is known is CREEKSIDE TOWNHOMES. The Declarant has caused to be constructed upon the real property, comprising PHASE THREE, a multi-unit building, containing the six (6) units as well as the common areas and facilities of the building, and the real property, all as defined hereinabove. The units of the building together with their privileges and appurtenances, shall be offered for sale to the public by the Declarant as townhouse lots, subject to the covenants, conditions, restrictions and obligations stated in the Articles of this Supplemental Declaration, the Articles of the Declaration recorded in Book 650 at Page 137 and rerecorded in Book 675 at Page 18, referenced 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 lots and their owners shall be subject to the jurisdiction of the Association of which each lot owner shall be a member and which shall manage the upkeep and maintenance of the entire townhouse project, PHASE ONE, PHASE TWO AND PHASE THREE of CREEKSIDE TOWNHOMES, 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 650, at Page 137, and rerecorded in Book 675 at Page 18).

Prepared by
WILLIAM D. EZZELL
Attorney at Law
119 Davis St.
Spartanburg, N.C. 29461

The Declarant, by this Supplemental Declaration, submits only the real property described in Exhibit "A", attached hereto, together with the improvements thereon, to the Declaration and hereinafter this submission shall be referred to as CREEKSIDE TOWNHOMES, PHASE THREE. 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 650 at Page 137, and rerecorded in Book 675 at Page 18, referred to hereinabove, by the addition of all or any portion or portions of the remainder of the real

UNOFFICIAL
UNOFFICIAL
UNOFFICIAL

BOOK _____ PAGE _____
0841 525

property described in Exhibit "A" to said Declaration in one or more phases of CREEKSIDE TOWNHOMES upon the terms and in the manner set forth in said Declaration, which are incorporated herein by reference.

ARTICLE IV.

The Nature and Incidents of Unit Ownership

Each lot shall be conveyed and treated as an individual real property capable of independent use and fee simple ownership, and the owner of each lot shall also own, as an appurtenance to the ownership of each said lot, those property rights and voting rights as set forth in the Declaration.

ARTICLE V

Incorporation

The terms and provisions of Articles II, III, IV, V, VI, VII and VIII and Exhibit A of the Declaration are hereby adopted in their entirety and incorporated herein by reference, except that reference to recording this Supplemental Declaration in New Hanover County shall be waived, and in its place, for this and all future Supplemental Declarations (if any) they shall be recorded in Brunswick County. All other information contained in the original Declaration is validated hereby as to CREEKSIDE TOWNHOMES, PHASE ONE, as if fully set forth again.

IN WITNESS WHEREOF, the Declaration JOHNSON AND PERRY COMPANY has caused this Supplemental Declaration to be signed by its President and Attested by its Secretary the day and year first above written.

Prepared by
WILLIAM D. EZZELL
Attorney at Law
119 Davis St
Southport, N.C. 28461

JOHNSON AND PERRY COMPANY

By: [Signature]
John K. Perry, President



ATTEST:

[Signature]
Dianne S. Perry, Secretary

UNOFFICIAL
UNOFFICIAL
UNOFFICIAL

PAGE _____
PAGE _____
3841 526

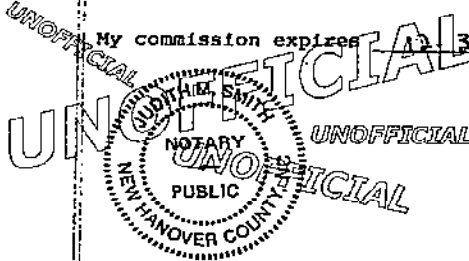
STATE OF North Carolina
COUNTY OF New Hanover

I, Notary Public of the County and State aforesaid, certify that Diane S. Gray personally came before me this day and acknowledged the (s)he is _____ Secretary of JOHNSON AND PERRY 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 _____ President, sealed with its corporate seal and attested by _____ as its _____ Secretary.

Witness my hand and official seal, this the 6 day of May, 1991.

Judith M. Smith
NOTARY PUBLIC

My commission expires 12-30-1995



Prepared by:

STATE OF NORTH CAROLINA, Brunswick County,
The Foregoing Certificate(s) of Judith M. Smith, Notary Public

Recorded this 6 day of May, 1991 at 7:44 o'clock P. M. (is/are) certified to be correct.

ROBERT J. ROBINSON, Register of Deeds
a/s

Robert J. Robinson

UNOFFICIAL
UNOFFICIAL
UNOFFICIAL

UNOFFICIAL
UNOFFICIAL
UNOFFICIAL

UNOFFICIAL
UNOFFICIAL
UNOFFICIAL

POCK PAGE
0841 527

Legal Description for:
Phase 3 BLDG. D Site
Creekside Townhomes

UNOFFICIAL
UNOFFICIAL
UNOFFICIAL

Beginning at a point in the southern line of Creekside Townhomes said point marks the Fourth (4th) Corner called for in the description of Phase 2 Creekside Townhomes written in the office of Jerold W. Lewis, Registered Land Surveyor on June 11, 1987; said point being located North 56 degrees 36 minutes 55 seconds West One Hundred Eighty-Three and 20/100 (181.20) feet, North 48 degrees 28 minutes 33 seconds West One Hundred Sixty-Six and 14/100 (166.14) feet and North 46 degrees 24 minutes 01 second West Sixty-Two and 0/10 (62.0) feet, more or less, from an Iron Pipe (found) in the westerly right of way line of N.C. Highway #133 (allowing 60 feet in width) (River Road S.E.), such pipe marks the southeasterly most corner of Phase 1 Creekside shown on a map of record duly recorded in Map Cabinet "R" at Page 337 and 338 of the Brunswick County Registry. Runs thence and leaving said southern line at a right angle North 43 degrees 32 minutes 59 seconds East One Hundred Thirty-Five and 18/100 (135.18) feet to a point in the southern line of Creekside Drive (allowing 60 feet in width); said point being located North 48 degrees 43 minutes 14 seconds West a Chord Distance of One Hundred Thirty and 47/100 (130.47) feet, more or less, from a point marking the beginning of a curve to the right in Creekside Drive; runs thence with and along the southern line of said Drive as the same curves to the right to a point in said southern line, such point being North 41 degrees 10 minutes 20 seconds West a Chord Distance of One Hundred Eighteen and 5/10 (118.5) feet, more or less, from the preceding point; runs thence and leaving said curve South 47 degrees 23 minutes 17 seconds West One Hundred Fourteen and 6/10 (114.6) feet, more or less, to a point in the southern line of said Creekside Townhomes; runs thence with and along said southern line South 26 degrees 46 minutes 17 seconds East Ninety-Four and 15/100 (94.15) feet, more or less, to an Iron Pipe (found); runs thence South 46 degrees 24 minutes 01 second East Thirty-six and 9/10 (36.9) feet, more or less, to the Point of Beginning. This description prepared in the office of Jerold W. Lewis, P.L.S. N.C. Registration Number L-2589 on April 15, 1991.



UNOFFICIAL
UNOFFICIAL
UNOFFICIAL

UNOFFICIAL
UNOFFICIAL
UNOFFICIAL

841 528

FILED IN REGISTERED
BOOK 805 PAGE 528

MAY -6 PM 1:44

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

This deed of release, made and prepared into this 11th day of May, 1991, by and between NANCY M. GUYTON, acting hereinafter stated and JOHN F. JOHNSON and wife, BLONDELL B. JOHNSON, parties of the first part; and JOHNSON & PERRY COMPANY, party of the second part of New Hanover County, North Carolina;

WITNESSETH:

That whereas, said party of the second part heretofore executed to said NANCY M. GUYTON acting as trustee a certain deed of trust in the sum of TWO HUNDRED FORTY THOUSAND AND 00/100 DOLLARS (\$240,000.00), dated the 15th day of May, 1990, and recorded in Book 805 at Page 841 in the office of the Registrar of Deeds of Brunswick County, North Carolina, to secure a certain note therein set out payable to JOHN F. JOHNSON and wife, BLONDELL B. JOHNSON; and whereas, said party of the second part has requested said JOHN F. JOHNSON and wife, BLONDELL B. JOHNSON to release from the lien of said deed of trust so much of the land therein conveyed as is hereinafter described and the said JOHN F. JOHNSON and wife, BLONDELL B. JOHNSON have agreed so to do and have requested the said trustee to join in said release.

Now therefore, said parties of the first part, for and in consideration of the sum of \$1.00 to each of them paid by the party of the second part, have remised and released, and by these presents do remise, release, and forever quitclaim unto the said party of the second part and their heirs and assigns certain lands situated in the County of Brunswick and State of North Carolina, in Toon Creek Township, and more particularly described as follows:

BEING ALL OF LOT ONE, PHASE 3, BUILDING D, CREEKSIDE TOWNHOUSES, and its' associated common areas, as the same is shown more fully on a map thereof recorded in Map Cabinet V at Pages 263 and 264 of the Brunswick County Registry, reference to which map is hereby made for a more particular description of this property. This lot may also be referred to as Unit 221, Building D, Creekside Townhouses, Phase Three.

To have and to hold, said lands and premises, together with all privileges and appurtenance thereunto belonging to them the said party of the second part, their heirs and assigns, free and

Prepared by
WILLIAM D. EZZELL
Attorney at Law
119 Davis St.
Southport, N.C. 28451

Bill Ezzell
10.00
0500 4558
204 4558

UNOFFICIAL
UNOFFICIAL
UNOFFICIAL

PAGE _____ PAGE _____

841 529

discharged from the lien of the deed of trust recorded in Book 805 at Page 841, in the office of the Register of Deeds of Brunswick County and hereinafter referred to.

In Testimony whereof said parties of the first part have hereunto set their hands and seal the day and year first above written.

John F. Johnson
JOHN F. JOHNSON

Blondell B. Johnson
BLONDELL B. JOHNSON

Nancy M. Guyton
NANCY M. GUYTON, TRUSTEE

UNOFFICIAL
UNOFFICIAL
UNOFFICIAL

STATE OF North Carolina
COUNTY OF Brunswick

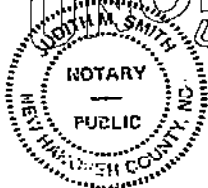
Notary Public of the County and State aforesaid, do hereby certify that JOHN F. JOHNSON and wife, BLONDELL B. JOHNSON, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein set forth.

Prepared by
WILLIAM D. EZZELL
Attorney at Law
119 Duke St.
Southport, N.C. 28461

This the 3 day of May, 1991.

William D. Ezzell
NOTARY PUBLIC

My commission expires 10-25-1995.



UNOFFICIAL

UNOFFICIAL
UNOFFICIAL
UNOFFICIAL

UNOFFICIAL
UNOFFICIAL
UNOFFICIAL

copy _____ PAGE _____
3841 530

UNOFFICIAL
UNOFFICIAL
UNOFFICIAL

STATE OF North Carolina
COUNTY OF Brunswick

I, Notary Public Judith M. Smith of the County and State aforesaid, do hereby certify that NANCY M. GUYTON, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein set forth.

This the 6 day of May, 1991.

Judith M. Smith
NOTARY PUBLIC

My commission expires: 12-30-1996



UNOFFICIAL
UNOFFICIAL
UNOFFICIAL

STATE OF NORTH CAROLINA, Brunswick County, Judith M. Smith, Notary Public
The foregoing Certificate(s) of _____

Recorded this 6 day of May, 1991 at 1:44 o'clock P. M. (is/are) certified to be correct.

Robert J. Robinson
Robert J. Robinson, Register of Deeds
afs

Prepared by
WILLIAM D. EZZELL
Attorney at Law
119 Davis St
Southport, N.C. 28451

UNOFFICIAL
UNOFFICIAL
UNOFFICIAL

UNOFFICIAL
UNOFFICIAL
UNOFFICIAL

BOOK PAGE
5841 531

STATE OF NORTH CAROLINA
Real Estate Excise Tax
\$3.00
BRUNSWICK COUNTY

REGISTER OF DEEDS
BRUNSWICK COUNTY, N.C.
91 MAY 26 1958

Tax Lot No. Parcel Identifier No.
Verified by County on the day of 19
by

Mailed after recording to
This instrument was prepared by William B. Ezzell, Attorney at Law, Southport, N.C.
Brief description for the index Unit 22, Phase III, Creekside

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 2nd day of May, 1958, by and between

GRANTOR
JOHNSON AND PERRY COMPANY
a North Carolina Corporation

GRANTEE
H. MARSHALL TYNDALL, SINGLE
22 Creekside Dr.
Leland, N.C.

Enter in appropriate block for each party: name, address, and appropriate character of entity, corporation or partnership.
The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Brunswick

County, North Carolina and more particularly described as follows:
BEING ALL OF LOT ONE, BUILDING D, PHASE 3, CREEKSIDE TOWNHOUSES, as the same is shown more fully on a map thereof recorded in Map Cabinet V at Pages 263 and 264 of the Brunswick County Registry, reference to which map is hereby made for a more particular description of this property. This lot may also be referred to as Unit 22, Building D, Creekside Townhouses, Phase Three, TOGETHER WITH AND SUBJECT TO all rights, privileges and obligations contained in the Declaration of Covenants, Conditions and Restrictions of Creekside Townhomes, recorded in Book 650 at Page 137 and rerecorded in Book 675 at Page 18, and any and all Supplemental Declarations of record of the Brunswick County Registry.
SUBJECT ALSO to all rules, regulations and responsibilities appurtenant to the unit by virtue of membership in Creekside Association of Brunswick, a North Carolina non-profit corporation, with the Articles of Incorporation filed in Corporation Book 9 at Page 318 of the Brunswick County Registry, and the Articles and By-Laws of said corporation also being recorded in Book 650 at Page 151 et. seq. of the Brunswick County Registry.

Bill Ezzell
2.00 63.00
01
4588
4500
ap

UNOFFICIAL
UNOFFICIAL
UNOFFICIAL

BOOK _____ PAGE _____
7841 532

UNOFFICIAL
UNOFFICIAL
UNOFFICIAL

The property hereinabove described was conveyed by Grantor by instrument recorded in Book 650 Page Page 135 of the Brunswick County Registry.

A map showing the above described property is recorded in Plat Book V page 263 & 264 TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

1. Taxes to be assessed.
2. Easements of record.
3. Covenants and restrictions of record.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument 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, the day and year first above written.

JOHNSON AND PERRY COMPANY (Corporate Name) _____ (SEAL)

BY: *John W. Perry* _____ (SEAL)

ATTEST: *David J. Perry* _____ (SEAL)

Notary Public (Corporate Seal) _____ (SEAL)



NORTH CAROLINA, Brunswick County.

I, a Notary Public of the County and State aforesaid, certify that _____ Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp of seal, this 3 day of May, 1931.

My commission expires: 12-30-1931 *David J. Perry* Notary Public

NORTH CAROLINA, _____ County.

I, a Notary Public of the County and State aforesaid, certify that _____ Secretary of _____ a North Carolina corporation, personally came before me this day and acknowledged that _____ he is _____ 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 President, sealed with its corporate seal and operated by _____ Secretary. Witness my hand and official stamp of seal, this _____ day of _____ 1931.

My commission expires: _____ Notary Public

The foregoing Certificate of _____ Judith H. Smith, Notary Public _____

It is so registered to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof. *Robert Robinson* REGISTER OF DEEDS FOR Brunswick COUNTY

By ANITA F. SMITH Deputy/Assistant - Register of Deeds