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RECORDED & INDEXED
REBECCA HUCKER
REGISTRY OF DEEDS
NEW HANOVER COUNTY

STATE OF NORTH CAROLINA

19

FIRST SUPPLEMENTAL DECLARATION

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DECLARATION OF SEAHAWK SQUARE
CONDOMINIUMS

COUNTY OF NEW HANOVER

THIS FIRST SUPPLEMENTAL DECLARATION, made this 6th day of March, 1985, by SEAHAWK ASSOCIATES, LTD., a North Carolina Partnership, with its principal office and place of business in New Hanover County, State of North Carolina, hereinafter referred to as "DECLARANT";

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KNOW ALL MEN BY THESE PRESENTS:

THAT, WHEREAS, the Declarant is the owner of that certain real property in the County of New Hanover, State of North Carolina, which is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, the Declarant is the owner of certain multi-unit buildings and other improvements heretofore constructed upon a certain portion of the aforesaid property, described on Exhibit "A" hereto attached, said portion as herein referred to being more particularly described on Exhibit "B", which is attached hereto and incorporated herein by reference; and

WHEREAS, it is the desire and the intention of the Declarant to market, sell and convey interest 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, said real property is located at Wilmington, North Carolina, and is also a portion of the real property which is described in Exhibit "A" of the Declaration of Seahawk Square Condominiums, Phase I, which establishes Seahawk Square Condominiums, Phase I, said Declaration being recorded in Book 1273 at Page 1689 of the Registry of New Hanover County, State of North Carolina. The site plan for the said Phase I is attached to the Declaration as Exhibit "C", and is also recorded in Condominium Plat Book 6 at Pages 191 through 196, inclusive, of the said New Hanover County Registry. In Section 26 of the said Declaration, the Declarant reserved the right and option to add and subject to the provisions of said Declaration the property described in Exhibit "A" thereof; and

WHEREAS, the aforesaid Declaration of Seahawk Square Condominiums, Phase I was amended by instrument dated January 18, 1985, and recorded in Book 1277 at Page 450 of said Registry; and

WHEREAS, it is the desire and intention of the Declarant in the recordation of this First Supplemental Declaration in the Office of the Register of Deeds of New Hanover County, North Carolina, to submit all of the real property and improvements thereto described on Exhibit "B" attached hereto and incorporated herein by reference to the provisions of the said Chapter 47A, and specifically to the provisions of the above referenced and previously recorded Declaration of Seahawk Square Condominiums (as amended);

NOW, THEREFORE, THE DECLARANT DOES HEREBY DECLARE THAT ALL OF THE REAL PROPERTY DESCRIBED ABOVE, 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 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.

RETURNED TO

Janet Coleman

031987

1. ESTABLISHMENT OF CONDOMINIUM. Phase II is the second and final condominium phase of a series of condominium phases which the Declarant proposes to create, each of which, if developed, will be located within (but not necessarily encompassing all) the real property described in Exhibit "A" attached hereto and incorporated herein by reference. All of these condominiums are being developed under a Common Plan which includes this Declaration, the features of which include common recreation facilities and the providing of maintenance and other services through a common administration. Each parcel or tract of land, with the improvements thereon or to be placed thereon, which may be submitted to the condominium form of ownership pursuant to this Common Plan shall constitute an addition to the original Condominium and shall be designated as "SEAHAWK SQUARE, PHASE I", and "SEAHAWK SQUARE, PHASE II". In addition, in order to facilitate the operation and administration of all phases of the condominium under the Common Plan, there has been formed the non-profit corporation known as SEAHAWK SQUARE HOMEOWNERS ASSOCIATION, INC., which shall have the general authority and responsibility for the operation and administration of the condominium. The authority and responsibility of SEAHAWK SQUARE HOMEOWNERS ASSOCIATION, INC. shall be as described in this Declaration, and its Articles of Incorporation and By-Laws.

Declarant does hereby submit the property, more particularly described on Exhibit "B" attached hereto and incorporated herein by reference, and the improvements located thereon to condominium ownership under the provisions of Chapter 47A of the General Statutes of North Carolina (Unit Ownership Act), and hereby declares the same to be a condominium to be known and identified as SEAHAWK SQUARE, PHASE II, which shall contain a maximum of 30 living units and their supporting facilities and other appurtenant improvements. The buildings are constructed of stucco, wood and wood siding upon concrete foundations. Ground floors are of concrete. Patios are of wood. The roof contains asphalt shingles, and there are no basements. Additional information as to the materials, style, construction, and finishes of the buildings are shown on the plans of the building, recorded in Condominium Plat Book 6, Pages 371 through 375, inclusive. The property contains sufficient parking space to accommodate at least one automobile for each Condominium Unit. Each Unit Owner has the right to the use, for at least one automobile, of such space. If additional phases are built, amendments and/or supplements to this Declaration shall be made to bring said phases under this Declaration and into the SEAHAWK SQUARE HOMEOWNERS ASSOCIATION, INC.

2. SURVEY AND DESCRIPTION OF IMPROVEMENTS: Filed simultaneously herewith and expressly made a part hereof as Exhibit "C", consisting of seven (7) pages, is a Survey of the land and graphic descriptions and plans of the improvements constituting the Condominium, identifying the Condominium Units and Common Areas and Facilities, as said terms are hereinafter defined, and their respective locations and approximate dimensions. Each Condominium Unit is identified by specific numerical designation on Exhibit "C", and no Condominium Unit bears the same designation as any other Condominium Unit. If and when this Declaration is amended and/or supplemented to add additional phases, additional surveys and description of improvements will be filed as a part of said amendment.

A. Condominium Units as defined herein shall comprise the separate numerically identified Dwelling Units which are designated in said Exhibit "C", excluding all spaces and improvements lying:

- (1) Beneath the subflooring material of all floors;
- (2) Beneath the interior surfacing material of all perimeter walls, interior bearing walls and/or bearing partitions;
- (3) Above the interior surfacing material of the ceilings;

and further excluding all pipes, ducts, wires, conduits and other facilities for the furnishing of utilities and other services to Condominium Units and Common Areas and Facilities up to and including the point of entry of such pipes, ducts, wires, and conduits through the interior surfacing material for walls and ceilings and subflooring surfacing material for floors. All pipes, ducts, wires, conduits and other such facilities within the interior surfacing materials shall be a part of the respective Condominium Unit. The decoration and painting of the exterior surface of doors and window frames shall be the responsibility of the Association, as hereinafter defined.

B. Common Areas and Facilities (herein "Common Property") shall comprise all of the real property, improvements and facilities of the Condominium other than the Condominium Units and all personal property held and maintained for the use and enjoyment of all the Owners of Condominium Units.

C. The terms "Association of Unit Owners", "Building", "Common Areas and Facilities", "Common Expenses", "Common Profit", "Condominium", "Declaration", "Majority" or "Majority of Unit Owners", "Person", "Property", "Recordation", "Unit" or "Condominium Unit", "Unit Designation", and "Unit Owner", unless it is plainly evident from the context of this Declaration that a different meaning is intended, shall have the meaning set out in Section 3 of Chapter 47A of the General Statutes of North Carolina. The terms "75% of the members" or "75% of the membership", (or "3/4" in lieu of "75%") when used in the context of membership voting rights, shall mean the owners of at least 75% of the aggregate interest in the Common Areas and Facilities.

3. OWNERSHIP OF CONDOMINIUM UNITS AND APPURTENANT INTEREST IN COMMON PROPERTY: Each Condominium Unit shall be conveyed and treated as an individual 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 Condominium Unit, an undivided interest in the Common Property. The undivided interest appurtenant to each Condominium Unit in Phase II shall be as set out in Exhibit "D" attached hereto and made a part hereof. The proportional interest in the Common Property that is appurtenant to each Condominium Unit has been determined by a ratio formulated upon the approximate relation that the fair market value of each Unit at the date of the Declaration bears to the then aggregate fair market value of all of the Units having an interest in the Common Property. The fair market value of each Unit and the aggregate fair market value of all the Units have been determined by the Declarant, and are binding upon all Unit Owners.

The Declarant has caused the Buildings to be constructed upon the Real Property, as well as the Common Areas and Facilities. The Units, together with their privileges and appurtenances, shall be offered for sale by the Declarant as Condominium Units, pursuant to the provisions of Chapter 47A of the North Carolina General Statutes, subject to the covenants, conditions, restrictions, and obligations of the Declaration (as supplemented and/or amended), the Articles of Incorporation of the Association, and the duly adopted By-Laws of the Association, and the rules and regulations adopted by the Association.

The Declarant, by this Declaration, submits only the real property described on Exhibit "B" attached hereto, together with the improvements thereon, to the Act, and hereafter this submission shall be referred to as SEAHAWK SQUARE, PHASE II.

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The Declarant covenants and agrees that no more than thirty (30) units will be added to the thirty (30) units in SEAHAWK SQUARE, PHASE I, for a total of sixty (60) units.

The Declarant covenants and agrees that all Buildings containing Units built upon the real property which may be subjected to this Declaration under this paragraph 3 shall be not more than two stories in height above ground floor level and shall be constructed with materials like or substantially similar to those used in SEAHAWK SQUARE, PHASE II; and

It is understood and declared that the undivided fractional or percentage interests owned by each Unit Owner in SEAHAWK SQUARE, PHASE II, is as stated on Exhibit "D" hereto. It is further understood that the Act provides that the fractional or percentage undivided interest of each Unit Owner in the Common Areas and Facilities as expressed in any Declaration shall have a permanent character and shall not be altered except with the unanimous consent of all Unit Owners expressed in an amended declaration duly recorded. Every Unit Owner of Units in SEAHAWK SQUARE, any phase, by the acceptance of the deed for his Unit, shall be deemed to specifically have agreed for himself, his heirs, devisees, successors, and/or assigns that the Declarant shall have the right and power, as attorney-in-fact for every Unit Owner, to establish the undivided fractional or percentage interest of each such Unit Owner in the expanded Common Areas and Facilities of SEAHAWK SQUARE, both phases, as well as the right and power to establish undivided fractional or percentage interests in the expanded Common Areas and Facilities of SEAHAWK SQUARE, both phases, to be appurtenant to additional Units of SEAHAWK SQUARE, and therefore, (1) the liability of each Unit Owner for Common Expenses, not specifically assessed, (2) the interest of each Unit Owner in any Common Surplus, and (3) the voting rights in the Association of each Unit Owner, which such undivided fractional or percentage interests shall be stated in any supplement to this Declaration required to be executed and recorded in the Office of the Register of Deeds of New Hanover County, North Carolina, in order to expand or add to the property subject to this Declaration as is provided for hereinabove. It is hereby declared and agreed that the Declarant shall establish said undivided interests without prior consultation with or consent of any Unit Owner of any Unit in SEAHAWK SQUARE, either phase; and, that the Declarant covenant and agree to establish such undivided fractional or percentage interests for all Units at such times as may be necessary pursuant to this paragraph 3 in the proportions that the then fair market value of each Unit, new and existing, as shall be determined solely by the Declarant, bears to the then aggregate fair market value of all Units on the date of the supplemental declaration or declarations. In determining such fair market value for any additional Unit added to or made subject to this Declaration, Declarant may use the offering or purchase price of such Unit or the fair market value as established by an independent appraiser. In determining the fair market value of Units previously subjected to this Declaration, the Declarant may use the value as then established for ad valorem tax purposes by the appropriate authorities or the value established by an independent appraiser.

Nothing herein shall be deemed to limit or alter the Declarant's right, hereby reserved, to vary the internal layout, size, or configurations of any Units hereafter constructed, so long as the Declarant substantially conforms with the provisions of this paragraph 3.

4. INCORPORATION: The terms and provisions of Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29, and Exhibits "E" and "F" of the Declaration of Seahawk Square Condominiums, Phase I, recorded in Book 1273 at Page 1689 of the Registry of New Hanover County, North Carolina, and the terms and provisions of the Amendment hereinabove referred to, are hereby adopted in their entirety and incorporated herein by reference.

IN WITNESS WHEREOF, the Declarant, SEAHAWK ASSOCIATES, LTD., has caused these presents to be executed in its name by EDWIN L. BURNETT, III, and GARLAND F. PALMER, JR., its Partners, this 6th day of March, 1985, at Wilmington, New Hanover County, North Carolina.

SEAHAWK ASSOCIATES, LTD.

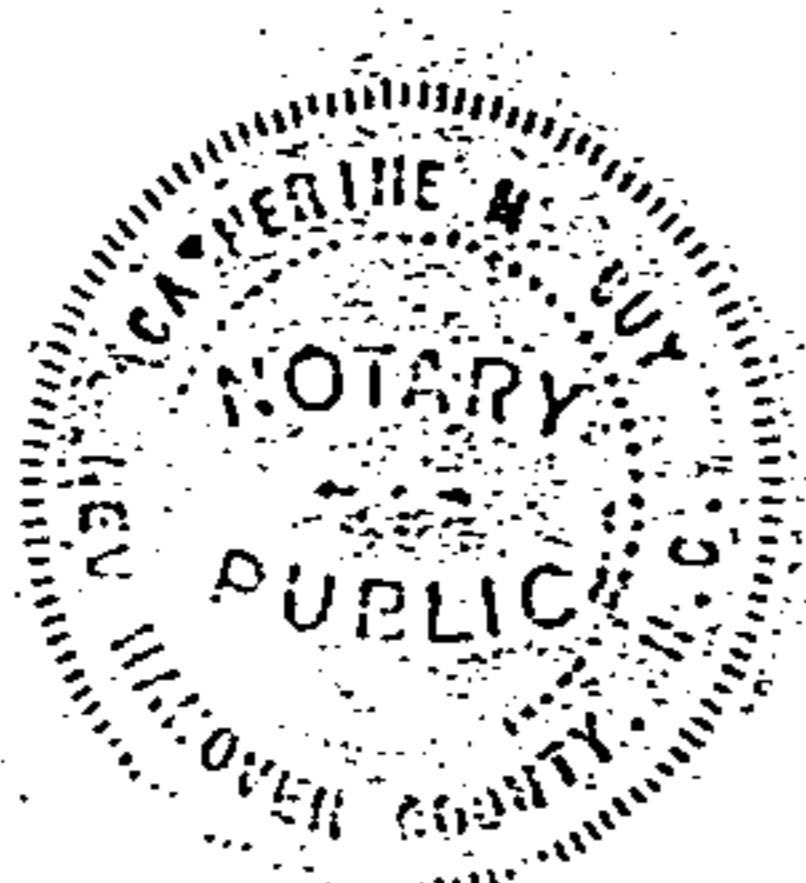
By: *E. L. Burnett, III* (SEAL)
EDWIN L. BURNETT, III
PARTNER

By: *Garland F. Palmer, Jr.* (SEAL)
GARLAND F. PALMER, JR.
PARTNER

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

I, *Catherine M. Guy (O'Quinn)* a Notary Public in and for said county and state, do hereby certify that EDWIN L. BURNETT, III and GARLAND F. PALMER, JR. each personally appeared before me this day and acknowledged that they are the Partners of SEAHAWK ASSOCIATES, LTD., a North Carolina Partnership, and that as such they have executed the foregoing and annexed Declaration of Condominium as the duly authorized act of said Partnership.

WITNESS my hand and official seal, this the 6th day of March, 1985.



Catherine M. Guy (O'Quinn)
Notary Public

My Commission Expires: July 7, 1986

ALTON Y. LENNON, TRUSTEE, hereby executes this Declaration and assents to the terms and conditions thereof in behalf of the lender, JOHN W. NESTER, a citizen and resident of the County of Nassau and State of New York.

Alton Y. Lennon (SEAL)
ALTON Y. LENNON, Trustee

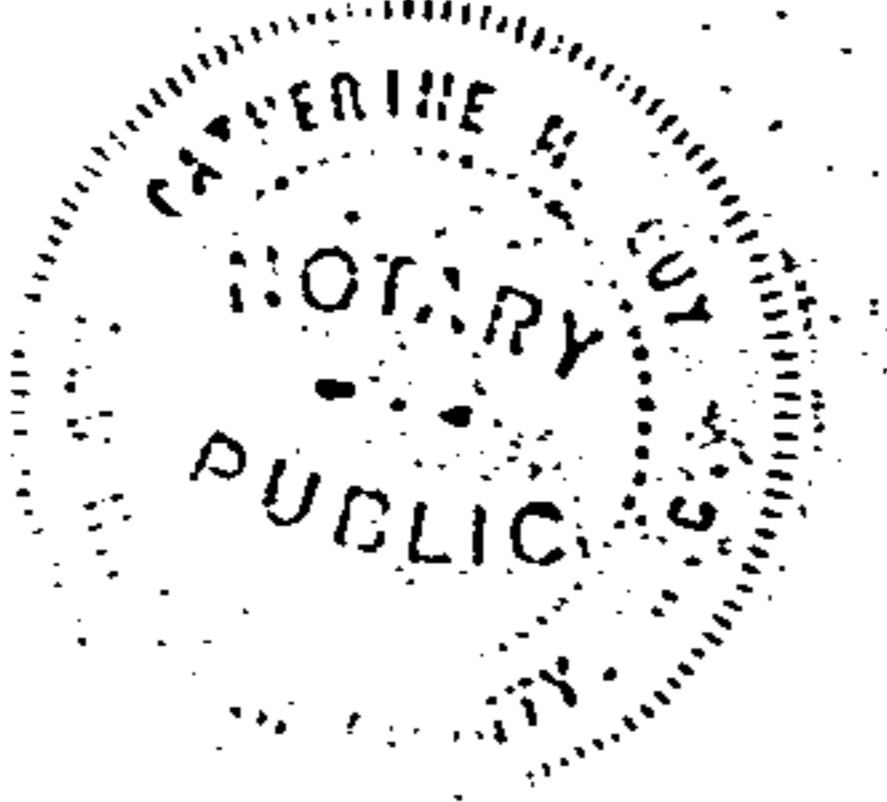
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STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

I, Catherine M. Guy (O'Quinn), a notary public of said county and state, do hereby certify that ALTON Y. LENNON, acting as Trustee, personally came before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my hand and notarial seal this 6th day of March, 1985.



Catherine M. Guy (O'Quinn)
Notary Public

My Commission Expires: July 7, 1986

STATE OF NORTH CAROLINA, New Hanover County

The Foregoing Certificate(s) of Catherine M. Guy (O'Quinn) a notary public

This 11th day of MARCH, A.D., 19 85. (are) certified to be correct.

Rebecca P. Tucker, Register of Deeds
By Linda P. Alston
Deputy

BEGINNING at a point in the Eastern right of way line of N.C. Highway # 132. 1281 1000
(200 foot right of way), said point being located North 33 degrees 19 minutes
East 61.9 feet as measured along the Eastern right of way line of N.C. Highway
132 from its point of intersection with the Northeastern right of way line of
MacMillian Avenue (30 feet from the center line thereof): Running thence from said
beginning point with the Eastern right of way line of N.C. Highway # 132, North
33 degrees 19 minutes East 28.0 feet to a point: Running thence South 60 degrees
09 minutes East 196.87 feet to a point: Running thence North 29 degrees 51
minutes East 96.82 feet to a point in the Southern line of the Altobellis Tract:
Running thence with the Southern line of the Altobellis Tract, South 60 degrees
09 minutes East 157.0 feet to a point: Running thence North 33 degrees 19 minutes
East 125.0 feet to a point: Running thence South 60 degrees 09 minutes East 200.0
feet to a point: Running thence South 33 degrees 19 minutes West 250.0 feet to a
point: Running thence North 60 degrees 09 minutes West 550.0 feet to the point
of beginning. Containing 1.71 acres more or less.

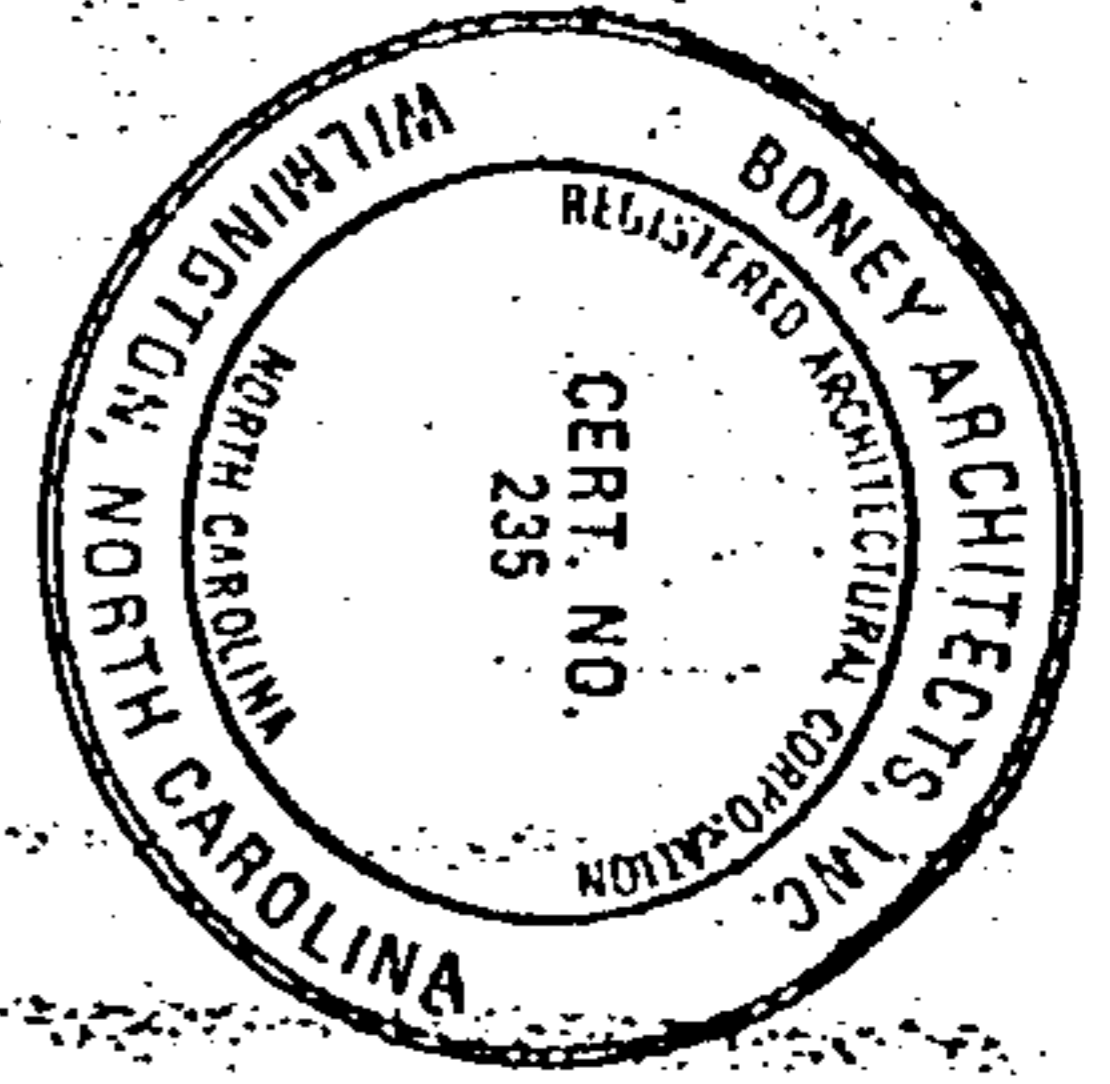
RECORD OF POOR QUALITY DUE TO
CONDITION OF ORIGINAL DOCUMENT
G. S. 161-14

SEAHAWK PHASE II

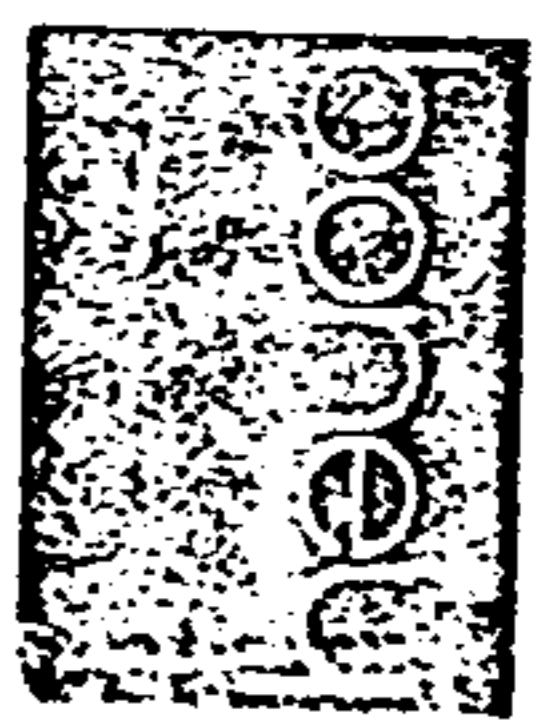
1281 1001

BEGINNING at a point that is located South 60 degrees 09 minutes East 471.21 feet from a point in the Eastern right of way line of N.C. Highway # 132 (200 foot right of way), said point in the Eastern right of way line of N.C. Highway # 132 being located North 33 degrees 19 minutes East 61.9 feet as measured along the Eastern right of way line of N.C. Highway # 132 from its point of intersection with the Northeastern right of way line of MacMillian Avenue (30 feet from the center line thereof): Running thence from said beginning point North 29 degrees 51 minutes East 124.77 feet to a point: Running thence North 60 degrees 09 minutes West 113.65 feet to a point: Running thence North 33 degrees 19 minutes East 125.0 feet to a point in the Southern line of the University of North Carolina at Wilmington tract: Running thence with the lines of University of North Carolina at Wilmington Tract, South 60 degrees 09 minutes East 200.0 feet to a point: Running thence South 33 degrees 19 minutes West 250.0 feet to a point: Running thence North 60 degrees 09 minutes West 78.79 feet to the point of beginning. Containing 0.81 acres more or less.

First Floor Elev. 38.6'
 Second Floor Elev. 47.7'
 Third Floor Elev. 56.8'
 Ceiling Height is 8.1'
 Floor to Floor Height is 9.1'



Paul Davis Boney AIA



FIRST FLOOR PLAN

INDICATES BOUNDARY LINE OF UNITS
 INDICATES COMMON AREAS & STRUCTURAL BOUNDARIES
 INDICATES LIMITED COMMON AREAS & FACILITIES
 UNIT INDICATES CONDOMINIUM

SEAHAWK SQUARE

COLLEGE ROAD
 WILMINGTON, NORTH CAROLINA

BUILDING "C"

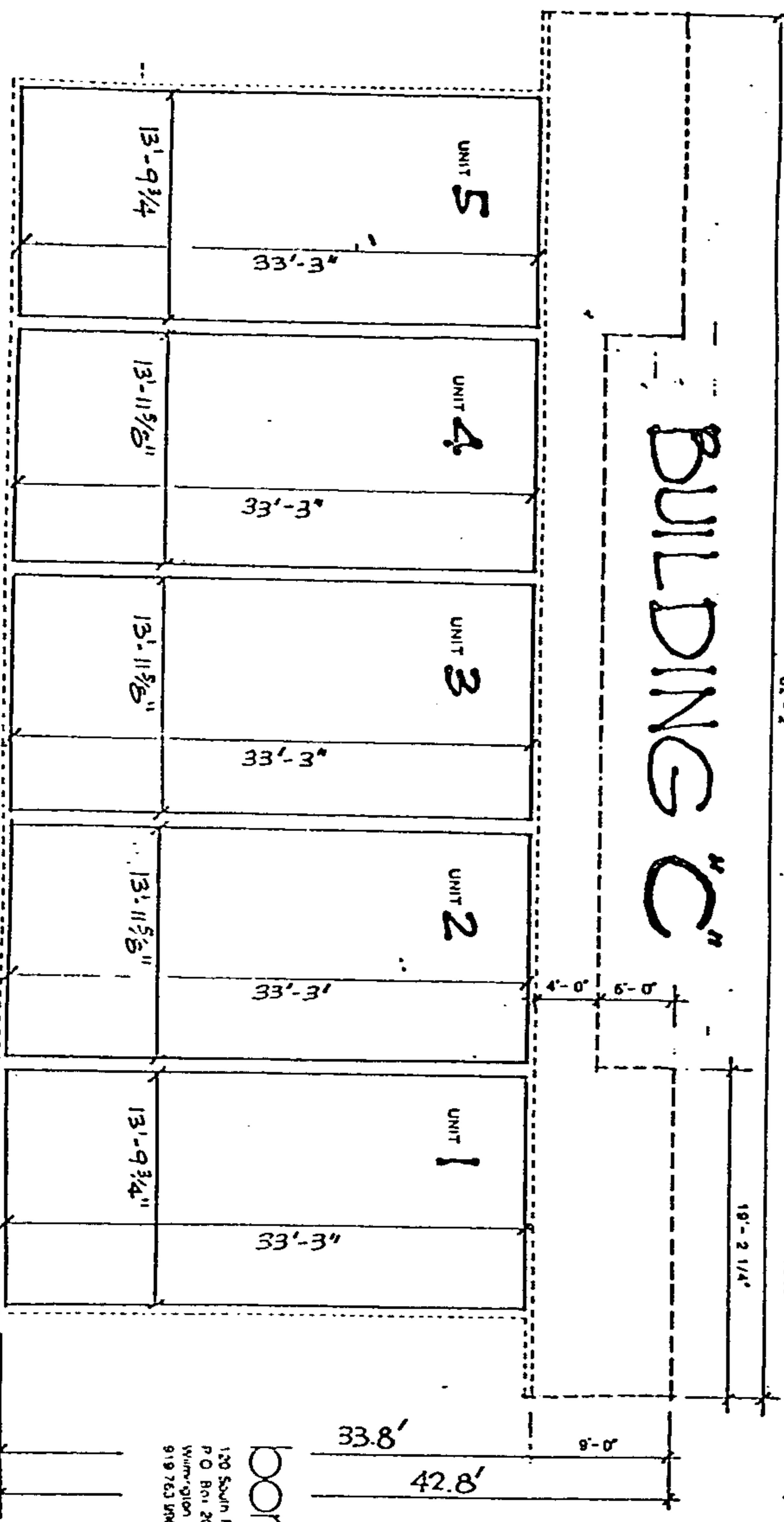
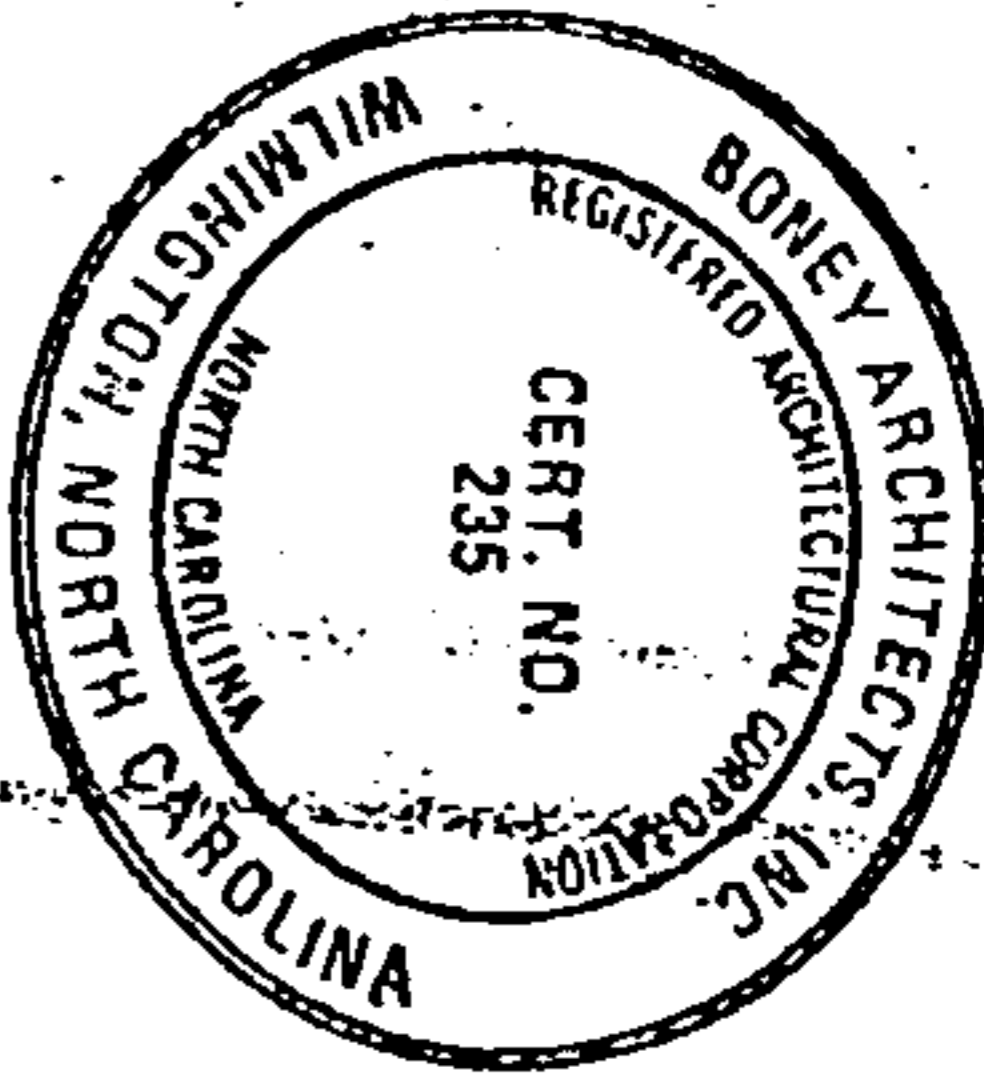


EXHIBIT "C"

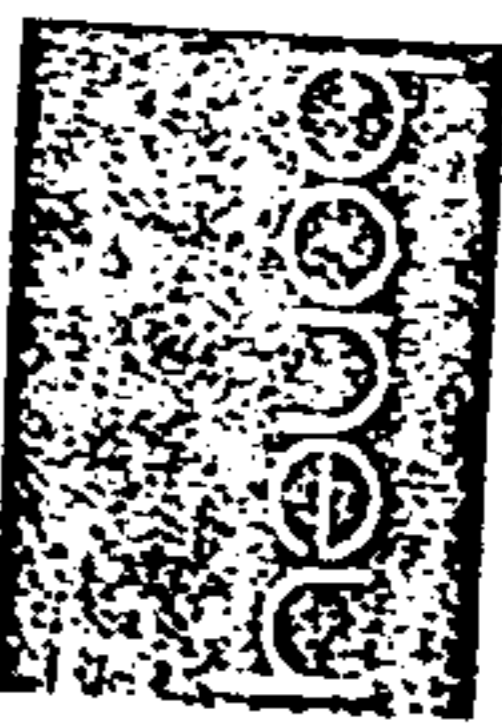
boney architects

130 South First Avenue
 P.O. Box 2047
 Wilmington, North Carolina 28402
 919 763 9901

First Floor Elev. 38.6'
 Second Floor Elev. 47.7'
 Third Floor Elev. 56.8'
 Ceiling Height is 8.1'
 Floor to Floor Height is 9.1'



Paul Davis Boney AIA



SECOND FLOOR PLAN

[---] INDICATES BOUNDARY LINE OF UNITS
 [---] INDICATES COMMON AREAS & STRUCTURAL BOUNDARIES
 [---] INDICATES LIMITED COMMON AREAS & FACILITIES
 [---] UNIT

SEAHAWK SQUARE

COLLEGE ROAD

WILMINGTON, NORTH CAROLINA

BUILDING C

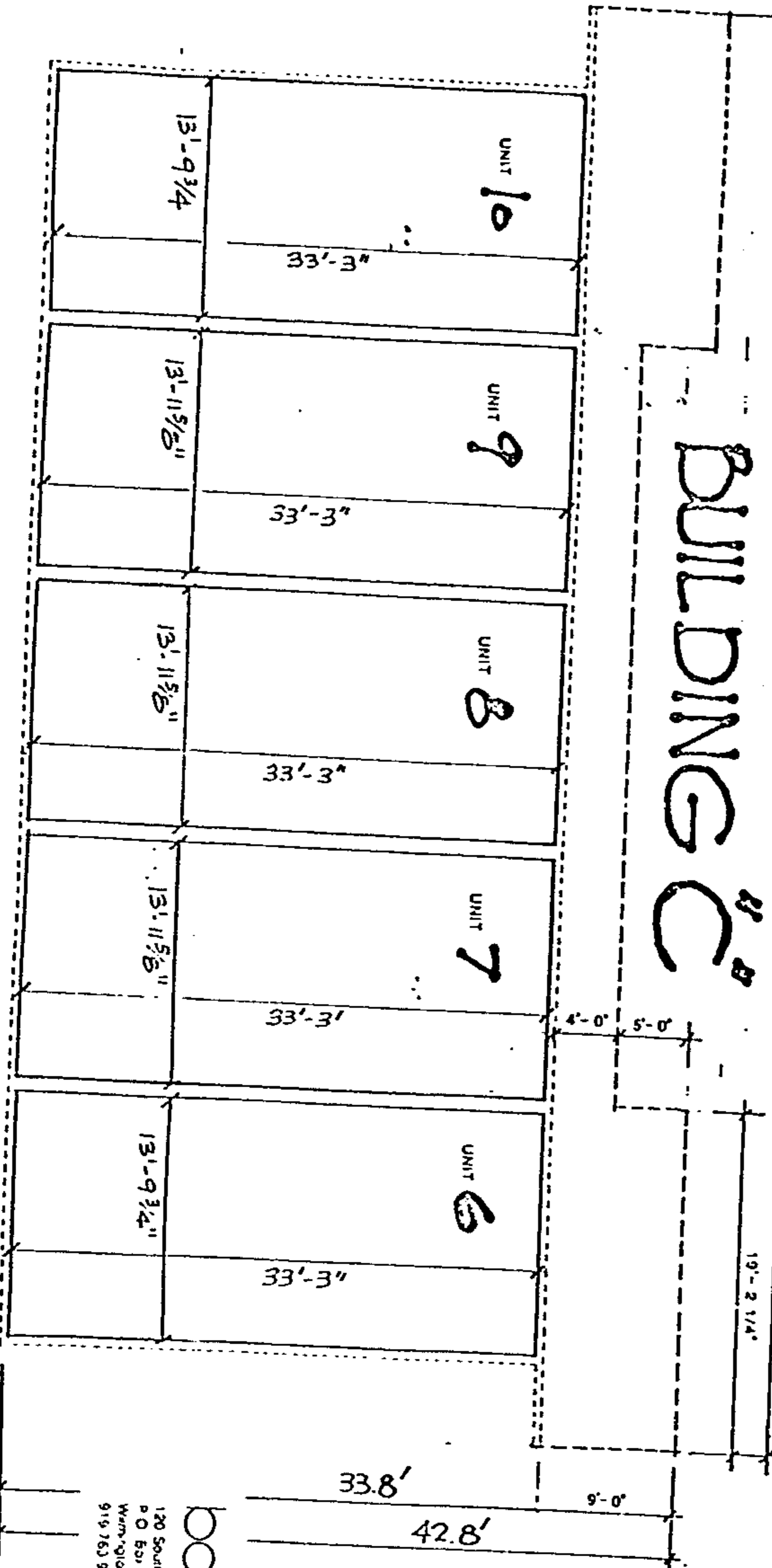


EXHIBIT "C"

boney architects

120 South 54th Avenue
 P.O. Box 2042
 Wilmington, North Carolina 28402
 919.763.9901

