

STATE OF NORTH CAROLINA
COUNTY OF PENDER

FILED
FEB 15 PM 2:16

JOYCE M. SWIGOOD
REGISTER OF DEEDS
PENDER COUNTY, NC

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BK 166786-139

**SUPPLEMENTAL DECLARATION
OF
COVENANTS, CONDITIONS AND RESTRICTIONS,
SWANN PLANTATION TOWNHOUSE SUBDIVISION,
PHASE II**

Recorded and Verified
Joyce M. Swigood
Register of Deeds
Pender County, NC



THIS DECLARATION, made this 15 day of February, 2001 by J. L. SEAY, JR., Trustee (hereinafter called "Trustee");

WITNESSETH:

THAT WHEREAS, the development known generally as Swann Plantation Townhouses was constructed in the mid 1980s and is comprised of three buildings designated as Buildings A, B and C, located on a bluff overlooking the Northeast Cape Fear River in Pender County, North Carolina; and,

WHEREAS, Building A, including the six units located therein and common area surrounding Building A, was declared to be and was dedicated as a Condominium pursuant to Chapter 47A of the North Carolina General Statutes (herein the Unit Ownership Act) by virtue of that certain Declaration dated June 3, 1985 and recorded in Book 653 at Page 165 and re-recorded in Book 658 at Page 102 of the Pender County Registry; and by virtue of that certain Condominium Plat recorded in Condominium Plat Book 1 at Page 13 in said Registry; and,

WHEREAS, Buildings B and C, including the twelve Lots located therein (six to each Building) and the common area surrounding Buildings B and C, were declared to be and were dedicated as townhomes by virtue of that certain Declaration of Covenants, Conditions and Restrictions for Swann Plantation Townhouse Subdivision, Phase 1, dated July 2, 1987 and recorded in Book 695, Page 50 of the Pender County Registry; and by virtue of that certain map recorded in Map Book 23 at Page 67 of said Registry; and,

WHEREAS, after the date and recording of the Declaration of Condominium for Building A, some attempt, as evidenced by the Declaration recorded May 5, 1987 in Book 691 at Page 39 of the Pender County Registry, appears to have been made to correct the condominium designation to that of a townhome designation, however, that attempt appears to have failed for lack of a property description among other reasons; and,

WHEREAS, another Declaration dated July 2, 1987 pertaining to Buildings B and C, substantially different from the Declaration above referenced for Building A, was recorded in Book 695 at Page 50 of the Pender County Registry, which does contain a valid property description, but is limited in its applicability to Buildings B and C; and,

WHEREAS, the multiple recordings of Declarations, each substantially different in effect and scope, have resulted in great confusion as a matter of record and have substantially impaired the ability of a homeowner's association to govern in a consistent manner; and,

WHEREAS, the association known as the Swann Plantation Townhouses, Incorporated is the apparent governing body for Building A; and the association known as the Swann Plantation Townhouse Subdivision Homeowner's Association, Inc. is the apparent governing body for Buildings B and C, which duality of associations lends only to further confusion; and

WHEREAS, at a special meeting duly noticed and attended by all the Owners of Unit Building A, and all the Members and Directors of the Swann Plantation Townhouses, Incorporated, it was unanimously agreed to take such legal steps as necessary to change legal nature of the Units in Building A from condominiums to townhomes, and to make the same consistent with and conform to the townhome regime heretofore established for Buildings B and C; and,

WHEREAS, Trustee is acting at the request of and for the benefit of all the Member Owners of Swann Plantation Townhouses; and,

WHEREAS a deed consolidating title to the property in question, vesting title into Trustee, has been recorded in the Fender County Registry, which deed gives to the Trustee certain authority to wit:

1. Consolidate the record title to Building A, the Units therein and surrounding Common Area (collectively shown as Site 1 on Condo Plat Book 1 at Page 15, Fender County Registry);
2. Upon consolidation of title, remove the property described herein from the provisions of the Unit Ownership Act and withdraw the property from any and all prior Declaration
3. Withdraw any prior map dedication;
4. Subject the whole of the lands, building, lots and common area to those certain Declaration of Covenants, Conditions and Restrictions for Swann Plantation Townhouse Subdivision recorded in Book 695 at Page 50 of the Fender County Registry (Note: In this regard, by a majority vote of the members/owners of the Lots in Buildings B and C and by unanimous consent and resolution of the Board of Directors for Swann Plantation Townhouse Subdivision Homeowner's Association, Inc., the addition of the Units in Building A and surrounding common area into and as a part of the overall townhouse regime for Buildings B and C has been approved); and,

WHEREAS, directive numbers 1, 2 and 3 as referenced in the paragraph above ^{BN 1567} have now been completed; and

WHEREAS, it is the purpose of this Declaration and the intent of the Trustee to carry out directive number 4 in the above-referenced paragraph; and,

WHEREAS, the Trustee is the fee simple owner of all that certain tract of real property located in Rocky Point Township, Pender County, North Carolina, said tract being more particularly described as all of Phase II, Swann Plantation Townhouse Subdivision as the same is shown on a map thereof recorded in Map Book 34 at Page 013 of the Pender County Registry; and,

WHEREAS, the Trustee, with the consent of owners of Phase I, and as directed by the terms of his trust, desires to subject the property now known as Swann Plantation Townhouse Subdivision, Phase II to the same Declaration of Covenants, Conditions and Restrictions for Swann Plantation Subdivision, Phase I as recorded in Book 695 at Page 50 of Pender County Registry; each and all of which shall be for the benefit of such property and for each and every owner of a Lot in Phase I and II of Swann Plantation Townhouse Subdivision, and shall inure to the benefit of and pass and run with said property, and each and every lot or parcel thereof, and shall apply to and bind the successors in interest and any owner thereof.

NOW THEREFORE, the said Trustee in accordance with his authority and responsibilities as Trustee, does hereby declare that the following described property located in the County of Pender and State of North Carolina, is and shall be held, transferred, sold and conveyed subject to the Covenants, Conditions and Restrictions set forth in the Declaration recorded in Book 695 at Page 50 of the Pender County Registry, the terms and conditions of which are incorporated herein by reference:

Being all of Phase II, SWANN PLANTATION TOWNHOUSE SUBDIVISION, as the same is shown upon map thereof recorded in Map Book 34 at Page 013 of the Pender County Registry.

DEFINITION OF LOT: In addition to the meaning given in Book 695, Page 50, Pender County Registry to the word Lot, Lot shall also mean any one of those parcels of real property subdivided from the property and designated by numbers 1 through 6, Building A, upon the map of Phase II, Swann Plantation Townhouse Subdivision, recorded in the Pender County Registry as above referenced.

DEFINITION OF COMMON AREAS: In addition to the meaning given in Book 695, Page 50, Pender County Registry to the word Common Area, Common Areas shall mean all the area designated as Common Area on the recorded plat above referenced.

ALL OTHER PROVISIONS of the Declaration recorded in Book 695 at Page 50, ²⁰¹ ~~200~~ ⁶⁵ ~~66~~ Registry, shall be applied to the property described herein as the context may require.

IN WITNESS WHEREOF, the Trustee, has hereunto set his hand and seal the day and year first above written.



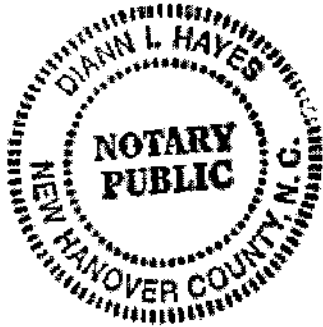
J. L. Seay, Jr., Trustee (SEAL)

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

I, a Notary Public in and for the aforesaid County and State, hereby certify that J. L. Seay, Jr., Trustee, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and office seal this 15 day of February, 2001.



NOTARY PUBLIC
My Commission expires: 5/25/2004



BK 1667P

STATE OF NORTH CAROLINA
COUNTY OF PENDER

JOINDER AND CONSENT

Now comes the Swann Plantation Townhouse Subdivision Homeowner's Association Inc., which joins and consents to the Supplemental Declarations executed by J. I. Seay, Jr. a Trustee, to which this Joinder and Consent Agreement is attached, first having put the matter accepting and annexing these additional properties -- as part of a uniform scheme of development known as Swann Plantation Townhouse Subdivision, Phases I and II -- to a vote before the membership of the Association and having obtained the unanimous approval of its members together with approval of its full Board of Directors, who have authorized this Joinder and Consent Agreement to be executed by the association's President and attested by its Secretary this 31 day of January, 2001.

Swann Plantation Townhouse Subdivision Homeowner's Association, Inc.

By: [Signature]
President

Attest: [Signature]
Secretary




State of North Carolina
County of New Hanover

I, a Notary Public in and for the aforesaid County and State do hereby certify that Thomas M. Hines personally appeared before me this day and acknowledged that he/she Secretary of Swann Plantation Townhouse Subdivision Homeowner's Association, Inc., a nonprofit North Carolina corporation, and that by authority duly given and as the act to the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by him/herself as its Secretary.

Witness my hand and Notary Seal/Stamp, this 31 day of January, 2001.

[Signature]
Notary Public

[Signature]
IN I. HAYE

 Return Andy Hedrick
Call

BK 2008 PG 277

Agreement for Conveyance and Acceptance of Water Distribution System

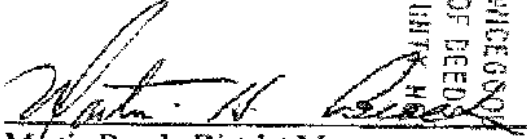
THIS AGREEMENT, by and between the Swann Plantation Townhouse Subdivision Homeowner's Association and the Rocky Point/Topsail Water and Sewer District, is entered into for the purpose of conveyance of the water distribution system of the Swann Plantation Townhouse Subdivision Homeowner's Association to the Rocky Point/Topsail Water and Sewer District.


The Swann Plantation Townhouse Subdivision Homeowner's Association, in consideration of \$500 and other valuable considerations (such as the provision of public water to the Townhouses), to convey its water distribution system, excepting the wells, pumps, and wellhouses, to the Rocky Point/Topsail Water and Sewer District.

In the execution of this agreement, each party certifies that its respective Board of Directors voted to authorize the dedication and acceptance of this water distribution system. Additionally, each party acknowledges as to the provision and receipt of the above-noted consideration. The Association warrants that it is entitled and empowered to convey the system and all necessary easements and right-of-way for the same, and shall indemnify and hold harmless the Rocky Point/Topsail Water and Sewer District from any claims of damages arising out of the Rocky Point/Topsail Water and Sewer District's acceptance of the water distribution system and providing public water service to members of the Association.

Entered into this day, the 31st of Oct, 2002.

02 DEC 13 PM 3:28
JOICE H. SWINEGOOD
REGISTER OF DEEDS
PENDER COUNTY, NC


Martin Beach, District Manager
Rocky Point/Topsail Water and Sewer District


Susan Benton, President
Swann Plantation Townhouse Subdivision
Homeowner's Association

PA-
1/1

BK2008P6278

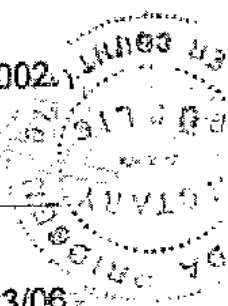
STATE OF NORTH CAROLINA
COUNTY OF PENDER

I, Glenda Pridgen, a Notary Public of the State and County aforesaid, do hereby certify that Martin H. Beach personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purpose therein expressed.

WITNESS my hand and official seal, this 25th day of October, 2002.

Glenda Pridgen
Notary Public

My Commission Expires: 5/23/06



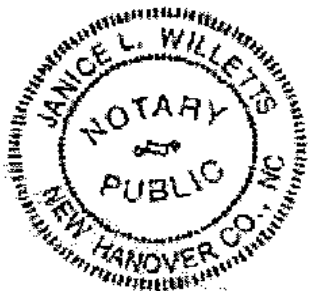
CONFIDENTIAL

I, Janice L. Willetts, a Notary Public of the State of North Carolina, New Hanover County, do hereby certify that Susan Benton personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purpose therein expressed.

Witness my hand and official this 31st day of October, 2002.

Janice L. Willetts
Notary Public

My commission expires: 8/29/2005



CONFIDENTIAL

Search Results for Combined Real Property -- Print this page using your Web browser PRINT button --

Search Parameters: Grantor: [swann plantation](NON-HUMAN) Grantee: [(NON-HUMAN)]
 Book: [] Page: [] Type: [] Parcel: [] Starting Date: [] Ending Date: []

Your search returned 18 record(s). This is Page 1 of 2

Filing Date:	Book:	Page:	Type:	Parcel:	Desc:
10/18/2000	1631	246	RESTRICTIONS		
Grantor: SWANN PLANTATION,			Grantee: SWANN PLANTATION DEVELOPMENT INCORPORATED,		

Filing Date:	Book:	Page:	Type:	Parcel:	Desc:
10/18/2000	1631	251	RESTRICTIONS		
Grantor: SWANN PLANTATION,			Grantee: SWANN PLANTATION DEVELOPMENT INCORPORATED,		

Filing Date:	Book:	Page:	Type:	Parcel:	Desc:
01/10/1990	746	681	ROAD MTN		
Grantor: SWANN PLANTATION DEV CO INC,			Grantee: SWANN PLANTATION,		

Filing Date:	Book:	Page:	Type:	Parcel:	Desc:
02/06/1990	748	139	DEED		
Grantor: SWANN PLANTATION DEV CO INC,			Grantee: DELTA MARINE INC,		

Filing Date:	Book:	Page:	Type:	Parcel:	Desc:
04/05/1993	889	328	RD AGMT		
Grantor: SWANN PLANTATION DEV CO INC,			Grantee: TO WHOM IT MAY CONCERN,		

Filing Date:	Book:	Page:	Type:	Parcel:	Desc:
04/25/2001	1698	33	COR DEED		
Grantor: SWANN PLANTATION DEVELOPMENT COMPANY INC,			Grantee: HARRELSON CLYDE W II,		

Filing Date:	Book:	Page:	Type:	Parcel:	Desc:
06/13/2001	1722	344	EASEMENT		
Grantor: SWANN PLANTATION DEVELOPMENT COMPANY INC,			Grantee: ,		

Filing Date:	Book:	Page:	Type:	Parcel:	Desc:
10/18/2000	1631	246	RESTRICTIONS		
Grantor: SWANN PLANTATION DEVELOPMENT INCORPORATED,			Grantee: SWANN PLANTATION,		

Filing Date:	Book:	Page:	Type:	Parcel:	Desc:
10/18/2000	1631	251	RESTRICTIONS		
Grantor: SWANN PLANTATION DEVELOPMENT INCORPORATED,			Grantee: SWANN PLANTATION,		

Filing Date:	Book:	Page:	Type:	Parcel:	Desc:
08/07/2001	1750	6	EASEMENT		
Grantor: SWANN PLANTATION DR,			Grantee: ,		

Search Results for Combined Real Property -- Print this page using your Web browser PRINT button --

Search Parameters: Grantor: [swann plantation](NON-HUMAN) Grantee: [(NON-HUMAN)]
 Book: [] Page: [] Type: [] Parcel: [] Starting Date: [] Ending Date: []

Your search returned 18 record(s). This is Page 2 of 2

Filing Date:	Book:	Page:	Type:	Parcel:	Desc:
02/14/2003	2046	237	DEED		
Grantor: SWANN PLANTATION INC,			Grantee: WILLIAMS GEORGE,		
09/04/1990	26	21	SL 351		
Grantor: SWANN PLANTATION SEC 6 7,			Grantee: SWANN PLANTATION SEC 6 7,		
02/15/2001	34	13	SL 458		
Grantor: SWANN PLANTATION TOWNHOUSE SD PH II,			Grantee: SEAY J L JR/TR,		
12/13/2002	2008	277	AGREEMENT		
Grantor: SWANN PLANTATION TOWNHOUSE SUBDIVISION HOMEOWNERS ASSOCIATION,			Grantee: ROCKY POINT TOPSAIL WATER & SEWER DISTRICT,		
02/15/2001	1667	133	WITHDRAWAL		
Grantor: SWANN PLANTATION TOWNHOUSES INCORPORATED,			Grantee: SEAY J L JR/TR,		
02/15/2001	1667	139	DECLARATION		
Grantor: SWANN PLANTATION TOWNHOUSES SUBDIVISION HOMEOWNERS ASSOCIATION INC,			Grantee: SEAY J L JR/TR,		
02/15/2001	1667	139	DECLARATION		
Grantor: SWANN PLANTATION TOWNHOUSES SUBDIVISION HOMEOWNERS ASSOCIATION INC,			Grantee: SEAY J L JR/TR,		
03/05/2001	1667	139	DECLARATION		
Grantor: SWANN PLANTATION TOWNHOUSES SUBDIVISION HOMEOWNERS ASSOCIATION INC,			Grantee: SEAY J L JR/TR,		