

PREPARED BY: HOWARD, BROWNING, SAMS, FOOLE, HILL & DANIEL
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AMENDMENT TO DECLARATION OF CONDOMINIUM
UNDER THE PROVISION OF CHAPTER 47C OF THE GENERAL STATUTES
OF THE STATE OF NORTH CAROLINA AND
COVENANTS, CONDITIONS AND RESTRICTIONS OF
WILLOUGHBY PARK, A CONDOMINIUM, SECTION 2

(SEE BOOK 123, PAGE 161)

HOWARD, BROWNING, SAMS, FOOLE, HILL & DANIEL • ATTORNEYS AT LAW • P. O. BOX 859 • GREENVILLE, N. C. 27834 • (813) 758-1403

THIS AMENDED DECLARATION is made on the day and date hereinafter set forth by
BILL CLARK CONSTRUCTION CO., INC., hereinafter referred to as "Developer", a North
Carolina corporation, pursuant to the North Carolina Condominium Act ("Act");

WITNESSETH:

WHEREAS, Developer is the owner of that certain tract or parcel of land in
Pitt County, State of North Carolina, and more particularly described in Exhibit "A-1"
of that certain Declaration of Condominium as to Willoughby Park, a Condominium, re-
corded in Book 123 at Page 161 (hereinafter "Original Declaration"); and

WHEREAS, Developer now wishes to amend the Original Declaration pursuant to
Developer's rights to amend said Original Declaration as contained in Article XII
entitled "Amendment" and pursuant to Developer's exercise of development rights pursu-
ant to Sections 2-110(a) and 2-109(d) of the Act, by adding and delineating a portion
of the property described on Exhibit "A-1" of the Original Declaration to the condomin-
ium area known as Willoughby Park, a Condominium.

NOW, THEREFORE, the Developer does hereby publish and declare that all of the
property described on Exhibit "A" attached hereto and on the plans and specifications
of Willoughby Park, a Condominium, Section 2, as shown on the Condominium Plan prepared
by Stroud Land Surveying Co. dated July 21, 1987 and recorded in Condominium Book 1

See Instrument recorded
in Book 318 Page 747 See Instrument recorded
in Book 243 Page 525

See Instrument recorded
in Book 332 Page 532 See Instrument recorded
in Book 258 Page 569

See Instrument recorded
in Book 345 Page 465 + 483
452 See Instrument recorded
in Book 263 Page 741
272 Page 233

See Instrument recorded
in Book 282 Page 683

See Instrument recorded
in Book 293 Page 152

See Instrument recorded
in Book 308 Page 614

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at Page 38 of the Pitt County Registry 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 and agreed 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 benefit to Developer, its successors and assigns, and any person acquiring or owning an interest in the real property and improvements, their grantees, successors, heirs, executors, administrators, devisees and assigns.

1. Affirmation of Declaration. The Declaration of Condominium Under the Provisions of Chapter 47C of the General Statutes of the State of North Carolina and of Covenants, Conditions and Restrictions of Willoughby Park, a Condominium, as recorded in Book 123 at Page 161 of the Pitt County Registry, is hereby ratified, confirmed, restated and applied to Willoughby Park, a Condominium, Section 2, by this Amended Declaration of Condominium. Except as hereinafter contained and changed, said Original Declaration shall apply to Willoughby Park, a Condominium, Section 2, and is incorporated by reference herein as though fully set forth.

2. Location of Land. The location of the land for Willoughby Park, a Condominium, Section 2, on which the improvements are located is set forth in Exhibit "A" attached hereto.

3. Development of Property. The improvements upon the land are constructed substantially in accordance with the plans and specifications for such as prepared by Linwood E. Stroud, P.E., and Stroud Land Surveying Co., such plans and specifications and the certificate of the Registered Engineer are hereto attached, incorporated by reference and recorded in the office of the Register of Deeds of Pitt County.

Except as modified for the purpose of showing Willoughby Park, a Condominium, Section 2, all plans and specifications as heretofore recorded for

Willoughby Park, a Condominium, as appears of record in Condominium Book 1, Pages 35-35J ("Original Plan") are ratified in all respects and incorporated herein by reference.

4. Unit Designation and Development. Units are shown and located on the plans and specifications of Willoughby Park, a Condominium, Section 2, attached hereto and incorporated by reference. Each unit shall have access to the common elements as shown on the plans.

The aforementioned plans and specifications of said building are filed simultaneously herewith in the office of the Register of Deeds of Pitt County and designate all particulars of said buildings, common elements and limited common elements including, but not limited to, the layout, location, ceiling and floor elevations, unit numbers, dimensions of the units, location of the common elements, location of parking facilities, other facilities affording access to each unit. Limited common elements are shown on said plans and Original Plan and more specifically described on Exhibit "B" attached hereto. Said plans are incorporated herein by reference for a more complete and accurate description.

5. Unit Information and Reallocation of Interest Among all Units. The unit information and allocations of interest originally contained in Exhibit "C" of the original Declaration is amended to show the appropriate information as to Willoughby Park, a Condominium, including Section 2, and is hereto attached and incorporated herein by reference as Exhibit "C".

IN WITNESS WHEREOF, the Declarant, HILL CLARK CONSTRUCTION CO., INC., has caused this Declaration to be executed by its President and attested by its Secretary

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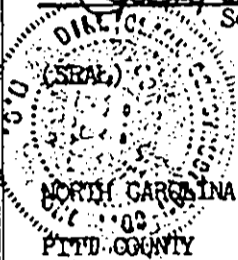
and its corporate seal to be hereunto affixed, this the 27th day of August, 1987.

HILL CLARK CONSTRUCTION CO., INC.

BY: [Signature]
President

ATTEST:

[Signature]
Secretary



I, Patricia A. Wynn, a Notary Public, do hereby certify that Judy H. Brown personally appeared before me and acknowledged that he is Secretary of HILL CLARK CONSTRUCTION CO., INC., 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 as its Secretary.

WITNESS my hand and Notarial Seal, this the 27th day of August, 1987.

[Signature]
Notary Public

My Commission Expires: 9-4-91

B-7 09/25/87



NORTH CAROLINA: PITT COUNTY
The foregoing certificate of Patricia A. Wynn, N. P. of Pitt Co. NC
is certified to be correct.
Filed for registration at 2:44 o'clock P M this 18 day of September, 1987

ELVIRA T. ALLARD, Register of Deeds

BY: [Signature]

HOWARD, BROWNING, SAMS, POOLE, HELL & DANIEL • ATTORNEYS AT LAW • P. O. BOX 859 • GREENVILLE, N. C. 27834 • (818) 758-1403

EXHIBIT "A"

LEGAL DESCRIPTION

Tract 1. BEGINNING at an existing iron pipe in the eastern right-of-way of the Seaboard Coastline Railroad, said iron pipe being also located in the northwest corner of Willoughby Park Condominiums, Section 1, as more particularly described in Condominium Book 1 at Page 35, and running thence from said POINT OF BEGINNING along the Seaboard Coastline Railroad North 21-28-39 East 101.24 feet to an existing iron pipe; thence North 20-59-23 East 104.41 feet to an existing iron pipe; thence North 18-58-16 East 52.69 feet to an iron pipe set; running thence in an easterly direction South 63-30-26 East 164.62 feet to an iron pipe set in the right-of-way of Victoria Court; and running thence in a southerly direction with the right-of-way of Victoria Court South 26-29-34 West 257.01 feet to an existing iron pipe; running thence North 63-30-26 West 138.86 feet to the POINT OF BEGINNING.

Tract 2. BEGINNING at an existing iron pipe in the eastern right-of-way of Victoria Court and the northern property line of Willoughby Park Condominiums, Section 1, and running thence with the eastern right-of-way of Victoria Court North 26-29-34 East 233.00 feet to an existing iron pipe; running thence South 63-30-26 East 88.00 feet to a control corner; running thence South 26-29-34 West 233.00 feet to a control corner in the northern right-of-way of Willoughby Park Condominiums, Section I; running thence North 63-30-26 West 88.00 feet to the POINT OF BEGINNING.

The above two tracts of land are more particularly described on a map and plan prepared for record entitled "Willoughby Park Condominiums, Section 2" prepared by Stroud Land Surveying Company dated July 21, 1987, which plan appears of record in Condominium Book _____, Page _____, of the Pitt County Registry, which map is incorporated herein by reference for a more particular and accurate description. Said parcels of land are also a part of that land described as "Additional Real Estate" on Exhibit "A-1" which is a part of the Declaration of Condominium of Willoughby Park, a Condominium, which appears of record in Book 123 at Page 161 (see Page 190).

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EXHIBIT "B"

LIMITED COMMON ELEMENTS

Each unit shall have those limited common elements as shown on the floor plans and as set forth below:

1. Balconies and patios. The balconies attached to the second floor units and the patios attached to the first floor units shall be limited common elements for the exclusive use of the unit to which they are attached.
2. Entrance walks and stairs. The entrance walks and stairs attached to each building shall be limited common elements for the joint use of all of the units located in the building.
3. Entrance doors and outside windows (glass). The entrance doors and windows, including glass facing the exterior of the units, are limited common elements for the exclusive use of the unit to which they are attached.

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EXHIBIT "C"

<u>Building No.</u>	<u>Unit No. and Type</u>	<u>Percentage of Undivided Interest in Common Elements</u>	<u>Percentage of Common Expenses*2</u>	<u>Votes in Association</u>
135 Victoria Court	A 3 BRU-1	.0277	.0277	1
135 Victoria Court	B 2 BRU-3	.0277	.0277	1
135 Victoria Court	C 3 BRU-1	.0277	.0277	1
135 Victoria Court	D 3 BRU-1	.0277	.0277	1
135 Victoria Court	E 2 BRU-3	.0277	.0277	1
135 Victoria Court	F 3 BRU-1	.0277	.0277	1
133 Victoria Court	A 3 BRU-1	.0277	.0277	1
133 Victoria Court	B 1 BRU-2	.0277	.0277	1
133 Victoria Court	C 3 BRU-1	.0277	.0277	1
133 Victoria Court	D 3 BRU-1	.0277	.0277	1
133 Victoria Court	E 1 BRU-2	.0277	.0277	1
133 Victoria Court	F 3 BRU-1	.0277	.0277	1
141 Victoria Court	A 3 BRU-1	.0277	.0277	1
141 Victoria Court	B 1 BRU-2	.0277	.0277	1
141 Victoria Court	C 3 BRU-1	.0277	.0277	1
141 Victoria Court	D 3 BRU-1	.0277	.0277	1
141 Victoria Court	E 1 BRU-2	.0277	.0277	1
141 Victoria Court	F 3 BRU-1	.0277	.0277	1
143 Victoria Court	A 3 BRU-1	.0277	.0277	1
143 Victoria Court	B 1 BRU-2	.0277	.0277	1
143 Victoria Court	C 3 BRU-1	.0277	.0277	1
143 Victoria Court	D 3 BRU-1	.0277	.0277	1
143 Victoria Court	E 1 BRU-2	.0277	.0277	1
143 Victoria Court	F 3 BRU-1	.0277	.0277	1

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Building No.	Unit No. and Type	Percentage of Undivided Interest in Common Elements	Percentage of Common Expenses*2	Votes in Association
139 Victoria Court	A 3 BRL-1	.0277	.0277	1
139 Victoria Court	B 1 BRL-2	.0277	.0277	1
139 Victoria Court	C 3 BRL-1	.0277	.0277	1
139 Victoria Court	D 3 BRU-1	.0277	.0277	1
139 Victoria Court	E 1 BRU-2	.0277	.0277	1
139 Victoria Court	F 3 BRU-1	.0277	.0277	1
137 Victoria Court	A 2 BRL-4	.0277	.0277	1
137 Victoria Court	B 1 BRL-2	.0277	.0277	1
137 Victoria Court	C 2 BRL-4	.0277	.0277	1
137 Victoria Court	D 2 BRU-4	.0277	.0277	1
137 Victoria Court	E 1 BRU-2	.0277	.0277	1
137 Victoria Court	F 2 BRU-4	.0277	.0277	1

1. Percentage of Undivided Interest in Common Elements, Liability for Common Expenses (Not including Insurance), and Votes in Association. Percentage of undivided interest in common elements and liability for common expenses (except insurance as contained in Paragraph "2." below) shall be allocated equally to all units and shall be calculated by dividing the number of total units in the total condominium project by one. In the event additional real estate is added pursuant to this Declaration, the percentages as established herein shall be recalculated pursuant to this formula and included within any recorded amendment to this Declaration. Each unit shall be allocated one (1) vote in the Association.

*2. Insurance Premiums Common Expense. Insurance premiums are a common expense to be set by the master policy and will vary according to the size of the unit (ie. whether a one bedroom, two bedroom, or three bedroom unit).