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BOOK PAGE
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RECORDED AND VERIFIED
REGGGA P. TUCKER
REGISTER OF DEEDS
NEW HANOVER CO. NC

APR 17 3 53 PM '85

NORTH CAROLINA
NEW HANOVER COUNTY

AMENDMENT TO DECLARATION CREATING
UNIT OWNERSHIP OF PROPERTY FOR
OTTER CREEK LANDING

THIS AMENDMENT TO DECLARATION, made this 9 day of FEBRUARY, 1985, by and between OTTER CREEK, INC., a North Carolina corporation, herein referred to as Declarant, OTTER CREEK LANDING YACHT CLUB, INC., a North Carolina Non-Profit corporation, herein referred to as Yacht Club, and OTTER CREEK LANDING HOMEOWNERS ASSOCIATION, INC., herein referred to as Homeowners.

WHEREAS, a condominium development known as OTTER CREEK LANDING was created by the filing of a Declaration Creating Unit Ownership of Property on the 16th day of December, 1983 and recorded in Book 1240, Page 1746 in the New Hanover County Public Registry and amended by the filing of an Amendment to Declaration on the 16th day of December, 1983 and recorded in Book 1240, Page 1862 in the New Hanover County Public Registry; and

WHEREAS, a boat dock facility was created by the filing of a Declaration of Covenants, Conditions and Restrictions Otter Creek Landing Yacht Club, Inc. and recorded on the 16th day of December, 1983 in Book 1240, Page 1849 in the New Hanover County Public Registry; and

39 WHEREAS, Article XIII of the above referenced Declaration Creating Unit Ownership of Property provided for the amendment of the Declaration and Article VIII of the Declaration of Covenants, Conditions and Restrictions Otter Creek Landing Yacht Club, Inc. provided for the amendment of Declaration of Covenants, Conditions and Restrictions Otter Creek Landing Yacht Club, Inc.; and

WHEREAS, membership rights and privileges in OTTER CREEK LANDING YACHT CLUB as evidenced by a membership certificate was heretofore an appurtenance to a condominium unit at OTTER CREEK LANDING CONDOMINIUMS; and

WHEREAS, Declarant, Yacht Club and Homeowners desire to amend the Declaration of Covenants, Conditions and Restrictions Otter Creek Landing Yacht Club, Inc. and to sever the memberships in OTTER CREEK LANDING YACHT CLUB, INC. as an appurtenance to the condominiums at OTTER CREEK LANDING CONDOMINIUMS and to further amend the Declaration Creating Unit Ownership of Property for OTTER CREEK LANDING CONDOMINIUMS consistent with such objective; and

WHEREAS, at a joint meeting of the Boards of Directors and Homeowners Association for Declarant, Yacht Club, and Homeowners, upon due and timely notice to all such persons and entities entitled to such notice including but not limited to owners, members and lenders as defined in the Declarations, a Resolution was duly adopted authorizing the appropriate officers and persons to execute this Amendment to Declaration.

NOW, THEREFORE, in consideration of the sum of TEN DOLLARS (\$10.00), the mutual promises of each to the other and the rights and benefits accruing to the parties herein, the Declaration Creating Unit Ownership of Property is hereby amended as follows:

ARTICLE II Section 2.1. entitled Plan of Development is amended as follows:

2.1. Plan of Development

ARTICLE II Section 2.5 is amended as follows:

ARTICLE II Section 2.5 is deleted in its entirety.

ARTICLE VII NATURE AND INCIDENTS OF UNIT OWNERSHIP, Section 7.5 is amended as follows:

7.5 Common areas and facilities shall be, and the same are hereby declared to be subject to a perpetual non-exclusive easement in favor of all of the owners of units in OTTER CREEK LANDING for their use and the use of their immediate families, guests or invitees, for all proper and normal purposes, and the furnishing of services and facilities for which the same are reasonably intended, for the enjoyment of said owners of units. Notwithstanding anything above provided in this Article, the Association, as is more particularly described in Article X hereinbelow, shall have the exclusive right to establish the rules and regulations pursuant to which the owner of any unit, his family, guests and invitees, may be entitled to use the common areas and facilities, including the right to establish regulations concerning their use.

Ingress and egress is reserved for pedestrian traffic over, through and across sidewalks, paths, walks and lanes as the same from time to time may exist upon the common areas and facilities; and for vehicular traffic over, through and across such portions of the common areas and facilities as from time to time may be paved and intended for such purposes together with an easement for ingress and egress and use of the parking areas in such common areas, for all unit owners of units in all phases of construction or future construction of OTTER CREEK LANDING or owners of memberships in OTTER CREEK LANDING YACHT CLUB, INC., their guests, families, invitees, lessees, the Association's, the Declarant's, their successors and assigns.

ARTICLE VII Section 7.7 is amended as follows:

ARTICLE VII Section 7.7 is deleted in its entirety.

Exhibit B as attached to the Declaration Creating Unit Ownership of Property is amended by substituting for previous Exhibit B the new Exhibit B which is marked as Exhibit B and attached to this Amendment.

The following exhibits are deleted as to the Declaration Creating Unit Ownership of Property:

Exhibits C, G, I, J and K attached to the Declaration and incorporated therein by reference are deleted in their entirety.

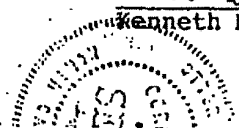
Except as expressly amended herein the provisions of the Declaration Creating Unit Ownership of Property as amended remain in full force and effect.

OTTER CREEK, INC.

ATTEST:

BY Murray O. Duggins
Murray O. Duggins, President

Kenneth M. Norris
Kenneth M. Norris, Secretary

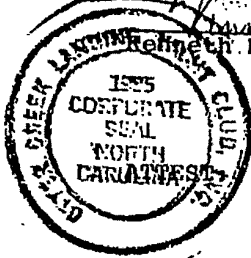


OTTER CREEK LANDING YACHT CLUB, INC.

ATTEST:

BY Murray O. Duggins
Murray O. Duggins, President

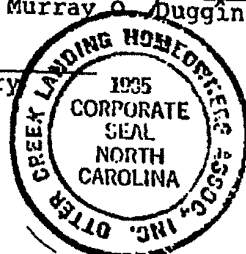
Kenneth M. Norris
Kenneth M. Norris, Secretary



OTTER CREEK LANDING HOMEOWNERS ASSOCIATION, INC.

BY Murray O. Duggins
Murray O. Duggins, President

Kenneth M. Norris
Kenneth M. Norris, Secretary

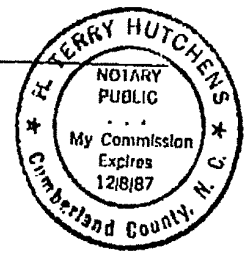


NORTH CAROLINA
NEW HANOVER COUNTY

I, H. Terry Hutchens, a Notary Public of Cumberland County, North Carolina certify that Kenneth M. Norris personally came before me this day and acknowledged that he is Secretary of OTTER CREEK, 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 as its Secretary.

WITNESS my hand and notarial seal, this 16 day of April, 1985.

H. Terry Hutchens
Notary Public



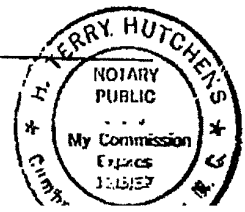
My Commission Expires: 12/8/87

NORTH CAROLINA
NEW HANOVER COUNTY

I, H. Terry Hutchens, a Notary Public of Cumberland County, North Carolina certify that Kenneth M. Norris personally came before me this day and acknowledged that he is Secretary of OTTER CREEK LANDING YACHT CLUB, INC., a non-profit 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 as its Secretary.

WITNESS my hand and notarial seal, this 16 day of April, 1985.

H. Terry Hutchens
Notary Public



My Commission Expires: 12/8/87

NORTH CAROLINA

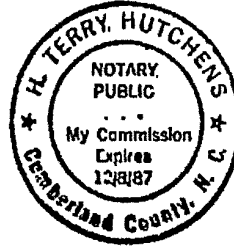
NEW HANOVER COUNTY

I, H. Terry Hutchens, a Notary Public of Cumberland County, North Carolina certify that Kenneth M. Norris personally came before me this day and acknowledged that he is Secretary of OTTER CREEK LANDING HOMEOWNERS ASSOCIATION, INC., a non-profit 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 as its Secretary.

WITNESS my hand and notarial seal, this 16 day of April, 1985.

H. Terry Hutchens
Notary Public

My Commission Expires: 12/8/87



STATE OF NORTH CAROLINA
New Hanover County
The Foregoing Certificate of _____
-- H. Terry Hutchens --
-- A Notary Public --
certified to be correct.

This the 17 day of April 19 85

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

1284 1696

EXHIBIT B

OTTER CREEK LANDING

FUTURE PHASESFIRST TRACT:

BEGINNING at a stake on the western side of Myrtle Grove Sound at the mouth of Otter Drain, the same being the southeastern corner of the lands now or formerly owned by Haywood Wilson and wife, Mary Wilson, and being located on the north side of said Drain, running thence along the southern line of the said Haywood Wilson and wife, North 80 degrees 30 minutes West 418 feet to a stone; thence North 5 degrees West 447 feet to a cement block in the field; thence South 80 degrees 30 minutes East to the edge of the Sound; thence with the edge of the Sound southwardly to the BEGINNING. Containing about 4 and 1/3 acres, more or less.

SECOND TRACT:

BEGINNING on the western side of Myrtle Grove Sound about 418 feet westwardly from the mouth of Otter Drain, said beginning point being located at the southern corner of the lands conveyed to David Bryant and William J. Butler by deed recorded in Book 132, Page 531 of the New Hanover County Registry, and being also located in the southern line of the lands formerly owned by Haywood Wilson and wife, Mary Wilson and running thence with the line of the said Haywood Wilson and wife, North 80 degrees 30 minutes West 209 feet; thence North 5 degrees West 447 feet; thence South 80 degrees and 30 minutes East 209 feet to the northeastern corner of the lands conveyed to Bryant and Butler as aforesaid; thence with their line South 5 degrees East 447 feet to the BEGINNING. Containing 2 & 1/7 acres, more or less.

THIRD TRACT:

BEGINNING at a point in the northern right of way line of Lewis Drive, 30 feet from the centerline thereof, said point being located North 61 degrees 53 minutes West 92.73 feet from the intersection of the northern right of way line of Lewis Drive and the eastern right of way line of St. Joseph Road, the same being shown on a map entitled "Division of Lands for Walker T. Lewis" and recorded in Map Book 6 at Page 63 of the New Hanover County Registry, running thence with the edge of a canal North 24 degrees 31 minutes East 211.61 feet to a point at a turn in the canal, thence South 80 degrees 23 minutes East 124.85 feet to a point, thence South 9 degrees 38 minutes West 100 feet to a point, thence North 80 degrees 22 minutes West 94.4 feet to a point; thence South 21 degrees 6 minutes West 83.05 feet to a point; thence South 10 degrees 08 minutes West 45.90 feet to a point in the northern right of way line of the above mentioned Lewis Drive, thence with said northern line of Lewis Drive North 61 degrees 53 minutes West 71.68 feet to the POINT OF BEGINNING. The same being part of Tract B of the above mentioned Walker T. Lewis Division.

There is excepted from the above described Third Tract the following tract or parcel of land conveyed to Elijah B. Williams and wife, Mable M. Williams, by Deed recorded in Book 1216, Page 1933, New Hanover County Registry, North Carolina and more particularly described as follows:

BEGINNING at an iron stake in the northern margin of Lewis Drive, said iron stake being the Southwest corner of a lot conveyed to OTTER CREEK, INC., see Book of Deeds 1202, Page 0461, New Hanover County Registry, North Carolina, said point also being North 59 degrees 16 minutes West 21.05 feet from the intersection of the Northern margin of Lewis Drive with the Eastern margin of St. Joseph Street, and runs thence with the Northern margin of Lewis Drive North 59 degrees 16 minutes West 8.70 feet to an iron stake, thence a new line North 23 degrees 39 minutes East 44.06 feet to an iron stake, said iron stake being one of the original corners, thence with the old line South 12 degrees 49 minutes West 45.95 feet to the POINT OF BEGINNING, and containing 190 square feet.

FOURTH TRACT:

BEING all of Lot Nos. 1 and 2, in Block 3 of the Walker T. Lewis Subdivision, as recorded in Plat Book 6, Page 63 of the New Hanover County Registry, North Carolina.

FIFTH TRACT:

BEGINNING at an iron pipe at the northwestern corner of Tract "B" as shown on the map of the Division of Lands for Walker T. Lewis, as recorded in Map Book 6, at Page 63 of the New Hanover County Registry; running thence from said beginning point and with the western line of said Tract "B", South 11 degrees 53 minutes West 10.03 feet to the northwestern corner of an 1.53 acre tract of land conveyed to Donald E. Bradford by deed recorded in Book 1088, at Page 463 of the New Hanover County Registry; running thence with the northern line of said Bradford tract of land, South 82 degrees 31 minutes East 216.07 feet to an iron pipe; continuing thence with said line South 77 degrees 59 minutes East 436.11 feet, more or less, to the northeastern corner of the aforesaid Bradford Tract; running thence North 23 degrees 16 minutes East 10.20 feet, more or less, to the southern line of the formerly Bryant and Butler tract of land; running thence with said line, North 77 degrees 59 minutes West 438.5 feet to an old pipe; running thence North 82 degrees 31 minutes West 215.7 feet, more or less, to the point of beginning, containing 0.15 acres, more or less, and being the northern 10.0 feet of Tract "B" as shown on the aforementioned map of the Division of Lands for Walker T. Lewis, as recorded in Map Book 6, Page 63 of the New Hanover County Registry. All riparian rights to Otter Creek, also known as Otter Drain are hereby conveyed.

SIXTH TRACT:

BEGINNING at an iron pipe in the northern line of Lewis Drive, North 28 degrees 07 minutes East 30.0 feet from a point in the centerline of said Drive being located South 61 degrees 53 minutes East 80.0 feet from a concrete monument marking the point of intersection of Curve No. 2 as shown on the map of Division of Lands for Walker T. Lewis as recorded in Map Book 6, at Page 63 of the New Hanover County Registry, said iron pipe also marking the southeastern corner of a tract of land or lot conveyed to the Town of Carolina Beach, running thence from said beginning point and with the northern line of said Lewis Drive, South 61 degrees 53 minutes East 172.4 feet more or less, to an old iron pipe marking the southwestern corner of a tract of land conveyed to Norman A. Johnson and recorded in Book 895, at Page 110 of the New Hanover County Registry; running thence with said Johnson's Western line North 24 degrees 30 minutes East 211.61 feet more or less, to the northwestern corner of said Johnson tract of land; running thence with Johnson's northern line South 80 degrees 22 minutes East 125.13 feet to an old pipe, Johnson's northeastern corner; running

crossing Otter Drain, to a point; running thence parallel to the northern line of Tract "B" of said Lewis Division and 10.0 feet distant thereto, North 77 degrees 59 minutes West 436.11 feet to a turn in said line; continuing thence parallel to the northern line of said Tract "B" and 10.0 feet southwardly thereto, North 83 degrees 31 minutes West 216.07 feet to a point in the eastern line of Lot 2, in Block 3 of the aforesaid Lewis Subdivision; running thence with the eastern line of said Lot 2, in Block 3, South 11 degrees 53 minutes West 134.87 feet to an iron pipe marking the northwestern corner of the Town of Carolina Beach lot; running thence with the northern line of said lot, South 61 degrees 53 minutes East 30.0 feet to the northeastern corner of said lot; running thence with the eastern line of said lot, South 11 degrees 53 minutes West 50.0 feet, more or less, to the point of BEGINNING, containing 1.53 acres, more or less, and being a portion of Tract "B" as shown on the aforementioned map of the Division of Lands for Walker T. Lewis as recorded in Map Book 6, at Page 63 of the New Hanover County Registry. All riparian rights to Otter Creek, also known as Otter Drain are hereby conveyed.

SEVENTH TRACT

Beginning at an iron stake in the West edge of Myrtle Grove Sound, said iron stake being the Northeast corner of the 8.33 acre tract known as Otter Creek, said iron stake also being the Southeast corner of the 30 foot access easement to Myrtle Grove Sound owned by Pleasure Cay Homeowners Association, and runs thence as the Northern line of the 8.33 acre tract extended South 77 degrees 49 minutes East about 377 feet to a point 90 feet West of the West edge of the channel leading to the Carolina Beach Yacht Basin; thence parallel with the West edge of said channel and 90 feet West of in a Southerly direction about 500.00 feet to a point located South 77 degrees 53 minutes East from the Southeast corner of the 8.33 acre tract; thence North 77 degrees 53 minutes West about 267.00 feet to the Southeast corner of said 8.33 acres, said point also being Williams' Northeast corner; thence with the East line of the 8.33 acres, North 03 degrees 14 minutes West 499.89 feet to the point of beginning.

Excepting from this description the land submitted to the terms of the Declaration, identified as Otter Creek Landing, Phase I, II and III and Otter Creek Landing Yacht Club and described as follows:

OTTER CREEK LANDING - PHASE I

Beginning at an iron stake, said iron stake being the Southeast corner of Lot 26 of Pleasure Cay, see Book of Plats 18, Page 74 New Hanover County Registry, and runs thence with the Eastern line of Pleasure Cay Subdivision, North 01 degrees 28 minutes West 338.0 feet to a point in the East end of the right of way of Teakwood Drive; thence with the centerline of a 20 foot drive on a curve to the right, the radius of which is 278.44 feet, an arc distance of 79.46 feet; thence continuing with the centerline of said Drive, South 52 degrees 34 minutes East 31.87 feet to the P.C. of a curve; thence as said Drive curves to the left of a radius of 313.81 feet, an arc distance of 105.16 feet to a point; thence South 18 degrees 14 minutes West 142.59 feet; thence South 89 degrees 46 minutes East 110.00 feet; thence South 18 degrees 47 minutes East 71.78 feet to a point; thence South 71 degrees 05 minutes West 25.00 feet; thence South 79 degrees 59 minutes West 49.23 feet; thence South 68 degrees 58 minutes West 50.71 feet; thence North 67 degrees 32 minutes West 29.93 feet; thence South 26 degrees 54 minutes West 28.52 feet; thence North 78 degrees 29 minutes West 108.97 feet to the point of beginning.

OTTER CREEK LANDING - PHASE II

Beginning at a point in the center of a 20 foot drive, said point being the Northeast corner of Phase I, Otter Creek, and runs thence as the center of said 20 foot drive, and as said drive curves to the left on a radius of 313.81 feet, an arc distance of 97.49 feet to a point; thence South 89 degrees 34 minutes East 34.0 feet to the center of a circle; thence South 20 degrees 50 minutes East 34.00 feet to a point; thence South 41 degrees 57 minutes East 100.31 feet to a point in the CAMA setback line; thence as said line, South 39 degrees 26 minutes West 54.98 feet; thence as said line, South 63 degrees 22 minutes West 68.12 feet; thence as said line, South 71 degrees 05 minutes West 26.07 feet to a point; thence South 18 degrees 47 minutes East 71.78 feet to a point; thence South 89 degrees 46 minutes East 110.00 feet to a point; thence North 18 degrees 14 minutes East 142.59 feet to the point of beginning.

OTTER CREEK LANDING - PHASE III

Beginning at an iron stake in the Northern margin of Lewis Drive, said point being the Southwest corner of a small tract conveyed to Williams, and runs thence with the Northern margin of Lewis Drive, North 59 degrees 16 minutes West 235.53 feet to an iron stake, said iron stake being the Southeast corner of the lot conveyed to the Town of Carolina Beach; thence with the East line of said lot and beyond, North 14 degrees 38 minutes East 107.20 feet to a point in the South line of the Otter Creek Landing Yacht Club, Inc.; thence with the Southern line of said tract, South 72 degrees 13 minutes East 339.85 feet to a point in the West line of the Williams property; thence with his line, South 12 degrees 03 minutes West 24.34 feet to an iron stake; thence North 78 degrees 04 minutes West 94.40 feet to an iron stake; thence South 23 degrees 39 minutes West 126.64 feet to the point of beginning, containing 0.80 acres.

OTTER CREEK LANDING YACHT CLUB

Beginning at a point in the Southern line of Lot 26 of Pleasure Cay Subdivision, see Book of Plats 18, Page 74, New Hanover County Registry, said point also being South 77 degrees 07 minutes East 80.57 feet from the Eastern margin of Otter Road, and runs thence as the Southern line of Lot 26 South 77 degrees 07 minutes East 60.0 feet; thence continuing with the Southern line of Lot 26 South 78 degrees 29 minutes East 46.41 feet to an iron stake said stake being the Southeast corner of Lot 26 and the Southwest corner of Otter Creek, Phase I; thence with the line of Phase I South 78 degrees 29 minutes East 108.97 feet; thence North 26 degrees 54 minutes East 28.52 feet; thence South 67 degrees 32 minutes East 0.43 feet; thence South 27 degrees 28 minutes West 26.0 feet to a point; thence South 76 degrees 59 minutes East 513.46 feet to a point in the West edge of Myrtle Grove Sound; thence South 03 degrees 14 minutes East 51.50 feet to Williams corner; thence with Williams line North 77 degrees 53 minutes West 279.47 feet to a point; thence South 12 degrees 03 minutes West 75.66 feet to a point; thence North 72 degrees 13 minutes West 469.44 feet to a point; thence North 12 degrees 14 minutes East 84.93 feet to the point of beginning.