

Prepared by Graham

STATE OF NORTH CAROLINA

COUNTY OF CARTERET

AMENDMENT TO DECLARATION OF UNIT OWNERSHIP

THIS AMENDMENT TO THE DECLARATION, made this 26th day of February, 1981, by SANDS INVESTMENTS NO. 2, INC., a South Carolina Corporation authorized to do business in North Carolina with offices in Morehead City, North Carolina, hereinafter referred to as Declarant;

WHEREAS, the Declarant has heretofore caused to be recorded a Declaration of Unit Ownership in Book 431 at Page 487 of the Carteret County Registry; and

WHEREAS, the Declaration as above recorded and originally published expressly excepted certain tracts or parcels of land from the terms and conditions of said Declaration; and

WHEREAS, the Declarant has now completed certain improvements on that certain tract of land designated as Phase II of "A Place at the Beach" - Atlantic Beach II; and

WHEREAS, the Declarant is the owner of that certain tract or parcel of land designated as Phase II, of "A Place at the Beach" - Atlantic Beach II as shown on Exhibit A, attached hereto and by a reference made a part hereof; and

WHEREAS, a copy of plat or the map of survey referred to as Exhibit A shall be filed for record, simultaneously with the filing of this Amendment to the Declaration, in the Office of the Register of Deeds of Carteret County, North Carolina; and

WHEREAS, the Declarant will convey the property described as Phase II, "A Place at the Beach" - Atlantic Beach II as shown on said Exhibit A subject to all those conditions, restrictions, reservations, liens and charges set forth in the Declaration recorded in Book 431 at Page 487 of the Carteret County Registry; all of which is hereby incorporated by reference:

NOW THEREFORE, the Declarant does hereby publish and declare that all of the property described as Phase II in said Exhibit A, shall be held, conveyed, hypothecated, encumbered, used, occupied and improved subject to all the terms and conditions set forth in said Declaration and Amendments thereto; all of which are declared and agreed to in furtherance of the plan for the improvement of said property in the division thereof and to condominium units and shall be deemed to run with the land and shall be a burden and a benefit to Declarant, its successors and assigns, and any person acquiring or owning any interest in the real property improvements, their Grantees, successors, heirs, Executors, Administrators, Devisees and assigns.

1. DESCRIPTION OF PROPERTY: All that certain tract or parcel of land with the buildings and improvements thereon erected or hereinafter erected, situated and lying on Bogue Banks, Atlantic Beach Township, Carteret County, State of North Carolina, and being more particularly described as follows:

BEGINNING at an iron stake, said stake being South 03-00 West 376 feet from the southern right-of-way of the Fort Macon Road and in the eastern margin of Commerce Way; continuing thence from said beginning point in a southerly direction along the eastern margin of Commerce Way, South 03-00 West 686.36 feet to a point in the highwater mark of the Atlantic Ocean; running thence along said

highwater mark South 79-20-72 East 141.26 feet to a point; running thence along the western boundary of Phase I of A Place at the Beach - Atlantic Beach II North 03-00 East 591.20 feet to an iron stake; running thence South 87-00 East 146 feet to an iron stake; running thence North 03-00 East 114 feet to an iron stake; running thence North 87-00 West 286 feet to the point or place of beginning.

The above described tract or parcel of land being all of that property described as Phase II of A Place at the Beach - Atlantic Beach II as shown and designated on that certain map by David R. Floyd dated September 21, 1979, and recorded in Map Book 10C, at Page 20, of the Carteret County Registry and in accordance with that subsequent map by David R. Floyd dated February 18, 1981, showing Phase II of A Place at the Beach - Atlantic Beach II as shown on that certain map recorded in Map Book 10D, at Page 30, of the Carteret County Registry.

2. DESCRIPTION OF BUILDINGS: The description of the buildings shall be identical to that set forth in the original Declaration recorded in Book 431 at Page 487 of the Carteret County Registry, North Carolina.

Specifics such as style, construction, materials and finishes, are best described in the plans and specifications for the construction project, a copy of which is attached hereto and made a part hereof showing all particulars of the buildings including their locations, layouts, ceiling and floor elevations, unit numbers, and dimensions of the units and the locations of the common areas and facilities affording access to each unit. Such plans and specifications were drawn by Roger Wilund, Registered Architect, having offices in Myrtle Beach, South Carolina, and being licensed to practice in the State of North Carolina.

3. UNIT DESIGNATIONS: The unit designation of each condominium building, its location, its dimensions, the common areas and facilities to which it has immediate access are shown on those exhibits attached hereto. The approximate area, number of rooms and other data concerning its proper identification are all identical to that data in the original Declaration recorded in Book 431 at Page 487, Carteret County Registry, North Carolina. Each unit is bounded both as to horizontal and vertical boundaries by the interior service of its perimeter walls, ceilings, and floors which are shown on said plans filed with the original Declaration and those attached exhibits, subject to such encroachments as are contained in the building, whether the same now exists or may be caused or created by construction, settlement or movement of the building or by permissible repairs, construction, or alteration.

The units in each building shall be numerically designated as shown on those exhibits attached hereto and as additionally set forth in the original Declaration recorded in Book 431 at Page 487 of the Carteret County Registry.

4. DEVELOPMENT PLAN: Phase II of "A Place at the Beach II" has been developed in accordance with the development plan as set forth in Book 431 at Page 487 of the Carteret County Registry.

5. ALTERATION OF UNDIVIDED INTEREST: In accordance with the original Declaration, the undivided interest that each owner shall have in the common area and facilities of Phase I and Phase II of the properties is as follows:

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<u>UNIT #</u>	<u>Former % of Common Areas Owned</u>	<u>Adjusted % of Common Areas After Inclusion of Phase II units</u>
101	.9799	.436
102, 128, 201, 301	1.0058	.448
103, 127, 202, 228 302, 328	1.0316	.459
104, 126, 203, 227, 303, 327	1.0575	.471
105, 125, 204, 226, 304, 326	1.0834	.482
106, 124, 205, 225, 305, 325	1.1092	.494
107, 123, 206, 224, 306, 324	1.1351	.505
108, 122, 207, 223, 307, 323	1.1609	.517
109, 121, 208, 222, 308, 322	1.1868	.528
110, 120, 209, 221, 309, 321	1.2126	.540
111, 119, 210, 220, 310, 320	1.2385	.551
112, 118, 211, 219, 311, 319	1.2643	.563
117, 212, 218, 312, 318	1.2902	.574
217, 317	1.3161	.586
114, 115, 214, 215, 314, 315	1.3936	.620
113, 116, 213, 216, 313, 316	1.4453	.643
159	none	.459
130, 131, 157, 158, 160, 259	none	.482
258	none	.494
129, 132, 134, 156, 230, 231, 260, 330, 331, 358, 359	none	.505
154, 155, 257, 360	none	.517
229, 232, 234, 256, 329, 332, 357	none	.528
135, 137, 153, 235, 255, 334, 356	none	.540

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<u>UNIT #</u>	<u>Former % of Common Areas Owned</u>	<u>Adjusted % of Common Areas After Inclusion of Phase II units</u>
133, 136, 138, 152, 236, 254, 335, 355	none	.551
139, 151, 237, 253, 336, 354	none	.563
140, 150, 233, 238, 252, 353	none	.574
141, 149, 239, 250, 251, 333, 352	none	.586
240, 337, 350, 351	none	.597
249, 338	none	.609
142, 242, 339, 341, 349	none	.620
143, 241, 340, 343	none	.632
144	none	.643
243, 342	none	.655
244	none	.667
344	none	.678
146, 147	none	.690
246	none	.701
347	none	.713
145, 148, 245, 247	none	.724
248, 346, 348	none	.735
345	none	.758

The Declarant does hereby expressly submit the Phase II property to all of the provisions of the Declaration as recorded in Book 431 at Page 487 of the Carteret County Registry and the By-Laws of "A Place at the Beach - Atlantic Beach II, Inc." recorded in Book 431 at Page 487, Carteret County Registry.

6. INCORPORATION BY REFERENCE: All of the terms, conditions, provisions and rights reserved by the Declarant as set forth in the original Declaration recorded in Book 431 at Page 487, Carteret County Registry, are expressly hereby incorporated by reference and made a part hereof. By the submission of Phase II of the property to the terms and conditions of this Declaration, the Declarant expressly reserves all those rights and privileges as set forth in the original Declaration as above referred to.

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IN WITNESS WHEREOF, the Declarant has caused this Amendment to the Declaration to be executed by its duly authorized officers and its corporate seal to be hereunto affixed, this the 26th day of February, 1981.

SANDS INVESTMENTS NO. 2, INC.

By: Thomas E. Baugh
President

ATTEST:
[Signature]
Secretary

STATE OF NORTH CAROLINA

COUNTY OF CARTERET

I, Janne L Prang, a Notary Public in and for the above named State and County, do hereby certify that personally appeared before me this day LESLIE M. MORRIS, JR. who, being by me duly sworn, says that he is the Secretary of SANDS INVESTMENTS NO. 2, INC. and that he knows that THOMAS E. BAUGH, JR. is the President, and that he knows the common seal of the said Corporation; that the Corporation's name was subscribed to the foregoing instrument by its President and was attested by himself as its Secretary, with its corporate seal thereto affixed, and all by order of its Board of Directors duly given, and that the said instrument is the act and deed of said Corporation.

WITNESS my hand and notarial seal, this 26th day of February, 1981.

My Commission Expires:
9-28-83

Janne L Prang
Notary Public
NORTH CAROLINA, CARTERET COUNTY
The foregoing certificate(s) of Janne L Prang
is (are) certified to be correct. This instrument was presented for registration and recorded in this office in Book 40-9 Page 83
This 27 day of Feb, 1981 at 1:40 O'clock P.M.

Sharon Piner
Register of Deeds
By Melanie Creech
Assistant, Deputy

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