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Onslow County, NC
Rebecca L. Pollard Reg. of Deeds
BK 3720 PG 317-319

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STATE OF NORTH CAROLINA
COUNTY OF ONSLOW

**ANNEXATION OF HALL'S CREEK NORTH, SECTION III-D
ADOPTION OF DECLARATION, APPOINTMENT OF
ARCHITECTURAL COMMITTEE MEMBER AND AMENDMENT
TO DECLARATION (Recorded in Book 2972, Page 860)**

**THIS ANNEXATION OF HALL'S CREEK NORTH, SECTION III-D, ADOPTION OF
DECLARATION, APPOINTMENT OF ARCHITECTURAL COMMITTEE MEMBER AND
AMENDMENT TO DECLARATION, the "Annexation Declaration", is made this 1st day of February,
2012, by EMDP, LLC, a North Carolina limited liability company, hereinafter referred to as "Declarant";**

WITNESSETH:

**WHEREAS, the Declarant is the owner of certain real property described in Article I of this
Annexation Declaration; and**

**WHEREAS, the Declarant's predecessor in title to the real property described in Article I hereof, C
& N Developers, Inc., a North Carolina corporation, subjected the real property described as Lots 41
through 47, inclusive, Hall's Creek North, Section III, as shown on a map recorded in Map Book 54, Page
33, Slide M147, in the Office of the Register of Deeds of Onslow County, North Carolina, hereinafter
referred to as "Hall's Creek North, Section III", to a Declaration of restrictive covenants, easements, and
agreements, recorded in Book 2972, Page 860, in the Office of the Register of Deeds of Onslow County,
North Carolina, hereinafter referred to as the "Declaration"; and**

**WHEREAS, under Section 16 of the Declaration, the Declarant's predecessor in title reserved the
right to annex any real property described in the deed recorded in Book 2622, Page 329, Onslow County
Registry, then owned by said predecessor in title, to the Hall's Creek North, Section III subdivision and
subject said real property to the Declaration; and**

**WHEREAS, pursuant to Section 17 of the Declaration, the Declarant's predecessor in title, C & N
Developers, Inc., has, by instrument recorded in Book 3583, Page 615, Onslow County Registry, assigned
all of its rights reserved in the Declaration, including the right to annex real property described in Book
2622, Page 329, Onslow County Registry, to the Hall's Creek North, Section III subdivision; and**

WPDOCS/DOC/RESTCOV/ANNEX.HALL'S CREEK NORTH.SEC.III-C

WHEREAS, by instrument recorded in Book 3583, Page 618, Onslow County Registry (the "**First Amendment**"), the Declaration was amended, and the real property designated as "Hall's Creek North, Section III-B", described on a map recorded in Map Book 61, Pages 226 and 226A was annexed to the "Hall's Creek North, Section III" subdivision; and

WHEREAS, by instrument recorded in Book 3629, Page 774, Onslow County Registry (the "**Second Amendment**"), the Declaration was amended, and the real property designated as "Hall's Creek North, Section III-C", described on a map recorded in Map Book 62, Pages 86 and 86A was annexed to the "Hall's Creek North, Section III" subdivision; and

WHEREAS, the **Declarant**, as successor in interest to the ownership of the real property described in Article I by virtue of a deed to **Declarant** recorded in Book 3438, Page 854, Onslow County Registry, which constitutes a portion of the real property described in Book 2622, Page 329, Onslow County Registry, and is contiguous to Hall's Creek North, Section III-C, desires to annex the real property described in Article I to the Hall's Creek North, Section III subdivision. subject said real property to the **Declaration, as amended by the First Amendment and Second Amendment.**

NOW, THEREFORE, the **Declarant** hereby declares that the real property hereinafter described is hereby annexed into the Hall's Creek North, Section III subdivision and shall henceforth be held, transferred, sold and conveyed subject to the restrictions, easements and agreements set forth in the **Declaration** recorded in **Book 2972, Page 860**, as amended by the **First Amendment** recorded in **Book 3583, Page 618**, and the **Second Amendment** recorded in **Book 3629, Page 772**, all in the Office of the Register of Deeds of Onslow County, North Carolina.

1. The real property being annexed and subjected to the **Declaration**, as amended by the **First Amendment and Second Amendment**, is situated in Swansboro Township, Onslow County, North Carolina, and being more particularly described as follows:

Being all of the real property as shown and described on a map entitled, " Final Plat, HALL'S CREEK NORTH, SECTION III-D", dated 06/20/11, prepared by Parker & Associates, Inc. and recorded in Map Book 63, Pages 112 and 112A, Slide O-145, in the Office of the Register of Deeds of Onslow County, North Carolina, hereinafter referred to as "**HALL'S CREEK NORTH, SECTION III-D**".

2. The Declarant, pursuant to Section 1 of the **Declaration** hereby appoints Elijah T. Morton as the sole member of the Committee as to, but only as to, Hall's Creek North, Section III-D.

3. Section 3.b. of the **Declaration** is hereby amended by inserting the following sentence at the end of said Section 3(b): Notwithstanding any provision set forth herein to the contrary, the roof pitch of at least 5/12 shall not be applicable to any porches attached to the main residential dwelling or any permitted outbuilding.

4. Section 3.h. of the **Declaration** is hereby amended by deleting this sub-section in its entirety, and substituting the following: new Section 3.h.: The roofing material on any residential dwelling or other permitted outbuilding located on a Lot in Hall's Creek North, Section III-D shall be either "standard 3-tab" or "three dimensional asphalt" shingles.

5. Article 8, entitled "Hall's Creek North Section III HOA, Inc." is hereby amended by inserting the following preamble thereto:

With respect to the Hall's Creek North, Section III-D property and development, for the purposes of this Article 8, "owner", "Lot owner" or "owner of any Lot" shall mean the purchaser or grantee of any Lot in the Subdivision which has been improved by the construction of a single family residence thereon and occupied by such purchaser or grantee, individually or through his/her/their tenants or assigns. "Owner", "Lot owner" or "owner of any Lot" shall not be deemed to include the Declarant or the purchaser, grantee or owner of a Lot acquired for the purpose of construction of improvements thereon and resale.

IN WITNESS WHEREOF, the Declarant has caused this instrument to be executed by its duly authorized Managers, for and on behalf of the Declarant, with authority duly given, the day and year first above written.

EMDP, LLC, a North Carolina limited liability company

By: *Elijah T. Morton*
Elijah T. Morton, Manager

By: *Constantine M. Psilos*
Constantine M. Psilos, Manager

STATE OF NORTH CAROLINA
COUNTY OF ONSLOW

The undersigned, a Notary Public in and for the aforesaid County and State, does hereby certify that **Elijah T. Morton and Constantine M. Psilos**, personally came before me this day, and having provided satisfactory proof of their identity, acknowledged that they are the **Managers of EMDP, LLC**, a North Carolina limited liability company, and that by authority duly given and as the act of the company, the foregoing instrument was signed in its name by them as Managers as the act and deed of said company.

Witness my hand and official stamp or seal, this 1st day of February, 2012.

J. Dewey Edwards, Jr.
Notary Public

My Commission Expires: July 9, 2016

