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 Total 20 Rev          Int.           
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 Portions of document are illegible due to condition of original.  
 Document contains seals verified by original instrument that cannot be reproduced or copied.

**AMENDED DECLARATION  
 OF  
 RIVER HOTEL OF SOUTHPORT CONDOMINIUM**

THIS AMENDED DECLARATION OF RIVER HOTEL OF SOUTHPORT (hereinafter referred to as "Amendment"), made this 12<sup>th</sup> day of December, 2021, by SMITHVILLE PARTNERS, LLC, a North Carolina limited liability company (hereinafter referred to as "Declarant"), pursuant to the provisions of Chapter 47C of the General Statutes of the State of North Carolina (hereinafter referred to as the "Condominium Act" or the "Act");

WITNESSETH:

WHEREAS, Declarant heretofore executed and caused to be recorded in the Office of the Register of Deeds of Brunswick County, North Carolina, in Book 4180, at Page 1097, et. seq. a Declaration of River Hotel of Southport Condominium; and,

WHEREAS, pursuant to Articles 26 and 27 of the Declaration, Declarant desires to amend and supplement the Declaration in order to expand the Condominium by the addition of a portion of the additional real estate described in the Declaration; and,

NOW, THEREFORE, the Declarant, in accordance with the provisions with the Declaration and the Act, does hereby amend and supplement the Declaration in the following respects:

1. The Declaration of the real property submitted to unit ownership under that Act as described in Exhibit "A" to the Declaration is hereby amended and revised to include the real property as shown and designated as River Hotel of Southport



Condominium, Building II, on the plats and plans recorded in Condominium Plat Book 17, at Pages 95-97, in the Office of the Register of Deeds of Brunswick County, North Carolina (herein the "Registry"), said real property being included is more fully described in Exhibit "A" attached hereto and made a part hereof by reference. The real property described in said Exhibit "A" shall be and constitute the property known as River Hotel of Southport.

2. Declarant, pursuant to the Act, hereby divides the property into a total of forty-nine units as shown on the plats and plans, as amended, and does hereby designate all such units for separate ownership.

3. The plats and plans of the Condominium, as amended and expanded, are recorded in the Registry as follows:

Condominium Plat Book 17, at Pages 63-65 and Condominium Plat Book 17, at Pages 95-97

4. Exhibit "C-1" is hereby substituted in the place of Exhibit "C" of the Declaration.

5. The Condominium known as River Hotel of Southport Condominium shall after recording of this Amendment to the Declaration consist of forty-nine units in two phases of said Condominium. The plats and plans of Building II are attached hereto as Exhibits "B-1" through "B-3" and incorporated herein by reference.

6. The common elements of the additional units subjected to the Act by the Amendment shall consist of all portions of the Condominiums not encompassed by and included within the Condominium units as described in the Declaration, as amended, and as shown on the plats and plans as amended. The limited common elements for the exclusive use of the units subjected to the Act by this Amendment are as shown on the plats and plans recorded in Condominium Plat Book 17, at Pages 63-65 and Condominium Plat Book 17, at Pages 95-97 of the Registry and as shown on Exhibits "B-1 through B-3" attached to this Amendment or otherwise by the Declarant.

7. Certifications pursuant to 47C-2-109(d) of the North Carolina General Statutes are attached to the plats and plans recorded in Condominium Plat Book 17, at Pages 95-97, and are hereby incorporated as part of the plats and plans of the Condominium.

8. Certification pursuant to 47C-2-101(b) of the North Carolina General Statutes is attached hereto as Exhibit "D" and incorporated herein by reference as if fully set forth.

9. Except as specifically amended and supplemented by this Amended, the aforesaid Declaration, shall be and remain in full force and effect and shall apply to all units, common elements, and limited common elements created by the Amendment and supplement to Declaration of Condominium.



IN WITNESS WHEREOF, Declarant has caused this instrument to be executed in their names by their duly authorized manager, this 12<sup>th</sup> day of December, 2021.

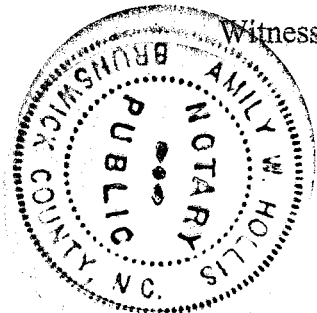
SMITHVILLE PARTNERS, LLC

By:  (SEAL)  
JOHN MATTHEW SUTTON,  
MEMBER/MANAGER

STATE OF NORTH CAROLINA  
COUNTY OF NEW HANOVER

I, Amily W. Hollis, a Notary Public of the State and County aforesaid, do hereby certify that JOHN MATTHEW SUTTON, personally appeared before me this day and acknowledged that he is the Member/Manager of SMITHVILLE PARTNERS, LLC, a North Carolina limited liability company, and that by authority duly given and as the act of the limited liability company, the foregoing instrument was signed in its name by its Manager.

Witness my hand and official stamp or seal, this the 12<sup>th</sup> day of December, 2021.



  
NOTARY PUBLIC FOR BRUNSWICK COUNTY

My Commission Expires:  
10/08/2022



EXHIBIT "A"

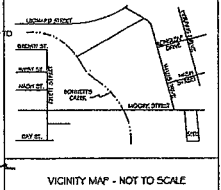
ALL of that certain tract or parcel of land lying and being situated in Southport, Brunswick County, North Carolina shown and depicted as Lots 3-6 on a map entitled Condominium Plat of River Hotel of Southport Residential Condominiums Building Two on December 6, 2021, recorded in Condo Map Book 17, at Pages 95-97, in the Office of the Register Deeds of Brunswick County, North Carolina.

CONDO BOOK 17 PAGE 95 1 of 3 12/06/2021

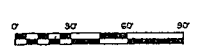
I, WILLIAM W. DELANEY II, P.L.S., CERTIFY TO ONE OF THE FOLLOWING:  
 THAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.  
 THAT THE SURVEY IS OF AN EXISTING PARCEL OF LAND.  
 THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS RECOMBINATION OF EXISTING PARCELS, A COURT ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

NORTH CAROLINA BRUNSWICK COUNTY  
 I, WILLIAM W. DELANEY II, P.L.S., CERTIFY THAT THIS PLAN CONFORMS TO THE REQUIREMENTS OF SUBDIVISION (1), (2), (3), (4), (5), (7), (8) AND (9) OF THE NORTH CAROLINA GENERAL STATUTES SECTION 17C-5 (CONDOMINIUM) AND THIS PLAN MEETS THE REQUIREMENTS OF N.C.A.C. TITLE 21 CHAPTER 50 (CONDOMINIUM REQUIREMENTS).  
 WITNESSED MY HAND AND SEAL THIS 12th DAY OF OCTOBER 2021  
 PROFESSIONAL LAND SURVEYOR L-2973

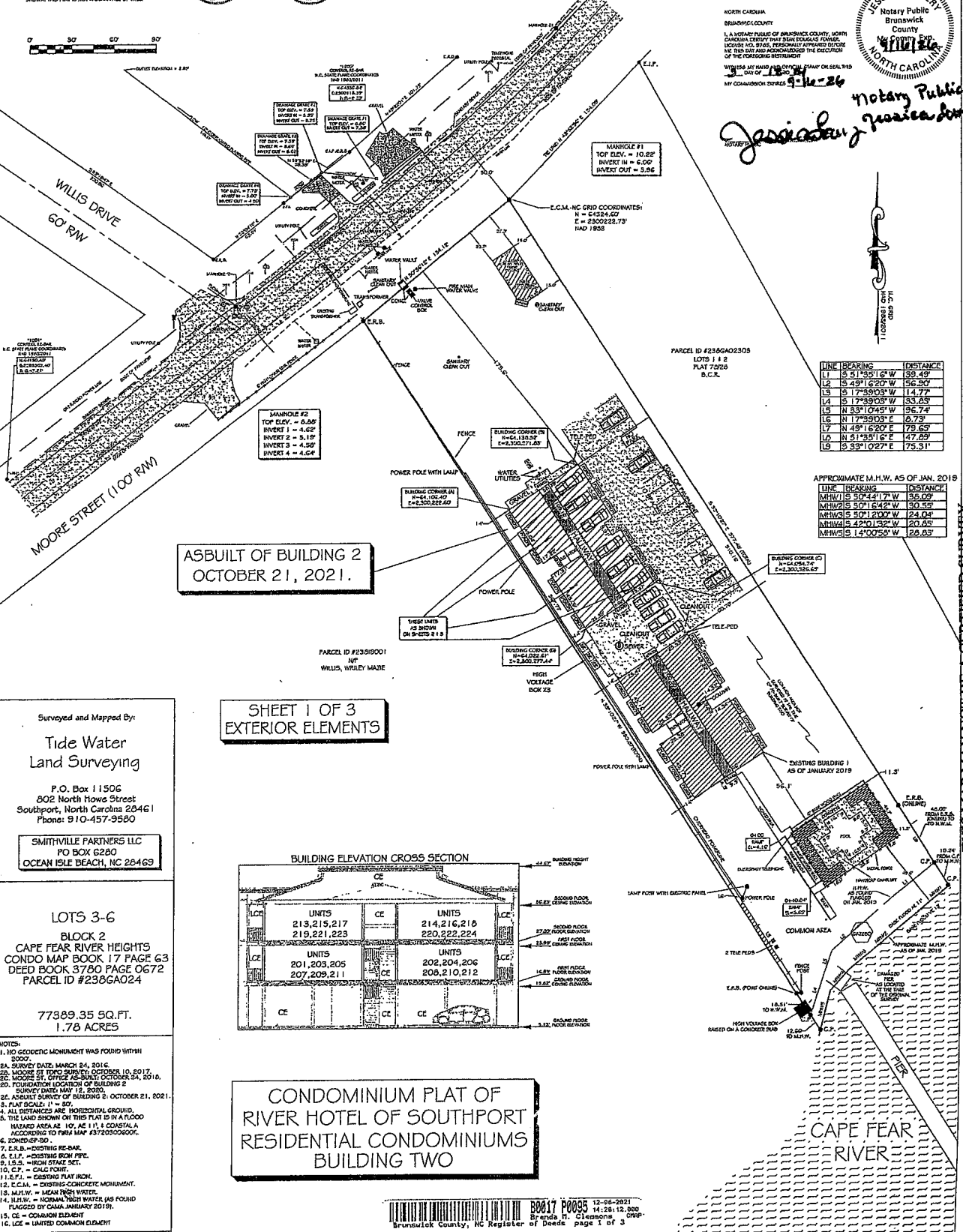
CERTIFICATE OF ARCHITECT  
 I, STAN DOUGLAS FOWLER, AN ARCHITECT DULY REGISTERED TO PRACTICE UNDER THE LAWS OF THE STATE OF NORTH CAROLINA HEREBY CERTIFY THAT THESE PLANS OF RIVER HOTEL OF SOUTHPORT RESIDENTIAL CONDOMINIUMS SURVIVE THIS PLAN AND ACCURATELY DEPICT IN THE LOCATIONS AND DIMENSIONS OF EACH UNIT, TO THE EXTENT THESE DIMENSIONS ARE WITHIN OR CONFORM WITH THE BOUNDARIES OF THE BUILDING IN WHICH THE UNIT IS LOCATED, IN THE LOCATION OF ANY VERTICALLY LAPPING BOUNDARIES, WITH REFERENCE TO EXISTING DATA AND THE IDENTIFYING NUMBER FOR EACH UNIT.  
 DATE: 12-03-2021  
 ARCHITECT REGISTER NO. 9765



NOTES:  
 1. THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHTS OF WAY, COVENANTS, RESTRICTIONS, AND CONDITIONS OF RECORDS AFFECTING SAID PROPERTY, & A TITLE SEARCH HAS NOT BEEN CONDUCTED ON THE PARTS SHOWN. THIS PLAN IS NOT A GUARANTEE OF TITLE.



Notary Public  
 Jessica Lowery



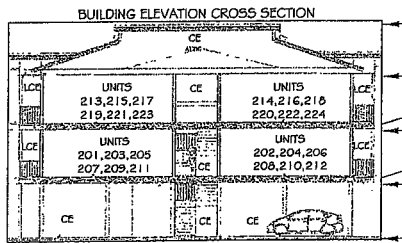
Surveyed and Mapped By:  
**Tide Water Land Surveying**  
 P.O. Box 11506  
 802 North Howe Street  
 Southport, North Carolina 28461  
 Phone: 910-457-9580

**SMITHVILLE PARTNERS LLC**  
 PO BOX 6280  
 OCEAN ISLE BEACH, NC 28469

LOTS 3-6  
 BLOCK 2  
 CAPE FEAR RIVER HEIGHTS  
 CONDO MAP BOOK 17 PAGE G3  
 DEED BOOK 3780 PAGE 0672  
 PARCEL ID #2386A024

77389.35 SQ. FT.  
 1.78 ACRES

SHEET 1 OF 3  
 EXTERIOR ELEMENTS



CONDOMINIUM PLAT OF  
 RIVER HOTEL OF SOUTHPORT  
 RESIDENTIAL CONDOMINIUMS  
 BUILDING TWO

NOTES:  
 1. NO CORNER MONUMENT WAS FOUND WITHIN 300'.  
 2A. SURVEY DATE: MARCH 24, 2016  
 2B. MONUMENT BY TIDE SURVEY: OCTOBER 10, 2017  
 2C. MONUMENT BY OFFICE AS-BUILT: OCTOBER 24, 2018  
 2D. FOUNDATION LOCATION OF BUILDING 2  
 SURVEY DATE: MAY 12, 2020  
 3. AS-BUILT SURVEY OF BUILDING 2: OCTOBER 21, 2021  
 4. PLAN SCALE: 1" = 30'  
 5. ALL DISTANCES ARE HORIZONTAL DISTANCES.  
 6. THE LAND SHOWN ON THIS PLAN IS IN A FLOOD HAZARD AREA AS 107, AC 111, & 107A, ACCORDING TO FEMA MAP #17020000000000000000.  
 7. ZONED: R-50  
 8. E.R.B. = EXISTING REBAR  
 9. I.P.F. = EXISTING IRON PIPE  
 10. I.S.S. = IRON STAKE SET  
 11. C.F. = CALC POINT  
 12. E.C.M. = EXISTING CONCRETE MONUMENT  
 13. M.H.W. = MEAN HIGH WATER  
 14. N.H.W. = NORMAL HIGH WATER (AS FOUND BASED BY C.A.M. JANUARY 2019)  
 15. CE = COMMON ELEMENT  
 16. LCE = LIMITED COMMON ELEMENT

DWG: 702 EAST MOORE ASBUILT CRD: TIDEWATER

BRUNSWICK COUNTY, NC REGISTER OF DEEDS  
 00017 00095 12-06-2021  
 14:28:12.000  
 Brenda M. Clemmons PROP  
 page 1 of 3

THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS.

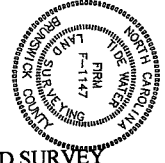
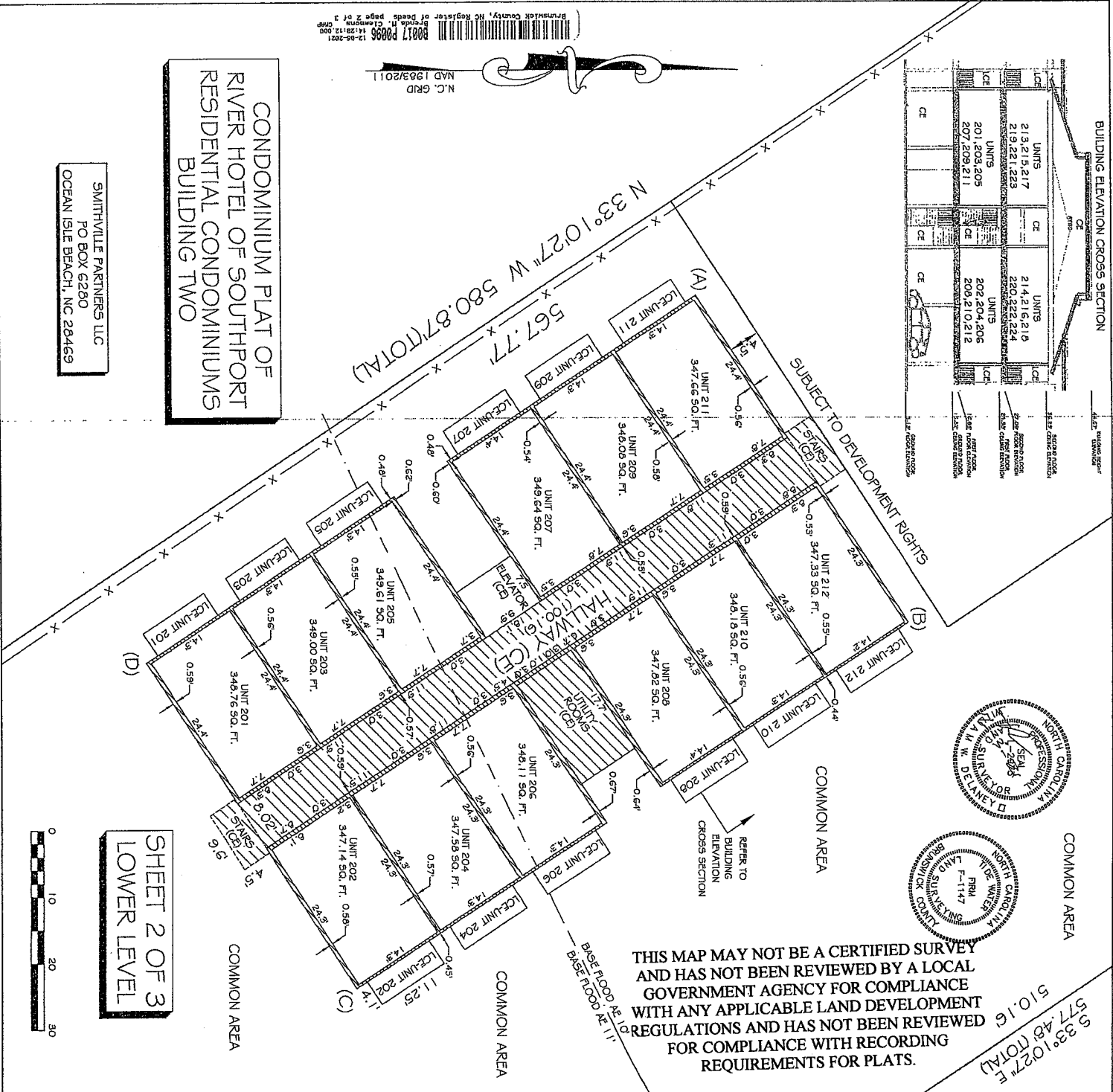
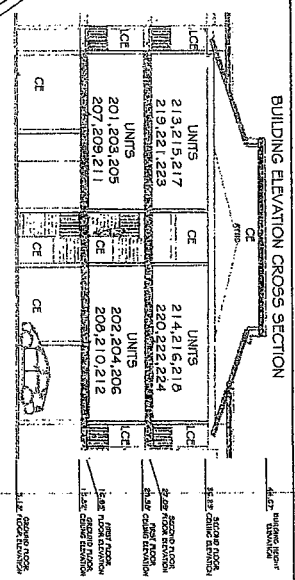
EXHIBIT "B-2"

Brunswick County, NC Register of Deeds  
 Brenda M. Clemmons  
 12-13-2021 14:28:12.000  
 B0817 P0817  
 page 2 of 3



CONDOMINIUM PLAT OF  
 RIVER HOTEL OF SOUTHPORT  
 RESIDENTIAL CONDOMINIUMS  
 BUILDING TWO

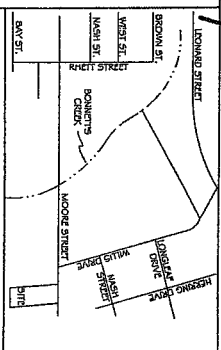
SMITHVILLE PARTNERS LLC  
 PO BOX 6280  
 OCEAN ISLE BEACH, NC 28469



THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS.

CONDO DRIVE 2 OF 3

S 33°10'27" E  
 577.48(TOTAL)  
 510.16'



NOTES:  
 1. THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHT-OF-WAY, COVENANTS, RESTRICTIONS, AND CONDITIONS OF RECORD AFFECTING SAID PREMISES.  
 2. A TITLE SEARCH WAS NOT PERFORMED ON THE PARCELS SHOWN. THIS PLAT IS NOT A GUARANTEE OF TITLE.

- NOTES:
1. SURVEY DATE: MAY 13, 2020
  2. PLAT SCALE: 1" = 10'
  3. ALL DISTANCES ARE HORIZONTAL GROUND.
  4. THE LAND SHOWN ON THIS PLAT IS IN FLOOD ZONES AE (EL 10) AND AE (EL 11), ACCORDING TO FIRM MAP #1720300600K, 09/20/2010.
  5. ZONED: SR-30
  6. C.P. = COMPUTED POINT.
  7. I.S.S. = IRON SINK SET.
  8. E.R.B. = EXISTING RE-BANK.
  9. E.I.P. = EXISTING IRON PIPE.
  10. E.I.P. = EXISTING IRON TRICH PIPE.
  11. E.I.P. = EXISTING IRON PIPE FOR PAGES 2 & 3
  12. CE = COMMON ELEMENT
  13. CE = LIMITED COMMON ELEMENT
  14. ALL UNIT ANGLES ARE RIGHT ANGLES UNLESS OTHERWISE NOTED OR DELINEATED.

LOTS 3 - 6  
 BLOCK 2  
 CAPE FEAR RIVER HEIGHTS  
 DEED BOOK 3780 PAGE 0672  
 CONDO MAP BOOK 17 PAGE 63  
 PARCEL ID #2386A024  
 77389.35 SQ. FT.  
 1.78 ACRES

SURVEY REQUESTED BY:  
 SMITHVILLE PARTNERS LLC  
 PO BOX 6280  
 OCEAN ISLE BEACH, NC 28469  
 CITY OF SOUTHPORT  
 SMITHVILLE TOWNSHIP  
 STATE OF NORTH CAROLINA

DATE: 702 E. ANCHOR ST. BLD 2 CONDO PLAT PAGE 2  
 CONDO MAP BOOK 17 PAGE 63 SHEET 2 OF 3





**EXHIBIT "C"**

Unit #	Unit Type	Allocation of Common Elements	Allocation of Common Expenses	Votes
101	Transient Residential	1/49	1/49	1
102	Transient Residential	1/49	1/49	1
103	Transient Residential	1/49	1/49	1
104	Transient Residential	1/49	1/49	1
105	Transient Residential	1/49	1/49	1
106	Transient Residential	1/49	1/49	1
107	Transient Residential	1/49	1/49	1
108	Transient Residential	1/49	1/49	1
109	Transient Residential	1/49	1/49	1
110	Transient Residential	1/49	1/49	1
111	Transient Residential	1/49	1/49	1
112	Transient Residential	1/49	1/49	1
113	Transient Residential	1/49	1/49	1
114	Transient Residential	1/49	1/49	1
115	Transient Residential	1/49	1/49	1
116	Transient Residential	1/49	1/49	1
117	Transient Residential	1/49	1/49	1
118	Transient Residential	1/49	1/49	1
119	Transient Residential	1/49	1/49	1
120	Transient Residential	1/49	1/49	1
121	Transient Residential	1/49	1/49	1
122	Transient Residential	1/49	1/49	1
123	Transient Residential	1/49	1/49	1
124	Transient Residential	1/49	1/49	1
201	Transient Residential	1/49	1/49	1
202	Transient Residential	1/49	1/49	1
203	Transient Residential	1/49	1/49	1
204	Transient Residential	1/49	1/49	1
205	Transient Residential	1/49	1/49	1
206	Transient Residential	1/49	1/49	1
207	Transient Residential	1/49	1/49	1
208	Transient Residential	1/49	1/49	1
209	Transient Residential	1/49	1/49	1
210	Transient Residential	1/49	1/49	1
211	Transient Residential	1/49	1/49	1
212	Transient Residential	1/49	1/49	1
213	Transient Residential	1/49	1/49	1
214	Transient Residential	1/49	1/49	1
215	Transient Residential	1/49	1/49	1



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12-13-2021  
10:19:45.000  
PROP

Brunswick County, NC Register of Deeds page 9 of 10

216	Transient Residential	1/49	1/49	1
217	Transient Residential	1/49	1/49	1
218	Transient Residential	1/49	1/49	1
219	Transient Residential	1/49	1/49	1
220	Transient Residential	1/49	1/49	1
221	Transient Residential	1/49	1/49	1
222	Transient Residential	1/49	1/49	1
223	Transient Residential	1/49	1/49	1
224	Transient Residential	1/49	1/49	1
401	Multipurpose Building Unit	1/49	1/49	1
<b>TOTAL:</b>		<b>100</b>	<b>100</b>	<b>49</b>

EXHIBIT "D"

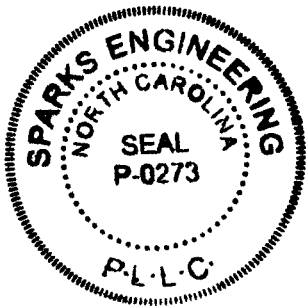
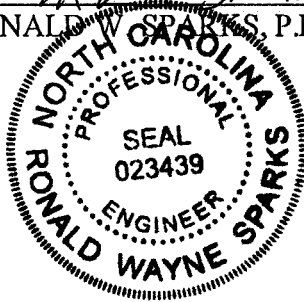
CERTIFICATE OF ENGINEER

SPARKS ENGINEERING, PLLC, BY AND THROUGH THE UNDERSIGNED, A DULY REGISTERED ENGINEER LICENSED TO PRACTICE UNDER THE LAWS OF THE STATE OF NORTH CAROLINA, LICENSE NO. P-0273, HEREBY CERTIFY THAT THE PLANS FOR RIVER HOTEL OF SOUTHPORT RESIDENTIAL CONDOMINIUMS BUILDING TWO FULLY AND ACCURATELY DEPICT THE STRUCTURAL COMPONENTS AND MECHANICAL SYSTEMS OF ALL BUILDINGS CONTAINING OR COMPRISING ANY UNITS THEREBY CREATED.

SPARKS ENGINEERING, PLLC  
N.C. LICENSE NO. P-0273

12/12/2021  
DATE

By: *Ronald Wayne Sparks*  
RONALD WAYNE SPARKS, P.E. NC. LICENSE NO. 023439



 B4761 P0821 12-13-2021 10:19:45.000  
Brenda M. Clemmons PROP  
Brunswick County, NC Register of Deeds page 10 of 10