

2474 0494

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

DECLARATION OF WITHDRAWAL FROM DEDICATION

WHEREAS, BEACHWALK DEVELOPMENT, INC. registered in the Office of the Register of Deeds of New Hanover County, a certain Declaration of Beachwalk recorded in Book 2149 and Page 710 and amended in Book 2397, Page 833 and Book 2311, Page 441 of New Hanover County Registry; and

1033.

WHEREAS, Article VI of said Declaration, as amended provides for the amendment of said declaration; and

WHEREAS, it is intended that this instrument shall operate as a dedication of withdrawal such that the real property described on Exhibit "A" attached hereto, as shown in Map Book 36, Page 284 shall not be subject to said Declaration of Beachwalk as recorded in Book 2149 and Page 710 and amended in Book 2397, Page 833 and Book 2311, Page 441 of New Hanover County Registry; and


NOW THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned does hereby file and cause to be recorded in the office of the Register of Deeds of New Hanover County, this Declaration, hereby withdrawing the real property described on Exhibit "A" attached hereto, as shown in Map Book 36, Page 284 from the restricted lots as set forth in the above referenced Declaration and amendments.

Accept as amended hereby, the Declaration of Beachwalk as recorded in Book 2149 and Page 710 and amended in Book 2397, Page 833 and Book 2311, Page 441 of New Hanover County Registry shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned has set his hand and seal, this 23 day of November, 1998.

BEACHWALK DEVELOPMENT, INC.

By:  (SEAL)
ROBERT WEINBACH, President

ATTEST:

STEPHANIE L. BREWER, Asst. Secretary



554276

RETURN TO NED M. BARNES

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STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

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RECORDED & VERIFIED

I, J. M. Turner, a Notary Public for the State and County aforesaid, hereby certify that Barbara I. Brewer personally appeared before me this day and acknowledged that she is Asst. Secretary of Beachwalk Development, Inc., a North Carolina 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 her as its Asst. Secretary.

WITNESS my hand and notarial stamp or seal, this the 23 day of November, 1998.

J. M. Turner
Notary Public

My Commission Expires:
9/24/2000



STATE OF NORTH CAROLINA
New Hanover County

The Foregoing Amended Certificate(s) of

J. M. Turner

Notary (Notaries) Public is/ are certified to be correct.

This the 23 day of Nov, 1998

Mary Sue Oaks, Register of Deeds
by Marvin Ann Steves
Deputy Assistant

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EXHIBIT "A"

A certain tract or parcel of land lying and being in the Town of Kure Beach, New Hanover County, North Carolina and being part of Lot 42, Beachwalk as recorded at Map Book 36 Page 284, records of New Hanover County, North Carolina and being more particularly described as follows:

BEGINNING at an iron on the eastern right of way of Fifth Avenue (50 ft. right of way); said iron is the southwestern corner of said Lot 42, Beachwalk: Proceed from said point of beginning and with the eastern right of way of Fifth Avenue N 18-58-00 E 27.31 ft. to an iron, thence leaving said right of way and a new line of Lot 42, S 71-02-00 E 100.00 ft. to an concrete monument at the southeastern corner of said Lot 42, thence N 86-18-27 W 103.66 ft. to the point of beginning and containing 0.031 of an acre.