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STATE OF NORTH CAROLINA,
COUNTY OF NEW HANOVER.RECORDED AND VERIFIED
REBECCA P. TUCKER
REGISTER OF DEEDS
NEW HANOVER CO. NC

SEP 26 3 27 PM '83

SUPPLEMENTAL DECLARATION TO DECLARATION CREATING
UNIT OWNERSHIP OF PROPERTY UNDER THE PROVISIONS OF
CHAPTER 47A OF THE GENERAL STATUTES OF NORTH CAROLINA(Recorded: Book 1209 at Page 355)
DRIFTWOOD VILLAS PHASE II

58

THIS SUPPLEMENTAL DECLARATION, made this 26th day of SEPTEMBER, 1983, by DRIFTWOOD VILLAS DEVELOPMENT CORPORATION, a North Carolina corporation with its principal place of business in Wilmington, New Hanover County, North Carolina, hereinafter referred to as "DECLARANT";

KNOW ALL MEN BY THESE PRESENTS:

THAT WHEREAS, the Declarant is the owner¹ of that certain real property in the County of New Hanover and State of North Carolina, which is more particularly described as being all of Lots 1 and 2, Block 49, of Carolina Beach as shown on a map recorded in Map Book 2 at Page 106, of the New Hanover County Registry, Tract #1, Exhibit B as set forth in Declaration recorded in Book 1209 at Page 355 of the New Hanover County Registry; and

WHEREAS, the Declarant is the owner of the one multi-unit building and certain other improvements, heretofore constructed upon the aforesaid property; and

WHEREAS, it is the desire and the intention of the Declarant to market, sell and convey interests in the property and the improvements thereon as a condominium project pursuant to the provisions of Chapter 47A of the North Carolina General Statutes, entitled "Unit Ownership Act"; and

WHEREAS, said real property is located at the southwest corner of Lake Park Boulevard (U. S. Highway 421) and Hamlet Avenue in Carolina Beach, North Carolina, and is a portion of the real property described in Article III of the Declaration Creating Unit Ownership of Property under the provisions of Chapter 47A of the General Statutes of the State of North Carolina (hereinafter "Declaration") establishing DRIFTWOOD VILLAS PHASE ONE Condominium, said Declaration being recorded in Book 1209 beginning at Page 355 of the New Hanover County Registry. The site plan for said PHASE ONE is attached to said Declaration as Exhibit "A" and is also recorded in Condominium Plat Book 3 at Pages 43-48 of the New Hanover County Registry. In ARTICLE III of said Declaration, the Declarant reserved the right and option to add and subject to the provisions of said Declaration the property described in ARTICLE III thereof; and

WHEREAS, it is the desire and intention of the Declarant in the recordation of this Supplemental Declaration in the Office of the Register of Deeds of New Hanover County, North Carolina, to submit all of the real property and the improvements thereto described above, to the provisions of the said Chapter 47A and specifically to the provisions of the above referenced recorded Declaration; and

NOW, THEREFORE, THE DECLARANT DOES HEREBY DECLARE THAT ALL OF THE REAL PROPERTY DESCRIBED ABOVE, AS WELL AS ALL OF THE IMPROVEMENTS CONSTRUCTED THEREON, IS HELD AND SHALL BE HELD, CONVEYED, HYPOTHECATED, ENCUMBERED, USED, OCCUPIED, AND IMPROVED SUBJECT TO THE FOLLOWING ARTICLES OF COVENANTS, CONDITIONS, RESTRICTIONS, USES, LIMITATIONS, AND OBLIGATIONS, ALL OF WHICH ARE DECLARED TO BE IN FURTHERANCE OF A PLAN FOR THE IMPROVEMENT OF SAID PROPERTY AND THE DIVISION THEREOF INTO CONDOMINIUM UNITS AND SHALL BE DEEMED TO RUN WITH THE LAND AND SHALL BE A BURDEN AND A BENEFIT TO THE DECLARANT, ITS SUCCESSORS AND ASSIGNS, AND ANY PERSON OR ENTITY ACQUIRING OR OWNING AN INTEREST IN THE REAL PROPERTY AND IMPROVEMENTS OR ANY SUBDIVISION THEREOF, THEIR GRANTEEES, SUCCESSORS, HEIRS, EXECUTORS, ADMINISTRATORS, DEVISEES AND ASSIGNS.

ARTICLE I

Submission of Property

A. Pursuant to the provisions of Chapter 47A of the North Carolina General Statutes, Section 47A-2, the Declarant does hereby submit all of the real property described on Page 1 hereof, together with all improvements thereon and described herein, to the provisions of the "Unit Ownership Act" of the State of North Carolina, which is codified as Chapter 47A of the General Statutes of the State of North Carolina.

B. In furtherance thereof, Declarant declares and affirms that the real property described on Page 1 hereof, is a portion of the real property described in Article III of the DECLARATION CREATING UNIT OWNERSHIP OF PROPERTY UNDER THE PROVISIONS OF CHAPTER 47A OF THE NORTH CAROLINA GENERAL STATUTES (hereinafter "Declaration") which is recorded in Book 1209 beginning at Page 355 in the Office of the Register of Deeds of New Hanover County, North Carolina, and, therefore, by virtue of the exclusive right and option belonging to the Declarant, as reserved to it in ARTICLE III of said Declaration, the Declarant further declares that all of the real property described on Page 1 hereof, as well as all of the improvements constructed thereon, is hereby subjected to and henceforth shall be held, conveyed, hypothecated, encumbered, used, occupied and improved subject to each and every provision of those Articles of Covenants, Conditions, Restrictions, Uses, Limitations and Obligations which are set forth in that recorded Declaration referred to hereinabove, except those provisions that are necessarily altered or changed for this submission as set forth hereinbelow.

Hereinbelow, Declarant has set forth those provisions of said recorded Declaration which of necessity must change for this submission, and has incorporated by reference those provisions which do not.

ARTICLE II

Definitions

The Definitions for the terms used in this Supplemental Declaration and used in the Articles of the said recorded Declaration (recorded in Book 1209 at Page 355) as they are applicable to this Submission of real property by incorporation herein shall be as follows:

1. The terms Act, Association, Assessment, Board, By-Laws, Common Areas and Facilities, Common Expenses, Common Surplus, Condominium, Declarant, Majority or Majority of Unit Owners, Person, Singular, Plural Gender, and Unit Owner are defined in Article II of the Declaration recorded in Book 1209 at Page 355, referred to hereinabove, and said definitions are incorporated herein by reference.

2. The term Building shall mean and refer to the single multi-unit building which the Declarant has constructed upon the real property described on Page 1 hereof, to be used for residential purposes, as hereinafter provided. Attached hereto and made a part hereof by reference is Exhibit "A" which consists of a full and exact copy of the layout of the building, as well as a survey of the property, drawn by M. F. Underwood, R. L. S., showing the location of the building thereon. In general, the building has three stories built above a ground floor level situated on the finished grade. There are no basements. The building has a total of approximately 11,430 gross square feet of heated area within the three levels or stories above the garage and storage level, with approximately 3810 square feet on each of said three levels. The building has been subdivided into eighteen (18) units hereinafter defined. The building has been principally constructed with wood, concrete, 5/8 inch cedar reverse board and batten siding and fiberglass shingle roofing.

3. The term Declaration shall mean and refer to that DECLARATION CREATING UNIT OWNERSHIP OF PROPERTY UNDER THE PROVISIONS OF CHAPTER 47A OF THE GENERAL STATUTES OF NORTH CAROLINA which is recorded in Book 1209 at Page 355, in the Office of the Register of Deeds of New Hanover County, North Carolina.

4. The term real property shall mean and refer to all of the property described on Page 1 hereof.

5. The term Supplemental Declaration shall mean and refer to this instrument.

6. The term Unit or Condominium Unit shall mean and refer to any one of those eighteen (18) subdivisions of enclosed space within the building, together with any additional areas or spaces accompanying the same as defined hereinbelow, and which are intended to or will be sold as dwelling units pursuant to the Act and this Supplemental Declaration. The deed for any particular unit shall convey such unit by its unit designation and the same shall be deemed to include all that is defined as a part of that unit as stated specifically in this definition, as well as the privileges and appurtenances accompanying any such unit and subject to the covenants, conditions, restrictions, and obligations applicable to unit owners as all are more generally stated and described throughout this Supplemental Declaration.

The eighteen (18) units of the building are and will be identified by their unit designations, which are Units A-7 through A-12, B-7 through B-12 and C-7 through C-12. These units and their designations are shown upon the plans of the building attached hereto in Exhibit "A" which also shows graphically all particulars of the building and its eighteen (18) units, including, but not limited to, the layout, location, ceiling, and floor elevations, dimensions of the units, and the area and location of the common areas and facilities. Reference is hereby made to said plans for the purpose of identifying and locating each unit within the building, as well as identifying its dimensions and approximate areas. No unit bears the same designation as any other. Any conflict between said plans and this definition shall be resolved by reference to the said plans, which shall control.

All units, as well as the additional areas defined as part of each unit hereinbelow, are bounded both as to horizontal and vertical boundaries by the interior finished surface of the units' perimeter walls, ceilings and floors of the interior surface of the perimeter walls, ceilings and floors of the additional areas conveyed as part of each unit as defined hereinbelow, subject to the easement reserved hereinbelow for such encroachments as are contained in the building whether the same now exist or may be caused or created by existing construction, settlement, or movement of the building, or by permissible repairs, construction, or alteration.

All units shall be substantially the same in design, construction and material. Each of the eighteen (18) units is wholly contained within one of the three levels or stories of the building; there being six (6) units upon or within each of the three levels or stories of the building above the ground floor level situated on finished grade.

The first level of units shall be the "A" Level, the second level shall be the "B" Level and the third level shall be the "C" Level. There shall be six (6) units on each level.

Units A-7, B-7 and C-7 shall be designated as Pelican and shall each contain 694 square feet, one (1) bedroom, a den and two (2) bathrooms.

Units A-8, A-9, A-10 and A-11, B-8, B-9, B-10 and B-11, C-8, C-9, C-10 and C-11 shall be designated as Egret and shall each contain 609 square feet, one (1) bedroom and one-and one-half (1½) bathrooms.

Units A-12, B-12 and C-12 shall be designated as Seagull and shall each contain 722 square feet, two (2) bedrooms and two (2) bathrooms.

Each of the eighteen (18) units shall have a living-dining area, kitchen, and one open-air deck as shown on the plans in Exhibit "C". The deck is located adjacent to the living-dining area of each unit and access to each such deck is provided by a six (6) foot wide sliding glass door.

Adjacent to each deck shall be an outside storage area which shall be part of each unit and which shall contain, in addition to storage space, utility connections and space for installation of a washer/dryer unit.

Each of the eighteen (18) units shall have other facilities, such as storage and/or linen closets, as shown on the attached plans for a particular unit designation.

The decks of each unit are bounded horizontally by the interior finished surface of the floor and ceiling overhangs of the decks and are bounded vertically by the interior finished surface or interior plan of either the deck railing or perimeter walls of the decks. The outside storage room is bounded both horizontally and vertically by the interim or finished surface of its ceiling, floor and perimeter walls.

Located within the ground storage level situated upon the finished grade of the building are eighteen (18) lockable storage rooms as shown upon the plans. Each unit is hereby defined to include one of these storage rooms as a part of the unit. These storage rooms are designated A-7S through A-12S, B-7S through B-12S, C-7S through C-12S, inclusive, as shown upon the plans. The storage room which is a part of any certain unit is the storage room whose designation corresponds to the unit designation of the unit of which it is a part; that is, Storage Room A-7S is a part of Unit A-7, Storage B-7S is a part of Unit B-7, Storage Room C-7S is a part of Unit C-7 and so on. Each storage room is bounded both horizontally and vertically by the interior finished surface of its perimeter walls, ceilings, floor and its closed entrance door.

Access to storage rooms A-7S through C-12S¹ shall be through the ground level parking area.

Located within the parking and storage level situated upon the finished grade are eleven (11) reserved parking spaces, intended for passenger automobiles. Units A-7 through A-12 are hereby defined to include the parking space indicated for each unit on the plans. These parking spaces are designated A-7P through A-12P. The parking space which is a part of any certain unit is the parking space whose designation corresponds to the unit designation of the unit of which it is a part; that is, parking space A-7P is a part of Unit A-7, etc.

The declarant reserves for itself the sole and exclusive right to assign the five (5) remaining reserved parking spaces to such units as it in its sole discretion may determine.

The kitchens of each unit shall be furnished by the Declarant with prefinished wood cabinets with laminated plastic counter tops, electric range, range hood, refrigerator with ice maker, electric dishwasher, and electric garbage disposal.

Each full bath shall be furnished with a fiberglass tub/shower unit with shower head, a porcelain water closet and synthetic marble lavatory/vanity top combination. Half baths shall contain the porcelain water closet and synthetic marble lavatory/vanity top combination. All interior walls of each unit shall be finished fire-retardant water-repellant 5/8 inch gypsum board and all interior ceilings shall be the same material sprayed with a fire-retardant material.

All floor areas of each unit, except the deck floors, storage room floors, garage floors and kitchen and bathroom floors shall be carpeted. The kitchen and bathroom floors shall have vinyl floor coverings.

Each unit shall be equipped by the Declarant with and is defined to include its own electrical meter and a split system heat pump. The air handling equipment for said heat pump shall be housed within the unit within the closet designated for this purpose on the attached plans. The condensing units for the heat pumps will be located on a treated wooden rack located within the garage and storage level as shown on the attached plans. The thermostat for this heating and cooling equipment shall be located within each individual unit as shown on the plans.

Each unit shall be equipped with an electric hot water heater that is located within each unit as shown on the plans.

Each unit shall be separated from its immediately adjacent unit or units by a sound insulated wall 8 $\frac{1}{2}$ inches thick as shown on the plans.

Each unit is hereby defined also to include:

1. All non-load bearing partition walls located entirely within the unit;

2. All materials, including, but not limited to, carpet, paint, and vinyl attached to, or on, the interior finished surfaces of the perimeter walls, floors and ceilings of the unit; and all the window panes, frames, panes and exterior doors (including garage doors);

3. All air handling and condensing units, ducts and components, and all water, power, telephone, television, and cable television, electricity, plumbing, gas and sewage lines, located within the unit; provided, however, that the portion of said lines located within a common compartment for, or installation of, such lines shall be common areas and facilities as defined hereinabove.

Each unit is hereby defined to exclude all pipes, ducts, wires, conduits and other facilities for the furnishing of utility services and other services to the units up to and including the point of entry of such pipes, ducts, wires, conduits and other facilities through the interior finished surface material for perimeter walls, ceilings and floor of the units. All such pipes, ducts, wires, conduits, and other such facilities are defined as part of the unit at and from their point of entry into the unit.

The definition stated hereinabove for "Unit" is complete and all other aspects of the condominium not hereinabove defined as a part of the units is defined hereby as a part of the common areas and facilities of the condominium.

The specifics, such as style, construction, materials and finishes of the building and its units are best described in the plans of the building which are shown in Exhibit "C" attached hereto and made a part hereof by reference, and which shall control in case of conflict with the provisions hereof.

7. The term Unit Designation shall mean and refer to the letter and number combination which designates a unit within the condominium as the same is shown upon the plans of the building in Exhibit "A" attached.

ARTICLE III

Plan of Development and Scope of Declaration

The name by which the entire condominium project shall henceforth be known is DRIFTWOOD VILLAS. The Declarant has caused to be constructed upon the real property described on Page 1 hereof the single multi-unit building, containing eighteen (18) units of the building as well as the common areas and facilities of both the building and the real property, all as defined hereinabove and as shown upon the plans contained in Exhibit "C" attached hereto and made a part hereof by reference. The units of the building, together with their privileges and appurtenances, shall be offered for sale to the public by the Declarant as condominium units, pursuant to the provisions of Chapter 47A of the General Statutes of North Carolina, subject to the covenants, conditions, restrictions and obligations stated in the Articles of this Supplemental Declaration, the Articles of Declaration recorded in Book 1209 at Page 355 of the New Hanover County Registry referred to hereinabove, which are incorporated herein by reference, the Articles of Incorporation of the Association, its duly adopted by-laws and its Rules and Regulations. The units and their owners shall be subject to the jurisdiction of the Association of which each unit owner shall be a member and which shall manage the upkeep and maintenance of the entire condominium project, Phases One and Two of DRIFTWOOD VILLAS, together with any future phases thereof, as a whole, as envisioned and provided for in its Articles of Incorporation and the Declaration recorded in Book 1209 at Page 355.

The Declarant, by this Supplemental Declaration, submits only the real property described on Page 1 hereof together with the improvements thereon, to the Act and hereinafter this submission shall be referred to as DRIFTWOOD VILLAS, Phase Two. Nevertheless, the Declarant hereby reserves to itself the exclusive right and option, but not the obligation, to add to or expand the property subject to the Declaration recorded in Book 1209 at Page 355, referred to hereinabove, by the addition of all or any portion or portions of the real property described in ARTICLE III of said Declaration in one or more phases upon the terms and in the manner set forth in Article III of said Declaration, which are incorporated herein by reference.

ARTICLE IV

The Nature and Incidents of Unit Ownership

A. Each unit shall be conveyed and treated as an individual real property capable of independent use and fee simple ownership, and the owner of each unit shall also own, as an appurtenance to the ownership of each said unit, an undivided interest in the common areas and facilities of DRIFTWOOD VILLAS, Phase One and Phase Two, and future phases, if any.

Pursuant to the provisions of Paragraph F of Article III of the Declaration recorded in Book 1209 at Page 355, the Declarant does hereby establish as the undivided fractional or percentage interest belonging to each unit owner of units in DRIFTWOOD VILLAS Phase One and Phase Two, those percentages shown on Exhibit "B" hereto attached, which said interest is appurtenant to each of the thirty-six (36) units of DRIFTWOOD VILLAS, Phase One and Phase Two. Declarant covenants with all present unit owners of Units in Phase One and Phase Two of DRIFTWOOD VILLAS, and all future unit owners of Units in either Phase One or Phase Two of DRIFTWOOD VILLAS that the undivided fractional or percentage interest in the total common areas and facilities of DRIFTWOOD VILLAS, Phase One and Two as stated hereinabove, was determined in a manner consistent both with the provisions of Paragraph F of Article III of the Declaration and with the Act.

B. The provisions of Paragraphs B, C, and D of Article IV of the Declaration are adopted and incorporated herein by reference, changing the reference to Exhibit "C" in Paragraph B thereof to Exhibit "A" and the reference to "the owners of Units in DRIFTWOOD VILLAS, Phase One, to "the owners of Units in DRIFTWOOD VILLAS, Phase One and Phase Two.

ARTICLE V

Incorporation

The terms and provisions of Articles V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV, XVI, XVII, and Exhibit "B" of the Declaration are hereby adopted in their entirety and incorporated herein by reference.

IN WITNESS WHEREOF, the Declarant, DRIFTWOOD VILLAS DEVELOPMENT CORPORATION, has caused this instrument to be signed in its name by its proper corporate officers and its corporate seal to be hereto affixed all on the day and year first hereinabove written.



Dannie Ruth Gardner
Secretary

DRIFTWOOD VILLAS
DEVELOPMENT CORPORATION
By: Andrew B. Powell
President

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

I, a Notary Public, of the County and State aforesaid, certify that DANNIE RUTH GARDNER personally came before me this day and acknowledged that she is Secretary of DRIFTWOOD VILLAS DEVELOPMENT CORPORATION, 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 herself as its Secretary. *Asst.*

Witness my hand and official stamp or seal, this 26th day of Sept., 1983.

Mina A. Lieberman
Notary Public



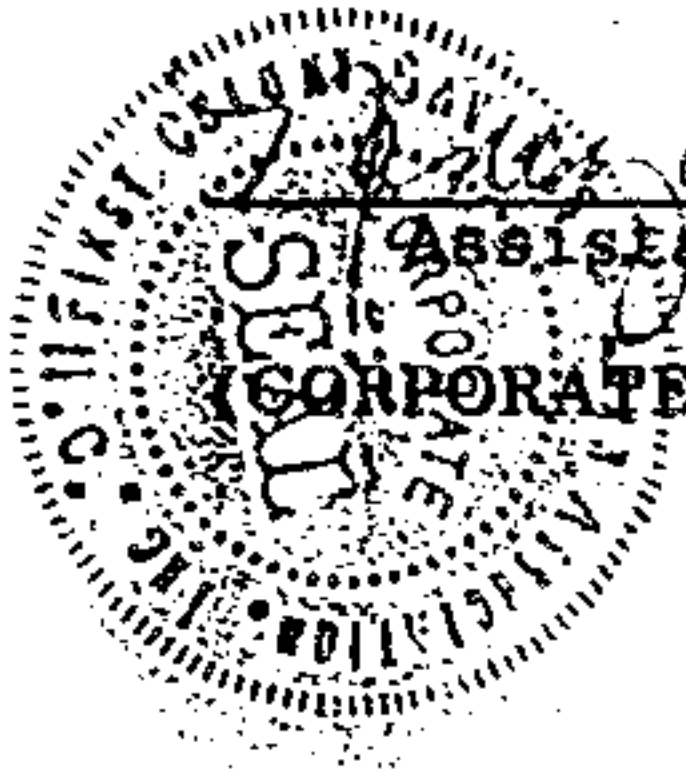
JOINDER AND CONSENT OF TRUSTEES AND BENEFICIARIES/MORTGAGEES

PAUL W. CLARK, TRUSTEE and FIRST COLONY SAVINGS & LOAN ASSOCIATION, INC., a North Carolina corporation, as Mortgagee, join in the execution of this SUPPLEMENTAL DECLARATION CREATING UNIT OWNERSHIP OF PROPERTY UNDER THE PROVISIONS OF CHAPTER 47A OF THE NORTH CAROLINA GENERAL STATUTES for the sole purpose of subjecting, submitting and subordinating, and they, and each of them, do hereby subject, submit and subordinate any and all right, title and interest in the property described on Page 1 of this Supplemental Declaration, that they have, or either of them has, or may have, by virtue of that deed of trust recorded in Book 1228 at Page 171 of the New Hanover County Registry, to said Supplemental Declaration, and every provision hereof, and to the jurisdiction of the DRIFTWOOD VILLAS HOMEOWNERS ASSOCIATION, as the same may be amended from time to time.

IN WITNESS WHEREOF, FIRST COLONY SAVINGS & LOAN ASSOCIATION, INC., has caused this JOINDER AND CONSENT to be signed in its corporate name by it duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors and the PAUL W. CLARK, Trustee has hereunto set his hand and seal, on this the 19th day of September, 1983.

ATTEST:

FIRST COLONY SAVINGS & LOAN ASSOCIATION, INC.



Nancy S. Blanton
Assistant Secretary

By: Paul W. Clark
President

Paul W. Clark (SEAL)
PAUL W. CLARK, TRUSTEE

STATE OF NORTH CAROLINA
COUNTY OF Moore

I, Lori M. Short, a Notary Public in and for the State and County aforesaid, do hereby certify that Nancy S. Blanton personally appeared before me this day and acknowledged that she is Asst. Secretary of FIRST COLONY SAVINGS & LOAN ASSOCIATION, 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 its Asst. Secretary.

WITNESS my hand and notarial seal, this 19th day of September, 1983.



Lori M. Short
Notary Public

STATE OF NORTH CAROLINA
COUNTY OF Moore

Personally appeared before me, Lori M. Short, a Notary Public in and for the said County and State, PAUL W. CLARK, TRUSTEE, who acknowledged the due execution of the foregoing instrument for the uses and purposes therein expressed.

WITNESS my hand and notarial seal, this 19th day of September, 1983.



Lori M. Short
Notary Public

My commission expires: July 26, 1988

BOOK

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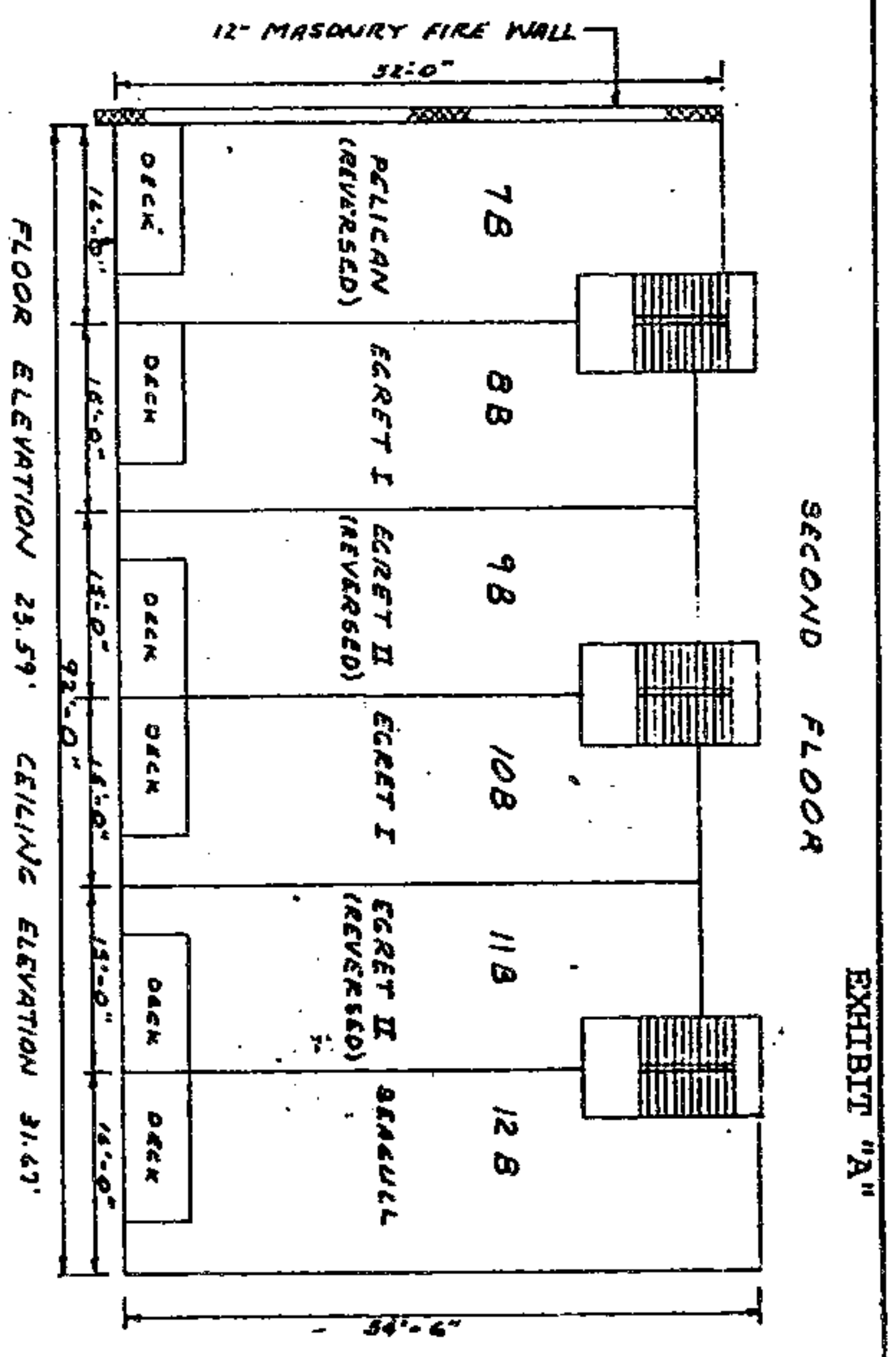
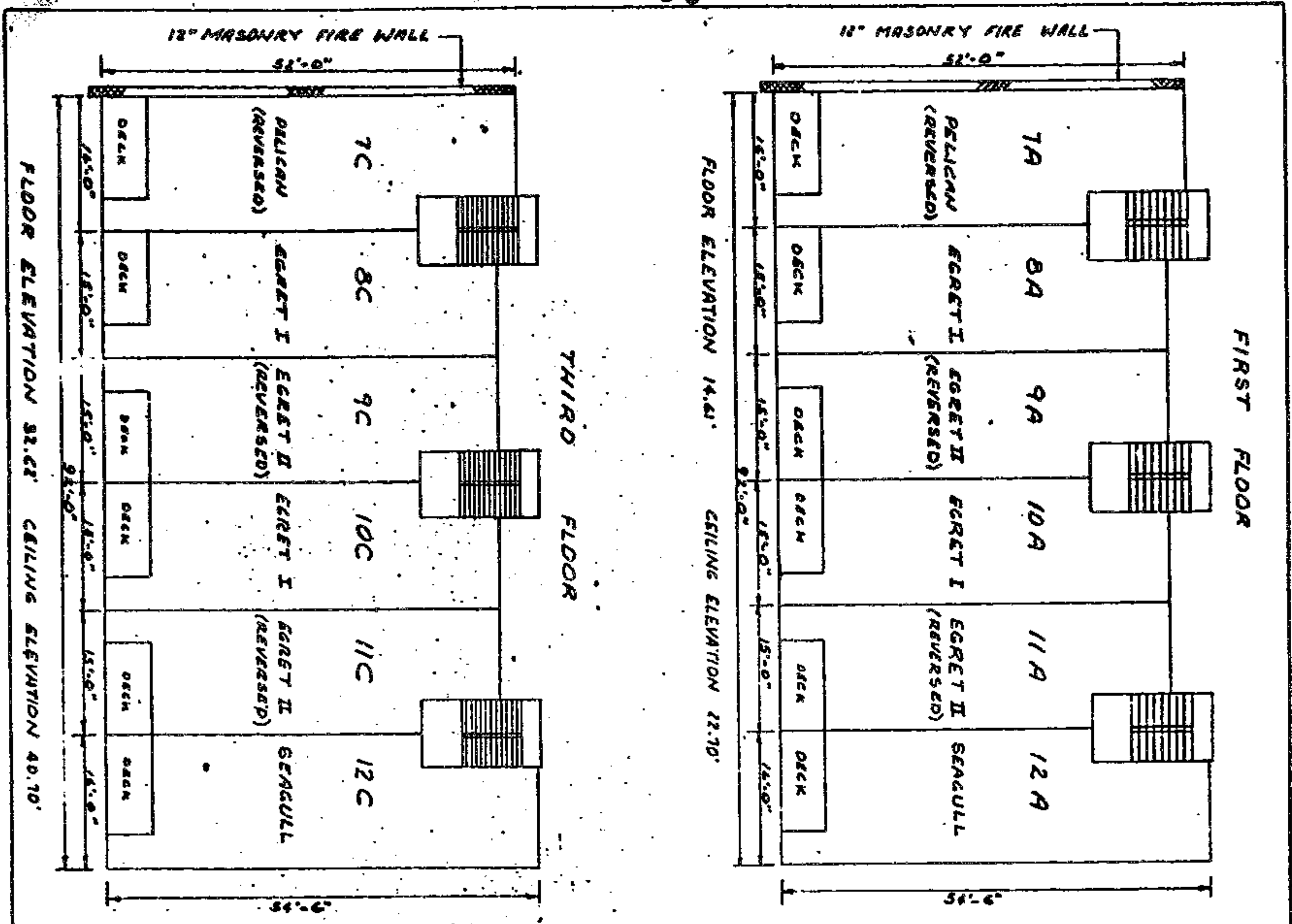
STATE OF NORTH CAROLINA, New Hanover County
The Foregoing Certificate(s) of MINA A. PIEDMONT AND LORI M. SHORT, NOTARIES PUBLIC

This 26th day of SEPTEMBER A.D., 19 83

(are) certified to be correct.

Rebecca P. Tucker, Register of Deeds

By *Linda C. Alton*
Deputy



BUILDING LAYOUT
PHASE II
DRIFTWOOD VILLAS

EXHIBIT "B"

UNDIVIDED INTEREST IN COMMON AREA

<u>UNIT:</u>	<u>INTEREST:</u>
A-1	.0278
A-2	.0278
A-3	.0278
A-4	.0278
A-5	.0278
A-6	.0278
A-7	.0278
A-8	.0278
A-9	.0278
A-10	.0278
A-11	.0278
A-12	.0278
B-1	.0278
B-2	.0278
B-3	.0278
B-4	.0278
B-5	.0278
B-6	.0278
B-7	.0278
B-8	.0278
B-9	.0278
B-10	.0278
B-11	.0278
B-12	.0278
C-1	.0278
C-2	.0278
C-3	.0278
C-4	.0278
C-5	.0278
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C-11	.0278
C-12	.0278