

NORTH CAROLINA  
NEW HANOVER COUNTY

AMENDMENT TO DECLARATION OF  
OTTER CREEK CONDOMINIUMS

23

WHEREAS, OTTER CREEK, INC., a North Carolina Corporation and DECLARANT under the DECLARATION CREATING UNIT OWNERSHIP OF PROPERTY dated the 5th day of December, 1983 and recorded in Book 1240, Page 1746 in the New Hanover County Public Registry, desires to amend the Declaration; and

WHEREAS, said Declaration provided that it could be amended to add subsequent phases to the said Condominium development; and

WHEREAS, said Declaration provided that upon such amendment to the Declaration that the percentage of ownership in the common areas and facilities appurtenant to each unit would necessarily decrease; and

WHEREAS, DECLARANT desires to amend said Declaration to add Phase II to the provisions of the Declaration;

NOW, THEREFORE:

1. (a) DECLARANT does hereby amend the Declaration of Otter Creek Landing Condominiums recorded in Book 1240, Page 1746, New Hanover County Registry to add the land described in Exhibit A attached hereto and incorporated herein by reference, said land being a portion of that property described in Exhibit B of the Declaration, together with all improvements, including the additional twelve (12) condominium units identified and graphically described in Exhibit E of the original Declaration which is incorporated herein by reference and Exhibit B which is attached hereto and incorporated herein by reference, both land and improvements hereinafter referred to as Phase II, to the condominium project known as Otter Creek Landing, and to submit Phase II to the provisions of the said Declaration.

1. (b) DECLARANT does further amend the Declaration of Otter Creek Landing Condominiums recorded in Book 1240, Page 1746, by substituting for existing Exhibit H a new Exhibit H attached hereto marked as Exhibit H and incorporated herein by reference which illustrates the undivided interest in the common areas and facilities of Otter Creek appurtenant to each unit, Phase I and II. The DECLARANT covenants that such appurtenant undivided interests have been established in accordance with Article VII of the Declaration and applicable provisions of North Carolina General Statute 47A.

1. (c) The materials used in the construction of the additional units are of comparable quality as those used in the original units and the architectural style of the additional units is substantially the same as the original units.

2. These amendments do not divest any owner or mortgage holder of any portion of the dwelling unit and does not materially alter the plan and development as set forth in the Declaration.

3. Pursuant to the rights and powers reserved by the DECLARANT and granted to DECLARANT by each unit owner and lender in accordance with the Declaration, the DECLARANT, for and on

RECORDED AND VERIFIED  
REBECCA P. TUCKER  
REGISTER OF DEEDS  
NEW HANOVER CO. NC

Dec 16 10 46 AM '83

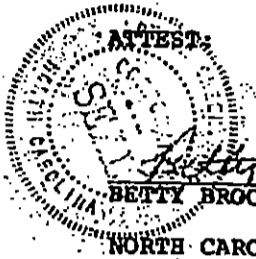
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behalf of itself, each unit owner and each lender holding mortgages on such units, hereby gives consent to the execution and recordation of this Amendment to Declaration, and does hereby consent to all other acts necessary to give effect to this Amendment.

IN WITNESS WHEREOF, The Declarant, OTTER CREEK, INC., a North Carolina Corporation has caused this Amendment to Declaration to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, this 6 day of December, 1983.

OTTER CREEK, INC.

BY Murray O. Duggins  
MURRAY O. DUGGINS, President



BETTY BROCK, Assistant Secretary

NORTH CAROLINA

CUMBERLAND COUNTY

I, ALICE CAIN, a Notary Public of Cumberland County, North Carolina, certify that BETTY BROCK personally came before me this day and acknowledged that she is Assistant Secretary of OTTER CREEK, INC., 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 its seal, as its Assistant Secretary.

WITNESS my hand and notarial seal, this 16<sup>th</sup> day of December, 1983.



Alice Cain  
Notary Public

My Commission Expires: 7/28/86

STATE OF NORTH CAROLINA

New Hanover County

The Foregoing Certificate of

Alice Cain, Notary Public

is certified to be correct.

This the 16 day of Dec, 19 83

Rebecca P. Tucker, Register of Deeds

By Mary Sue Oates

603491122

JOINDER AND CONSENT OF TRUSTEE  
AND BENEFICIARY/MORTGAGEE

1240 1864

THE NORTHWESTERN BANK and ARTHUR J. BAER, as Trustee, join in the execution of this DECLARATION CREATING UNIT OWNERSHIP OF PROPERTY AND AMENDMENT for the sole purpose of subjecting, submitting and subordinating to said Declaration, the lien of that certain Deed of Trust recorded in Book 1220, at Page 1145, New Hanover County Registry, and to this Declaration of Covenants, Conditions and Restrictions, and to the By-Laws, Rules and Regulations, and other documents and regulations promulgated herein as the same may be amended or supplemented from time to time.

IN WITNESS WHEREOF, THE NORTHWESTERN BANK has caused this JOINDER AND CONSENT to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, this 6<sup>th</sup> day of December, 1983; and ARTHUR J. BAER, as Trustee, has hereunto set his hand and seal, this the 6<sup>th</sup> day of December, 1983.

Arthur J. Baer (SEAL)  
ARTHUR J. BAER, Trustee

THE NORTHWESTERN BANK

ATTEST:

Arthur J. Baer  
Asst. Secy

BY Kenneth N. Eller  
Vice President

NORTH CAROLINA  
COUNTY OF MECKLENBURG

I, Helen E. Avant, a Notary Public of Mecklenburg County, North Carolina, do hereby certify that Arthur J. Baer, Trustee, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this 6<sup>th</sup> day of December, 1983.

Helen E. Avant  
Notary Public

My Commission Expires: 11-24-86

NORTH CAROLINA  
COUNTY OF MECKLENBURG

I, Helen E. Avant, a Notary Public of Mecklenburg County, North Carolina certify that Arthur J. Baer personally came before me this day and acknowledged that he is Assistant Secretary of THE NORTHWESTERN BANK, a North Carolina Banking Corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its vice President, sealed with its corporate seal, and attested by himself as its Assistant Secretary.

WITNESS my hand and notarial seal, this 6<sup>th</sup> day of December, 1983.

Helen E. Avant  
Notary Public

My Commission Expires: 11-24-86

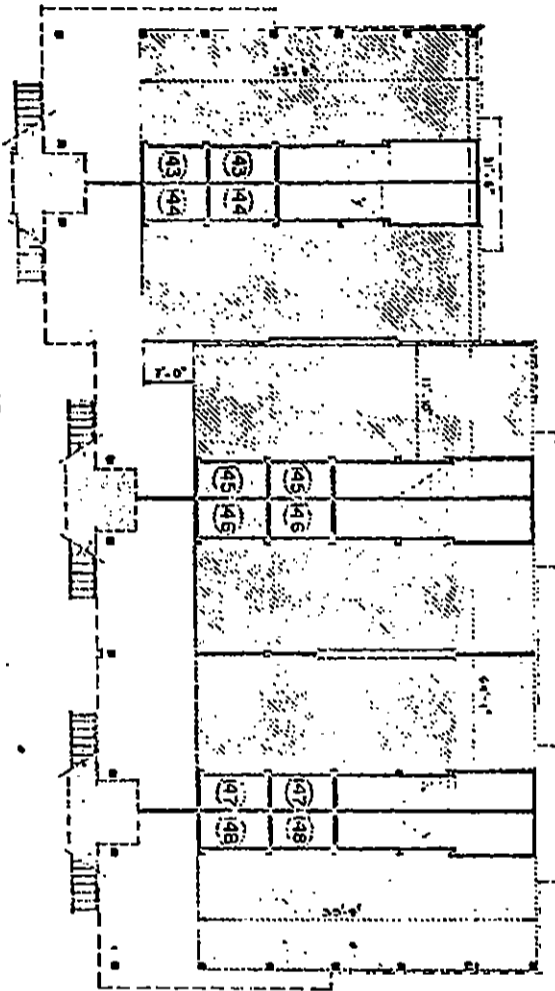
EX-167E09

OTTER CREEK LANDING  
PHASE II

EXHIBIT A

Beginning at a point in the center of a 20 foot drive, said point being the Northeast corner of Phase I, Otter Creek, and runs thence as the center of said 20 foot drive, and as said drive curves to the left on a radius of 313.81 feet, an arc distance of 97.49 feet to a point; thence South 89 degrees 34 minutes East 34.0 feet to the center of a circle; thence South 20 degrees 50 minutes East 34.00 feet to a point; thence South 41 degrees 57 minutes East 100.31 feet to a point in the CAMA setback line; thence as said line, South 39 degrees 26 minutes West 54.98 feet; thence as said line, South 63 degrees 22 minutes West 68.12 feet; thence as said line, South 71 degrees 05 minutes West 26.07 feet to a point; thence South 18 degrees 47 minutes East 71.78 feet to a point; thence South 89 degrees 46 minutes East 110.00 feet to a point; thence North 18 degrees 14 minutes East 142.59 feet to the point of beginning.

EXHIBIT B



NOTE: STORAGE AREA DIMENSIONS  
3'-1" x 6'-9"

- LEGEND**
- 00'-0" SW UN
  - CROWN AREA
  - LIMITED COMMON

FLOOR PLAN GROUND LEVEL

RDG. 6

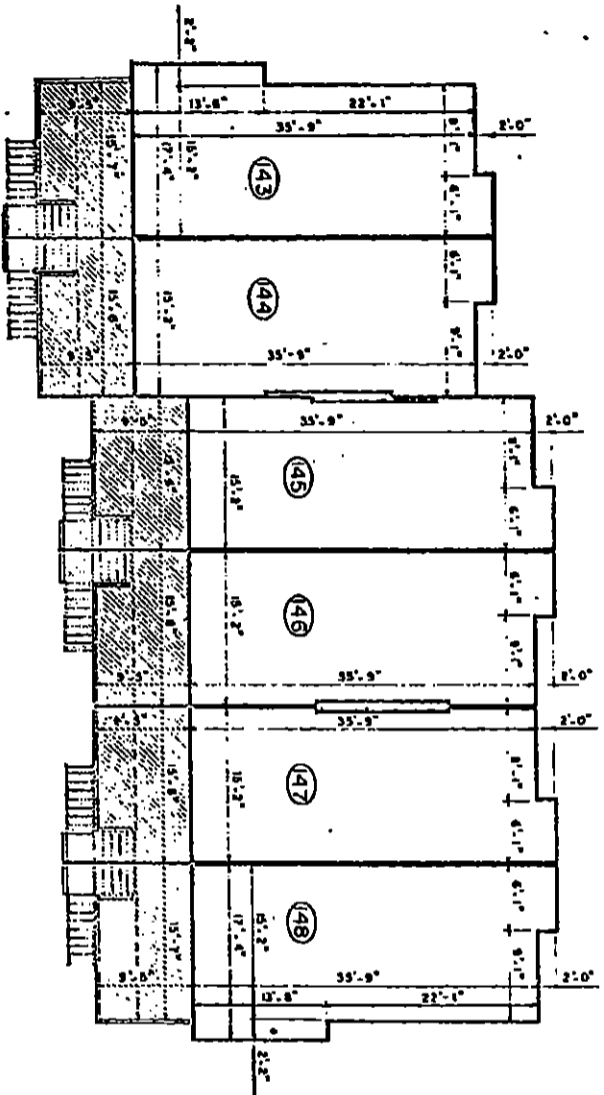
fin floor  
fin dg

**HAYWOOD NEWKIRK**  
ARCHITECT  
Wilmington, N.C. N.C. 1368

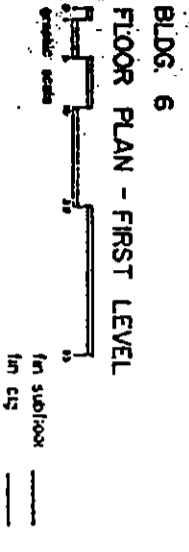
**OTTER CREEK**  
CAROLINA BEACH, N.C.  
developed by

**OTTER CREEK INC.**  
P.O. BOX 310  
FAYETTEVILLE, N.C. 28302

EXHIBIT B



- LEGEND**
- CONDOMINIUM UNIT
  - COMMON AREA
  - LIMITED COMMON



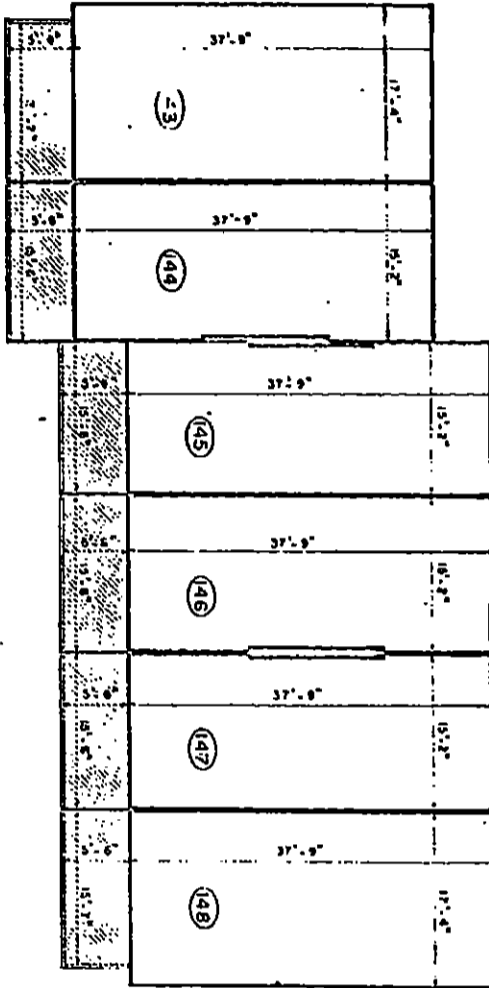
**HAYWOOD NEWKIRK**  
 ARCHITECT. N.C. 1368  
 WASHINGTON, N.C.

**OTTER CREEK**  
 CAROLINA BEACH, N.C.  
 developed by

**OTTER CREEK INC.**  
 P.O. BOX 310  
 FAYETTEVILLE, N.C. 28302

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EXHIBIT B



- LEGEND
- CONCRETE UNIT
  - LIMITED DIVISION

BLDG. 6

FLOOR PLAN - SECOND LEVEL

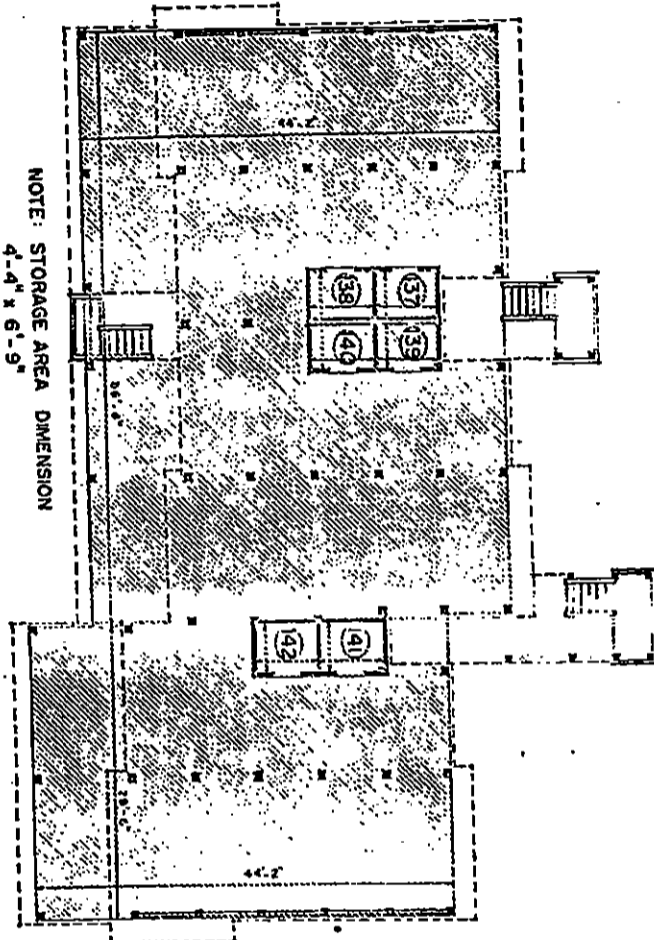


HAYWOOD NEWKIRK  
ARCHITECT N.C. 1368  
WILMINGTON, N.C.




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CAROLINA BEACH, N.C.  
developed by

OTTER CREEK INC.  
P.O. BOX 310  
FAYETTEVILLE, N.C. 28302

EXHIBIT B



NOTE: STORAGE AREA DIMENSION  
4'-4" x 6'-9"

- LEGEND**
-  CONDOMINIUM UNIT
  -  COMMON AREA
  -  LIMITED COMMON

FLOOR PLAN - GROUND LEVEL

BLDG 7

**HAYWOOD NEWKIRK**  
 ARCHITECT  
 WILMINGTON, N.C. N.C. 1368

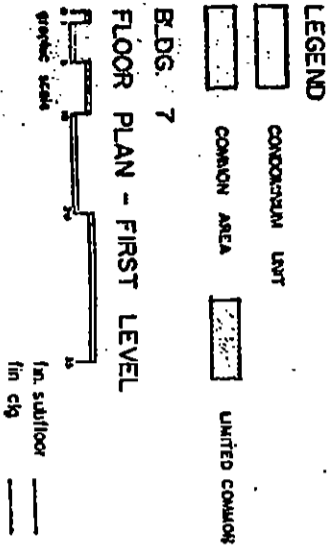
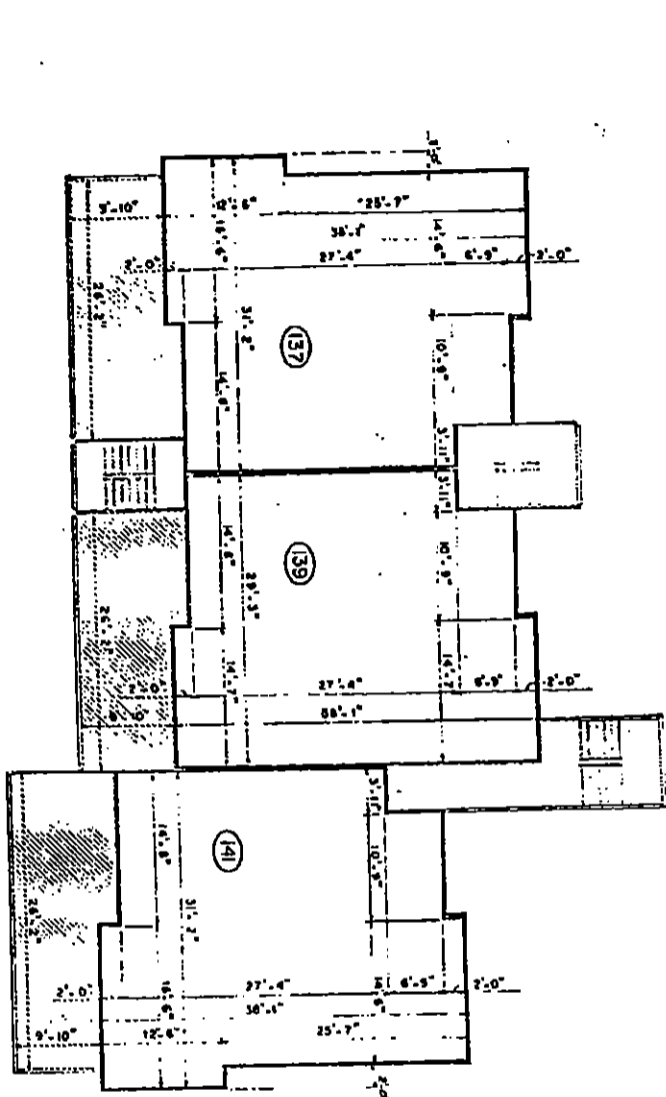
**OTTER CREEK**  
 CAROLINA BEACH, N.C.  
 developed by

**OTTER CREEK INC.**  
 P.O. BOX 310  
 FAYETTEVILLE, N.C. 28302

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EXHIBIT B



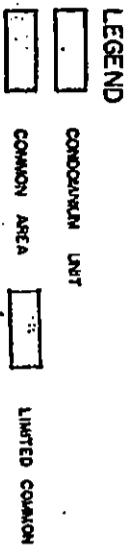
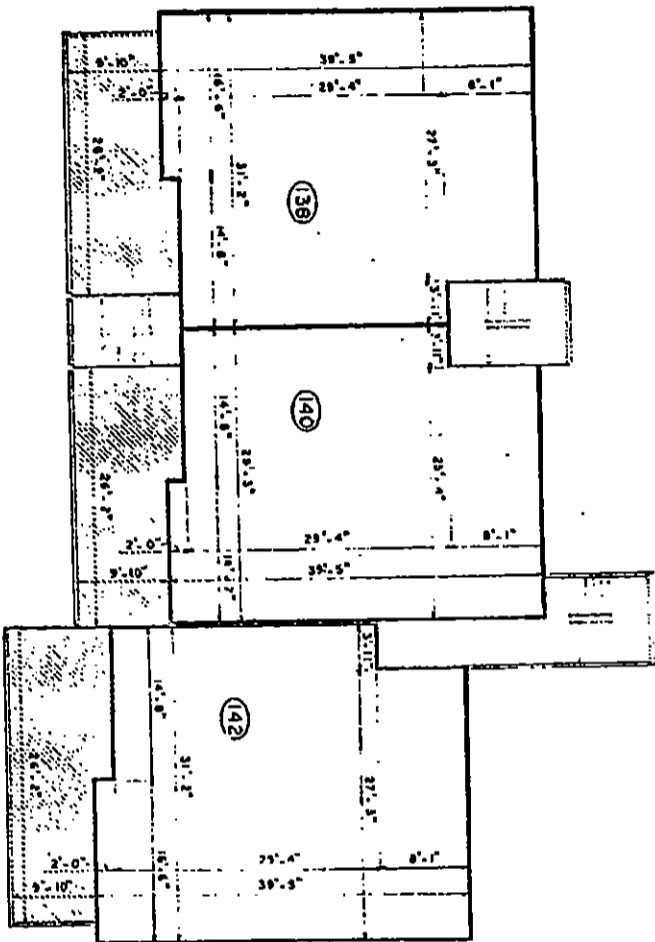
**HAYWOOD NEWKIRK**  
ARCHITECT  
Wilmington, N.C. N.C. 1368

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CAROLINA BEACH, N.C.  
developed by

**OTTER CREEK INC.**  
P.O. BOX 310  
FAYETTEVILLE, N.C. 28302

12401870-309

EXHIBIT B



BLDG. 7

FLOOR PLAN - SECOND LEVEL



1/4" = 4' 0"

**HAYWOOD NEWKIRK**  
 ARCHITECT  
 WILMINGTON, N.C. 28403

**OTTER CREEK**  
 CAROLINA BEACH, N.C.  
 developed by

**OTTER CREEK INC.**  
 P.O. BOX 310  
 FAYETTEVILLE, NC 28302

## EXHIBIT H

OTTER CREEK LANDING  
PHASE I

## BUILDING 8

<u>UNIT NO.</u>	<u>UNDIVIDED INTEREST PERCENTAGE</u>
131	4.30%
132	4.20%
133	3.90%
134	3.90%
135	4.00%
136	4.20%

## BUILDING 9

125	4.80%
126	4.10%
127	4.10%
128	4.10%
129	4.10%
130	4.60%

## PHASE II

## BUILDING 6

143	4.90%
144	4.10%
145	4.10%
146	4.10%
147	4.10%
148	4.50%

## BUILDING 7

137	4.30%
138	4.20%
139	3.90%
140	3.90%
141	4.00%
142	4.20%

\* Percentage interest may not equal 100% due to rounding