

NORTH CAROLINA  
NEW HANOVER COUNTY

RECORDED AND VERIFIED  
REBECCA P. JUCKER  
REGISTER OF DEEDS  
NEW HANOVER CO. NC  
APR 17 3 54 PM '85

AMENDMENT TO DECLARATION  
OTTER CREEK CONDOMINIUMS

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, as amended at Book 1240, Page 1862 and Book 1243, Page 1803, 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 III to the provisions of the Declaration;

NOW, THEREFORE:

41 1. (a) DECLARANT does hereby amend the Declaration of Otter Creek Landing Condominiums recorded in Book 1240, Page 1746, as amended at Book 1240, Page 1862 and Book 1243, Page 1803, 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 sixteen (16) condominium units identified and graphically described in Exhibit E attached hereto, both land and improvements hereinafter referred to as Phase III, to the condominium project known as Otter Creek Landing, and to submit Phase III to the provisions of the said Declaration.

1. (b) DECLARANT does further amend the Declaration of Otter Creek Landing Condominiums 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, II and III. 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

RETURNED TO  
*Hickens & Waple*

1284 1703

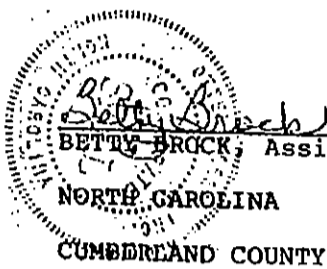
behalf of itself, each unit owner and each lender holding mortgages on such units, hereby gives consent to the execution and recordation of this Amendment to Declaration, and does hereby consent to all other acts necessary to give effect to this Amendment.

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 16 day of April, 1985.

OTTER CREEK, INC.

ATTEST:

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 herself as its Assistant Secretary.

WITNESS my hand and notarial seal, this 16<sup>th</sup> day of April, 1985.

Alice Cain  
Notary Public

My Commission Expires: 7/28/86

STATE OF NORTH CAROLINA  
New Hanover County  
The Foregoing Certificate of  
Alice Cain, A Notary Public

is certified to be correct.  
This the 17 day of April 1985

Rebecca P. Tucker, Register of Deeds  
By Rebecca P. Tucker  
Deputy

BOOK PAGE

1284 1704

OTTER CREEK LANDING

PHASE III

EXHIBIT A

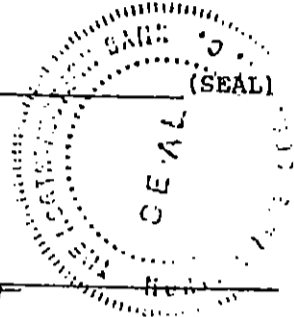
Beginning at an iron stake in the Northern margin of Lewis Drive, said point being the Southwest corner of a small tract conveyed to Williams, and runs thence with the Northern margin of Lewis Drive, North 59 degrees 16 minutes West 235.53 feet to an iron stake, said iron stake being the Southeast corner of the lot conveyed to the Town of Carolina Beach; thence with the East line of said lot and beyond, North 14 degrees 38 minutes East 107.20 feet to a point in the South line of the Otter Creek Landing Yacht Club, Inc.; thence with the Southern line of said tract, South 72 degrees 13 minutes East 339.85 feet to a point in the West line of the Williams property; thence with his line, South 12 degrees 03 minutes West 24.34 feet to an iron stake; thence North 78 degrees 04 minutes West 94.40 feet to an iron stake; thence South 23 degrees 39 minutes West 126.64 feet to the point of beginning, containing 0.80 acres.

JOINDER AND CONSENT OF TRUSTEE  
AND BENEFICIARY/MORTGAGEE

THE NORTHWESTERN BANK and ARTHUR J. BAER, as Trustee, join in the execution of this AMENDMENT TO DECLARATION OF OTTER CREEK CONDOMINIUMS 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 11<sup>th</sup> day of April, 1985; and ARTHUR J. BAER, as Trustee, has hereunto set his hand and seal, this the 11<sup>th</sup> day of April, 1985.

Arthur J. Baer  
ARTHUR J. BAER, Trustee  
THE NORTHWESTERN BANK



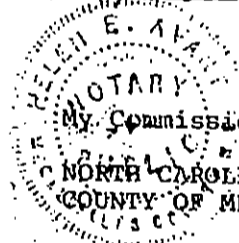
ATTEST:

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 11<sup>th</sup> day of April, 1985.



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 11<sup>th</sup> day of April, 1985.



Helen E. Avant  
Notary Public

My Commission Expires: 11-24-86

STATE OF NORTH CAROLINA  
New Hanover County  
The Foregoing Certificate of  
Helen E. Avant  
A Notary Public  
is certified to be correct  
This the 11<sup>th</sup> day of April 1985

Rebecca P. Tucker, Register of Deeds  
By Rebecca P. Tucker

BOJY FARE  
1284 1706

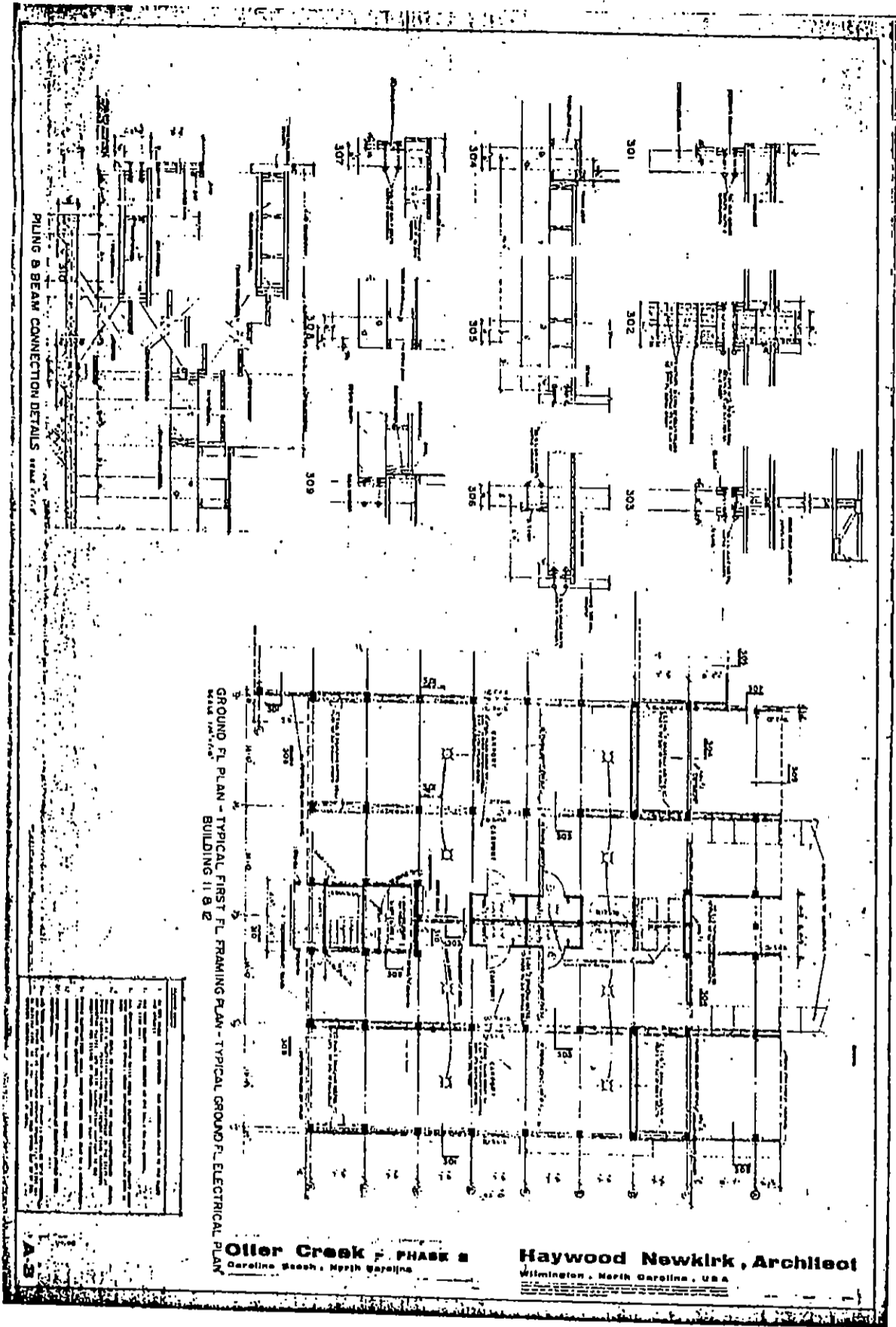


EXHIBIT E

401-ELEV

402-ELEV

403-ELEV

404-ELEV

405-ELEV

406-ELEV

407-ELEV

408-ELEV

KITCHEN & UTILITY RM ELEVATIONS

ROOM FINISH SCHEDULE

DOOR SCHEDULE

ALUMINUM UNITS SCHEDULE

411-HEARTH & FIREBOX BASE DETAIL

TYPICAL INTERIOR & END UNIT FLOOR PLAN BUILDINGS II B12

**Otter Creek PHASE 2**  
Carolina Beach, North Carolina

**Haywood Newkirk, Architect**  
Wilmington, North Carolina, U.S.A.

EXHIBIT E

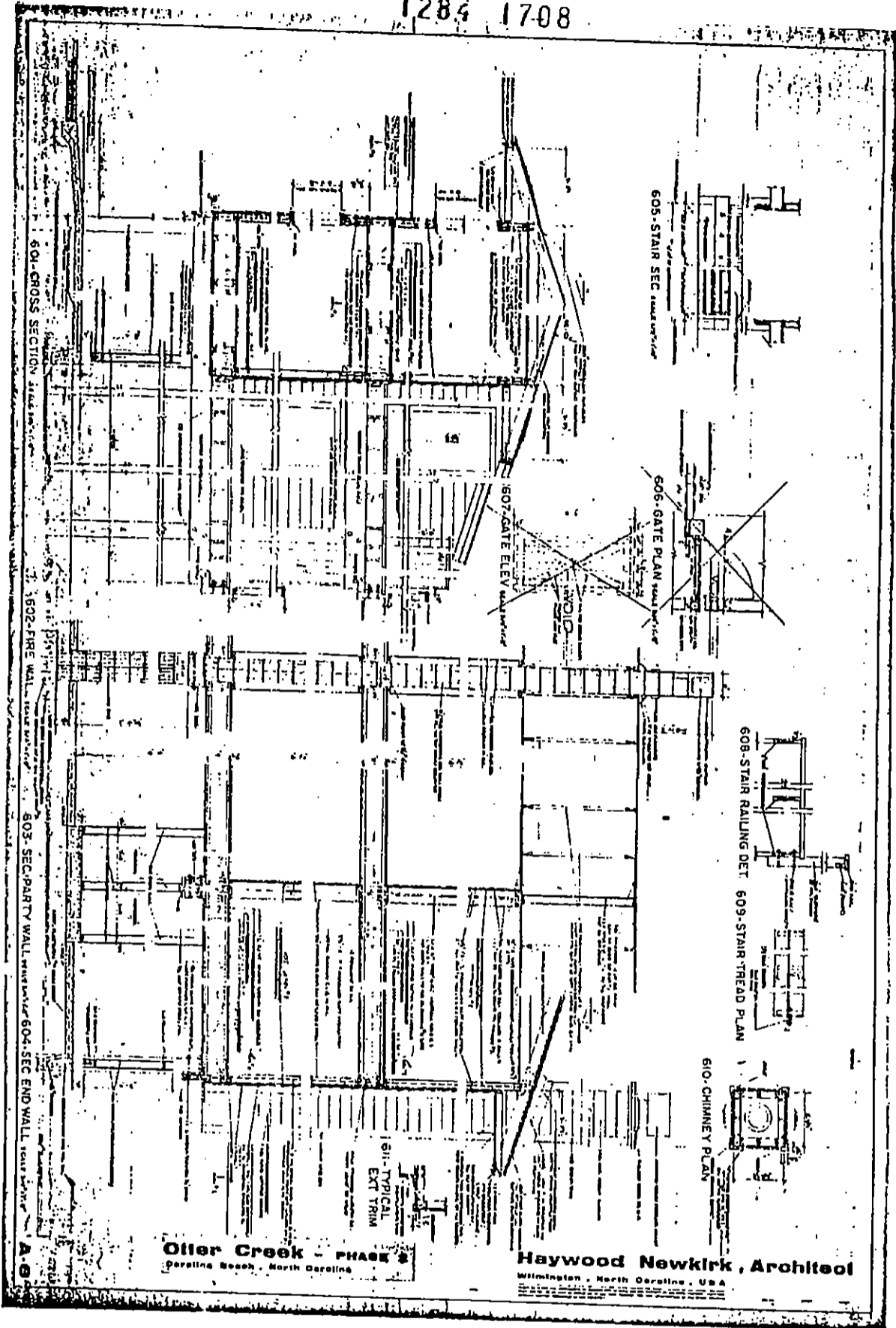
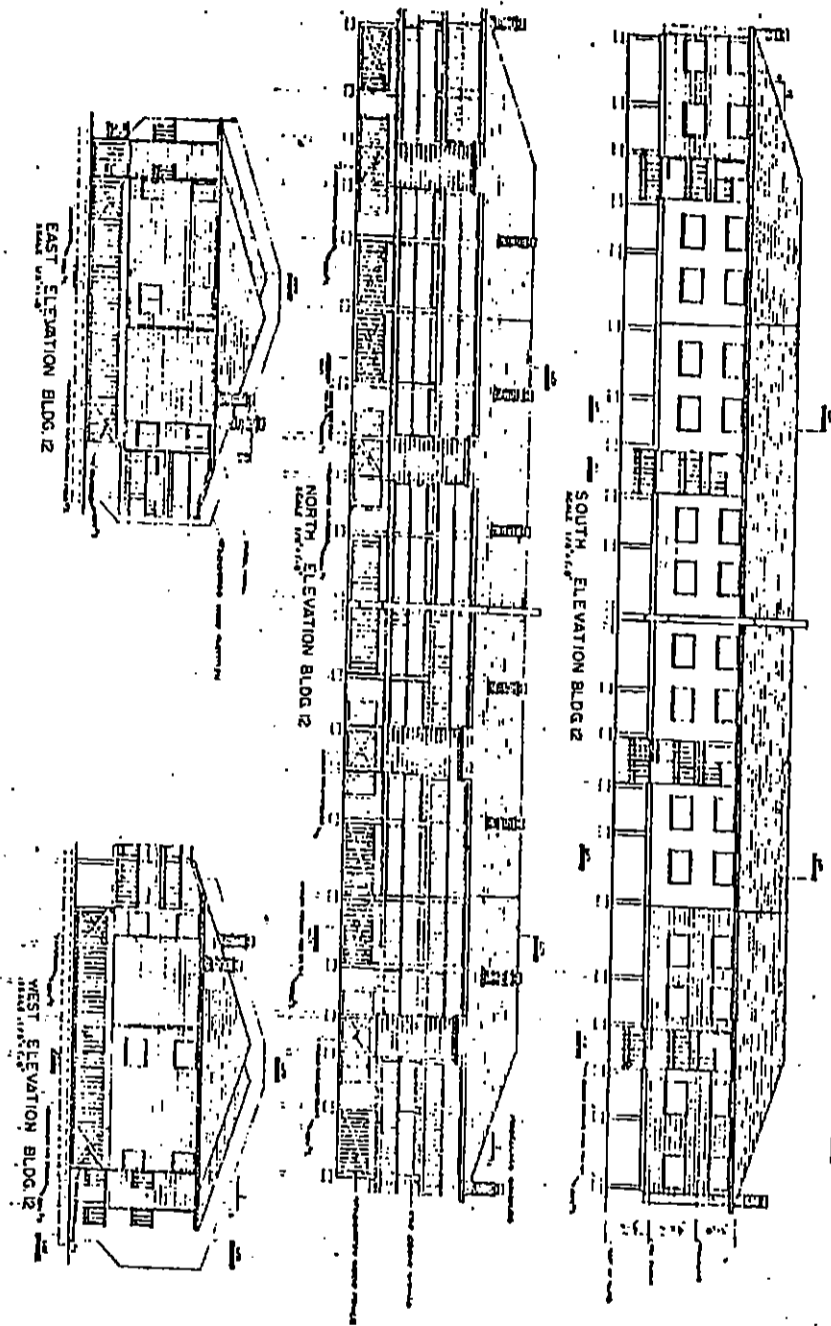


EXHIBIT E

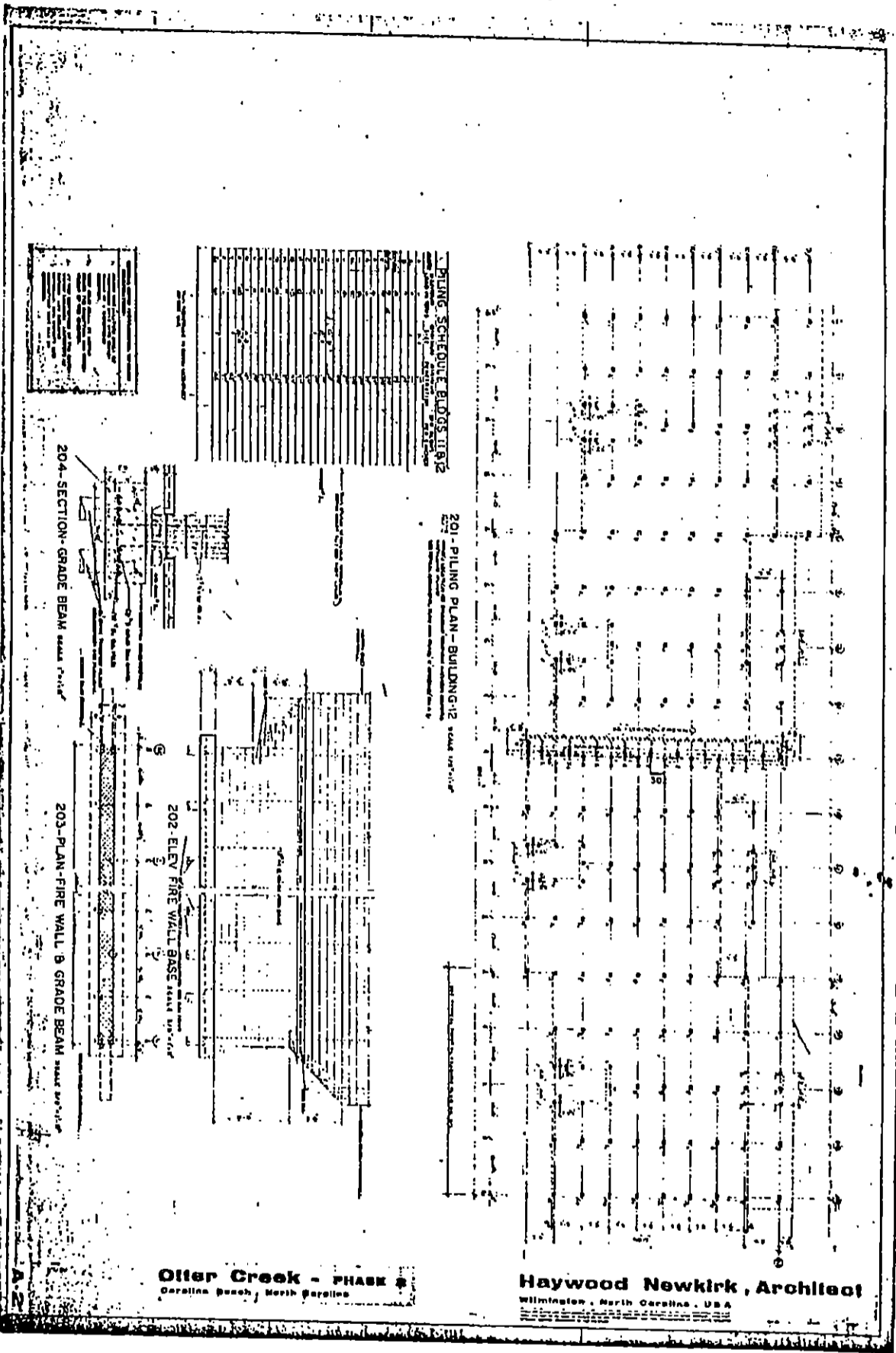


**Otter Creek - PHASE 2**  
Carolina Beach, North Carolina

**Haywood Newkirk, Architect**  
Wilmington, North Carolina, USA

EXHIBIT E





**Otter Creek - PHASE 2**  
 Carolina Beach, North Carolina

**Haywood Newkirk, Architect**  
 Wilmington, North Carolina, USA

EXHIBIT E

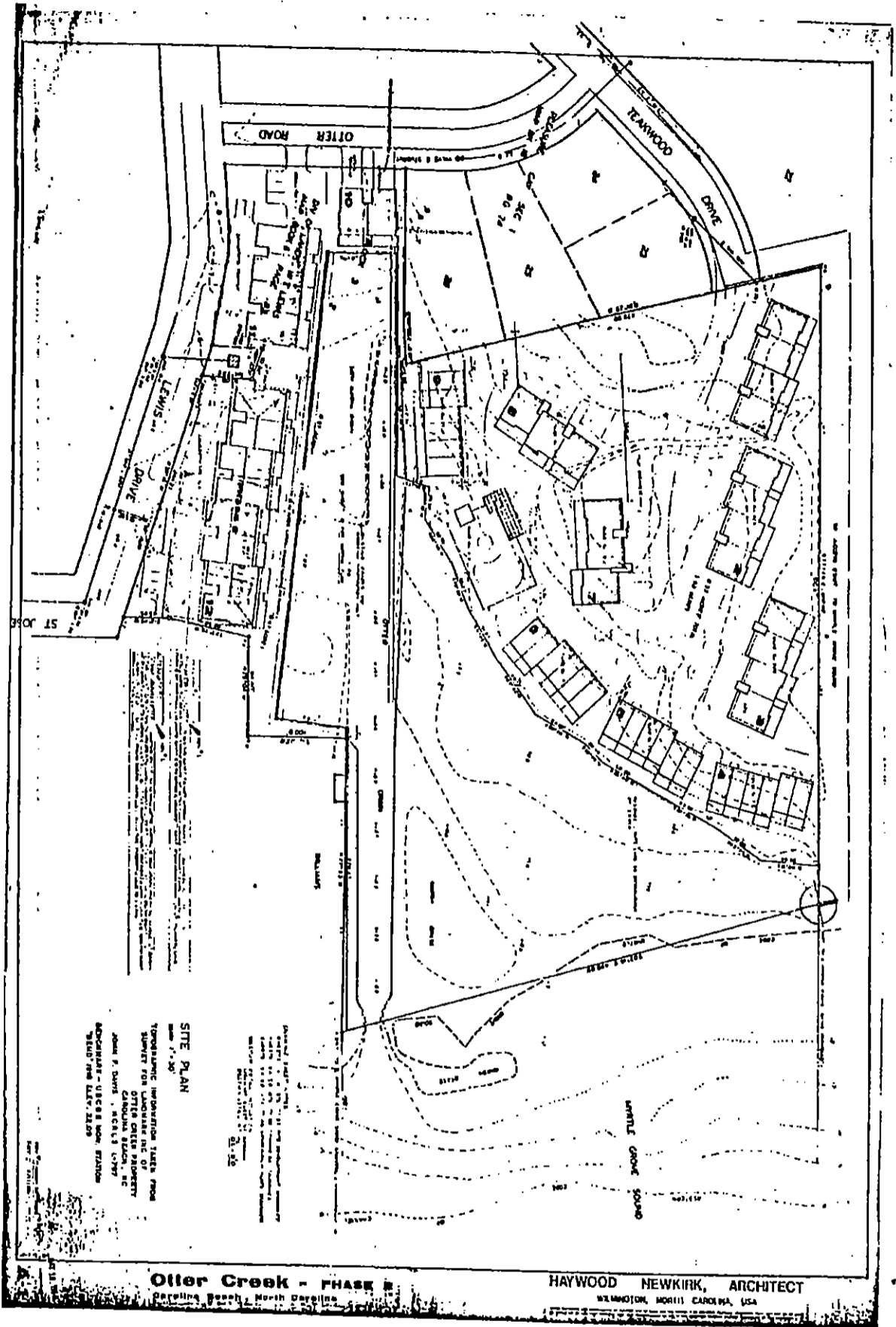


EXHIBIT E

BUILDING #12  
 OTTER CREEK-PHASE 3  
 CAROLINA BEACH, N.C.

UNITED BUILDERS  
 CAROLINA BEACH, N.C.

HAYWOOD NEWKIRK,  
 ARCHITECT  
 WASHINGTON, N.C.

PARTIAL  
 GROUND FLOOR PLAN

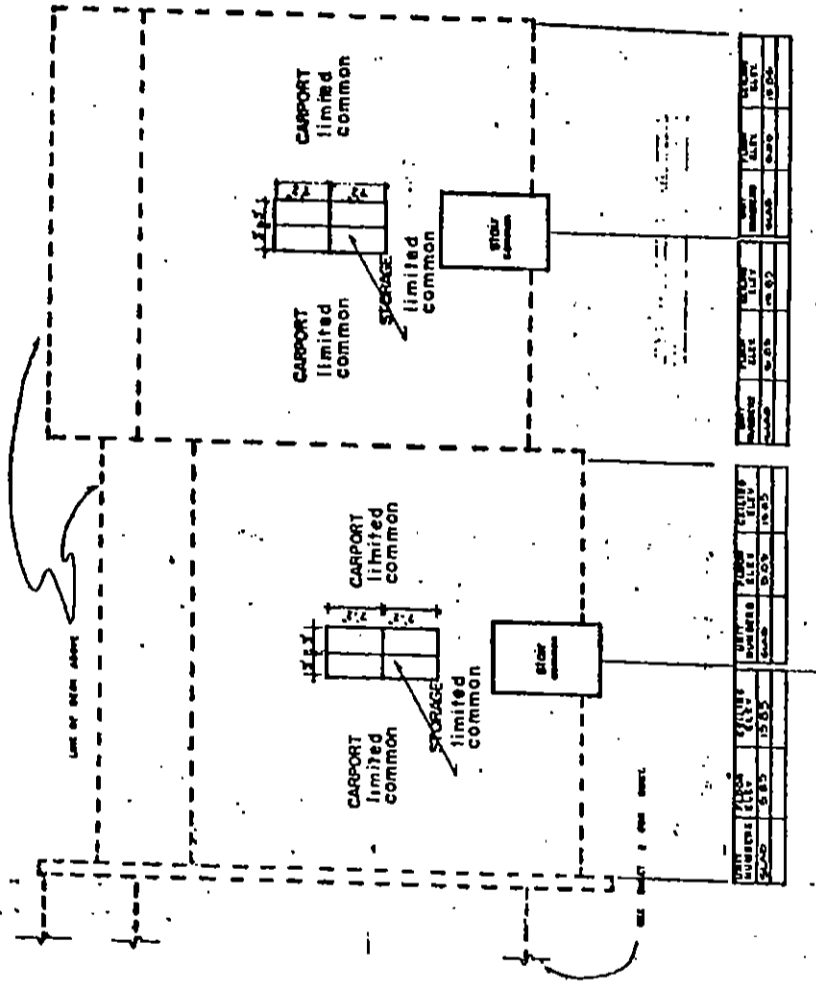
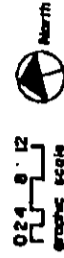


EXHIBIT E

BUILDING 12  
OTTER CREEK-PHASE 3  
CAROLINA BEACH, N.C.

UNITED BUILDERS  
CAROLINA BEACH, N.C.

HAYWOOD NEWKIRK,  
ARCHITECT  
WILMINGTON, N.C.

PARTIAL  
GROUND FLOOR PLAN

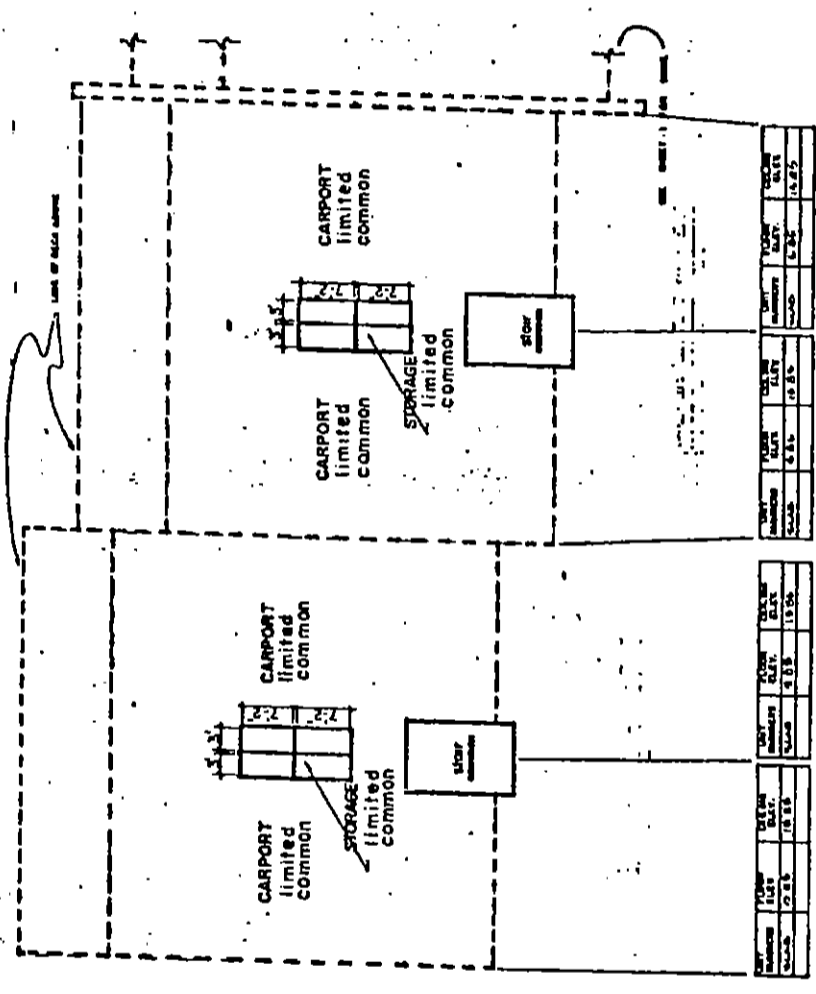
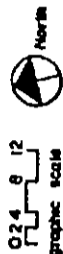


EXHIBIT E

**BUILDING #12**  
**OTTER CREEK-PHASE 3**  
 CAROLINA BEACH, N.C.

**UNITED BUILDERS**  
 CAROLINA BEACH, N.C.

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

**PARTIAL FLOOR PLAN**  
**LEVELS 2 & 3**

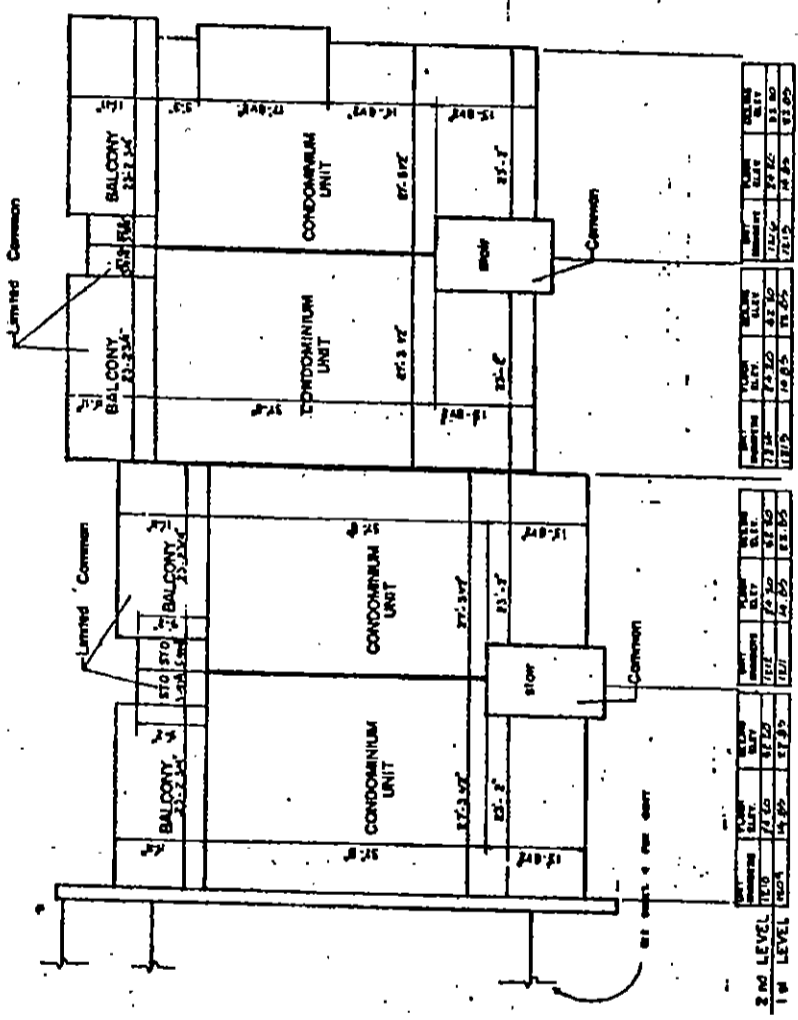
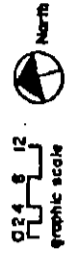


EXHIBIT E

**BUILDING 12  
 OTTER CREEK-PHASE 3**  
 CAROLINA BEACH, N.C.

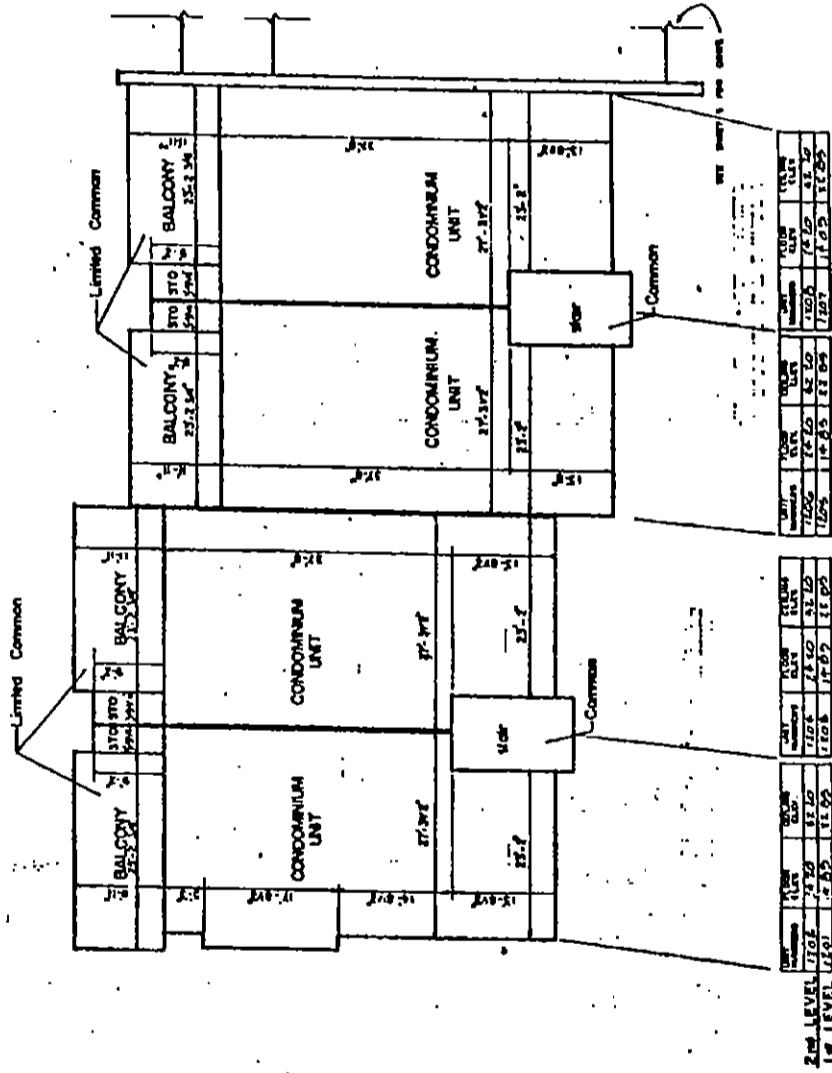
**UNITED BUILDERS**  
 CAROLINA BEACH, N.C.

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

**PARTIAL FLOOR PLAN  
 LEVELS 2&3**



0 24 6 12  
 graphic scale



UNIT	NO.	AREA	NO.	AREA	NO.	AREA	NO.	AREA
1204	18.85	82.10	1205	18.81	81.00	1206	18.82	81.00

UNIT	NO.	AREA	NO.	AREA	NO.	AREA	NO.	AREA
1104	18.85	82.10	1105	18.81	81.00	1106	18.82	81.00

2nd LEVEL  
 1st LEVEL

EXHIBIT E

1284 1716 EXHIBIT II

OTTER CREEK LANDING  
PHASE I

<u>UNIT NO.</u>	<u>CONTRACT NO.</u>	<u>UNDIVIDED INTEREST PERCENTAGE</u>
BUILDING 8		
131	801	2.32%
132	802	2.34%
133	803	2.22%
134	804	2.25%
135	805	2.32%
136	806	2.34%

BUILDING 9		
125	901	2.62%
126	902	2.37%
127	903	2.37%
128	904	2.37%
129	905	2.37%
130	906	2.46%

## PHASE II

BUILDING 6		
143	601	2.67%
144	602	2.37%
145	603	2.37%
146	604	2.37%
147	605	2.37%
148	606	2.49%

BUILDING 7		
137	701	2.32%
138	702	2.34%
139	703	2.22%
140	704	2.25%
141	705	2.32%
142	706	2.34%

## PHASE III

BUILDING 12		
1201		2.76%
1202		2.81%
1203		2.64%
1204		2.69%
1205		2.64%
1206		2.69%
1207		2.64%
1208		2.69%
1209		2.64%
1210		2.69%
1211		2.64%
1212		2.69%
1213		2.64%
1214		2.69%
1215		2.81%
1216		2.81%

\*\* USE UNIT NO. NOT CONTRACT NO. ON LOAN DOCUMENTS

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