

Prepared by and Return to: Oyster Pointe on Kitty Hawk Bay Owners Association, Inc.
c/o Cape Management, P. O. Box 1067, Kitty Hawk, NC 27949

STATE OF NORTH CAROLINA
COUNTY OF DARE

RECORDED

AMENDMENT TO DECLARATION
OF
OYSTER POINTE CONDOMINIUMS

NOV 11 1991

THIS AMENDMENT to the Declaration of Condominium for the Oyster Pointe Condominium is entered this 10th day of December, 1991, by Oyster Pointe on Kitty Hawk Bay Owners Association, Inc., a North Carolina corporation (hereinafter referred to as "Association"), pursuant to the North Carolina Condominium Act, Chapter 47C of the North Carolina General Statutes.

W I T N E S S E T H :

WHEREAS, there has been previously entered in the Dare County Registry a Declaration of Condominium recorded in Book 492 at Page 454 of said Registry. That Declaration has been amended by further Declarations recorded in Book 497 at Page 231, Book 498 at Page 702, Book 544 at Page 484, Book 591 at Page 864 and Book 642 at Page 136, all in the Dare County Registry. The Declaration and Amendments thereto refer to and describe a condominium known as Oyster Pointe Condominium located in Atlantic Township in the Town of Kill Devil Hills in Dare County, North Carolina. The property which is the subject of the Declaration as amended is described within said Declaration and Amendments thereto and the exhibits attached thereto; and

WHEREAS, the Declaration as amended provides in Article II, paragraph 2.6 that "The allocation of undivided interests in the Common Elements and of the Common Expenses is according to the area of each Unit to the area of all units. The votes in the Association are equally allocated to all Units."; and

WHEREAS, the Association has discovered errors in the allocation to each Unit of Percentage of Undivided Interest in the Common Elements and the percentage of the Common Expenses as set out in the Fifth Amendment to Declaration of Oyster Pointe Condominiums recorded in Book 642, Page 136, Dare County Registry, said errors being that the stated percentages are not calculated correctly in accordance with the square footage formula set out in the Declaration as amended; and

WHEREAS, the Association has attempted to contact Oyster Pointe Associates, Inc., the stated Declarant in said Fifth Amendment to Declaration in order to correct said allocations and said Declarant cannot be located, is no longer a viable corporation or, has surrendered its control as Declarant; and

WHEREAS, the Association, pursuant to N.C.G.S. Section 47C-2-117(d) and Article IV, paragraph 4.13(n) of its Bylaws desires by this amendment to correct the percentages of undivided interests in Common Elements and the percentages of Common Expenses within the Association to properly conform with the formula set out in Article II, paragraph 2.6 of the original Declaration; and

WHEREAS, the Association has obtained the affirmative vote of sixty-five (65%) of the total unit owners entitled to vote in favor of this Amendment.

NOW, THEREFORE, the Association, as the entity entitled to act as set forth herein in accordance with Chapter 47C of the North Carolina General Statutes, does hereby certify as follows:

Article I

The allocations to each Unit of Percentage of Undivided Interest in the Common Elements, of a Percentage of the Common Expenses and the votes in the Association are as hereinafter set forth:

Percentage of 1231

Unit No.	Percentage of Undivided Interest in Common Element	Percentage of Common Expenses	Votes
A-1	1.2	1.2	1/81st
A-2	1.2	1.2	1/81st
A-3	1.2	1.2	1/81st
A-4	1.2	1.2	1/81st
A-5	1.2	1.2	1/81st
A-6	1.2	1.2	1/81st
A-7	1.2	1.2	1/81st
A-8	1.2	1.2	1/81st
B-1	1.2	1.2	1/81st
B-2	1.2	1.2	1/81st
B-3	1.2	1.2	1/81st
B-4	1.2	1.2	1/81st
B-5	1.2	1.2	1/81st
B-6	1.2	1.2	1/81st
B-7	1.2	1.2	1/81st
B-8	1.2	1.2	1/81st
C-1	1.2	1.2	1/81st
C-2	1.2	1.2	1/81st
C-3	1.2	1.2	1/81st
C-4	1.2	1.2	1/81st
C-5	1.2	1.2	1/81st
C-6	1.2	1.2	1/81st
C-7	1.2	1.2	1/81st
C-8	1.2	1.2	1/81st
D-1	1.4	1.4	1/81st
D-2	1.2	1.2	1/81st
D-3	1.2	1.2	1/81st
D-4	1.2	1.2	1/81st
D-5	1.2	1.2	1/81st
D-6	1.4	1.4	1/81st
D-7	1.1	1.1	1/81st
D-8	1.2	1.2	1/81st
D-9	1.2	1.2	1/81st
D-10	1.2	1.2	1/81st
D-11	1.2	1.2	1/81st
D-12	1.1	1.1	1/81st
F-1	1.3	1.3	1/81st
F-2	1.3	1.3	1/81st
F-3	1.3	1.3	1/81st
F-4	1.3	1.3	1/81st
F-5	1.3	1.3	1/81st
F-6	1.3	1.3	1/81st
F-7	1.3	1.3	1/81st
F-8	1.3	1.3	1/81st
F-9	1.3	1.3	1/81st
F-10	1.3	1.3	1/81st
F-11	1.3	1.3	1/81st
F-12	1.3	1.3	1/81st
J-1	1.3	1.3	1/81st
J-2	1.3	1.3	1/81st
J-3	1.3	1.3	1/81st
J-4	1.3	1.3	1/81st
J-5	1.3	1.3	1/81st
J-6	1.3	1.3	1/81st
J-7	1.3	1.3	1/81st
J-8	1.3	1.3	1/81st
J-9	1.3	1.3	1/81st
J-10	1.3	1.3	1/81st
J-11	1.3	1.3	1/81st
J-12	1.3	1.3	1/81st
K-1	1.3	1.3	1/81st
K-2	1.3	1.3	1/81st
K-3	1.3	1.3	1/81st
K-4	1.3	1.3	1/81st
K-5	1.3	1.3	1/81st
K-6	1.3	1.3	1/81st
K-7	1.3	1.3	1/81st
K-8	1.3	1.3	1/81st
K-9	1.3	1.3	1/81st

BK 779 4232

K-10	1.3	1.3	1/81st
K-11	1.3	1.3	1/81st
K-12	1.3	1.3	1/81st
L-1	1.3	1.3	1/81st
L-2	1.3	1.3	1/81st
L-3	1.4	1.4	1/81st
L-4	1.3	1.3	1/81st
L-5	1.3	1.3	1/81st
L-6	1.1	1.1	1/81st
L-7	1.3	1.3	1/81st
L-8	1.3	1.3	1/81st
L-9	1.1	1.1	1/81st

For successive or future amendments to the Declaration in which additional units are added, the Percentage of Undivided Interest in the Common Elements and the Percentage of Common Expenses will be reallocated and the formula for such reallocations will be to calculate the area of such unit and the area of the total units and determine the percentage that each unit bears to the whole. For purpose of vote, each unit shall have one vote, without regard to the area of the unit or the number of bedrooms.

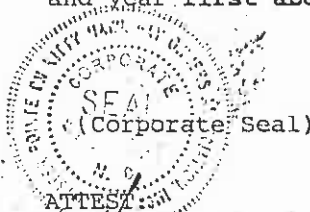
Article II

To the extent that it is necessary to set forth other items and information required by N.C.G.S. Section 47C-2-105, the provisions of the original Declaration as recorded in Book 492 at Page 454 of the Dare County Registry and the Amendments thereto referred to in this Amended Declaration are incorporated herein by reference, together with all exhibits as attached thereto as fully and completely as if all such matters were restated word for word, subject only to the changes and modifications that would occur as a result of this Amended Declaration and the matters contained herein.

IN WITNESS WHEREOF, the Association has caused this instrument to be executed in the manner set forth below, the day and year first above written.

OYSTER POINTE ON KITTY HAWK BAY OWNERS ASSOCIATION, INC.

By: Stuart L. Bell
Stuart L. Bell,
President



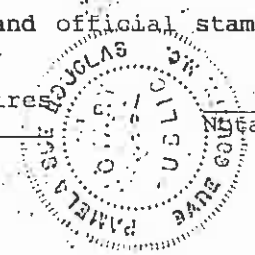
ATTEST: Harold D. Seaman
Harold D. Seaman, Secretary

STATE OF NORTH CAROLINA
COUNTY OF Dare

I, a Notary Public of the County and State aforesaid, certify that Harold D. Seaman personally came before me this day and acknowledged that he is _____ Secretary of Oyster Pointe on Kitty Hawk Bay Owners 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 him as its _____ Secretary.

Witness my hand and official stamp or seal, this 10 day of December, 1991.

My commission expires 11/26/94
Pamela Sue Douglas
Notary Public



STATE OF NORTH CAROLINA
COUNTY OF DARE

The foregoing certificate of Pamela Sue Douglas,
a notary public of Dare County, is certified
to be correct.

This instrument and this certificate are duly registered
at the date and time and in the Book and Page shown on the first
page hereof.

Dennis A. Gray
Register of Deeds

By: Nama Sean Ward
~~Deputy~~/Assistant Register of Deeds
r\oyster.amd