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NORTH CAROLINA
DARE COUNTY

AMENDED DECLARATION

RECORDED
INDEXED

This amended declaration is made and entered the 13th day of February of 1987 by Kitty Hawk Bay Development Corporation, a North Carolina Corporation and First Service Corporation of North Carolina ("Developer"), pursuant to the North Carolina Condominium Act, Chapter 47C, North Carolina General Statutes.

W I T N E S S E T H :

WHEREAS, the Developer is the owner and fee simple of certain real estate located in the Town of Kill Devil Hills, County of Dare, State of North Carolina, which property is being developed as a condominium project known as "Oyster Pointe";

AND WHEREAS, the Developer has set forth a certain declaration which is dated the 15th day of December of 1986 and recorded in Book 492, at Page 454 of the Dare County Public Registry and which declaration sets forth the terms under which the property owned by the Developer is submitted to the North Carolina Condominium Act;

AND WHEREAS, the Developer desires to make known certain additional provisions as an amendment to and a supplement to the original declaration which was recorded as referred to here and above and to that end has set forth this amended declaration and does hereby declare as follows:

1. The real estate described in Exhibit A-1 to the original declaration is re-described in a new Exhibit A-1 which is attached to this amended declaration. Exhibit A-1 includes the real estate known as "additional real estate" which is particularly addressed in Article III of the original declaration in as much as the original declaration and the Exhibit A-1 thereto contained an estimated call within the text of that description, the Developer now desires to state more exactly the description of that property and has re-described Exhibit A-1 for that purpose.

2. There is recorded simultaneously with this amended declaration a plat or survey labeled "Plat for Oyster Pointe Condominium" prepared by C. P. Lewis, Surveyor, and noted as surveyed on January 5, 1987 and platted on January 8, 1987. The information contained on such plat is incorporated into this amended declaration by reference. It is intended by this amended declaration and by the recording of this additional plat to satisfy with more particularity the provisions of NCGS Chapter 47C-2-109 and the requirements set forth therein for a plat or plan for the condominium.

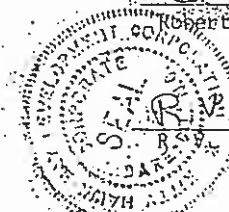
From and after the recording of this amended declaration and the plat referenced herein, all conveyances which are made in the Oyster Pointe Condominiums with reference to the original declaration shall also be understood to be made with reference to this amended declaration and the provisions of the original declaration as recorded in Book 492, at Page 454 of the Dare County Public Registry shall be understood to be amended and supplemented by these provisions. In all other respects, the terms and provisions of the original declaration are ratified and affirmed, except for a change by the provisions of this amended declaration. Conveyances made which refer only to the original declaration shall be understood to refer also to this amended declaration, whether specific reference is made or not in such conveyance or other instruments.

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

KITTY HAWK BAY DEVELOPMENT CORPORATION

BY: Robert F. Harrell
Robert F. Harrell, Vice-President

ATTEST:



Robert F. Owens, III
Owens, III, Assistant-Secretary

EXHIBIT A-1

DESCRIPTION

A certain parcel of land located in the Town of Kill Devil Hills in the vicinity of First Flight Village, Dare County, North Carolina and more particularly described as follows.

Beginning at a point located in the Western right of way of Bay Drive, said road having a fifty foot right of way at this point, and said point of beginning being located the following courses and distances from the Northeastern corner of Lot Number 118 of the Subdivision of First Flight Village, Section J, Phase B, as shown on a plat recorded in Plat Cabinet B at Slide 50 of the Dare County Registry and said point of reference being the intersection point of the Northeast corner of Lot 118 with the right of way of Bay Drive; thence running from the point of beginning a course of North $00^{\circ} 29' 56''$ East a distance of 119.54 feet to a point; thence following the curve of the right of way of Bay Drive along an arc distance of 96.31 feet, said curve having a radius of 462.13 feet to the point of beginning; thence running from the point of beginning a course of North $44^{\circ} 06' 57''$ West a distance of 243.91 feet to a point; thence turning and running North $73^{\circ} 06' 57''$ West a distance of 258.00 feet to a point; thence turning and running South $26^{\circ} 53' 03''$ West a distance of 50.00 feet to a point; thence turning and running South $69^{\circ} 23' 03''$ West a distance of 97.00 feet to a point; thence turning and running North $38^{\circ} 36' 57''$ West a distance of 64.00 feet to a point; thence turning and running an approximate course of South $68^{\circ} 27' 15''$ West and an approximate distance of 67.78 feet to a point located in the Western right of way of a street with parking areas adjacent to the street and said point being further identified and located by a reversal of the remaining calls in this description from the point of beginning; thence running South $55^{\circ} 53' 03''$ West a distance of 198.00 feet to a point; thence turning and running North $11^{\circ} 06' 57''$ West a distance of 68.76 feet to a point; thence running North $04^{\circ} 13' 31''$ West a distance of 190.02 feet to a point; thence running North $04^{\circ} 02' 57''$ East a distance of 394.21 feet to a point, said point marking the Southern boundary of a one hundred foot canal right of way owned by the North Carolina Highway Commission and containing within such right of way a canal or drainage ditch; thence turning and running South $84^{\circ} 16' 05''$ East, following the edge of the right of way a distance of 317.31 feet to a point; thence continuing and following the right of way South $60^{\circ} 45' 55''$ East a distance of 272.53 feet to a point; thence continuing and following the said right of way boundary a course of North $85^{\circ} 56' 51''$ East a distance of 368.04 feet to a point; thence continuing and following the right of way a course of South $67^{\circ} 15' 22''$ East a distance of 113.66 feet to a point where the Southern right of way of the North Carolina Highway Commission intersects the Western and Northwestern right of way of Bay Drive; thence turning and running South $63^{\circ} 24' 11''$ West a distance of 49.35 feet along the Western right of way of Bay Drive; thence continuing and following the right of way of Bay Drive along the curvature thereof an arc distance of 296.11 feet along a curve having a radius of 265.50 feet to a point; thence continuing South $00^{\circ} 29' 56''$ East a distance of 94.19 feet; thence following another curve along the right of way of Bay Drive which curve has an arc distance of 140.05 feet and a radius of 412.13 feet to a point; thence following the curve of Bay Drive an arc distance of 157.04 feet to a point, said curve having a radius of 462.13 feet and said point representing the point or place of beginning.

Same being those portions of the Oyster Pointe Condominium properties subject to the additional developers rights and in which property the additional Oyster Pointe phases will be constructed. This property is further defined in Article I, Section 1.2 of the Declaration of the Oyster Pointe Condominium Project and at other points within the Declaration referring to "additional real estate" and similar references.

AGREEMENT AND AMENDMENT

FILED

This Agreement and Amendment is made on the 26th day of February, 1987 by and between First Service Corporation of North Carolina, Kitty Hawk Bay Developments Corporation, Robert F. Harrell and R. V. Owens, III, Attorneys in Fact as hereinafter stated.

W I T N E S S E T H:

WHEREAS, the parties have cause to be recorded a Declaration of Condominiums recorded in Book 492 at Page 434 and amended in document recorded in Book 497 at Page 231, Dare County Public Registry as signed by First Service Corporation by their Attorneys in Fact pursuant to instruments recorded in Dare County Public Registry; and

WHEREAS, the First Service Corporation of North Carolina, Kitty Hawk Bay Development Corporation, R. V. Owens, III and Robert F. Harrell desire to ratify those documents aforementioned for the purposes therein expressed, and to remove any question as to the validity of execution of same and desire to amend same by adding and including on each of the said documents opposite the signatures of their respective Attorneys in Fact, the word "SEAL" and adopting the same as their respective seals.

NOW THEREFORE, by signatures hereto, the parties acknowledge, ratify, re-execute, and declare the documents referenced in Paragraph 2 above for the purposes expressed in said documents from the date of their recordation and amend same by including the word "SEAL" and adopting same as their seals to refer retroactively to those documents aforementioned from and after the date of their prior recordation.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.



FIRST SERVICE CORPORATION OF NORTH CAROLINA

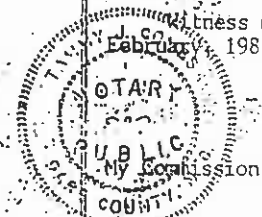
BY: Robert F. Harrell
Robert F. Harrell, Attorney in Fact

R. V. Owens III
R. V. Owens, III, Attorney in Fact

NORTH CAROLINA
DARE COUNTY

I, Tammy J. Combs, a Notary Public for the County and State aforesaid, do hereby certify that R. V. Owens, III personally came before me this day and acknowledged that he is Assistant Secretary of Kitty Hawk Bay Development Corporation, 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 Vice-President, sealed with its corporate seal and attested by him as its Assistant Secretary.

I witness my hand and official stamp or seal, this the 17th day of February, 1987.



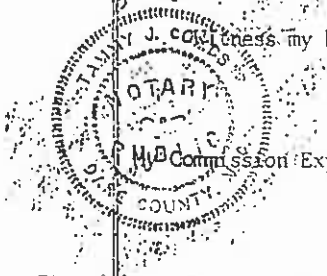
Tammy J. Combs
Notary Public

NORTH CAROLINA
DARE COUNTY

I, Tammy J. Combs, a Notary Public for said County and State, do hereby certify that R. S. Owens, III and Robert F. Harrell, Attorneys in Fact for First Service Corporation of North Carolina, personally appeared before me this day, and being by me duly sworn, say that they executed the foregoing and annexed instrument for and in behalf of the said corporations, and that their authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged, and recorded in the office of the Register of Deeds in the County of Dare, State of North Carolina, on the 7th day of January, 1987, and that this instrument was executed under and by virtue of the authority given by said instrument granting them power of attorney.

I do further certify that the said R. V. Owens, III and Robert F. Harrell acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and in behalf of the said First Service Corporation of North Carolina.

I witness my hand and official seal, this the 17th day of February, 1987.



Tammy J. Combs
Notary Public

DARE COUNTY NORTH CAROLINA

The foregoing certificate of Tammy J. Combs a Notary Public of Dare Co., NC

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

Dorris A. Fry Register of Deeds for Dare County

By: Norma Jean Ward Ass't Register of Deeds

FEB 23 1987

Recorded _____

KITTY HANK BAY DEVELOPMENT CORPORATION

BY:

Robert F. Harrell (SEAL)
ROBERT F. HARRELL, ATTORNEY IN FACT

R. V. Owens, III (SEAL)
R. V. OWENS, III, ATTORNEY IN FACT

FIRST SERVICE CORPORATION OF NORTH CAROLINA

BY:

Robert F. Harrell (SEAL)
ROBERT F. HARRELL, ATTORNEY IN FACT

R. V. Owens, III (SEAL)
R. V. OWENS, III, ATTORNEY IN FACT

NORTH CAROLINA
DARE COUNTY

I, Tammy J. Combs, a Notary Public of the aforesaid County and State, do hereby certify that Robert F. Harrell and R. V. Owens, III, Attorneys-in-Fact for KITTY HANK BAY DEVELOPMENT CORPORATION, personally appeared before me this day, and being by me duly sworn, say that they executed the foregoing and annexed instrument for and in behalf of KITTY HANK BAY DEVELOPMENT CORPORATION, and that their authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged, and recorded in the Office of the Register of Deeds of Dare County, North Carolina, on the 7th day of January, 1987, in Book 492 Page 452, and that this instrument was executed under and by virtue of the authority given by said instrument granting them power of attorney; that the said Robert F. Harrell and R. V. Owens, III, acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and in behalf of the said KITTY HANK BAY DEVELOPMENT CORPORATION.

My Comm. Expires

February 3, 1992

Tammy J. Combs
Notary Public

