



Prepared by & Return to:  
W. Jay Wheless  
Attorney at Law  
P. O. Box 500  
Manteo, NC 27954

NORTH CAROLINA  
DARE COUNTY

SECOND AMENDMENT  
TO THE  
DECLARATION OF UNIT OWNERSHIP OF  
WELLINGTON BY THE SEA CONDOMINIUM

This Amendment to the Declaration of Unit Ownership of Wellington by the Sea Condominiums is made this the 12 day of APRIL, 2004, by the Wellington by the Sea Homeowners Association, Inc.

WITNESSETH:

Whereas Dare Coast Development Corporation pursuant to Chapter 47C of the North Carolina General Statutes did state and declare that it submitted various properties Kill Devil Hills, North Carolina to the condominium form of ownership and use of said property in accordance with the aforementioned General Statute; and

Whereas Dare Coast Development Corporation filed an instrument entitled, "Wellington By The Sea" making the declaration of condominium in Book 648, Page 191, Dare County Registry (hereinafter "the Declaration"); and

Whereas Dare Coast Development Corporation created a non-profit corporation named Wellington by the Sea Homeowners Association, Inc. and Articles of Incorporation were issued by the office of the Secretary of State of North Carolina on August 17, 1988; and

Whereas said non-profit corporation was organized for various purposes including, but not limited to, to undertake the performance of, and carry out the acts and duties incident to the administration of the operation and management of Wellington by the Sea Condominiums in accordance with the terms, provisions, conditions and authorization contained in the Articles of Incorporation and in the Declaration; and

Whereas the Declaration provided for amendment of the same in Article X; and

Whereas said Declaration has been amended and said amendment was recorded Book 650, Page 206, Dare County Registry;

Whereas the swimming pool lying on common elements of the Condominium was damaged by Hurricane Isabel in 2003 and the Association has undertaken to borrow funds to repair or replace the pool; and

Whereas, the lender, US Small Business Administration, requires the Association to assign its rights to collect assessments imposed for the repayment of the loan and the Declaration does not provide for such assignment although the same is authorized by law; and

Whereas members of the Association have voted to amend the Declaration as set forth herein.

NOW THEREFORE the Wellington by the Sea Homeowners Association, Inc. does hereby declare that the original Declaration recorded in Book 648, Page 191, Dare County Registry is amended by adding the following to Section 8.9:

The Association may assign its right to future income, including, but not limited to, the right to receive common expense assessments.

IN WITNESS WHEREOF, Wellington by the Sea Homeowners Association, Inc. has caused this Amendment to the Declaration to be executed in its corporate name, signed by its President, attested by its Secretary, its common corporate seal affixed hereto, all as the act and deed of said corporation this day and year first above written.

SEE SIGNATURES OF ALL PARTIES ATTACHED HERETO



Whereas the Declaration provided for amendment of the same in Article X; and

Whereas said Declaration has been amended and said amendment was recorded Book 650, Page 206, Dare County Registry;

Whereas the swimming pool lying on common elements of the Condominium was damaged by Hurricane Isabel in 2003 and the Association has undertaken to borrow funds to repair or replace the pool; and

Whereas, the lender, US Small Business Administration, requires the Association to assign its rights to collect assessments imposed for the repayment of the loan and the Declaration does not provide for such assignment although the same is authorized by law; and

Whereas members of the Association have voted to amend the Declaration as set forth herein.

NOW THEREFORE the Wellington by the Sea Homeowners Association, Inc. does hereby declare that the original Declaration recorded in Book 648, Page 191, Dare County Registry is amended by adding the following to Section 8.9:

The Association may assign its right to future income, including, but not limited to, the right to receive common expense assessments.

IN WITNESS WHEREOF, Wellington by the Sea Homeowners Association, Inc. has caused this Amendment to the Declaration to be executed in its corporate name, signed by its President, attested by its Secretary, its common corporate seal affixed hereto, all as the act and deed of said corporation this day and year first above written.

WELLINGTON BY THE SEA HOMEOWNERS ASSOCIATION, INC.

By: Matthew Schella  
President

ATTEST:

Frankie Downs  
Secretary

{AFFIX CORPORATE SEAL}

CONSENTED AND APPROVED BY:

Mark C. Hussey (SEAL) Frankie Downs (SEAL)

Matthew Schella (SEAL) \_\_\_\_\_ (SEAL)



\_\_\_\_\_(SEAL)\_\_\_\_\_ (SEAL)

\_\_\_\_\_(SEAL)\_\_\_\_\_ (SEAL)

\_\_\_\_\_(SEAL)\_\_\_\_\_ (SEAL)

\_\_\_\_\_(SEAL)\_\_\_\_\_ (SEAL)

\_\_\_\_\_(SEAL)\_\_\_\_\_ (SEAL)

STATE OF VA  
CITY/COUNTY Hampton

individually and for the Association  
I, a Notary Public of the County and State aforesaid, certify that Matthew Sekella, personally came before me this day and acknowledged that ~~he~~ <sup>President</sup> is ~~Secretary~~ of WELLINGTON BY THE SEA HOMEOWNERS 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 Secretary.~~ and that he signed the same for himself individually.

Witness my hand and official stamp or seal, this 15<sup>th</sup> day of April, 2004.

MY COMMISSION EXPIRES:  
4/30/05

[Signature]  
Notary Public

UNOFFICIAL COPY



VIRGINIA  
STATE OF  
CITY/COUNTY OF KING GEORGE

I, THERESA M. DEMMICK, a Notary Public of the  
aforesaid State and County, do hereby certify that  
STEVE HUSSMANN personally  
appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and seal, this the 12th day of APRIL, 2004.

[Signature] THERESA M. DEMMICK  
Legible signature of Notary Public

My commission expires: 31 OCTOBER 2007

My Official Seal is imprinted  
or stamped hereon

Virginia  
STATE OF  
CITY/COUNTY OF Fairfax

I, ZARSHONA VIRGINIA FAIRFAX, a Notary Public of the  
aforesaid State and County, do hereby certify that  
FRANKIE DOWNS personally  
appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and seal, this the 6 day of APRIL, 2004.

[Signature]  
Legible signature of Notary Public

My commission expires: 8-31-06

My Official Seal is imprinted  
or stamped hereon



Frankie S. Downs (SEAL) \_\_\_\_\_ (SEAL)

John L. Downs (SEAL) \_\_\_\_\_ (SEAL)

\_\_\_\_\_ (SEAL) \_\_\_\_\_ (SEAL)

\_\_\_\_\_ (SEAL) \_\_\_\_\_ (SEAL)

STATE OF  
CITY/COUNTY OF

I, Aeshah Sheikh, a Notary Public of the aforesaid State  
VA and Fairfax County, do hereby certify that  
John L. Downs & Frankie S. Downs personally appeared  
before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and seal, this the 24 day of April, 2004.

[Signature]

Legible signature of Notary Public

My commission expires: 10-31-06

My Official Seal is imprinted  
or stamped hereon

Unofficial Copy



(SEAL) Robert Curry (SEAL)  
\_\_\_\_\_  
(SEAL) \_\_\_\_\_ (SEAL)  
\_\_\_\_\_  
(SEAL) \_\_\_\_\_ (SEAL)  
\_\_\_\_\_  
(SEAL) \_\_\_\_\_ (SEAL)  
\_\_\_\_\_  
(SEAL) \_\_\_\_\_ (SEAL)

STATE OF \_\_\_\_\_  
CITY/COUNTY \_\_\_\_\_

I, a Notary Public of the County and State aforesaid, certify that \_\_\_\_\_, personally came before me this day and acknowledged that s/he is Secretary of WELLINGTON BY THE SEA HOMEOWNERS 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 Secretary.

Witness my hand and official stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

MY COMMISSION EXPIRES: \_\_\_\_\_  
\_\_\_\_\_  
Notary Public

STATE OF PENNSYLVANIA  
CITY/COUNTY OF BUCKS

I, ELIZABETH G. HASTEN, a Notary Public of the  
aforesaid State and County, do hereby certify that  
ROBERT V. CARNEY personally  
appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and seal, this the 14<sup>th</sup> day of April, 2004.

Elizabeth G. Hasten  
Legible signature of Notary Public

My commission expires: \_\_\_\_\_

Notarial Seal  
Elizabeth Grace Hasten, Notary Public  
Yardley Boro, Bucks County  
My Commission Expires Dec 12, 2006  
Member, Pennsylvania Association Of Notaries

My Official Seal is imprinted  
or stamped hereon



STATE OF \_\_\_\_\_  
CITY/COUNTY OF \_\_\_\_\_





Whereas the Declaration provided for amendment of the same in Article X; and

Whereas said Declaration has been amended and said amendment was recorded Book 650, Page 206, Dare County Registry;

Whereas the swimming pool lying on common elements of the Condominium was damaged by Hurricane Isabel in 2003 and the Association has undertaken to borrow funds to repair or replace the pool; and

Whereas, the lender, US Small Business Administration, requires the Association to assign its rights to collect assessments imposed for the repayment of the loan and the Declaration does not provide for such assignment although the same is authorized by law; and

Whereas members of the Association have voted to amend the Declaration as set forth herein.

NOW THEREFORE the Wellington by the Sea Homeowners Association, Inc. does hereby declare that the original Declaration recorded in Book 648, Page 191, Dare County Registry is amended by adding the following to Section 8.9:

The Association may assign its right to future income, including, but not limited to, the right to receive common expense assessments.

IN WITNESS WHEREOF, Wellington by the Sea Homeowners Association, Inc. has caused this Amendment to the Declaration to be executed in its corporate name, signed by its President, attested by its Secretary, its common corporate seal affixed hereto, all as the act and deed of said corporation this day and year first above written.

WELLINGTON BY THE SEA HOMEOWNERS ASSOCIATION, INC.

By: \_\_\_\_\_  
President

ATTEST:

{AFFIX CORPORATE SEAL}

\_\_\_\_\_  
Secretary

CONSENTED AND APPROVED BY:

*[Signature]* \_\_\_\_\_ (SEAL) \_\_\_\_\_ (SEAL)  
\_\_\_\_\_  
(SEAL) \_\_\_\_\_ (SEAL)

STATE OF N. Carolina  
~~CITY~~/COUNTY OF Dare

I, Jo Ann C. Boettmann, a Notary Public of the  
aforesaid State and County, do hereby certify that  
Annette Hussmann personally  
appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and seal, this the 16<sup>th</sup> day of April, 2004.

Jo Ann C. Boettmann  
Legible signature of Notary Public

My commission expires: July 28, 2008

My Official Seal is imprinted  
or stamped hereon

STATE OF N. Carolina  
~~CITY~~/COUNTY OF Dare



(SEAL) Vicki Petkay (SEAL)

(SEAL) \_\_\_\_\_ (SEAL)

(SEAL) \_\_\_\_\_ (SEAL)

(SEAL) \_\_\_\_\_ (SEAL)

(SEAL) \_\_\_\_\_ (SEAL)

NOTARY FOR VICKI PETKAY CZ

City/County of FAIRFAX  
 Commonwealth of Virginia  
 Sworn to and subscribed before me this 13<sup>th</sup>  
 day of APRIL, 2004  
 Witness my hand and official seal.  
Vicki Petkay Notary Public  
 My COMMISSION EXPIRES 02/28/2007



STATE OF \_\_\_\_\_  
 CITY/COUNTY \_\_\_\_\_

I, a Notary Public of the County and State aforesaid, certify that \_\_\_\_\_, personally came before me this day and acknowledged that s/he is Secretary of WELLINGTON BY THE SEA HOMEOWNERS 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 Secretary.

Witness my hand and official stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

MY COMMISSION EXPIRES: \_\_\_\_\_

\_\_\_\_\_  
 Notary Public

\_\_\_\_\_(SEAL)\_\_\_\_\_ (SEAL)

\_\_\_\_\_(SEAL)\_\_\_\_\_ (SEAL)

\_\_\_\_\_(SEAL)\_\_\_\_\_ (SEAL)

\_\_\_\_\_(SEAL)\_\_\_\_\_ (SEAL)

Robert J. Petkewicz \_\_\_\_\_ (SEAL) \_\_\_\_\_ (SEAL)

STATE OF Virginia  
CITY/COUNTY Arlington

I, a Notary Public of the County and State aforesaid, certify that ROBERT J. PETKEWICZ, personally came before me this day and acknowledged that s/he is Secretary of WELLINGTON BY THE SEA HOMEOWNERS 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 Secretary.

Witness my hand and official stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

MY COMMISSION EXPIRES: \_\_\_\_\_  
\_\_\_\_\_  
Notary Public

STATE OF  
CITY/COUNTY OF

I, Patricia A. Lee, a Notary Public of the  
aforesaid State Va and County, ARI do hereby certify that  
ROBERT J. PETKOWICZ and Vicki Petkewicz personally  
appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and seal, this the 19<sup>th</sup> day of APRIL 2004.

Patricia A Lee  
Legible signature of Notary Public

My commission expires: June 20, 2007

My Official Seal is imprinted  
or stamped hereon

STATE OF  
CITY/COUNTY OF



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Whereas the Declaration provided for amendment of the same in Article X; and

Whereas said Declaration has been amended and said amendment was recorded Book 650, Page 206, Dare County Registry;

Whereas the swimming pool lying on common elements of the Condominium was damaged by Hurricane Isabel in 2003 and the Association has undertaken to borrow funds to repair or replace the pool; and

Whereas, the lender, US Small Business Administration, requires the Association to assign its rights to collect assessments imposed for the repayment of the loan and the Declaration does not provide for such assignment although the same is authorized by law; and

Whereas members of the Association have voted to amend the Declaration as set forth herein.

NOW THEREFORE the Wellington by the Sea Homeowners Association, Inc. does hereby declare that the original Declaration recorded in Book 648, Page 191, Dare County Registry is amended by adding the following to Section 8.9:

The Association may assign its right to future income, including, but not limited to, the right to receive common expense assessments.

IN WITNESS WHEREOF, Wellington by the Sea Homeowners Association, Inc. has caused this Amendment to the Declaration to be executed in its corporate name, signed by its President, attested by its Secretary, its common corporate seal affixed hereto, all as the act and deed of said corporation this day and year first above written.

WELLINGTON BY THE SEA HOMEOWNERS ASSOCIATION, INC.

By: \_\_\_\_\_

President

ATTEST:

{AFFIX CORPORATE SEAL}

\_\_\_\_\_  
Secretary

CONSENTED AND APPROVED BY:

*D. Susan Reid* (SEAL) \_\_\_\_\_

(SEAL)

\_\_\_\_\_  
(SEAL)

(SEAL)





\_\_\_\_\_(SEAL)\_\_\_\_\_

\_\_\_\_\_(SEAL)\_\_\_\_\_

\_\_\_\_\_(SEAL)\_\_\_\_\_

\_\_\_\_\_(SEAL)\_\_\_\_\_

\_\_\_\_\_(SEAL)\_\_\_\_\_

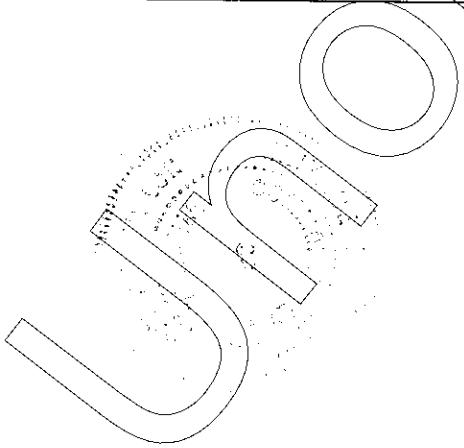
STATE OF Virginia  
CITY/COUNTY York

I, a Notary Public of the County and State aforesaid, certify that D. SUSAN GARD, personally came before me this day and acknowledged that ~~she~~ is ~~Secretary of WELLINGTON BY THE SEA HOMEOWNERS 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 Secretary.~~ the due execution of this document.

Witness my hand and official stamp or seal, this 13 day of May, 2004.

MY COMMISSION EXPIRES:  
9-30-08

Elizabeth J. Brinn  
Notary Public



Scott M. Smith (SEAL)  
Scott M. Smith

Laura C. Smith (SEAL)  
Laura C. Smith

\_\_\_\_ (SEAL) \_\_\_\_\_ (SEAL)

\_\_\_\_ (SEAL) \_\_\_\_\_ (SEAL)

\_\_\_\_ (SEAL) \_\_\_\_\_ (SEAL)

Newport News Va  
STATE OF VIRGINIA  
CITY/COUNTY OF NEWPORT NEWS

I, J. Yvonne Brooks, a Notary Public of the aforesaid State and County, do hereby certify that Scott M. Smith and wife, Laura C. Smith personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and seal, this the 30<sup>th</sup> day of June, 2004.

J. Yvonne Brooks  
Legible signature of Notary Public

My commission expires: 1-31-05

My Official Seal is imprinted or stamped hereon



Whereas members of the Association have voted to amend the Declaration as set forth herein.

NOW THEREFORE the Wellington by the Sea Homeowners Association, Inc. does hereby declare that the original Declaration recorded in Book 648, Page 191, Dare County Registry is amended by adding the following to Section 8.9:

The Association may assign its right to future income, including, but not limited to, the right to receive common expense assessments.

IN WITNESS WHEREOF, Wellington by the Sea Homeowners Association, Inc. has caused this Amendment to the Declaration to be executed in its corporate name, signed by its President, attested by its Secretary, its common corporate seal affixed hereto, all as the act and deed of said corporation this day and year first above written.

WELLINGTON BY THE SEA HOMEOWNERS ASSOCIATION, INC.

By: \_\_\_\_\_  
President

ATTEST:

{AFFIX CORPORATE SEAL}

\_\_\_\_\_  
Secretary

CONSENTED AND APPROVED BY:

*Robert W. Storm*

(SEAL)

Robert W. Storm - Unit 306

*Mary B. Storm (POA)*

*Robert W. Storm*

(SEAL)

Mary B. Storm - Unit 306

Robert W. Storm signed by Power of Attorney

(SEAL)

(SEAL)

(SEAL)

(SEAL)

(SEAL)

(SEAL)

(SEAL)

(SEAL)

(SEAL)

(SEAL)

(SEAL)

(SEAL)



STATE OF \_\_\_\_\_  
CITY/COUNTY \_\_\_\_\_

I, a Notary Public of the County and State aforesaid, certify that \_\_\_\_\_, personally came before me this day and acknowledged that s/he is Secretary of WELLINGTON BY THE SEA HOMEOWNERS 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 Secretary.

Witness my hand and official stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

MY COMMISSION EXPIRES: \_\_\_\_\_  
Notary Public



STATE OF Fairfax <sup>VA</sup> Virginia  
CITY/COUNTY OF Fairfax

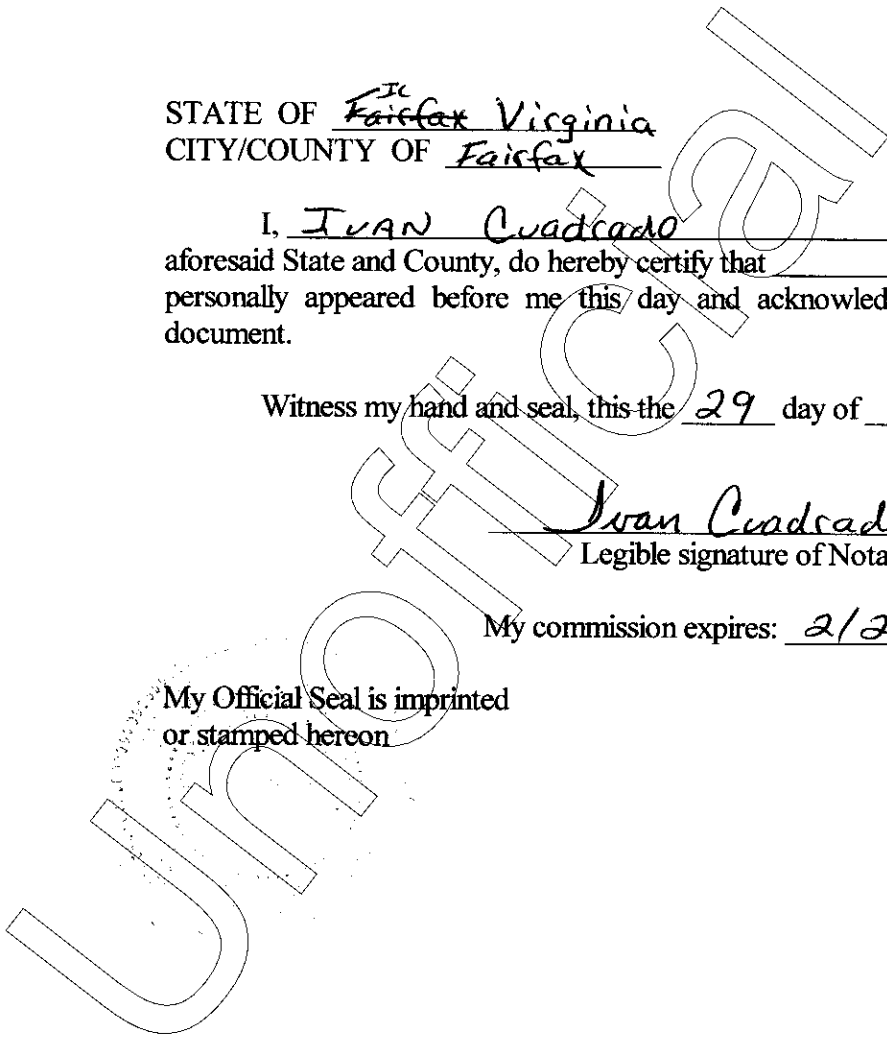
I, Ivan Cuadrado, a Notary Public of the aforesaid State and County, do hereby certify that Robert W. Storm & wife Mary B. Storm personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and seal, this the 29 day of June, 2004.

Ivan Cuadrado  
Legible signature of Notary Public

My commission expires: 2/28/07

My Official Seal is imprinted or stamped hereon



The foregoing certificate(s) of

Ruth A. Mikowski, Theresa M. Demmick, Aeshah Sheikh  
Elizabeth Grace Hasten, Jo Ann C. Boehmann,  
Wesley D. Elliott II, Patricia A. Lee, Elizabeth L. Brinn,  
Yvonne Brooks and Ivan Cuadrado all notaries public

is/are 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.

Barbara M. Gray, Register of Deeds for Dare County

By: Ramona P. Melkins <sup>Deputy</sup> ~~Assistant~~ Register of Deeds

Unofficial Copy



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