

Prepared by
and
Return to:
WILLIAM V. POWER
ATTORNEY AT LAW
KITTY HAWK, N.C. 27049

BOOK 381 PAGE 468

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NORTH CAROLINA

CURRITUCK COUNTY

DECLARATION

THIS DECLARATION, made effective this the 23rd day of April, 1996, by The Currituck Associates - Residential Partnership, ("Declarant"), a North Carolina general partnership.

RECITALS

WHEREAS, in order to provide for the orderly development and the preservation of values and amenities with respect to those certain tract or tracts of real property located adjacent to N.C. Highway 12, Currituck County, known as Phase 1 and Phase 2 of The Currituck Club as more particularly described on the Plats hereinafter referred to (the "Property"), Declarant has subjected the Property to the terms and conditions of that certain Declaration of Covenants, Conditions and Restrictions, dated December 14, 1995, and recorded on February 28, 1996 in Book 377, Page 281, Currituck County Registry (the "Declaration"), the terms of which are by this reference incorporated herein; and

WHEREAS, Declarant has further caused the Property to be subdivided and platted as set forth in those certain plats entitled "The Currituck Club, P.U.D. Phase 1 Lots 1-149" and "The Currituck Club, P.U.D. Phase 2, Lots 150-186," recorded in Plat Cabinet F, Pages 5-15, Currituck County Registry (the "Plats"), the terms of which are by this reference incorporated, which plats, inter alia provide for the creation of certain common areas and right-of-ways as depicted therein; and

WHEREAS, it was subsequently determined that at the time of

Modified
Covenants
388/569

the recordation of the Declaration and the Plats, certain minor portions of the Property were owned by The Currituck Associates Golf Course Partnership, a North Carolina general partnership ("Golf Course Partnership"); and

WHEREAS, pursuant to a Quitclaim Deed dated April 3, 1996 from Golf Course Partnership, as grantor, and Declarant, as grantee (the "Quitclaim Deed"), Golf Course Partnership has quitclaimed all right, title and interest in and to the real property as described therein, which real property includes the Property, to Declarant; and

WHEREAS, Declarant desires to subject those portions of the Property conveyed to Declarant pursuant to the Quitclaim Deed to the terms and conditions of the Declaration and the Plats and to confirm and reaffirm that all of the Property as shown on the Plats is subject to the terms and conditions of the Declaration and the Plats; and

WHEREAS, the Declarant inadvertently omitted "Exhibit B" from the Declaration when it was originally recorded.

NOW, THEREFORE, Declarant hereby declares that the Property known as Phase 1 and Phase 2, The Currituck Club, P.U.D., as shown on the Plats shall be and the same is hereby made subject to all of the terms and conditions of the Declaration and to the Plats; and "Exhibit B" which is attached hereto is hereby incorporated in the Declaration as originally intended.

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"EXHIBIT B"

THE CURRITUCK CLUB - Boundary

Beginning at a concrete monument located in the southeastern corner of Currituck Shooting Club, in the north boundary line of Turnpike Properties, Inc., said beginning point being located N12°59'02"W from N.C.G.S. Monument "Radio" (Grid coordinates of N 286023.676 meters E. 697359.041 meters, NAD 1983), thence from the point of beginning along and with the line of Turnpike Properties, Inc. S 66°28'59"W 301.16 ft. to a concrete monument marking the northeast corner of the National Audubon Society and the northwest corner of Turnpike Properties, Inc. Thence continuing along and with the National Audubon Society line S 85°28'59"W 110.10 ft. to an iron pipe, thence S88°28'59"W 1024.29 ft. to an iron pipe, thence S. 85°28'59"W 252.55 ft. to the shore of the Currituck Sound, thence along and with Currituck Sound N 02°33'32" 43.78 ft., thence N 24°08'48"W 69.01', thence N 36°40'26"W 60.53', thence N 21°07'63"E 71.82', thence N 21°34'50"W 74.68', thence N 21°04'44"W 61.93', thence N 08°48'02"E 53.37', thence N 12°45'59"E 78.17', thence S 78°14'00"W 114.17', thence N 38°41'51"W 44.04', thence N 12°11'58"E 56.67', thence N 33°31'02"E 48.13', thence N 39°47'43"E 44.99', thence N 32°37'15"W 69.78', thence N 38°39'48"W 74.82', thence N 27°08'37"W 51.67', thence N 85°52'44"W 73.17', thence N 71°46'16"W 60.22', thence N 37°26'53"E 41.42', thence N 13°02'22"E 66.17', thence N 81°14'44"E 37.56', thence N 66°18'37"E 69.08', thence S 84°39'00"E 54.63', thence N 62°53'38"E 97.46', thence N 74°22'12"E 37.35', thence N 59°45'14"E 81.12', thence N 18°26'16"E 97.31', thence N 24°08'40"W 28.63', thence S 76°51'31"W 48.23', thence S 07°56'46"E 62.62', thence S 35°36'38"W 74.75', thence S 70°25'46"W 32.51', thence N 78°41'24"W 58.84', thence S 77°02'51"W 109.67', thence S 88°04'28"W 63.19', thence N 20°35'03"W 29.43', thence N 15°27'29"W 47.54', thence N 34°49'30"E 33.58', thence N 16°02'23"W 77.09', thence N 23°58'36"W 52.09', thence N 61°27'44"E 26.22', thence N 07°24'28"W 31.80', thence N 44°30'39"W 87.52', thence S 45°37'30"W 27.63', thence N 27°56'45"W 46.55', thence N 58°49'43"W 66.28', thence N 03°43'17"W 62.27', thence N 15°18'09"W 78.11', thence S 62°49'59"W 40.59', thence N 29°12'44"W 57.74', thence N 79°21'52"E 34.27', thence N 34°00'35"E 30.38', thence N 71°17'26"W 29.96', thence S 09°51'32"E 29.60', thence S 81°23'12"W 30.86', thence S 73°09'32"W 39.83', thence N 00°48'18"W 108.17', thence N 34°47'43"E 175.60', thence N 08°53'58"W 144.20', thence N 69°09'19"W 61.78', thence N 31°48'44"W 99.52', thence N 34°37'35"W 97.15', thence N 72°14'26"W 18.27', thence N 49°39'36"E 57.54', thence N 20°46'55"E 43.52', thence N 16°07'24"E 58.71', thence N 02°08'35"W 61.19', thence N 28°15'11"W 39.38', thence N 49°34'26"W 82.43', thence N 57°54'16"E 41.97', thence N 32°57'06"W 44.40', thence N 33°54'40"W 29.51', thence N 63°04'15"W 30.62', thence N 35°50'35"E 3.10', thence N 36°50'35"E 23.12', thence N 58°14'14"W 58.84', thence N 55°49'35"E 18.37', thence N 44°42'48"W 16.08', thence S 55°57'37"W 21.04', thence N 56°08'10"W 51.18', thence N 63°23'21"E 62.60', thence N 13°54'13"E 77.85', thence N 13°54'13"E 0.09', thence N 14°29'31"W 100.15', thence N 65°19'01"W 43.81', thence S 73°47'11"W 39.88', thence N 30°13'21"W 31.63', thence N 02°32'31"W 36.15', thence N 54°21'30"E 30.90', thence N 58°15'14"E 29.75', thence N 18°25'43"W 69.23', thence N 17°53'51"W 68.00', thence N 67°34'12"W 41.78', thence N 18°59'59"W 54.55', thence N 08°15'06"W 93.43', thence N 60°22'01"W 59.81', thence N 05°58'58"E 73.18', thence N 18°15'10"W 54.43', thence N 42°22'15"W 58.72', thence N 12°26'50"E 43.28', thence N 66°44'27"W 65.58', thence N 66°44'58"W 81.25', thence N 26°49'38"E 55.75', thence N 22°28'29"W 89.27', thence N 41°22'21"W 81.71', thence N 57°43'08"W 94.81', thence N 26°49'11"W 32.27', thence S 82°15'36"W 60.06', thence S 04°15'46"E 30.11', thence N 86°23'45"W 69.97', thence N 19°10'08"W 21.47', thence N 50°47'17"E 51.93', thence N 81°24'38"E 67.55', thence N 04°46'57"W 69.62', thence N 39°51'44"W 69.54', thence S 72°28'07"W 50.35', thence N 06°54'35"W 28.23', thence N 48°18'12"E 62.71', thence N 72°18'43"E 31.99', thence N 10°03'15"W 16.23', thence N 63°27'26"W 21.91', thence N 28°37'33"W 32.75', thence N 62°12'31"E 48.60', thence N 20°38'56"W 31.51', thence N 64°07'36"W 41.69', thence N 29°45'50"E 39.66', thence N 25°28'19"W 27.59', thence N 69°57'49"W 44.84', thence S 75°32'30"W 21.20', thence N 37°24'11"E 68.18', thence N 20°54'25"W 21.79', thence N 31°10'10"W 69.18', thence N 28°28'33"W 72.76', thence N 60°47'39"W 30.49', thence N 14°56'56"W 20.25', thence N 01°55'57"E 29.49', thence N 55°34'05"W 62.87', thence N 29°08'00"W 66.22', thence N 66°59'04"W 35.20', thence N 31°40'31"W 31.84', thence N 11°31'07"E 65.97', thence N 68°18'46"W 60.68', thence N 40°00'10"E 40.20', thence N 51°12'29"W 48.90', thence S 46°42'11"W 43.15', thence N 28°54'21"W 92.67', thence S 35°51'58"W 62.52', thence S 55°34'26"W 93.15', thence S 29°07'45"W 87.71', thence N 23°33'05"W 48.93', thence N 19°09'41"E 70.96', thence N 47°29'40"W 78.63', thence N 67°39'48"W 81.47', thence N 59°46'49"E 43.49', thence N 30°21'34"W 113.21', thence N 56°07'30"W 23.38', thence N 21°18'47"E 58.19', thence N 19°06'15"W 72.99', thence N 40°53'17"W 65.31', thence N 29°02'48"E 88.63', thence N 62°12'59"E 69.36', thence N 46°05'53"E 92.51', thence N 45°33'03"E 80.33', thence N 30°30'05"W 18.81', thence S 70°36'01"W 67.30', thence S 82°46'21"W 39.43', thence N 48°52'49"W 72.78', thence S 62°08'48"W 99.79', thence S 47°11'19"W 40.32', thence N 85°14'12"W 88.78', thence N 18°42'50"W 15.44', thence N 36°28'29"E 70.52', thence N 50°26'34"W 27.05', thence S 56°40'30"W 64.90', thence N 78°02'24"W 83.17', thence N 51°54'46"W 76.67', thence N 29°37'47"E 67.12', thence N 69°16'47"E 94.08', thence N 66°37'22"E 91.64', thence N 84°21'20"E 83.66', thence N 61°28'30"E 99.24',

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thence N 74°10'41"E 69.24', thence S 75°28'55"E 75.33', thence S 77°38'59"E 83.57', thence N 87°51'35"E 72.90', thence N 75°33'19"E 40.45', thence N 09°28'54"E 25.87', thence S 61°19'03"E 53.10', thence S 74°38'54"E 23.14', thence S 85°56'45"E 35.84', thence N 12°41'37"E 10.04', thence N 74°13'36"W 55.74', thence N 54°43'51"W 59.82', thence N 28°12'09"W 20.19', thence S 44°30'08"W 25.02', thence S 81°21'19"W 48.29', thence S 86°48'46"W 39.00', thence N 75°40'27"W 68.84', thence N 64°42'36"W 49.12', thence N 31°52'18"W 43.07', thence S 74°10'35"W 94.51', thence S 61°41'53"W 86.15', thence S 77°31'45"W 139.58', thence N 71°09'03"W 48.15', thence N 17°49'28"E 17.35', thence N 73°41'40"E 124.88', thence N 05°55'20"E 64.21', thence N 08°42'01"W 98.01', thence N 69°02'15"W 86.77', thence S 87°48'48"W 91.64', thence S 52°57'38"W 73.68', thence S 22°35'30"W 78.88', thence N 32°53'25"W 101.37', thence N 43°00'16"E 53.11', thence N 09°07'08"E 95.26', thence N 23°24'55"E 95.78', thence N 20°18'07"E 179.33', thence N 02°38'12"E 409.95', thence N 22°05'22"E 19.48', thence N 20°06'41"W 93.33', thence N 57°14'42"W 81.01', thence N 60°18'11"W 49.08', thence N 59°17'06"W 38.00', thence N 34°21'67"W 149.89', thence N 73°19'06"W 72.00', thence N 15°37'25"W 52.02', thence N 07°52'39"W 32.03', thence N 04°22'10"W 38.17', thence N 71°48'34"W 20.06', thence N 53°32'01"W 61.23', thence N 69°03'15"W 13.40', thence N 18°50'01"W 153.03', thence N 79°59'19"W 15.54', thence N 46°08'29"W 33.89', thence N 12°53'24"W 57.43', thence N 25°24'15"E 47.82', thence N 20°05'51"W 49.66', thence N 21°22'51"W 64.54', thence N 45°10'04"W 69.70', thence N 09°13'14"E 88.64', thence N 61°37'41"E 168.49', thence N 39°18'35"W 245.84', thence S 48°56'00"W 78.18', thence N 01°50'48"W 28.83', thence N 21°07'06"W 132.76', thence N 11°18'19"W 66.53', thence N 22°54'04"E 40.11', thence N 18°38'00"W 52.81', thence N 18°58'30"W 189.45', thence N 11°53'40"E 43.88', thence N 32°41'27"W 121.27', thence N 44°55'27"W 65.01', thence N 25°55'05"W 68.36', thence N 41°55'49"W 79.00', thence N 25°50'23"W 101.03', thence N 11°18'42"E 69.03', thence N 11°10'47"W 76.24', thence N 45°10'44"W 69.20', thence N 15°51'47"W 59.40', thence N 04°48'17"W 127.13', thence N 49°32'22"W 89.08', thence N 40°04'31"W 63.51', thence N 54°01'43"W 58.48', thence N 59°08'13"W 60.95', thence N 22°20'15"W 111.12', thence S 43°04'38"W 29.04', thence N 61°17'38"W 106.59', thence N 23°32'15"W 40.70', thence N 15°49'25"W 78.80', thence N 67°06'00"E 41.22', thence N 73°01'08"W 68.47', thence N 25°55'58"W 158.08', thence N 00°43'17"W 97.42', thence N 12°42'18"W 123.43', thence N 25°40'53"W 79.24', thence N 29°05'45"W 144.97', thence N 42°13'53"W 81.14', thence N 08°17'34"E 98.85', thence N 10°27'06"W 85.48', thence N 32°45'22"W 57.04', thence N 35°39'24"W 81.88', thence N 10°54'21"W 90.25', thence N 04°20'25"W 32.90', thence N 48°16'23"W 71.01', thence N 21°44'11"W 53.18', thence N 42°58'49"W 78.65', thence N 46°50'20"W 144.51', thence N 15°11'26"W 83.91', thence N 24°54'44"W 96.69', thence N 13°29'40"E 48.88', thence N 04°26'33"E 54.74', thence N 05°51'58"W 59.12', thence S 78°37'33"W 91.78', thence N 18°53'00"E 241.31', thence N 21°54'35"W 81.03', thence N 13°04'41"E 152.75', thence N 27°48'19"W 58.25', thence S 28°50'53"W 81.23', thence S 39°41'54"W 33.21', thence S 49°01'08"W 27.94', thence N 62°43'54"W 53.05', thence N 24°29'27"W 88.33', thence N 42°08'23"W 189.60', thence N 32°30'43"W 162.63', thence N 20°09'05"W 124.80', thence N 07°43'08"W 203.81', thence N 10°23'05"W 129.36', thence N 00°48'37"E 56.30', thence N 43°48'54"E 84.44', thence N 32°41'28"E 72.78', thence N 82°59'11"E 35.41', thence S 26°22'38"E 76.03', thence N 43°21'37"E 13.11', thence N 15°23'25"W 61.72', thence N 06°55'24"W 88.05', thence N 17°37'24"W 52.35', thence N 02°16'35"W 91.18', thence N 16°01'11"W 60.12', thence N 32°34'28"W 48.62', thence N 50°40'10"W 79.94', thence N 23°11'52"E 127.11', thence N 30°33'58"W 75.52', thence N 44°37'55"W 65.59', thence N 68°42'40"W 123.01', thence N 39°14'04"W 72.40', thence N 07°09'53"W 54.67', thence N 58°05'59"W 48.21', thence N 52°36'24"W 68.96', thence N 70°30'20"W 39.05', thence N 44°39'11"W 35.01', thence N 06°49'34"W 61.74', thence N 08°42'44"W 53.37', thence N 31°06'03"W 44.00', thence N 12°04'01"W 48.29', thence N 13°25'02"E 46.07', thence N 29°09'44"E 92.85', thence N 35°37'55"E 82.84', thence N 31°11'36"E 61.01', thence N 77°48'36"E 68.57', thence N 76°25'32"E 29.34', thence N 69°12'22"E 67.70', thence N 31°58'29"E 38.73', thence N 27°53'49"W 52.91', thence N 26°46'40"W 59.06', thence N 29°58'22"W 51.26', thence N 19°08'19"W 79.92', thence N 09°47'14"W 55.05', thence N 06°21'51"W 49.58', thence N 03°00'25"W 67.54', thence N 16°59'12"W 82.00', thence N 01°39'24"W 108.06', thence N 18°07'34"W 85.77', thence N 27°56'58"W 76.36', thence N 45°25'27"W 118.06', thence N 07°25'02"W 125.88', thence N 09°30'35"W 154.28', thence N 06°31'58"E 132.01', thence N 40°16'41"E 87.14', thence N 45°44'48"W 89.82', thence S 78°29'23"W 107.54', thence N 52°31'31"W 154.19', thence N 21°37'18"W 104.78', thence N 22°45'01"W 157.89', thence N 02°18'55"W 172.07', thence N 02°54'29"W 187.87', thence N 07°28'42"W 145.59' to a terra cotta and concrete monument marking the southwestern corner of Ocean Sands Subdivision, thence turning and leaving the Currutuck Sound along and with the line of Ocean Sands Subdivision, S 89°28'54"E 941.77' to a concrete monument, thence S 19°05'38"E 2364.50' to a concrete monument, thence S 81°28'54"E 3390.44' to a concrete monument, thence S 28°55'10"E 2700.00' to a concrete monument, thence S 07°47'10"E 3178.53' to a rebar, thence S 20°10'44"E 3715.63' to a pipe, thence S 24°22'34"E 1893.45' to the point of beginning, containing 606.80 Acres.

IN WITNESS WHEREOF, the Declaration has caused this Declaration to be duly executed under seal as of the date first above written.

THE CURRITUCK ASSOCIATES - RESIDENTIAL PARTNERSHIP, a North Carolina general partnership

By: Charles J. Hayes, Jr. (SEAL)
Charles J. Hayes, Jr., Attorney-in-Fact
Boddie-Noell Enterprises, Inc.
DBA Kitty Hawk Land Company
Its General Partner

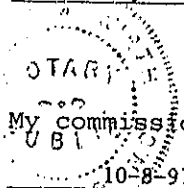
NORTH CAROLINA
DARE COUNTY

I, Eileen M. Wirth, a Notary Public for said ~~Currituck~~ County and State, do hereby certify that Charles J. Hayes, Jr., attorney in fact for BODDIE-NOELL ENTERPRISES, INC., successor by merger to BNE Land & Development Co., and d/b/a KITTY HAWK LAND COMPANY, a North Carolina corporation, personally appeared before me this day, and being by me duly sworn, says that he executed the foregoing and annexed instrument for and in behalf of the said Boddie-Noell Enterprises, Inc., acting as general partner of THE CURRITUCK ASSOCIATES - RESIDENTIAL PARTNERSHIP, a North Carolina general partnership, and that his 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 19th day of July, 1993, in Book 874, Page 612, and that this instrument was executed under and by virtue of the authority given by said instrument granting him power of attorney.

I do further certify that the said CHARLES J. HAYES, JR. acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and in behalf of the said BODDIE-NOELL ENTERPRISES, INC., acting as general partner of THE CURRITUCK ASSOCIATES - RESIDENTIAL PARTNERSHIP, a North Carolina general partnership.

Witness my hand and official seal, this 2nd day of May, 1996.

Eileen M. Wirth
Notary Public



My commission expires:

10-8-97

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NORTH CAROLINA

CURRITUCK COUNTY

The foregoing certificate of Eileen M. Wirth, Notary of Currituck Co., NC 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.

By Jacqueline R. Gray
Deputy Asst. Register of Deeds

Charles R. Dowdy
Register of Deeds

Filed for registration on the
2 day of May 1986
at 3:40 o'clock P. M.
Charles R. Dowdy
Register of Deeds