

Supp. Declar.
412/378
446/807

394
R/C
501/148
Supp R/C
542/23

Supp. Declar.
586/228
600/832
620/923
632/507
Supp R/C
724/50
Supp Decl
724/821
737/785

Supp R/C
750/901

NORTH CAROLINA BOOK 388 PAGE 569 FILED
CURRITUCK COUNTY '96 AUG 23 AM 8 41
CHARLENE Y. DOWDY
REGISTER OF DEEDS
CURRITUCK COUNTY N.C.
ELECTION TO MODIFY DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

THE CURRITUCK CLUB
PHASES 1 AND 2, LOTS 1 THROUGH 186
COROLLA, POPLAR BRANCH TOWNSHIP,
CURRITUCK COUNTY, NORTH CAROLINA

THIS ELECTION TO MODIFY DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is dated August 19, 1996, and is made by THE CURRITUCK ASSOCIATIONS - RESIDENTIAL PARTNERSHIP, a North Carolina General Partnership (the "Owner") and evidences the Owner's election to modify the rental restriction set out in Article Five, Section 1, of that certain Declaration of Covenants, Conditions and Restrictions recorded in Book 377, Page 281, Currituck County Public Registry, North Carolina, as amended by that certain Declaration recorded in Book 381, Page 468, Currituck County Public Registry (hereinafter collectively referred to as the "Declaration").

R E C I T A L S :

WHEREAS, Article Five, Section 1, of the Declaration states in part that "on Lots 1 through 19, Lots 94, 95 and 96, and on Lots 103 through 112, so as to encourage a more conventional residential character of the neighborhood by way of discouraging high-turnover rentals, the Dwelling Units constructed thereon will be limited to a maximum of two rental turnovers in any twelve (12) calendar month period"; and

WHEREAS, Article Five, Section 1, of the Declaration also provides in part that in such areas of rental restriction the owners of a minimum of ten (10) such affected contiguous lots may elect to remove such restriction by recording an instrument in the Register of Deeds Office in Currituck County evidencing their election to remove such restriction from said owners lots; and

WHEREAS, The Currituck Associates - Residential Partnership is the owner of Lots 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17, Phase 1, The Currituck Club PUD, as shown on that certain map or plat entitled "The Currituck Club PUD - Phase 1" recorded in Plat Cabinet F, Slides 5 through 11, Currituck County Public Registry, which lots are contiguous to each other;

WHEREAS, The Currituck Associates - Residential Partnership is also the owner of Lots 94, 95, 96, 103, 104, 106, 107, 108, 109, 110 and 112, Phase 1, The Currituck Club PUD, as shown on that certain map or plat entitled "The Currituck Club PUD, Phase 1", and recorded in Plat Cabinet F, Slides 5 through 11, Currituck County Public Registry, which lots are contiguous to each other; and

WHEREAS, The Currituck Associates - Residential Partnership as the owner of the above described lots desires to remove the rental restriction from said lots as provided for in Article Five of the Declaration.

NOW, THEREFORE, The Currituck Associates - Residential Partnership hereby elects to and does remove Lots 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17, Phase 1, The Currituck Club PUD, and Lots 94, 95, 96, 103, 104, 106, 107, 108, 109, 110, and 112, Phase 1, The Currituck Club PUD, all as shown on the plat recorded in Plat Cabinet F, Slides 5 through 11, Currituck County Public Registry, from the rental restriction set forth in Article Five, Section 1, of the Declaration. The removal and deletion of the rental restriction as applicable to the hereindescribed lots shall be effective immediately upon recording of this instrument.

As set forth in the Declaration, any other owner of a rental restricted lot contiguous to the hereindescribed lots may elect to remove their lot from the rental restriction as more fully provided for in the Declaration.

IN WITNESS WHEREOF, The Currituck Associates - Residential Partnership has caused this modification to be duly executed under seal as of the date first above written.

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

Boddie-Noell Enterprises, Inc. DBA Kitty Hawk Land Company Its General Partner

By: Charles J. Hayes, Jr. (SEAL) Charles J. Hayes, Jr., Attorney-in-Fact

NORTH CAROLINA CURRITUCK COUNTY

I, Leslie Whitley, a Notary Public for said 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 Currituck, State of North Carolina, on the 21st day of July, 1993, in Book 321, Page 552, and that this instrument was executed under and by virtue of the authority given by said instrument granting him power of attorney.

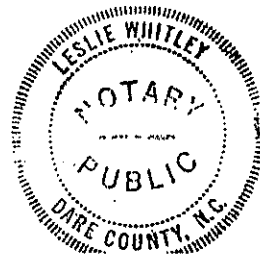
I do further certify that the said CHARLES J. HAYES, JR. acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and in behalf of the said BODDIE-NOELL ENTERPRISES, INC., acting as general partner of THE CURRITUCK ASSOCIATES - RESIDENTIAL PARTNERSHIP,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

Witness my hand and official seal, this 21st day of August, 1996.

Leslie Whitley
Notary Public

My commission expires:

5-10-98



NORTH CAROLINA, CURRITUCK COUNTY

The foregoing certificate(s) of Leslie Whitley Notary of Dare County, N.C. is (are) certified

to be correct. This instrument was presented for registration at 8:41 o'clock A.M., on August 23, 1996, and recorded in Book 388, Page 569.

Charles E. Dawdy
Register of Deeds

By: Nancy R. Bray
ant. Deputy Register of Deeds