

STATE OF NORTH CAROLINA

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CHARLENE Y. DOWDY  
REGISTER OF DEEDS  
CURRITUCK COUNTY N.C.

SUPPLEMENTARY DECLARATION FOR  
WINDSWEPT RIDGE GOLF  
VILLAS CONDOMINIUMS  
A Condominium within  
The Currituck Club Community  
(Phase II)

COUNTY OF CURRITUCK

THIS SUPPLEMENTARY DECLARATION AND AMENDMENT OF WINDSWEPT RIDGE GOLF VILLAS CONDOMINIUMS (the "Supplementary Declaration") is made this 6<sup>th</sup> day of October, 1999, by the SHALLOWBAG BAY DEVELOPMENT, L. L. C., a North Carolina limited liability corporation, in accordance with and pursuant to that certain Declaration of Condominium for Windswept Ridge Golf Villas Condominium (the "Declaration"), dated August 5, 1997, and recorded in Book 409 at Page 656 in the Currituck County Public Registry. The terms of the Declaration are incorporated herein by reference, and all terms given express definition in Article I of the Declaration, or elsewhere in the Declaration, when used herein shall have the same meaning given to them in the Declaration.

WITNESSETH:

WHEREAS, Declarant is permitted, under and subject to the provisions of Article III of the Declaration, to add, from time to time, any portion or portions of the Additional Real Estate, and improvements constructed thereon, to the Condominium; and

WHEREAS, Declarant has constructed upon the portions of the Additional Real Estate described on Exhibit A attached hereto and incorporated herein by reference (hereinafter referred to as "Phase II") one (1) building of the same architectural style as the building located on Phase I constructed on the property described on Exhibit A as Phase II; and

WHEREAS, Declarant desires to subject Phase II and all improvements located thereon to the terms and provision of the Declaration and of Chapter 47C of the North Carolina General Statutes (the North Carolina Condominium Act);

NOW, THEREFORE, Declarant does hereby publish and declare the following:

1. The property identified as Phase II on the attached Exhibit A is held, and shall be held, conveyed, hypothecated, encumbered, used, occupied and improved subject to the restrictions, covenants, conditions, uses, limitations and obligations set forth in the Declaration and this Supplementary Declaration, all of which are declared and agreed to be in furtherance of the plan of the division of such property into condominium units, and shall be deemed to run with Phase II and shall be a burden and benefit to the Declarant, its successors and assigns, and any person acquiring or owning an interest in Phase II land and improvements located thereon, their grantees, successors, heirs, administrators, devisees and assigns. Every grantee of any interest in the Phase II land, by the acceptance of a deed or other conveyed of such interest, whether or not such person shall otherwise consent in writing, shall take subject to the provisions of the North Carolina Condominium Act, the Declaration, this Supplementary Declaration and any subsequent supplementary declaration, and shall be deemed to have assented to the same.
2. Phase II of Windswept Ridge Golf Villas Condominium contains one (1) building designated as Building 4 on the site plan which site plan and plans of the type units shall be or have been filed in the Condo. Book 1, Slides 120-123 and in the Office of the Register of Deeds of Currituck County, North Carolina.

The plans and site plan show graphically the building; the particulars of the buildings; including the location, layout, number of rooms, dimensions, ceiling and floor elevations, approximate area, the building designation and unit numbers; and the location of the common area and facilities affording access to each unit. The Phase II units are located, respectively, at the addresses and are at disparate size constructed according to the basic floor plans all set forth in Exhibit B attached hereto. Each unit designated by a letter in the plans.

- 3. Declarant hereby designates that Phase II is comprised of fifteen (15) units, common areas, limited common areas, and that those portions of Phase II and improvements located thereon, which are units, common areas, and limited common areas are as described and set forth in the Declaration and as shown on the plans filed in Condo. Book 1, Slides 120-123
- 4. Effective as of the date of this Supplementary Declaration, the percentage interest of each unit theretofore and hereby made a part of the condominium property is as set forth on Exhibit B attached hereto and incorporated herein by reference. Said Exhibit B shall supplement Exhibit B attached to the Declaration and Exhibits B on any previously recorded Supplementary Declarations and the Percentage interests appurtenant to the units in Phase I shall be reduced to those amounts shown on Exhibit B attached hereto effective as of the date of this Supplementary Declaration.
- 5. As to the Phase II Units, the annual assessments provided for in Article VI of the Declaration shall commence as to all Units in the building on the first day of the month following the conveyance of the first Unit in that Building by the Declarant.

IN WITNESS WHEREOF, the Declarant has executed this Supplementary Declaration under seal the day and year first written.

SHALLOWBAG BAY DEVELOPMENT COMPANY, LLC

By: [Signature]  
Ray E. Hollowell, Jr., Manager

STATE OF NORTH CAROLINA  
COUNTY OF TYRRELL

I, the undersigned, a Notary Public for the County and State aforesaid, do hereby certify that Ray E. Hollowell, Jr., Manager of Shallowbag Bay Development Company, LLC, a North Carolina limited liability company, personally appeared before me this day and acknowledged the due execution of the foregoing instrument in writing.

WITNESS my hand and notarial seal this 11th day of October, 1999.

[Signature]  
Notary Public

PENNY C. BEASLEY  
NOTARY PUBLIC  
TYRRELL COUNTY, N.C.

My Commission Expires: 12-10-99

## EXHIBIT A

TO

SUPPLEMENTARY DECLARATION AND AMENDMENT TO  
WINDSWEPT RIDGE GOLF VILLAS CONDOMINIUMS PHASE II

Lying and being located in Poplar Branch Township, Currituck County, North Carolina, and being more particularly described as follows:

Running from a point on Hunt Club Drive, a private right-of-way of 40 feet, and marking a corner of Phase 3 of the Currituck Club and the northwest corner of Windswept Ridge at the Currituck Club, North 48 deg. 34 min. 46 sec. East 175.61 feet to a point. Thence along lands of Currituck Associates - Golf Course Partnership and the aforesaid Windswept Ridge at the Currituck Club South 39 deg. 06 min. 00 sec. East 15.30 feet to a point. Thence along lands of Currituck Associates - Golf Course Partnership and the aforesaid Windswept Ridge at the Currituck Club South 44 deg. 49 min. 07 sec. East 84.87 feet to a point. Thence along lands of Currituck Associates - Golf Course Partnership and the aforesaid Windswept Ridge at the Currituck Club South 47 deg. 59 min. 53 sec. East 78.14 feet to a point. Thence along lands of Currituck Associates - Golf Course Partnership and the aforesaid Windswept Ridge at the Currituck Club South 69 deg. 57 min. 51 sec. East 17.19 feet to a point marking the place of beginning.

Thence from the place of beginning South 04 deg. 39 min. 33 sec. East 300.94 feet to a point. Thence South 59 deg. 05 min. 32 sec. West 204.79 feet to a point. Thence North 22 deg. 38 min. 19 sec. West 35.06 feet to a point. Thence South 00 deg. 33 min. 28 sec. East 16.55 feet to a point. Thence North 11 deg. 16 min. 45 sec. East 67.91 feet to a point. Thence North 68 deg. 53 min. 05 sec. West 19.45 feet to a point. Thence North 10 deg. 01 min. 25 sec. East 29.49 feet to a point. Thence South 75 deg. 07 min. 13 sec. East 20.02 feet to a point. Thence North 13 deg. 08 min. 12 sec. East 30.12 feet to a point. Thence North 77 deg. 36 min. 33 sec. West 20.23 feet to a point. Thence North 09 deg. 38 min. 14 sec. East 11.75 feet to a point. Thence South 08 deg. 04 min. 37 sec. East 20.10 feet to a point. Thence North 05 deg. 49 min. 47 sec. East 20.25 feet to a point. Thence South 89 deg. 56 min. 40 sec. West 18.01 feet to a point. Thence North 00 deg. 18 min. 01 sec. West 43.90 feet to a point. Thence North 05 deg. 12 min. 19 sec. East 25.37 feet to a point. Thence North 08 deg. 49 min. 52 sec. West 40.59 feet to a point. Thence North 45 deg. 31 min. 27 sec. East 158.48 feet to the point and place of beginning. Said parcel being designated as "PROPOSED BUILDING 4" as shown on that certain plat (the "Windswept Ridge Plat") entitled "WINDSWEPT RIDGE AS THE CURRITUCK CLUB, LOT 1 MINOR SUBDIVISION, FINAL PLAT", prepared by Dissell Professional Group, dated 11-17-1998, and recorded in Plat Cabinet F, Slide 354, Currituck County Public Registry.

LESS AND EXCEPT, and Grantor hereby reserves unto itself, its successors and assigns, and Grantee by its acceptance hereof grants and conveys unto Grantor, its successors and assigns, nonexclusive easements for vehicular and pedestrian ingress, egress and regress over, across, through and under all portions of the access road designated "SAND AND SEA COURT" on the Windswept Ridge Plat and all portions of the drives and parking areas designated "ASPHALT PARKING AND DRIVES" on the Windswept Ridge Plat.

EXHIBIT B  
TO DECLARATION OF WINDSWEPT RIDGE GOLF VILLAS  
PERCENT INTEREST CHART

PHASE I

Bldg No.	Unit Designation on Plans	Address	Unit Type and Location	Percent Interest
5	511	511 Sand and Sea Court	**See Plans	3.333
5	512	512 Sand and Sea Court	Located in Unit	3.333
5	513	513 Sand and Sea Court	Ownership File**	3.333
5	514	514 Sand and Sea Court	" "	3.333
5	515	515 Sand and Sea Court	" "	3.333
5	521	521 Sand and Sea Court	" "	3.333
5	522	522 Sand and Sea Court	" "	3.333
5	523	523 Sand and Sea Court	" "	3.333
5	524	524 Sand and Sea Court	" "	3.333
5	525	525 Sand and Sea Court	" "	3.333
5	531	531 Sand and Sea Court	" "	3.333
5	532	532 Sand and Sea Court	" "	3.333
5	533	533 Sand and Sea Court	" "	3.333
5	534	534 Sand and Sea Court	" "	3.333
5	535	535 Sand and Sea Court	" "	3.333

PHASE II:

Bldg No.	Unit Designation on Plans	Address	Unit Type and Location	Percent Interest
4	411	655A Sand and Sea Court	** See Plans	3.333
4	412	655B Sand and Sea Court	Located in	3.333
4	413	655C Sand and Sea Court	Condo. Book 1	3.333
4	414	655D Sand and Sea Court	Slides 120-123	3.333
4	415	655E Sand and Sea Court	" "	3.333
4	421	655F Sand and Sea Court	" "	3.333
4	422	655G Sand and Sea Court	" "	3.333
4	423	655H Sand and Sea Court	" "	3.333
4	424	655I Sand and Sea Court	" "	3.333
4	425	655J Sand and Sea Court	" "	3.333
4	431	655K Sand and Sea Court	" "	3.333
4	432	655L Sand and Sea Court	" "	3.333
4	433	655M Sand and Sea Court	" "	3.333
4	434	655N Sand and Sea Court	" "	3.333
4	435	655O Sand and Sea Court	" "	3.333

EXHIBIT C  
TO  
DECLARATION OF WINDSWEEP RIDGE GOLF VILLAS

ENCUMBRANCES UPON TITLE

The Condominium is subject to:

- a. Terms, conditions and restrictions of the Declaration, the Bylaws, the Plans and the Rules and Regulations, if any, as each may be amended from time to time.
- b. Easements, conditions, restrictions and agreements set forth in Schedule B of The Title Company Title Insurance Company's Owners Title Policy No. SV-3037880, dated February 8, 1999 a copy of which is attached hereto, including the Master Declaration of Covenants, Conditions and Restrictions for Windswept Ridge Golf Villas.
- c. Unrecorded easements, discrepancies or conflicts in boundary lines, shortage in area encroachments which an accurate and complete survey would disclose, including any easements and encroachments as shown on the Plat and Plans.
- d. Easements and restrictions described in Articles IV and V of the Declaration including:
  - (i) Easements in favor of the appropriate utility companies to serve the Condominium Property and all appurtenances thereto;
  - (ii) Easements in favor of the Association and to such persons as authorized by the Association for utility installations within the walls of the Unit;
  - (iii) An easement in favor of the Association, a Unit Owner, the Executive Board or any other person as permitted under the Condominium Documents to inspect, maintain, repair and replace the Common Elements;
  - (iv) Easements in favor of the Declarant, the Association, appropriate utility and service companies and governmental agencies and authorities for such utility and service lines and equipment as may be necessary or desirable over the Units and the Common Elements to serve any portion of the Condominium Property;
  - (v) Easements reserved by the Declarant through the Common Elements as reasonably necessary for discharging its obligations under the Condominium Documents and completion of construction of the Condominium;
  - (vi) Easements reserved by the Declarant to maintain sales offices or models in the Condominium on the condominium Property;
  - (vii) Easements reserved by the Declarant and Declarant's mortgagee to provide access and utilities to the Additional Property.

The foregoing certificate of Penny C. Beasley a Notary Public of Tyrrell County, State of North Carolina, 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.

Charlene Y Dandy REGISTER OF DEEDS FOR CURRITUCK COUNTY  
Natalie R Swiddy ~~Deputy~~/Assistant Register of Deeds

Unofficial