

Prepared by and return to:
Vandevanter Black LLP
P.O. Box 1042
Kitty Hawk, NC 27949



NORTH CAROLINA
DARE COUNTY

FIFTH AMENDMENT TO CONDOMINIUM INSTRUMENTS FOR BALLAST POINT VILLAS CONDOMINIUM

THIS FIFTH AMENDMENT to Condominium Instruments for Ballast Point Villas Condominium is made this 11th day of April, 2002, by ROANOKE PROPERTIES LIMITED PARTNERSHIP, a North Carolina limited partnership ("Declarant") of P.O. Box 1879, Manteo, NC 27954.

RECITALS:

A) THAT WHEREAS, the Declarant has caused certain Condominium Instruments creating Ballast Point Villas Condominium in the Town of Manteo, Nags Head Township, Dare County, North Carolina, to be recorded on May 4, 1998, in Deed Book 1180 at page 68, and in Unit Ownership File 5, Slides 162, 163, 164, and 165, and recorded on January 28, 1999, in Book 1238, Page 639, in Deed Book 1271 at Page 799 and Plat Cabinet E, Slides 96 and 97, in Deed Book 1350 at Page 62 and in Unit Ownership File 5, Slides 229-230, in the Office of the Register of Deeds of Dare County, North Carolina; and whereas, Section 47C-2-110 of the North Carolina Condominium Act and Article 3 of the Declaration of Condominium permit the Declarant to add specified numbers of Condominium Units to the Condominium from time to time within 20 years of the recordation of the Declaration; and whereas, the Declarant has complied with the provisions of Article 3 of the Declaration and Section 47C-2-110 of the North Carolina Condominium Act and pursuant thereto Declarant amended the Declaration by filing that Fourth Amendment to Condominium Instruments for Ballast Point Villas Condominium which added Building 15 Ballast Point Townhomes, as more particularly described in Deed Book 1362 at Page 95 of the Dare County Registry and modified by that Revised Fourth Amendment to Condominium Instruments recorded in Book 1377 at Page 171 of the Dare County Registry (the "Fourth Amendment");

B) That Declarant now wishes to amend the Declaration to add Building 16 Ballast Point Townhomes consisting of four condominium units: Nos. 1601, 1602, 1603 and 1604 and related Limited Common Elements to the Condominium as hereinafter provided.

NOW, THEREFORE, pursuant to and in compliance with Article 3 of the Declaration and Section 47C-2-110 of the North Carolina Condominium Act, the Declarant hereby amends the Declaration by filing this Revised Fourth Amendment to Condominium Instruments for Ballast Point Villas Condominium as follows:

1. Building 16, Ballast Point Townhomes, consisting of four (4) Condominium Unit Nos. 1601, 1602, 1603, and 1604 and related Limited Common Elements more particularly described on that plat and plans of Ballast Point Condominium, Building 16, Ballast Point Villas Townhomes, dated October 31, 2001, prepared by Bissell Professional Group and recorded in Unit Ownership File 5, Slides 308 - 310, Dare County Registry, which Plat and Plans are incorporated herein by reference, are hereby added to the Condominium.

2. Pursuant to Section 47C-2-107 of the North Carolina Condominium Act, the respective interests of each Condominium Unit in the Common Elements of the Condominium, liability for Common Expenses, and Votes in the Association are set forth on the Schedule of Unit Information attached hereto as Exhibit A, which is incorporated herein by reference.



3. The additional certification required pursuant to Section 47C-2-109 of the North Carolina Condominium Act is a part of the said Plat and Plans of Ballast Point Villas Condominium, Building 16, Ballast Point Townhomes.

IN WITNESS WHEREOF, Roanoke Properties Limited Partnership, a North Carolina Limited Partnership, has caused this instrument to be executed pursuant to due authority, the day and year first above written.

ROANOKE PROPERTY LIMITED PARTNERSHIP
a North Carolina Limited Partnership (SEAL)

By: GLENN ELLIOTT FUTRELL, INC.,
ITS MANAGING GENERAL PARTNER (SEAL)

By: *Glenn E. Futrell*
Glenn E. Futrell, President

NORTH CAROLINA
DARE COUNTY

I, the undersigned Notary Public, do hereby certify that Glenn E. Futrell personally came before me this day and acknowledged that he is President of Glenn Elliott Futrell, Inc., a North Carolina Corporation, and that he, as President, being authorized to do so, executed the foregoing on behalf of the Corporation.

WITNESS my hand notarial stamp/seal, this the 17th day of April, 2002.

Common Expires: 2/21/03

*Beth A. Raymond
Notary Public*



NORTH CAROLINA
DARE COUNTY

The foregoing certificate of Beth A. Raymond 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 and in the book and page shown on the first page hereof.

Babara M. Gray Register of Deeds for Dare County

Unofficial Copy

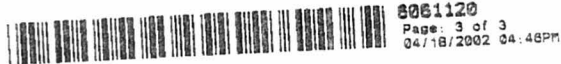


EXHIBIT A

SCHEDULE OF UNIT INFORMATION

Location Elements	Unit	Number Of Votes	Percentage (%) Interest in the Common
Bldg. #12	1211	1	2.00
Bldg. #12	1212	1	2.00
Bldg. #12	1213	1	2.00
Bldg. #12	1214	1	2.00
Bldg. #12	1215	1	2.00
Bldg. #12	1221	1	2.00
Bldg. #12	1222	1	2.00
Bldg. #12	1223	1	2.00
Bldg. #12	1224	1	2.00
Bldg. #12	1225	1	2.00
Bldg. #12	1231	1	2.00
Bldg. #12	1232	1	2.00
Bldg. #12	1233	1	2.00
Bldg. #12	1234	1	2.00
Bldg. #12	1235	1	2.00
Bldg. #13	1311	1	2.00
Bldg. #13	1312	1	2.00
Bldg. #13	1313	1	2.00
Bldg. #13	1314	1	2.00
Bldg. #13	1315	1	2.00
Bldg. #13	1321	1	2.00
Bldg. #13	1322	1	2.00
Bldg. #13	1323	1	2.00
Bldg. #13	1324	1	2.00
Bldg. #13	1325	1	2.00
Bldg. #13	1331	1	2.00
Bldg. #13	1332	1	2.00
Bldg. #13	1333	1	2.00
Bldg. #13	1334	1	2.00
Bldg. #13	1335	1	2.00
Bldg. #14	1411	1	2.00
Bldg. #14	1412	1	2.00
Bldg. #14	1413	1	2.00
Bldg. #14	1414	1	2.00
Bldg. #14	1421	1	2.00
Bldg. #14	1422	1	2.00
Bldg. #14	1423	1	2.00
Bldg. #14	1424	1	2.00
Bldg. #14	1431	1	2.00
Bldg. #14	1432	1	2.00
Bldg. #14	1433	1	2.00
Bldg. #14	1434	1	2.00
Bldg. #15	1501	1	2.00
Bldg. #15	1502	1	2.00
Bldg. #15	1503	1	2.00
Bldg. #15	1504	1	2.00
Bldg. #16	1601	1	2.00
Bldg. #16	1602	1	2.00
Bldg. #16	1603	1	2.00
Bldg. #16	1604	1	2.00