



NORTH CAROLINA
DARE COUNTY

PREPARED BY AND RETURN TO:
LINDA H. McCOWN

AMENDED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
DUKE WOODS SUBDIVISION

This Amended Declaration of Covenants, Conditions and Restrictions made and declared this 21st day of July, 2006, by ORVILLE BEACH WEST, INC., a North Carolina Corporation, hereinafter called "Declarant."

WITNESSETH:

WHEREAS, Declarant is the developer and the owner of certain real property shown on that plat entitled "Plat of Duke Woods Subdivision." Nags Head Township, Dare County, North Carolina, showing twenty-three (23) lots on Roanoke Island, Nags Head Township, Dare County, North Carolina, prepared by Seaboard Surveying and Planning, Inc., and recorded in Plat Cabinet G at Slide 31, Dare County Registry; and

WHEREAS, Declarant has heretofore executed a Declaration of Covenants, Conditions and Restrictions for Duke Woods Subdivision (hereinafter called the "DECLARATION") recorded on the 15th day of March, 2005 in Deed Book 1619 at Page 152; and

WHEREAS, the Declarant reserved the right to amend the DECLARATION in paragraph number twenty-two (22) of said DECLARATION; and

WHEREAS, it is the intent and purpose of this Declarant to Amend the Covenants, Conditions, and Restrictions which shall apply to Lots 1 through 19 of the land shown on the aforesaid described plat;

THEREFORE, Declarant does hereby amend the previously recorded DECLARATION, and said amendment shall run with the lands and lots shown on the plat herein-before described, and said covenants, conditions and restrictions shall be binding on all parties, entities or person purchasing real property shown on the aforesaid plat or their heirs or designees or any other person claiming under them.

PART THREE OF THE COVENANTS, CONDITIONS AND RESTRICTIONS ARE AMENDED AS FOLLOWS:

PART THREE: STRUCTURES

1. To insure that there shall exist a common scheme of development throughout the subdivision, all site plans, which shall include house plans, shall be submitted to the Declarant, its successors and/or assigns, for approval thereof. Once the plans have been submitted, Declarant shall notify the person submitting plans for approval



within fifteen (15) days of receipt (said receipt being evidenced by signature and date or certified return receipt requested), of whether or not said plans are approved. Should Declarant and/or its successors and assigns fail to notify the lot owner submitting the plans within fifteen days of receipt thereof, said plans shall be deemed approved.

2. The exterior of any residence or other improvement or alterations must be completed within nine (9) months of the commencement of construction of said residence.
3. All building, structures and their appurtenances shall be maintained in a suitable state of repair; and in the event of destruction by fire or other casualty, premises are to be cleared and debris removed within ninety (90) days from the date of such casualty.

IN WITNESS WHEREOF Declarant and all lot owners have caused this instrument to be executed the day and year first above written.

ORVILLE BEACH WEST, INC.

By: *Linda H. McCown* (SEAL)
Linda H. McCown, President

CURRENT LOT OWNERS OTHER THAN DECLARANT:

Wallace H. McCown, Jr. (SEAL)
Wallace H. McCown, Jr.

Linda H. McCown (SEAL)
Linda H. McCown

Susan Cameron McCown (SEAL)
Susan Cameron McCown

By: *Linda H. McCown* (SEAL)
Linda H. McCown, Attorney-In-Fact

NORTH CAROLINA, COUNTY OF TYRRELL

I, Penny C Beasley, a Notary Public of the County and State aforesaid, certify that **Linda H. McCown**, personally came before me this day and acknowledged that she is **President** of **ORVILLE BEACH WEST, INC.**, A North Carolina Corporation, and that she, as **President**, being authorized to do so, executed the foregoing instrument.

Witness my hand and official stamp or seal, this the 21st day of June, 2006.

(SEAL-STAMP)

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

Penny C. Beasley
Notary Public

My commission expires: 12-10-09



NORTH CAROLINA, COUNTY OF TYRRELL

I, Penny C Beasley, a Notary Public of the County and State aforesaid, certify that **Wallace H. McCown, Jr.**, married, and **Linda H. McCown**, unmarried, personally came before me this day and acknowledged the execution of the foregoing instrument.

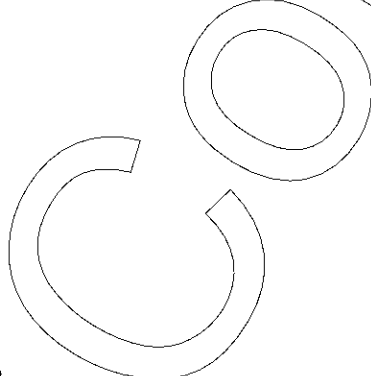
Witness my hand and official stamp or seal, this the 21st day of June, 2006.

(SEAL-STAMP)

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

Penny C. Beasley
Notary Public

My commission expires: 12-10-09



NORTH CAROLINA, COUNTY OF TYRRELL

I, Penny C Beasley, a Notary Public of the aforesaid County and State, do hereby certify that **Linda H. McCown**, Attorney-In-Fact for **Susan Cameron McCown**, personally appeared before me this day, and being by me duly sworn, says that she executed the foregoing and annexed instrument for and in behalf of **Susan Cameron McCown**, and that her authority to execute and acknowledged said instrument is contained in an instrument duly executed, acknowledged, and recorded in the office of the Register of Deeds of Dare County, North Carolina, on the 13th day of June, 2000, in Book 1332, Page 77, and that this instrument was executed under and by virtue of the authority given by said instrument granting her power of attorney; that the said **Linda H. McCown** acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and in behalf of the said **Susan Cameron McCown**.

Witness my hand and notarial seal this 21st day of June, 2006.

(SEAL-STAMP)

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

Penny C. Beasley
Notary Public

My commission expires: 12-10-09

