

By an  
to:  
Cl. Gaw, Jr.  
Kitty Hawk, N.C.

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BOOK 313 PAGE 303

ALVA G. WISE  
REGISTER OF DEEDS  
DUNES SOUTH COUNTY, N.C.

NORTH CAROLINA

DARE COUNTY

AMENDMENT TO

DECLARATION OF COVENANTS AND RESTRICTIONS

Whereas, First Flight Builders, Inc., hereinafter the Developer, is the fee simple owner of that certain tract or parcel of land shown and delineated on that certain map or plat entitled "Dunes South", dated April 17, 1980, by Quible & Associates, Inc., and recorded in Plat Cabinet A, Slides 258 and 259, in the office of the Register of Deeds of Dare County, North Carolina; and

Whereas, ARTICLE III, makes provision for certain property rights and easements in the Common Areas; and

Whereas, ARTICLE VI sets forth certain limitations and restrictions in the use of the property in the planned unit development as well as providing that the Common Areas may be used as provided by the Declaration and Amendments thereto; and

Whereas, ARTICLE VII, Section 1, states that the Declaration may be amended at any time by an instrument signed by Members holding not less than two-thirds of the votes of all classes of membership; and

Whereas, the Developer, the Association, and the Owners deem it desirable and in the best interest of the parties hereto to allow certain Dwelling Units or portions thereof to be constructed across and outside the boundaries of the Lots as delineated on the aforesaid recorded plat of Dunes South, provided the total number of Dwelling Units within the planned unit development is not increased, and the original plan and scheme of development is maintained, except that the position of certain Dwelling Units may be altered as permitted by this Amendment; and

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& ARCHBELL  
ATTORNEYS AT LAW  
KITTY HAWK, N. C.

Whereas, the signatures subscribed hereto are all the signatures of the Class A and Class B Members entitled to vote on amendments to the Declaration, and by signing their names below, the Developer, the Owners, the Members (both Class A and Class B) and the Association vote for, approve, agree, and consent to the Amendment of the Declaration of Covenants and Restrictions of Dunes South, a Planned Unit Development;

NOW, THEREFORE, the Developer, the Association, and the Members (both Class A and B) of the Association, do declare and make known the following Amendment to ARTICLE III of the Declaration of Covenants and Restrictions of Dunes South and such other Articles of said Declaration inconsistent with the following Amendment, said original covenants and amendments thereto to be binding upon all Owners of Lots as shown on said plat and run with the land shown thereon.

ARTICLE III

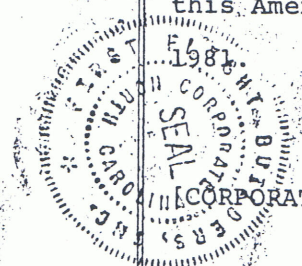
Property Rights and Common Areas

Section 4. Owner's Building and Utility Easement. The Parties hereto hereby give, grant, and convey to the Developers, Association, and Owners, their heirs, successors and assigns, and particularly the Owners of Lots Nos. 11, 12, 15, 16, 17, 18, 21, 22, 25, and 26, of Dunes South, a Planned Unit Development, as shown and delineated on that certain plat recorded in Plat Cabinet A, Slides 258 and 259, in the office of the Register of Deeds of Dare County, North Carolina, a perpetual right and easement to construct, or erect, build, repair and maintain Dwelling Units or portions thereof across and outside the Lot lines as shown on the Dunes South recorded plat and upon the Common Areas of the Association, as well as an easement for any utilities necessary for the use and enjoyment of said Dwelling Units built or to be built on the aforesaid Lots. The right and easements shall extend a distance of three feet in all directions from the original building foundation which supports the exterior load bearing walls (excluding foundations of porches, decks, stoops, stairways, and walkways). The easement and rights shall be appurtenant to and

run with each of the aforesaid Lots subject to the following terms and conditions: (1) the total number of Dwelling Units within the Planned Unit Development shall not be increased beyond the number shown on the said recorded plat of Dunes South; (2) some portion of the foundation of the Dwelling Unit shall lie within the boundary and upon some portion of the Lots as shown and delineated on said recorded plat of Dunes South (it being the intention of the parties hereto that a portion of the building as constructed shall be within the boundaries and upon one of the Lots as shown on the aforementioned plat).

Except as herein amended, said original Declaration of Covenants and Restrictions and prior Amendments thereto shall remain in full force and effect.

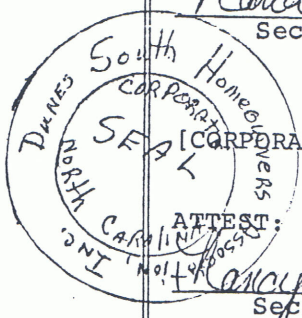
IN WITNESS WHEREOF, the parties hereto have executed this Amendment to the Declaration this 24 day of June,



FIRST FLIGHT BUILDERS, INC.

By: [Signature]  
President

ATTEST:  
[Signature]  
Secretary



DUNES SOUTH HOMEOWNERS ASSOCIATION, INC.

By: [Signature]  
President

ATTEST:  
[Signature]  
Secretary

- [Signature] (SEAL)
- Faye M. Enkin (Lot No. 27 )
- [Signature] (SEAL)
- [Signature] (Lot No. 27 )
- [Signature] (SEAL)
- [Signature] (Lot No. 28 )
- [Signature] (SEAL)
- [Signature] (Lot No. 28 )

SHEARIN, GAW & ARCHBELL ATTORNEYS AT LAW KITTY HAWK, N. C.



*[Signature]* (SEAL)  
 (Lot No. 31 )

*Margaret A. Cook* (SEAL)  
*Herbert M. Brewer* (SEAL)  
 (Lot No. 32 )

*Susan M. Bruyer* (SEAL)  
*W. T. B...* (SEAL)  
 (Lot No. 30 )

*Linda M. Brown* (SEAL)  
*Beatrice...* (SEAL)  
 (Lot No. 29 )

*Nancy Friedman* (SEAL)  
 (Lot No. )

\_\_\_\_ (SEAL)  
 (Lot No. )

\_\_\_\_ (SEAL)  
 (Lot No. )

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NORTH CAROLINA

DARE COUNTY

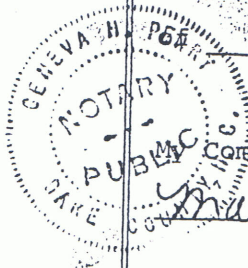
This is to certify that on the 24 day of June,  
 1981, before me personally came Nancy Friedman,  
 with whom I am personally acquainted, who, being by me duly  
 sworn, says that She is the (Assistant) Secretary and

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 & ARCHBELL  
 ATTORNEYS AT LAW  
 KITTY HAWK, N. C.



Gerald J. Friedman is the (Vice) President of FIRST FLIGHT BUILDERS, INC., the corporation described in and which executed the foregoing instrument; that he knows the common seal of said corporation; that the seal affixed to the foregoing instrument is said common seal, and the name of the corporation was subscribed thereto by the said (Vice) President, and that said (Vice) President and (Assistant) Secretary subscribed their names thereto, and said common seal was affixed, all by order of the board of directors of said corporation, and that the said instrument is the act and deed of said corporation.

WITNESS my hand and notarial seal, this the 24 day June, 1981.



Commission Expires:

March 26, 1985

Geneva H. Perry  
Notary Public

NORTH CAROLINA

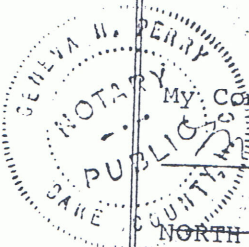
DARE COUNTY

This is to certify that on the 24 day of June, 1981, before me personally came Nancy Friedman, with whom I am personally acquainted, who, being by me duly sworn, says that she is the (Assistant) Secretary and Gerald J. Friedman is the (Vice) President of DUNES SOUTH HOMEOWNERS ASSOCIATION, INC., the corporation described in and which executed the foregoing instrument; that he knows the common seal of said corporation; that the seal affixed to the foregoing instrument is said common seal, and the name of the corporation was subscribed thereto by the said (Vice) President, and that said (Vice) President and (Assistant) Secretary subscribed their names thereto, and said

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& ARCHBELL  
ATTORNEYS AT LAW  
KITTY HAWK, N. C.

common seal was affixed, all by order of the board of directors of said corporation, and that the said instrument is the act and deed of said corporation.

WITNESS my hand and notarial seal, this the 24 day of June, 1981.



My Commission Expires:

March 26, 1985

Geneva H. Perry  
Notary Public

~~NORTH CAROLINA~~ State of Va

~~DARE COUNTY~~ City of Norfolk

I, the undersigned notary public, do hereby certify that D. W. DeCook, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

WITNESS my hand and notarial seal this the 25<sup>th</sup> day of June, 1981.

Sharon M. Black  
Notary public

My Commission Expires:

12-4-81

~~NORTH CAROLINA~~ State of Va

~~DARE COUNTY~~ City of Norfolk

I, the undersigned notary public, do hereby certify that Mary Lou H. DeCook, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

WITNESS my hand and notarial seal this the 25<sup>th</sup> day of June, 1981.

Sharon M. Black  
Notary Public

My Commission Expires:

12-4-81

SHEARIN, GAW  
& ARCHBELL  
ATTORNEYS AT LAW  
KITTY HAWK, N. C.

STATE OF VIRGINIA

COUNTY/CITY OF NORFOLK

I, the undersigned notary public, do hereby certify that ABRAHAM J. KALEVS AND VIKKI C. KALEVS personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

WITNESS my hand and notarial seal this the 25th day of June, 1981.

My Commission Expires: Barbara S. J.  
Notary Public

February 23, 1985

STATE OF VIRGINIA

~~COUNTY~~/CITY OF NORFOLK

I, the undersigned notary public, do hereby certify that Stuart L. Nachman, Faye N. Orkin and Frederic Orkin, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

WITNESS my hand and notarial seal this the 25th day of June, 1981.

My Commission Expires: Barbara S. J.  
Notary Public

February 23, 1985

STATE OF Virginia

COUNTY/CITY OF Norfolk

I, the undersigned notary public, do hereby certify that Sharon M. Brewster, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

WITNESS my hand and notarial seal this the 25th day of June, 1981.

My Commission Expires: Sharon M. Brewster  
Notary Public

12-4-81

SHEARIN, GAW  
& ARCHBELL  
ATTORNEYS AT LAW  
KITTY HAWK, N. C.



STATE OF Virginia  
COUNTY/CITY OF Norfolk

I, the undersigned notary public, do hereby certify that Willie T & Linda D. Brown, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

WITNESS my hand and notarial seal this the 25th day of June, 1981.

My Commission Expires: 12-4-81  
Sharon M. Black  
Notary Public



NORTH CAROLINA  
DARE COUNTY

The foregoing certificates of GENEVA H. PERRY, a Notary Public of Dare County, North Carolina; SHARON M. BLACK, a Notary Public of the City of Norfolk, State of Virginia; BARBARA S. JENNINGS, a Notary Public of the City of Norfolk, State of Virginia, are adjudged to be correct.

This instrument and this certificate are duly registered in this office in the Book and at the Page and on the date and at the time shown on the first page hereof.

Alvin H. Wise  
REGISTER OF DEEDS

Recorded 7-10-81

BY: \_\_\_\_\_  
ASSISTANT REGISTER OF DEEDS