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Page: 1 of 4  
07/19/2007 04:31P

STATE OF NORTH CAROLINA

COUNTY OF DARE

Amendment to Declaration of Condominium  
for The Landings at Sugar Creek

**THIS AMENDMENT TO DECLARATION**, made this 19<sup>th</sup> day of July, 2007, by NORTH AVON CONDO GROUP, LLC, ("Developer" or "Declarant"), pursuant to the North Carolina Condominium Act, Chapter 47C, North Carolina General Statutes.

**WITNESSETH:**

**WHEREAS**, Declarant filed Declarations of Condominium for The Landings at Sugar Creek in Book 1735, Page 279 of the Dare County Registry;

The Declaration of Condominium for Maritime Woods Business Park is hereby amended as follows:

1. Article 2 of the Declaration is hereby replaced in its entirety with the following:

ARTICLE 2

SURVEY AND DESCRIPTION OF IMPROVEMENTS

A survey of the land and plat and plans of the improvements constituting the Condominium, identifying the Condominium Units, the Common Elements and the Limited Common Elements, as said terms are herein defined, and containing the information required by N.C. Gen. Stat. § 47C-2-109(b) and (c) is recorded in the office of the Register of Deeds of Dare County in the map book identified in Exhibit "F," said survey and plat and plans being incorporated herein by reference. Said survey and plat and plans are sometimes collectively referred to herein as Exhibit "F." Each Condominium Unit is identified by a specific number on said Exhibit "F", and no Condominium Unit bears the same number as any other Condominium Unit. The Condominium Units are numbered 101 through 103 and 201 through 204, as shown on Exhibit "F".



2. Article 3, Section 3.7 of the Declaration is hereby replaced in its entirety with the following:

Section 3.7 Condominium Units. "Condominium Units" or "Units," as such terms are used herein, shall mean a physical portion of the Condominium designated for separate ownership, the boundaries of which are hereinafter defined and shown on Exhibit "F."

The walls, floors, and ceilings of the Units hereby are designated as the boundaries of each respective Unit. The lower horizontal boundary of each Unit is the unfinished flooring or surface on the ground floor, and the upper horizontal boundary of each Unit is the ceiling of the third story, both of which are shown and designed on Exhibit "F."

3. Article 6, Section 6.6 of the Declaration is hereby replaced in its entirety with the following:

Section 6.6 Timesharing Prohibition. No Unit may be used for, nor shall any Owner permit the use of a Unit for, a timesharing, fraction-sharing or similar program whereby the right to exclusive right of the Unit rotates among participants in the program on a fixed or floating time schedule over a period of years.

In addition to the foregoing, the Condominium is subject to those matters affecting the Property set forth on Exhibit "C" attached hereto and incorporated herein by reference.

4. There were erroneously included in the Declaration two "Exhibit 'F'" addendums. The second "Exhibit F" itemizing Permitted Exceptions to the Declaration of Condominium is hereby set forth and referred to as "Exhibit G":

#### Exhibit G

##### Permitted Exceptions

1. Any and all matters as may be revealed by an accurate survey of the property by a registered surveyor.
2. Taxes for the year 2007 and all subsequent years.
3. Deed of Trust, Security Agreement, Assignment of Leases and Rents, and Fixture Filing in favor of LaSalle Bank National Association recording in Book 1617 at page 362, Dare County Public Registry.
4. Assignment of Rents and Leases in favor of LaSalle Bank National Association recorded in Book 1617 at page 363, Dare County Public Registry.



5. Uniform Commercial Code Financing Statement in favor of LaSalle Bank National Association recorded in Book 1677 at page 384 of the Dare County Public Registry and in the Office of the North Carolina Secretary of State.
5. Subject to matters shown on that map or plat recorded in Book 2 at page 203, Dare County Public Registry.
6. Easement in favor of North Carolina Power Company (formerly known as Virginia Electric Power Company) recorded in Book 519 at page 429, Dare County Public Registry.
7. Subject to the rights or the public and the State of North Carolina, if any, to (1) lands lying below the mean high water mark, (2) lands that have been created by artificial means, (3) riparian rights; and subject also to the rights of the Federal Government's control over navigable waters, and public rights of access to any navigable waters.
8. Utility and general service easements of record.
9. Tri-Party Agreement for maintenance of on-site waste water treatment system recorded in the Dare County Public Registry subsequent to the recordation of this Declaration.
10. Agreement regarding improvement of Gray Eagle Street between Declarant and the Town of Nags Head and any rights title and interest of the Town of Nags Head in and to those portions of the Development Property lying within the right of way of Gray Eagle Street.

IN WITNESS WHEREOF, the Declarant has executed this Declaration as of  
this the 18<sup>th</sup> day of July, 2007.  
19th

NORTH AVON CONDO GROUP, LLC  
By: [Signature] (SEAL)  
Manager

NORTH CAROLINA

DARE COUNTY

I, a Notary Public for the aforementioned state and county do hereby certify that  
Peter Kauffman, Manager of North Avon Condo Group, LLC, a North Carolina Limited  
Liability Company personally appeared before me this day and acknowledged the  
execution of the foregoing instrument on behalf of the company. Witness my hand and  
seal, this the 19<sup>th</sup> of July, 2007.

[Signature]  
Notary Public

My commission expires: 6-29-2010



6224414  
Page: 4 of 4  
07/19/2007 04:31P



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Page: 1 of 10  
02/07/2008 08:50A

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BARBARA M GRAY, REGISTER OF DEEDS DARE CO, NC

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Prepared by and return to Robert B. Hobbs, Jr., Attorney  
Hornthal, Riley, Ellis & Maland, LLP  
Post Office Box 310  
Nags Head, North Carolina 27959

STATE OF NORTH CAROLINA  
COUNTY OF DARE

**SECOND AMENDMENT TO  
DECLARATION OF CONDOMINIUM FOR  
THE LANDINGS AT SUGAR CREEK CONDOMINIUM**

This Second Amendment to Declaration of Condominium for The Landings at Sugar Creek Condominium (this "Second Amendment") is made and entered into on this 7 day of February, 2008, by THE LANDINGS AT SUGAR CREEK OWNERS ASSOCIATION, INC., a North Carolina nonprofit corporation (the "Association"), NORTH AVON CONDO GROUP, LLC, a North Carolina limited liability company (the "Declarant"), and MICHAEL W. CORWIN and wife, DEBORAH F. CORWIN ("Corwin") (Declarant and Corwin are collectively referred to herein as the "Approving Members").

**WITNESSETH:**

WHEREAS, the Association is the entity charged with the powers of maintaining and administering the Common Elements and facilities of The Landings at Sugar Creek Condominium (the "Condominium") and with administrating and enforcing the covenants, conditions and restrictions contained in the Declaration of Condominium dated July 2, 2007 and filed in Book 1735, Page 279, Dare County Registry, as amended by Amendment to Declaration dated July 19, 2007 and filed in Book 1737, Page 23, Dare County Registry (the "First Amendment"), and collecting and disbursing the assessments and charges created by the Declaration (the Declaration and all amendments thereto being hereinafter referred to collectively as the "Declaration"); and

WHEREAS, the Association desires to further amend the Declaration pursuant to the procedure set forth in Section 27.1 of the Declaration and Section 47C-2-117(a) of the North Carolina Condominium Act (the "Act"), which permit an amendment to the Declaration to be





approved by written agreement of Members to which at least sixty-seven percent (67%) of the votes in the Association are allocated; and

WHEREAS, this Second Amendment has been executed by and is the written agreement of the undersigned Approving Members to which at least sixty-seven percent (67%) of the votes in the Association are allocated, and has also been approved by Declarant.

NOW, THEREFORE, in accordance with the provisions of Section 47C-2-117 of the North Carolina Condominium Act, and Section 27.1 of the Declaration, the Association, with the approval and consent of the undersigned Declarant and Approving Members, does hereby make the following amendments to the Declaration:

Section 1. The phrase "Maritime Woods Business Park" above Section or Paragraph 1 of the First Amendment shall be replaced with the phrase "The Landings at Sugar Creek Condominium."

Section 2. As modified by Section 1 of this Second Amendment, the First Amendment is hereby approved and ratified.

Section 3. A new Section 3.12A shall be added to Article 3 which shall provide as follows:

Section 3.12A. Eligible Mortgagee. "Eligible Mortgagee" shall mean any Mortgagee who has submitted to the Association a written request for the Association to notify such Mortgagee on any proposed action requiring the consent of a specified percentage of eligible mortgage holders. Such written request to the Association from a Mortgagee shall include (1) the name of the holder of the mortgage or deed of trust, (2) the mailing address of the holder of the mortgage or deed of trust, (3) the names of the Owner(s) who are obligated for the payment of any evidence of indebtedness secured by such mortgage or deed of trust, and (4) the Unit numbers(s) encumbered by the Mortgagee's mortgage or deed of trust. The term "Eligible Mortgagee" shall also include any guarantor of a mortgage or deed of trust encumbering one or more Units in the Condominium who has provided to the Association a written request containing the information described in this Section.

Section 4. A new Section 3.12B shall be added to Article 3 which shall provide as follows:

Section 3.12B. First Mortgagee. "First Mortgagee" shall mean any Mortgagee holding a mortgage or deed of trust that is a first lien encumbering one or more Units in the Condominium.