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BOOK 2269 PAGE 678 (6)

NORTH CAROLINA
DARE COUNTY

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**SECOND AMENDMENT
TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**

FOUR SEASONS IN DUCK

THIS SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("Amendment"), is made as of November 4, 2018, by The Four Seasons In Duck Property Owners Association, Inc., a North Carolina Non-Profit Corporation ("Four Seasons In Duck" or the "Association") (Grantor and Grantee for indexing purposes).

WITNESSETH:

WHEREAS, the Declaration Of Covenants, Conditions And Restrictions dated November 11, 1999, was recorded on November 19, 1999, in Book 1306, Page 0429-0458, in the Office of the Register of Deeds of County ("Dare County Registry") ("Original Declaration");

WHEREAS, the Original Declaration has been amended by the First Amendment To Declaration Of Covenants, Conditions And Restrictions Four Seasons In Duck dated August 20, 2001, and recorded on November 2, 2001, in Book 1398, Page 360, Dare County Registry ("First Amendment to Declaration") (Original Declaration and First Amendment to Declaration" collectively the "Declaration");

WHEREAS, pursuant to Article Two of the Declaration, a Dwelling Unit is an improved property intended for use and occupancy as one single family dwelling, regardless of the number of Owners or the form of ownership, located within Four Seasons in Duck;

WHEREAS, pursuant to Article Two of the Declaration, a Homesite is an unimproved parcel of land within Four Seasons In Duck, intended for use as a site for a

single family detached dwelling, that becomes a Dwelling Unit upon substantial completion of a single family dwelling thereon;

WHEREAS, the Declaration does not permit the division of a Homesite between two Owners of parcels in Four Seasons adjacent to such Homesite, except when those parcels are Homesites and as otherwise set forth in Article Five, Section 2(a) of the Declaration;

WHEREAS, it is the desire of the Owners and in the best interest of the Association to amend the Declaration to permit the division of a Homesite between Owners of two Dwelling Units, in order to augment those Dwelling Units, if such Homesite is adjacent to those Dwelling Units and provided further that no more than two (2) single family dwellings may be permitted on the three (3) combined parcels;

WHEREAS, it is the desire of the Owners and in the best interest of the Association to amend the Declaration to address reallocation of assessments, voting and sideline setbacks and easements in the event of any such recombination; and

WHEREAS, the Declaration may be amended as set forth in Article Eleven thereof, a majority of the Board having approved the proposed Amendment at a meeting held on September 19, 2018, and the proposed Amendment having been approved by the affirmative vote of at least 67% of the total votes of the Association of Owners entitled to vote at a Special Meeting of the Association held on November 4, 2018.

NOW, THEREFORE, pursuant to the rights given to and reserved by the Association and the Owners to amend the Declaration, the Declaration is amended as follows:

1. Article Two: Definitions is amended to add the following:

"Augmented Dwelling Unit" shall mean and refer to a Dwelling Unit that has been augmented by a portion of a Homesite that has been divided by Owners of two Dwelling Units that are adjacent to such Homesite such that two single family dwellings exist on the three combined parcels, thus augmenting the original two Dwelling Units.

"Augmented Homesite" shall mean and refer to a Homesite that has been augmented by a portion of another Homesite that has been divided by Owners of two Homesites that are adjacent to such Homesite such that two Homesites exist on the three combined parcels, thus augmenting the original two Homesites.

2. **Article Five, Section 2(a) is deleted and restated in its entirety by inserting the following:**

- (a) No Homesite shall be further divided, except as set forth below.**
 - (i) Owners of two Homesites may divide another Homesite between them, in order to augment the two Homesites, if such Homesite is adjacent to the Homesites owned by such Owners and provided further that no more than two (2) single family dwellings may be constructed on the three (3) combined Homesites. In the event of such a recombination, (A) the assessments (Annual, Special and Limited Common Elements) for the divided Homesite shall be reallocated proportionately (to the nearest ten percent (10%)) between the Augmented Homesites, (B) the vote for such divided Homesite shall be reallocated proportionately (to the nearest ten percent (10%)) to the two Augmented Homesites, and (C) the sideline setbacks and sideline easements shall be released as to the former interior common sidelines and become applicable to the new common sideline created within the divided Homesite.**
 - (ii) Owners of any two Dwelling Units may divide a Homesite between them, in order to augment those Dwelling Units, if such Homesite is adjacent to those Dwelling Units and provided further that no more than two (2) single family dwellings may be permitted on the three (3) combined parcels. In the event of such a recombination, (A) the assessments (Annual, Special and Limited Common Elements) for the divided Homesite shall be the equivalent of the assessments that would be made if a substantially complete single family dwelling was on the divided Homesite and shall be reallocated proportionately (to the nearest ten percent (10%)) between the Augmented Dwelling Units, (B) the vote for such divided Homesite shall be reallocated proportionately (to the nearest ten percent (10%)) to the two Augmented Dwelling Units, and (C) the sideline setbacks and sideline easements shall be released as to the former interior common sidelines**

and become applicable to the new common sideline created within the divided Homesite.

- (iii) In the event that, subsequent to a recombination pursuant to Section 2(a)(i) above, a substantially complete single family dwelling is constructed on either of the Augmented Homesites, such Augmented Homesite shall become an Augmented Dwelling Unit for assessment purposes, such that assessments (Annual, Special and Limited Common Elements) for the related portion of the divided Homesite shall be equivalent to the proportionate share of assessments that would be made if a substantially complete single family dwelling was on the divided Homesite.

Except as expressly modified by this Amendment, the Declaration is hereby ratified, affirmed and shall remain in full force and effect.

This Amendment shall be filed in the Dare County Registry and shall become effective for all purposes upon recordation.

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SIGNATURE PAGES TO FOLLOW]

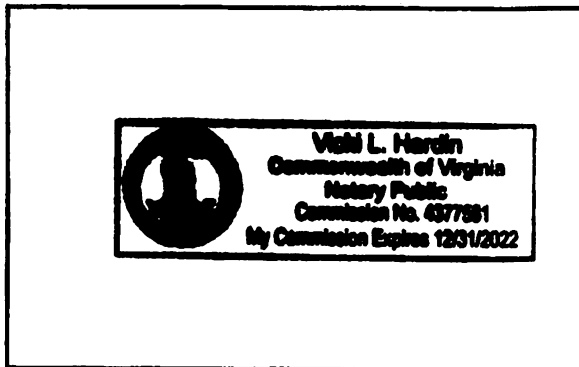
THE FOUR SEASONS IN DUCK PROPERTY OWNERS ASSOCIATION, INC., a North Carolina Non-Profit Corporation

By *Perry Hohman*
Perry Hohman, President

Virginia
STATE OF NORTH CAROLINA,
CITY/COUNTY OF *Va. Beach*, to-wit:

The foregoing instrument was acknowledged before me, the undersigned Notary Public, by Perry Hohman, President of The Four Seasons in Duck Property Owners Association, Inc., who did certify that the foregoing amendment was approved by the affirmative vote of at least 67% of the Owners entitled to vote at the Special Meeting held for this purpose.

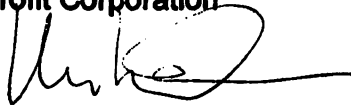
Witness my hand and seal this *6th* day of *November*, 20*18*.



Affix Notary Seal Inside This Box

Vicki L Hardin
Signature of Notary Public
Vicki L Hardin
Typed or printed name of Notary Public
My commission expires: *12-31-22*

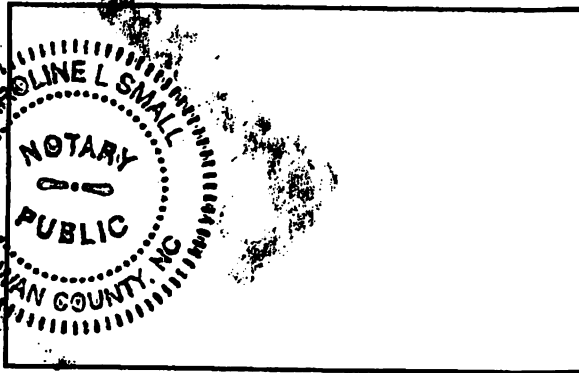
THE FOUR SEASONS IN DUCK PROPERTY OWNERS ASSOCIATION, INC., a North Carolina Non-Profit Corporation

By 
Michael Miller, Secretary

STATE OF NORTH CAROLINA,
CITY/COUNTY OF Dare, to-wit:

The foregoing instrument was acknowledged before me, the undersigned Notary Public, by Michael Miller, the Secretary of The Four Seasons in Duck Property Owners Association, Inc., who did certify that the foregoing amendment was approved by the affirmative vote of at least 67% of the Owners entitled to vote at the Special Meeting held for this purpose.

Witness my hand and seal this 14 day of November, 2018.



Affix Notary Seal Inside This Box

Caroline L Small
Signature of Notary Public

Caroline L Small
Typed or printed name of Notary Public

My commission expires: 5/8/2022