

BK 1263 PG 0755

STATE OF NORTH CAROLINA

COUNTY OF BRUNSWICK

FILED FOR REGISTRATION
DATE TIME

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SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM
OF THE HAMMOCKS (UNIT 26)

ROBERT W. BRUNSON
REGISTER OF DEEDS
BRUNSWICK COUNTY, N.C.

THIS Second Amendment to Declaration of Condominium of The Hammocks, dated for purposes of reference only this 20th day of NOVEMBER, 1998, is made by The Hammocks, LLC, a North Carolina limited liability company ("Developer"), with its principal place of business being located in Brunswick County, Village of Bald Head Island, North Carolina, pursuant to the North Carolina Condominium Act, Chapter 47C, of the General Statutes of North Carolina:

WITNESSETH

000107

WHEREAS Developer has, by Declaration of Condominium of The Hammocks, recorded in Deed Book 1240, Pages 983 through 1039, Brunswick County Registry ("Declaration") subjected certain properties described therein to the provisions of the North Carolina Condominium Act; and

WHEREAS the Declaration, Article XV, allows annexation of other property as a part of The Hammocks; and

WHEREAS Developer has once amended the Declaration to annex property known as Phase Two-A Property, which Amendment is recorded in Deed Book 1261, Pages 1148 through 1154, Brunswick County Registry; and

WHEREAS Developer desires to amend the Declaration to annex the additional property hereinafter described to the terms, provisions and conditions of the Declaration:

I. Annexation

Developer hereby submits that real property described on Exhibit A attached hereto to the North Carolina Condominium Act. Said property shall hereinafter be referred to as "Phase Two-B Property".

RET Bald Head Lodge
TOTAL 2038 REV TC# 101
REC# CK AMT 83 CK# 1161
CASH REF BY GR
27505

II. Division of Property into Separately Owned Units

Developer, pursuant to the Act, and to establish a plan of condominium ownership for the Phase Two-B Property, does hereby establish the Phase Two-B Property as one (1) residential Unit and does hereby designate such Unit for separate ownership as Unit 26, subject, however, to the provisions of this Declaration and the By-Laws of the Association.

III. Undivided Interest in the Common Elements

The undivided interest in the Common Elements assigned to Unit 26 is set out in Exhibit B attached hereto. Exhibit B further sets out the undivided interests in all Units previously submitted to the Declaration.

IV. Unit Designation

As described in Paragraph 3.2 of the Declaration, Unit 26 is hereby designated as a T-3 unit. The structure denoted G-26 in Phase Two-B of the Condominium is the garage which is a part of Unit 26. The allocation of common expenses and the allocation of votes for each of the Units within The Hammocks is set out on Exhibit B attached hereto.

V. Encumbrances

Liens, encumbrances and defects on the Property to which the rights of Unit Owners and Occupants are hereby made subject to are set out in Exhibit F to the Declaration.

VI. Description

The Unit submitted by this Second Amendment to Declaration to the Act is a single-family, detached home, and the designation of the Unit so submitted, as shown on Floor Plans, is Unit 26. The Floor Plans of Unit 26 are attached hereto as Exhibit C. Garages, which are a part of each Unit, are designated on the Floor Plans by the Unit number and the letter "G". Exhibit C further includes an as built survey of Phase Two-B, showing the location of Unit 26 thereon. For all purposes, therefore, the Unit consists of that residential building denoted Unit 26 and that Garage denoted 26G.

VII. Incorporation by Reference

Except as specifically altered by this Second Amendment, all the terms, provisions and conditions of the Declaration as amended, are specifically incorporated herein by reference, and the Unit situate on the Phase Two-B Property is especially made subject to said provisions.

IN WITNESS whereof, this Second Amendment to Declaration has been executed by the duly authorized Manager of Declarant, under seal, in accordance with rights reserved to Declarant in accordance with Article XV of the Declaration.

THE HAMMOCKS, LLC

(SEAL)

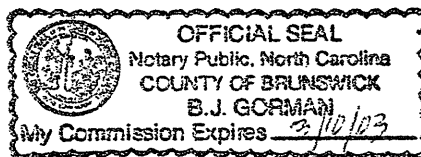
By: [Signature] (SEAL)
Manager

STATE OF NORTH CAROLINA
BRUNSWICK COUNTY ss:

I, B.J. Gorman, a Notary Public for said County and State, do hereby certify that KENNETH M. KIRKMAN, Manager for The Hammocks, LLC personally appeared before me this day, and being by me duly sworn, says that he executed the foregoing and annexed instrument for and in behalf of the said The Hammocks, LLC.

WITNESS my hand and official seal, this the 20th day of November, 1998.

B.J. Gorman
Notary Public



My commission expires: 3/10/03

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

The Foregoing (or annexed) Certificate(s) of B.J. Gorman

Notary(ies) Public is (are) Certified to be Correct.
This Instrument was filed for Registration on this 25 Day of November, 1998,
in the Book and Page shown on the First Page hereof.

Robert J. Robinson RW
ROBERT J. ROBINSON, Register of Deeds

EXHIBIT A

PROPERTY ANNEXED (Phase Two-B Property)

DESCRIPTION OF PHASE TWO-B, THE HAMMOCKS, BALD HEAD ISLAND, SMITHVILLE TOWNSHIP, BRUNSWICK COUNTY, NORTH CAROLINA:

BEGINNING AT THE SOUTHWESTERN CORNER OF PHASE TWO-A, THE HAMMOCKS, (CONDOMINIUM BOOK 124, PAGE 114⁵) AND BEING IN THE NORTHERN LINE OF BALD HEAD ISLAND CLUB, FAIRWAY 10, (MAP BOOK 717, PAGE 1049), N.C. GRID COORDINATES: N = 42,157.031 AND E = 2,303,501.171; THENCE ALONG THE LINE OF BALD HEAD ISLAND CLUB, ONE COURSE:

(1) N 83-02-50 W 36.32 FEET TO A NEW RE-BAR; THENCE ACROSS THE BALD HEAD ISLAND LIMITED DUKE OF ALBEMARLE TRACT, (MAP CABINET J, PAGE 181), FOUR NEW COURSES:

- (1) N 33-52-21 W 67.85 FEET TO A NEW RE-BAR;
- (2) N 56-07-39 E 103.92 FEET TO A NEW RE-BAR;
- (3) N 71-54-58 E 65.33 FEET TO A NEW RE-BAR;
- (4) N 56-40-45 E 14.08 FEET TO A NEW RE-BAR IN THE WESTERN LINE OF PHASE ONE,

THE HAMMOCKS, (CONDOMINIUM BOOK 124, PAGE 114⁵), THENCE ALONG THE LINES OF PHASE ONE, TWO COURSES:

- (1) S 33-19-15 E 22.61 FEET TO AN EXISTING RE-BAR;
- (2) S 56-51-48 W 22.33 FEET TO AN EXISTING RE-BAR AT THE NORTHEASTERN CORNER OF PHASE TWO-A, THE HAMMOCKS; THENCE ALONG THE LINES OF PHASE TWO-A, TWO COURSES:

(1) S 54-11-51 W 41.93 FEET TO A NEW RE-BAR;
 (2) S 26-48-06 W 102.00 FEET TO A NEW RE-BAR, THE POINT OF BEGINNING AND CONTAINING 0.23 ACRES ACCORDING TO A PLAT OF SURVEY FOR PHASE TWO-B, THE HAMMOCKS BY THOMAS W. MORGAN, PLS, DATED NOVEMBER 10, 1998. ALL BEARINGS ARE ORIENTED TO N.C. GRID NORTH, N.A.D. 1927. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.

Gary L. Gurganus
 11-25-98

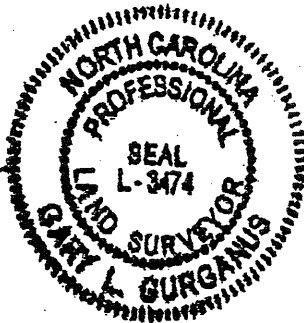


EXHIBIT B**ALLOCATED INTERESTS****Interests**

Unit 20 - 2,707 square feet (2,027 heated, 560 enclosed, 120 uncovered) = 26.1%. To the extent Co-Ownership Interests are conveyed in the Unit, the percentage of Co-Ownership Interest conveyed in the single Unit shall be multiplied by the undivided interest assigned herein to that Unit to determine the undivided interest conveyed to said Owner. Therefore, if 13 Co-Ownership Interests are conveyed, each will be divided 1/13 of 26.1% of the common areas.

Unit 22 - 2,183 square feet (1,676 heated, 339 enclosed, 168 uncovered) = 21%. To the extent Co-Ownership Interests are conveyed in the Unit, the percentage of Co-Ownership Interest conveyed in the single Unit shall be multiplied by the undivided interest assigned herein to that Unit to determine the undivided interest conveyed to said Owner. Therefore, if 13 Co-Ownership Interests are conveyed, each will be divided 1/13 of 21% of the common areas.

Unit 24 - 2,719 square feet (2,092 heated, 339 enclosed, 288 uncovered) = 26.2%. To the extent Co-Ownership Interests are conveyed in the Unit, the percentage of Co-Ownership Interest conveyed in the single Unit shall be multiplied by the undivided interest assigned herein to that Unit to determine the undivided interest conveyed to said Owner. Therefore, if 13 Co-Ownership Interests are conveyed, each will be divided 1/13 of 26.2% of the common areas.

Unit 26 - 2,774 square feet (2,092 heated, 562 enclosed, 120 uncovered) = 26.7%. To the extent Co-Ownership Interests are conveyed in the Unit, the percentage of Co-Ownership Interest conveyed in the single Unit shall be multiplied by the undivided interest assigned herein to that Unit to determine the undivided interest conveyed to said Owner. Therefore, if 13 Co-Ownership Interests are conveyed, each will be divided 1/13 of 26.7% of the common areas.

Common Expense Liability

Unit 20 - T-3 dues are "X" + "X" times 20% if no Crofter utilization is purchased, plus no more than \$465 per year for 1999, if Crofter use is purchased, for each of the thirteen

undivided interests. Crofter dues will be based on a good faith determination of the actual cost of upkeep, maintenance and reserves for the Crofters, divided equally among all those entitled to utilization of a Crofter.

Unit 22 - R-2 dues are "X" if no Crofter utilization is purchased, plus no more than \$465 per year for 1999, if Crofter use is purchased, for each of the thirteen undivided interests. Crofter dues will be based on a good faith determination of the actual cost of upkeep, maintenance and reserves for the Crofters, divided equally among all those entitled to utilization of a Crofter.

Unit 24 - R-3 dues are "X" plus "X" times 20% if no Crofter utilization is purchased, plus no more than \$465 per year for 1999, if Crofter use is purchased, for each of the thirteen (13) undivided interests. Crofter dues will be based on a good faith determination of the actual cost of upkeep, maintenance and reserves for the Crofters, divided equally among all those entitled to utilization of a Crofter.

Unit 26 - T-3 dues are "x" + "x" times 20% if no Crofter utilization is purchased, plus no more than \$465 per year for 1999, if Crofter use is purchased, for each of the thirteen (13) undivided interests. Crofter dues will be based on a good faith determination of the actual cost of upkeep, maintenance and reserves for the Crofters, divided equally among all those entitled to utilization of a Crofter.

(Total square footage = 10,383).

Vote

Each Unit shall be assigned one (1) vote. The Owner of a Co-ownership Interest shall be assigned a percentage of said vote which is a ratio of the number of undivided interests in said Unit to one (1). Therefore, if thirteen (13) Co-ownership Interests are conveyed, each Owner shall have one-thirteenth of one vote, each fraction of a vote allowed to be cast independently.

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EXHIBIT C

PLATS AND PLANS FOR PHASE TWO-B
SECOND AMENDMENT TO
DECLARATION OF CONDOMINIUM FOR
THE HAMMOCKS

Reference is made to Condominium Book 7, Pages 396-398, Brunswick County Registry, Brunswick County, North Carolina.