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Currituck County, NC  
Charlene Y Dowdy Register of Deeds

410

BK 1008 PG 186-188

**THE CAROLINA CLUB OWNERS' ASSOCIATION, INC.**

**AMENDMENT TO DECLARATION OF COVENANTS CONDITIONS AND  
RESTRICTIONS FOR PHASES 1, 2, 3, 4A, 4B, 5A, LOTS 1-220**

*Re: Necessity of action for two-thirds membership changed to two-thirds of membership  
responding*

WHEREAS the existing "Amended and Restated Declaration of Covenants, Conditions and Restrictions" recorded in Book 899 at pages 521-543 of the Currituck County Public Registry provide in ARTICLE 3 GENERAL PROVISIONS that said instrument cannot be changed in whole or in part except upon an instrument signed by two-thirds of the entire membership. The same must thereafter be duly recorded; and

WHEREAS this document from time to time requires change, alteration and amendment in the best interest of the Association and its members;

AND WHEREAS, the experience of the Association has evidenced a frustrating inability to get a two-thirds response from correspondence to members putting forth a proposed change, much less a two-thirds approval of the entire membership;

AND WHEREAS, there appears to be an ambiguity within the declaration as to the requirements of ARTICLE 3 aforementioned and ARTICLE 6 MEMBERSHIP SECTION; as well as ARTICLE 14 AMENDMENT TO DECLARATION, which would seem to imply the two-third membership approval is not necessary;

AND WHEREAS, said conflict should be resolved;

AND WHEREAS, a more workable amendment process should be substituted for that now in existence;

NOW THEREFORE, consistent with all aforementioned provisions evidenced by the signatures of at least two-thirds of the existing membership and at the direction of the Board of Directors and Officers of the corporation, it is RESOLVED, ORDERED, and DECREED that ARTICLE 3 GENERAL PROVISIONS, SECTION 1 DURATION is amended in applicable part to state:

*Section 1. Duration: The covenants and restrictions of this Declaration shall run with the land, and shall inure to the benefit of, and be enforced by, the Association or any Owner, its and their respective legal representative, heirs, successors, and assigns for a term of fifty (50) years from the date this Declaration is recorded. After which time said covenants and restrictions shall be automatically extended for successive periods of ten (10) years, unless an instrument signed by two-thirds of the membership responding subsequent to a mailing to the entire membership has been recorded, agreeing to change said covenants and restrictions in whole or in part, provided however that no such agreement to change shall be effective unless proper written notice of the proposed is sent to every Member at least fifty (50) days in advance of any action taken.*

Moreover, Article 14: AMENDMENT TO DECLARATION shall likewise be changed to read as follows:

*Section 1. Amendments: The Association, shall be allowed to make amendments / modifications to this declaration, notwithstanding any other provision contained herein and without joinder of any other party, for the purposes of correcting any discovered typographical error contained herein, clarifying an ambiguity contained herein, or adding or deleting any provisions deemed in the sole discretion of the Association to be in the best interest of the Members therein. This right may be exercised, and shall be effective only upon recordation of "amended Declaration" or modification of Declaration "in the office of Register Deeds of Currituck County, which amended Declaration or modification of Declaration shall specifically reference this document and the provision impacted." Provided, however, the provisions of Article 3 herein requiring a mailing to all Members of the proposed change, alteration or amendment must be made, and a two-thirds affirmative vote of those responding must be had before the proposed amendment may be effected.*

**The Carolina Club Owners' Association, Inc.**

By: Helen J. Wilson (SEAL)  
President

STATE OF NORTH CAROLINA  
COUNTY OF CURRITUCK

I, a Notary Public of the County and State aforesaid, certify that Helen J. Wilson personally came before me this day and acknowledged that she is President of The Carolina Club Owners Association, Inc., a North Carolina corporation, and that by authority duly given and as the act of the Corporation, the foregoing instrument was signed in her name as President, and sealed with its corporate seal.

Witness my hand and official stamp or seal, this 7 day of JUNE, 2007.

My commission expires:

JAN. 10, 2011

Kimberly P. Leebe

Notary Public  
(Stamp/Seal)

