

29.00  
1

BOOK

1507 1375

NORTH CAROLINA  
NEW HANOVER COUNTY

SUPPLEMENTAL DECLARATION TO DECLARATION  
OF CONDOMINIUM OF DUNERIDGE RESORT, A  
CONDOMINIUM, PHASE I RECORDED IN BOOK  
1437 AT PAGE 1717, NEW HANOVER COUNTY  
REGISTRY

RECORDED IN THE  
REGISTERED IN  
NEW HANOVER COUNTY

AUG 16 4 33 PM '90

DUNERIDGE RESORT, A CONDOMINIUM, PHASE III

THIS SUPPLEMENTAL DECLARATION and the exhibits attached hereto and incorporated herein by reference are made this 14th day of August, 1990 by D-G ENTERPRISES, LTD., a North Carolina Corporation, hereinafter called the "Declarant", for itself, its successors, grantees and assigns.

96

W I T N E S S E T H:

WHEREAS, the Declarant is the owner in fee simple of a certain 0.76-acre, more or less, tract of real property (the "Property") situated in the Town of Wrightsville Beach, New Hanover County, North Carolina, more particularly described on Exhibit "A-3" attached hereto and made a part hereof, together with all improvements now or hereafter constructed or located thereon, and all rights, privileges, easements and appurtenances belonging or in any way pertaining to the Property; and

WHEREAS, the Declarant intends to market, sell and convey interests in the Property and the improvements thereon as a condominium project pursuant to Chapter 47C of the North Carolina General Statutes entitled "North Carolina Condominium Act"; and

WHEREAS, the Property is a portion of the real property described on Exhibit "A-1" attached to the Declaration of Condominium, Duneridge Resort, A Condominium, Phase I (inadvertantly referred to as Phase One in the Declaration) recorded in Book 1437 at Page 1717, New Hanover County Registry, and is located adjacent to Duneridge Resort, A Condominium, Phases I and II; and

WHEREAS, Duneridge Resort, A Condominium, Phase I is a 48-unit condominium project established by the Declaration recorded in Book 1437 at Page 1717, New Hanover County Registry, the site plan and building plans of Phase I having been recorded with the Declaration and in Condominium Plat Book 9 at Pages 85 through 87, New Hanover County Registry; and

WHEREAS, Duneridge Resort, A Condominium, Phase II is a 48-unit condominium project established by the Supplemental Declaration recorded in Book 1487 at Page 339, New Hanover County Registry, the site plan and building plans of Phase II having been recorded with the Supplemental Declaration and in Condominium Plat Book 9 at Pages 193 through 195; and

WHEREAS, in Article XIV of the Declaration the Declarant reserved the right and option to add all or part of the properties described on Exhibit "A-1" to the provisions of the Declaration and to subject them to its terms and provisions; and

WHEREAS, by the recordation of this Supplemental Declaration in the New Hanover County Registry, the Declarant intends to submit all of the real property, and the improvements thereon and appurtenances thereto, described on Exhibit "A-3" attached hereto to the provisions of Chapter 47C of the North Carolina General Statutes and to the provisions of the Declaration recorded in Book 1437 at Page 1717, New Hanover County Registry, and any supplements and amendments thereto, and expressly subject to the amendments set forth herein.

NOW, THEREFORE, THE DECLARANT DOES HEREBY DECLARE THAT ALL OF THE REAL PROPERTY DESCRIBED ON EXHIBIT "A-3" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE, AS WELL AS ALL OF THE IMPROVEMENTS

RETURNED TO  
K. W. Walter  
M. W. W. C.

29cc

CONSTRUCTED THEREON, IS HELD AND SHALL BE HELD, CONVEYED, HYPOTHECATED, ENCUMBERED, USED, OCCUPIED AND IMPROVED SUBJECT TO THE FOLLOWING COVENANTS, CONDITIONS, RESTRICTIONS, USES, LIMITATIONS AND OBLIGATIONS, ALL OF WHICH ARE DECLARED TO BE IN FURTHERANCE OF A PLAN FOR THE IMPROVEMENT OF THE PROPERTY AND THE DIVISION THEREOF INTO CONDOMINIUM UNITS AND SHALL BE DEEMED TO RUN WITH THE LAND AND SHALL BE A BURDEN AND A BENEFIT TO THE DECLARANT, ITS SUCCESSORS AND ASSIGNS, AND ANY PERSON OR ENTITY ACQUIRING OR OWNING AN INTEREST IN THE REAL PROPERTY AND IMPROVEMENTS, OR ANY SUBDIVISION THEREOF, THEIR GRANTEES, SUCCESSORS, HEIRS, EXECUTORS, ADMINISTRATORS, DEVISEES AND ASSIGNS.

ARTICLE I

SUBMISSION OF PROPERTY TO THE ACT

1.1 Submission. The Declarant, by this Supplemental Declaration, submits only the real property described on Exhibit "A-3" attached hereto, together with the improvements thereon and appurtenances thereto, to the Act, and hereinafter this submission shall be referred to as DUNERIDGE RESORT, A CONDOMINIUM, PHASE III.

1.2 Name. The Property shall hereafter be known as DUNERIDGE RESORT, A CONDOMINIUM, PHASE III.

1.3 Division of Property into Separately Owned Units. Declarant, pursuant to the Act, and to establish a plan of condominium ownership for the Property, does hereby divide the Property into twelve (12) Units as shown on the Plats and Plans and does hereby designate all such Units for separate ownership.

1.4 Limited Common Elements. The Limited Common Elements serving or designed to serve each Unit are hereby allocated solely and exclusively to each such Unit.

1.5 Plats and Plans. The plat of the Property is attached hereto as Exhibit "B-3", Sheet 1 of 2, and is recorded in Condominium Plat Book 10 at Page 50-5a, New Hanover County Registry. The plat complies with N.C.G.S. Section 47C-2-109.

ARTICLE II

DEFINITIONS

The definitions for the terms used in the Declaration and this Supplemental Declaration are as follows:

2.1 The terms Act, Affiliate of a Declarant, Allocated Interests, Association or Unit Owners' Association, Common Elements, Common Expenses, Common Expense Liability, Condominium, Declarant, Development Rights, Dispose or Disposition, Executive Board, Identifying Number, Institutional Lender, Lessee, Occupant, Person, Purchaser, Residential Purposes, Security for an Obligation, Security Holder, Special Declarant Rights, Unit Boundaries and Unit Owner are defined in Article I of the Declaration recorded in Book 1437 at Page 1717, New Hanover County Registry, and those definitions are incorporated herein by reference.

2.2 Declaration. The Declaration of Condominium for Duneridge Resort, A Condominium, Phase I, recorded in Book 1437 at Page 1717, New Hanover County Registry.

2.3 Limited Common Elements. The term "Limited Common Elements" is herein amended for Duneridge Resort, A Condominium, Phase III, as follows:

a. The garages and storage units in Phase III are excluded.

b. The term "the decks" is amended to include the side decks attached to the Units at each end of the building; and

c. The parking spaces are allocated to each Unit as shown on the plat attached hereto as Exhibit "C-3", Sheet 1 of 4. The use of each parking space shall be limited to the Unit to which it is assigned.

Except as amended herein, the definition of Limited Common Elements set forth in Article I, Section 1.17 of the Declaration is incorporated herein by reference.

2.3 Property. This term, as used herein, shall mean and include the real property described on Exhibit "A-3" attached hereto and incorporated herein by reference, together with all improvements thereon and appurtenances thereto.

2.4 Supplemental Declaration. The Supplemental Declaration for Duneridge Resort, A Condominium, Phase III, and any and all amendments hereto.

2.5 Unit. As the term "Unit" applies to Phase III, it shall include the garage and the storage unit assigned to each Unit. Except as amended herein, the definition of Unit set forth in Article I, Section 1.25 of the Declaration is incorporated herein by reference.

### ARTICLE III

#### THE NATURE AND INCIDENTS OF UNIT OWNERSHIP

3.1 Each unit shall be conveyed and treated as an individual unit ownership in real property capable of independent use and fee simple ownership, and the owner of each unit shall also own, as an appurtenance to ownership of his unit, an undivided interest in the common elements of DUNERIDGE RESORT, A CONDOMINIUM, PHASES I, II and III.

3.2 On Exhibit "D" to the Declaration, the Declarant establishes the undivided percentage interest in common elements, common expenses and votes in the Association belonging to each unit owner in DUNERIDGE RESORT, A CONDOMINIUM, PHASE I. Section 14.6 of the Declaration provides for the reallocation of these interests upon the addition of future phases. These reallocations are set forth on Exhibit "D-3" attached hereto and incorporated herein by reference.

### ARTICLE IV

#### INCORPORATION

4.1 Except as modified by any prior recorded Amendments or this Supplemental Declaration, all provisions of the original Declaration are adopted in their entirety and incorporated herein by reference.

IN WITNESS WHEREOF, the undersigned has caused this instrument to be executed in the corporate name by its duly authorized officers, and its corporate seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.



D-G ENTERPRISES, LTD.

By:

Donald W. Gilstrap  
President

Sheila R. Pileman  
Secretary

1507 1378

NORTH CAROLINA  
NEW HANOVER COUNTY

I, \_\_\_\_\_, a Notary Public, do hereby certify that SHEILA R. PHILEMON personally came before me this day and acknowledged that she is Secretary of D-G ENTERPRISES, LTD., a North Carolina Corporation, and that, by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its \_\_\_\_\_ President, sealed with its corporate seal and attested by herself as its Secretary.

Witness my hand and official seal, this \_\_\_\_\_ day of August, 1990.

\_\_\_\_\_  
Notary Public

My commission expires:

11-9-90



STATE OF NORTH CAROLINA  
New Hanover County  
The Foregoing / Annexed Certificate of  
Kimberly A. Tyler  
Notary (Notarized) Public is/are certified  
to be correct.

This the 16 day of Aug, 1990  
Rebecca P. Tucker, Register of Deeds  
By John B. Baker  
Deputy / Assistant

1507 1379

EXHIBIT "A-3"

LEGAL DESCRIPTION OF PHASE III  
DUNERIDGE RESORT, A CONDOMINIUM

BEGINNING at a point in the eastern right-of-way line of Lumina Avenue Extension (60 foot right-of-way), said point being the northwest corner of Duneridge Resort, Phase I, as shown on that certain survey entitled "Duneridge Resort, a Condominium, Phase I", recorded in Condominium Book 9 at Pages 85, 86 and 87; running thence from said beginning point along the eastern right-of-way line of Lumina Avenue Extension as it curves to the east to a point along a line having a chord course and distance of North 43 degrees 35 minutes 14 seconds East 72.32 feet from the point of beginning; thence continuing with the eastern right-of-way line of Lumina Avenue Extension North 44 degrees 30 minutes East 88.17 feet from the preceding point; thence continuing with the eastern right-of-way line of Lumina Avenue Extension as it curves to the west to a point along a line having a chord course and distance of North 37 degrees 39 minutes East 221.84 feet from the preceding point; thence South 57 degrees 02 minutes East 20.45 feet to a point; thence South 32 degrees 58 minutes West 18.16 feet to a point; thence South 32 degrees 58 minutes East 130.0 feet to a point; thence South 57 degrees 02 minutes East 54.0 feet to a point; thence South 34 degrees 58 minutes West 24.0 feet to a point; thence North 55 degrees 36 minutes West 95.0 feet to a point; thence South 34 degrees 24 minutes West 25.0 feet to a point; thence North 55 degrees 36 minutes West 51.08 feet to the point and place of BEGINNING; containing 0.76 acres, more or less, and being all of Phase III as shown on that certain survey entitled Duneridge Resort, a Condominium, Phase III prepared by Jack G. Stocks.

1507  
1380

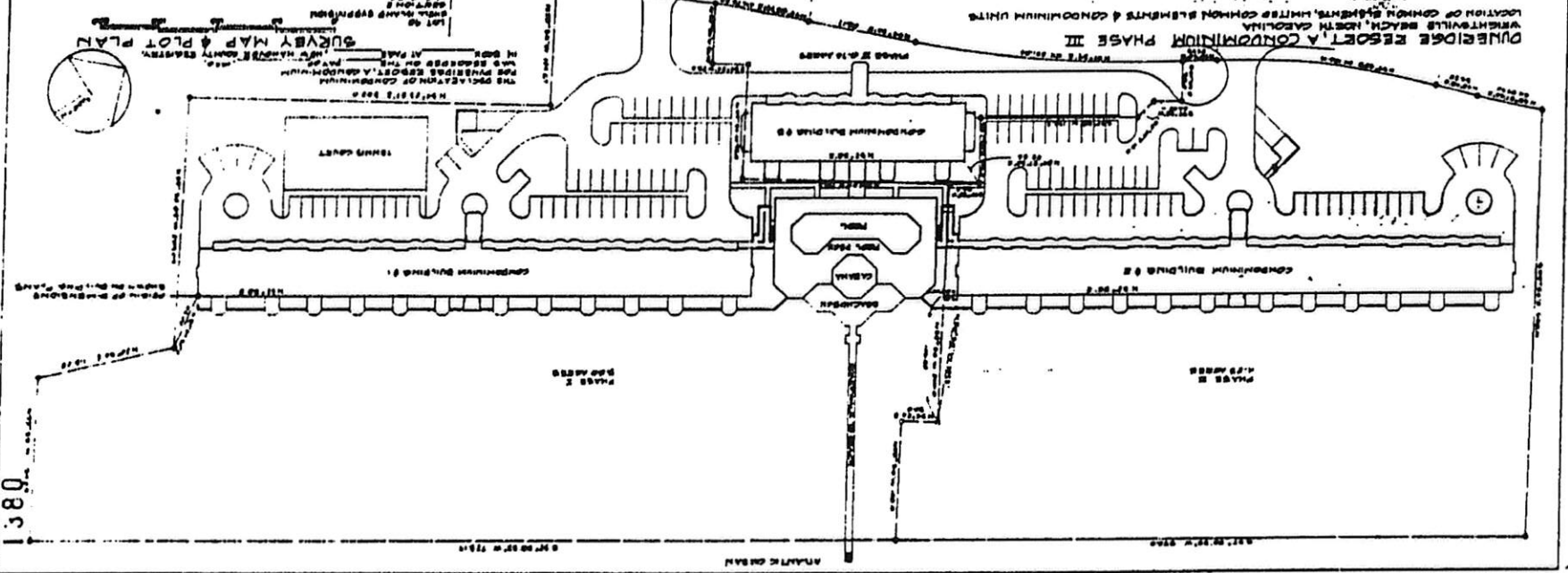


NOTARY PUBLIC  
EYONNE M. SMITH  
WINN-DIXIE COUNTY, NC

16-11-17  
1507



NOTARY PUBLIC  
EYONNE M. SMITH  
WINN-DIXIE COUNTY, NC



1507 1381

EXHIBIT "B-3"  
Sheet 2 of 2

Certificate of Disclosure  
North Carolina Coastal Area Management Act

We hereby certify that prior to entering into any agreement or any conveyance with a prospective buyer, we shall prepare and sign, and the buyer of the subject real estate shall receive and sign, a statement which fully and accurately discloses:

(a) That the buyer may have responsibility to obtain a development permit (minor or major); and

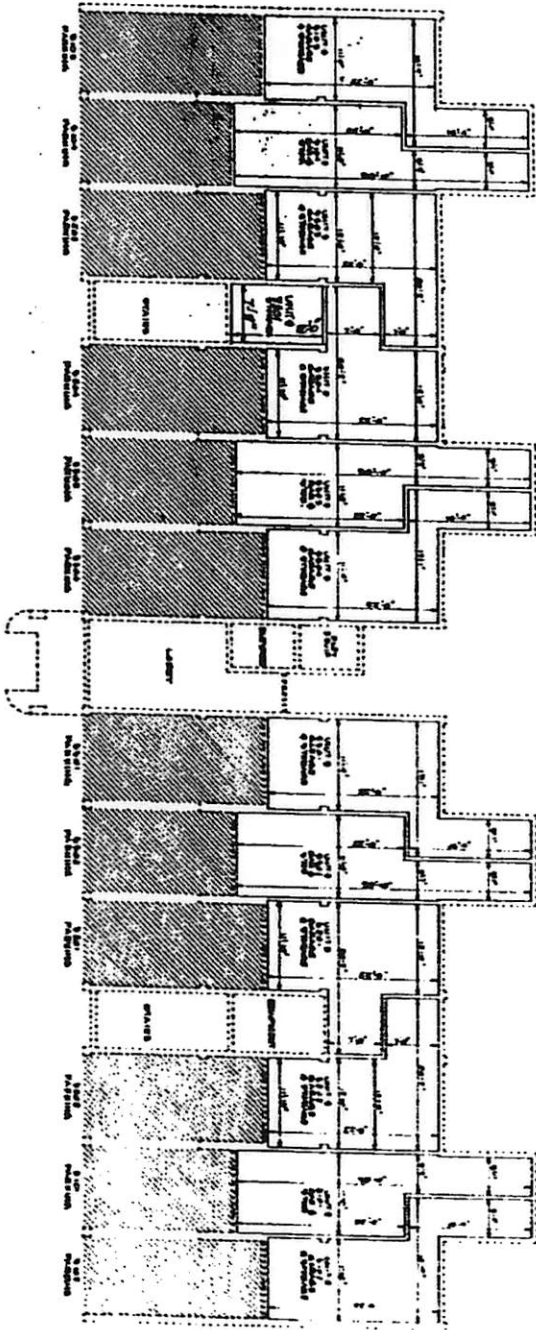
(b) The agency to which an application must be filed in order to obtain any permit prior to any undertaking or activity subject to the requirements of the North Carolina Coastal Area Management Act.

This 14th day of August, 1990.

D-G ENTERPRISES, LTD., a North  
Carolina Corporation

BY:

Donald W. Hiltner  
President



DUNELRIDGE ESSEX, A CONDOMINIUM - PHASE III  
 WRIGHTSVILLE BEACH, NORTH CAROLINA  
 LOCATION OF COMMON ELEMENTS, LIMITED COMMON ELEMENTS & CONDOMINIUM UNITS  
 BOUNDARY LINES OF CONDOMINIUM UNITS  
 COMMON ELEMENTS & STRUCTURAL BOUNDARIES  
 LIMITED COMMON ELEMENTS



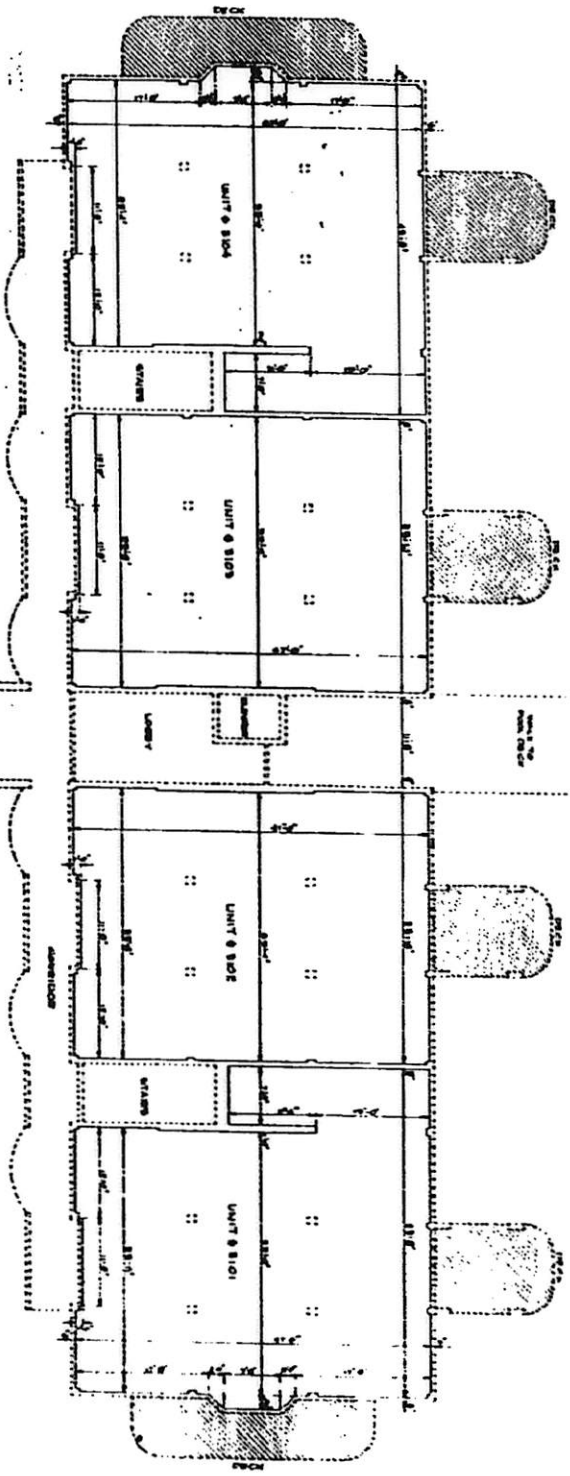
BUILDING # 5  
 ABOVE LEVEL PLAN  
 FLOOR ELEVATION - 11.0  
 CEILING ELEVATION - 23.1



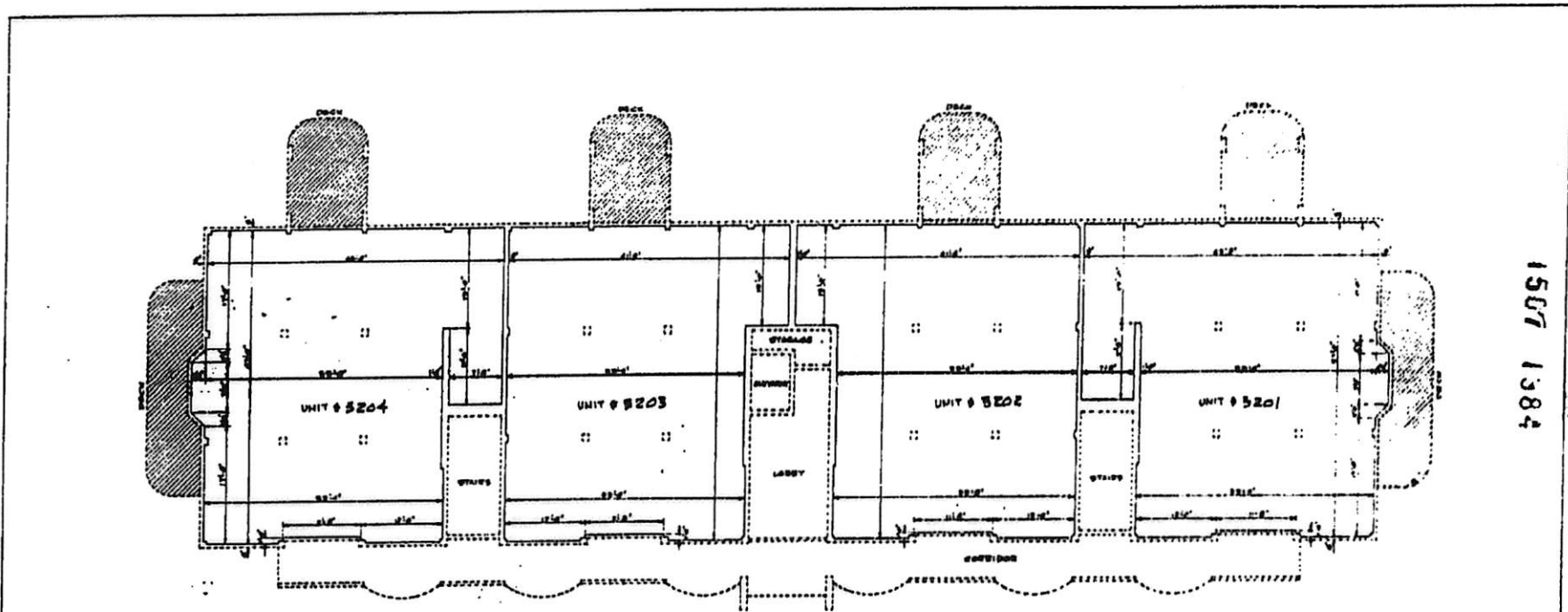
DUNE RIDGE RESORT A CONDOMINIUM - PHASE III  
 VENTRILOQUE BEACH, NORTH BEACH, DUNEDIN  
 LOCATION OF COMMON ELEMENTS, UNIT CONDOMINIUM UNITS  
 & CONDOMINIUM UNITS  
 ..... COMMON ELEMENTS & STRUCTURAL BOUNDARIES  
 ..... UNITED COMMON ELEMENTS

BUILDING # 5  
 FIRST FLOOR PLAN - F8.6  
 CEILING ELEVATION - 59.7

EXHIBIT 'C-3' SHEET 2 OF 4



1507 1383



1507 1384

DUNERIDGE RESORT, A CONDOMINIUM - PHASE III  
 WRIGHTSVILLE BEACH, NORTH CAROLINA  
 LOCATION OF COMMON ELEMENTS, LIMITED COMMON ELEMENTS & CONDOMINIUM UNITS  
 BOUNDARY LINES OF CONDOMINIUM UNITS  
 COMMON ELEMENTS & STRUCTURAL BOUNDARIES  
 LIMITED COMMON ELEMENTS

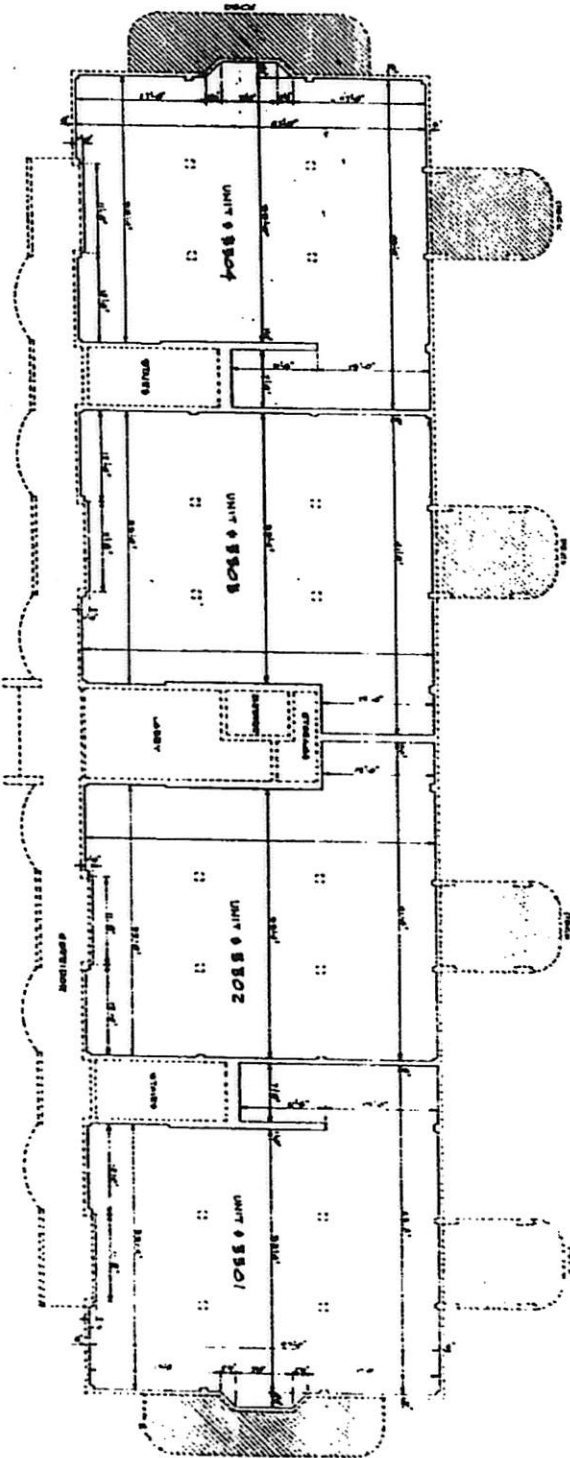
BUILDING #3  
 SECOND FLOOR PLAN  
 FLOOR ELEVATION - 34.3  
 CEILING ELEVATION - 44.4

EXHIBIT 'C-3' SHEET 3 OF 4

DUNERIDGE RESORT, A CONDOMINIUM - PHASE III  
 WRIGHTSVILLE BEACH, NORTH CAROLINA  
 LOCATION OF COMMON ELEMENTS, LIMITED COMMON ELEMENTS & CONDOMINIUM UNITS  
 --- BOUNDARY LINES OF CONDOMINIUM UNITS  
 - - - - - COMMON ELEMENTS & STRUCTURAL BOUNDARIES  
 ..... LIMITED COMMON ELEMENTS

BUILDING # 3  
 THIRD FLOOR PLAN  
 FLOOR ELEVATION - 45.0  
 CEILING ELEVATION - 57.6

REVID.T. CIV. SUBMT 4 OF 4



1507 1385

## EXHIBIT "D-3"

DUNERIDGE RESORT, A CONDOMINIUM  
PHASES I, II and III

<u>Unit No.</u>	<u>Percentage Of Undivided Interest In Common Elements</u>	<u>Percentage of Common Expenses</u>	<u>Votes In Association</u>
<u>Phase I</u>			
1101	.9260	.9260	1
1102	.9260	.9260	1
1103	.9260	.9260	1
1104	.9260	.9260	1
1105	.9260	.9260	1
1106	.9260	.9260	1
1107	.9260	.9260	1
1108	.9260	.9260	1
1109	.9260	.9260	1
1110	.9260	.9260	1
1111	.9260	.9260	1
1112	.9260	.9260	1
1201	.9260	.9260	1
1202	.9260	.9260	1
1203	.9260	.9260	1
1204	.9260	.9260	1
1205	.9260	.9260	1
1206	.9260	.9260	1
1207	.9260	.9260	1
1208	.9260	.9260	1
1209	.9260	.9260	1
1210	.9260	.9260	1
1211	.9260	.9260	1
1212	.9260	.9260	1
1301	.9260	.9260	1
1302	.9260	.9260	1
1303	.9260	.9260	1
1304	.9260	.9260	1
1305	.9260	.9260	1
1306	.9260	.9260	1
1307	.9260	.9260	1
1308	.9260	.9260	1
1309	.9260	.9260	1
1310	.9260	.9260	1
1311	.9260	.9260	1
1312	.9260	.9260	1
1401	.9260	.9260	1
1402	.9260	.9260	1
1403	.9260	.9260	1
1404	.9260	.9260	1
1405	.9260	.9260	1
1406	.9260	.9260	1
1407	.9260	.9260	1
1408	.9260	.9260	1
1409	.9260	.9260	1
1410	.9260	.9260	1
1411	.9260	.9260	1
1412	.9260	.9260	1
<u>Phase II</u>			
2101	.9260	.9260	1
2102	.9260	.9260	1
2103	.9260	.9260	1
2104	.9260	.9260	1
2105	.9260	.9260	1
2106	.9260	.9260	1
2107	.9260	.9260	1

EXHIBIT "D-3" (continued)

<u>Unit No.</u>	<u>Percentage Of Undivided Interest In Common Elements</u>	<u>Percentage of Common Expenses</u>	<u>Votes In Association</u>
2108	.9260	.9260	1
2109	.9260	.9260	1
2110	.9260	.9260	1
2111	.9260	.9260	1
2112	.9260	.9260	1
2201	.9260	.9260	1
2202	.9260	.9260	1
2203	.9260	.9260	1
2204	.9260	.9260	1
2205	.9260	.9260	1
2206	.9260	.9260	1
2207	.9260	.9260	1
2208	.9260	.9260	1
2209	.9260	.9260	1
2210	.9260	.9260	1
2211	.9260	.9260	1
2212	.9260	.9260	1
2301	.9260	.9260	1
2302	.9260	.9260	1
2303	.9260	.9260	1
2304	.9259	.9259	1
2305	.9259	.9259	1
2306	.9259	.9259	1
2307	.9259	.9259	1
2308	.9259	.9259	1
2309	.9259	.9259	1
2310	.9259	.9259	1
2311	.9259	.9259	1
2312	.9259	.9259	1
2401	.9259	.9259	1
2402	.9259	.9259	1
2403	.9259	.9259	1
2404	.9259	.9259	1
2405	.9259	.9259	1
2406	.9259	.9259	1
2407	.9259	.9259	1
2408	.9259	.9259	1
2409	.9259	.9259	1
2410	.9259	.9259	1
2411	.9259	.9259	1
2412	.9259	.9259	1
<u>Phase III</u>			
3101	.9259	.9259	1
3102	.9259	.9259	1
3103	.9259	.9259	1
3104	.9259	.9259	1
3201	.9259	.9259	1
3202	.9259	.9259	1
3203	.9259	.9259	1
3204	.9259	.9259	1
3301	.9259	.9259	1
3302	.9259	.9259	1
3303	.9259	.9259	1
3304	.9259	.9259	1