

400
1

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

SECOND AMENDMENT TO
DECLARATION OF CONDOMINIUM
INDEPENDENCE EAST CONDOMINIUMS

KNOW ALL MEN BY THESE PRESENTS that, C & T Investment, a North Carolina General Partnership, the original developer of Independent East Condominiums (hereinafter called "C&T"), heretofore executed and caused to be recorded in the Office of the Register of Deeds of New Hanover County, North Carolina ("NHCR"), a Declaration of Condominium with respect to Phase 1, Independence East Condominiums, in Book 1273 at Page 1059 ("Original Declaration") and various Supplemental Declarations for subsequent phases, in Book 1298 at Page 1003 (Phase 2); in Book 1326 at Page 1504 (Phase 3, Section 1); in Book 1365 at Page 876 (Phase 3, Section 2) (all such documents and subsequent recorded amendments being herein collectively referred to as the "Declaration" and all units being referred to as the "Condominium"); and

WHEREAS, by Amendment to Declaration recorded in Book 1505 at Page 1607, NHCR, Independence East HOA, Inc. (the "Association") approved the right of TERRY F. TURNER & CO. (herein the "Declarant") (who succeeded to the rights of C & T as developer of Independence East) to develop the remaining undeveloped land in the project into 18 individual patio homes to be known as Independence East Villas, and to annex the same to the Condominium without the consent of the unit owners; and,

WHEREAS, Declarant has requested that the Declaration be further amended to extend such development rights which otherwise would have expired on December 31, 1992 to December 31, 1995, or until such time as the 12 undeveloped units are constructed and sold, whichever occurs first; and

WHEREAS, at a special meeting of the Association duly called for this purpose, and held, upon proper notice to all unit owners, on the 20th day of January, 1993, the required number of unit owners were present in person or represented by proxy, and voted affirmatively for the adoption of the resolution hereto attached as Exhibit A and incorporated by reference.

NOW, THEREFORE, in consideration of the premises and pursuant to the authority contained in Paragraph 27 of the Declaration, the Declaration is hereby amended to change sub-paragraph 3C on Page 3 of the original declaration to read as follows:

000143

"The right and option of Declarant described in sub-paragraphs A and B above shall be extended to and terminate on the earlier of December 31, 1995, or when the remaining 12 units are constructed and sold, and shall be subject to the conditions, restrictions and limitations set forth in sub-paragraphs D, E, F and G of this Paragraph 3."

AS HEREIN AMENDED, the Declaration shall be and remain in full force and effect.

By the execution of this Amendment, the Association, acting by and through its duly authorized officers, does hereby certify that a duly called special meeting of all unit owners of units in all phases of Independence East Condominiums was held upon proper notice in accordance with its by-laws, for the purpose of reviewing and approving the Second Amendment to the Declaration herein described, and at such meeting, a total of more than 67% in common interest of all unit owners cast affirmative votes for the adoption of said Amendment. A copy of the resolution duly adopted at the special meeting is hereto attached as Exhibit A and incorporated by reference.

DRAFTSMAN: DAVID C. BAREFOOT
KAUFMAN, BAREFOOT & GREEN
2002 Eastwood Road, Suite 202
Wilmington, N.C. 28403

RECORDED AND VERIFIED
MARY SUE COUS
REGISTER OF DEEDS
NEW HANOVER CO. NC

BOOK PAGE
1650 0794 '93 MAR 16 PM 3 38

RETURNED TO KAUFMAN, BAREFOOT & GREEN
250-5135 *lu*

274413

IN WITNESS WHEREOF, the Association has caused this Amendment to be executed in its corporate name and its corporate seal hereunto affixed by its duly authorized officers, all by authority of its Board of Directors, as of the 10 day of MARCH, 1993.

INDEPENDENCE EAST HOA, INC.

ATTEST:

By:

[Signature]
President

[Signature]
Secretary
(CORPORATE SEAL)



STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

I, BETSY JOYCE GURGANUS, a Notary Public in and for the aforesaid County and State do hereby certify that JANE P. MITCHELL personally appeared before me this day and acknowledged that he/she is the _____ Secretary of INDEPENDENCE EAST HOA, INC., a North Carolina corporation, and that by authority duly given and as the act of the said corporation the foregoing Instrument was signed in its name by its _____ President, sealed with its corporate seal, and attested by her self as its _____ Secretary.

WITNESS my hand and notarial seal, this the 10 day of MARCH, 1993.

[Signature]
Notary Public

My Commission Expires:

4/1/95
(NOTARIAL SEAL)



STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

The foregoing certificate of Betsy Joyce Gurganus is certified to be correct. This the 16 day of March, 1993.

MARY SUE OOTS
Register of Deeds - New Hanover County
By: [Signature]
Deputy/Assistant

BOOK PAGE
1650 0795

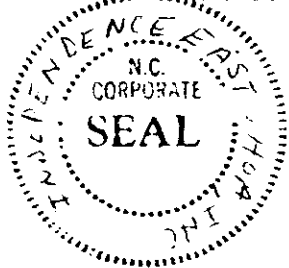
OF
INDEPENDENCE EAST HOA, INC.

I hereby certify that I am the duly elected and qualified Secretary of Independence East HOA, Inc., a corporation organized and existing under the laws of the State of North Carolina; that the following is a true copy of resolutions duly adopted by not less than 67% of the in common interest of all Unit owners of unites in the Independence East Condominiums of the 20th day of January, 1993; and that such resolutions are in full force and effect and have not been amended or rescinded:

RESOLVED, that subparagraph C of paragraph 3 on page 3 of the Declaration of Condominium Phase I Independence East Condominium by amended to read as follows:

- C. The right and option of Declarant described in sub-paragraph A and B above shall terminate on December 31, 1995, and shall be subject to the conditions, restrictions and limitations set forth in sub-paragraph D, E, F and G of this paragraph 3.

IN WITNESS WHEREOF, I have hereunder set my hand as Secretary and have caused the corporate seal of the said Corporation to be affixed hereto this the 10 day of ~~January~~ MARCH 1993.



Jane L. Mitchell
Secretary

Sworn to and subscribed before me this 10 day of ~~January~~ MARCH, 1993.

Betsy Joyce Gurganus
Notary Public

My Commission Expires:
4/18/95

