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Fee Amt: \$26.00 Page 1 of 3

Currituck County North Carolina
Denise A. Hall, Register of Deeds
BK **1567** PG **942 - 944 (3)**

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DECLARATION AMENDMENT (Kilmarlic)

Prepared by and return to:
Robert B. Hobbs, Jr., Attorney
Hornthal, Riley, Ellis & Maland, L.L.P.
2502 South Croatan Highway
Nags Head, North Carolina 27959

NORTH CAROLINA
CURRITUCK COUNTY

THIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS and EASEMENTS, effective as of June 22, 2020, by **KILMARLIC RESIDENTIAL COMMUNITY ASSOCIATION**, a North Carolina Nonprofit Corporation, hereinafter referred to as "Association";

Premises

- A. Kilmarlic Residential, L.L.C. and Fortune Bay Golf Club, L.L.C. ("Declarant"), recorded a Declaration of Covenants, Conditions, Restrictions and Easements for Kilmarlic Residential Community (the "Community") dated March 12, 2003 in Book 658, Page 90, Currituck County Registry (the "Original Declaration").
- B. Declarant or their successors or assigns recorded various amendments to the Original Declaration as follows: Amendment dated July 23, 2004 and recorded in Book 799, Page 651; Amendment dated December 29, 2005 and recorded in Book 920, Page 505; Amendment dated March 6, 2006 and recorded in Book 931, page 470; Amendment dated June 11, 2007 and recorded in Book 1007, Page 241, and Amendment dated January 5, 2010 and recorded in Book 1112, Page 326, all in the Currituck County Registry (collectively the "Amendments").
- C. The Original Declaration and the Amendments may be collectively referred to herein as the "Declaration."

D. Section 10.07 of the Original Declaration provides the procedure for the adoption of additional amendments to the Declaration (the "Amendment Procedure").

E. The Association has the sole power and authority to adopt amendments to the Declaration using the Amendment Procedure.

F. At the Annual Meeting of the Association's membership on November 16, 2019, convened after due notice, and upon the affirmative vote of owners of lots to which at least sixty-seven percent (67%) of the votes in the Association are allocated, as required by the Amendment Procedure, it was resolved that the Declaration shall be amended.

NOW, THEREFORE, the Association does hereby designate, declare, make known and publish the following amendments to the Declaration:

1. Section 4 of the Amendment to the Declaration dated June 11, 2007 and recorded in Book 1007, Page 241, Currituck County Registry shall be amended and restated to provide as follows:

4. The Association agrees that upon recording of this Declaration, the Association shall assume the maintenance responsibility for all streets in the Phase I and Phase II Developments (until such time as they may come under the maintenance responsibility of NCDOT), the drainage easements within the Phase I and Phase II Developments, and all other Phase I and Phase II Common Areas, all as a portion of the Association's overall budget, and the cost for the same shall be paid equally by all Members of the Association.

2. Section 8 of the Amendment to the Declaration dated June 11, 2007 and recorded in Book 1007, Page 241, Currituck County Registry shall be deleted in its entirety.

3. Except as otherwise amended herein, the Declaration remains in full force and effect. In the event of a conflict between this Amendment and the Declaration, this Amendment shall control.

(continued on the following page)

IN WITNESS WHEREOF, the Association has caused this instrument to be signed in its corporate name by its duly authorized officer, the day and year first above written.

KILMARLIC RESIDENTIAL COMMUNITY ASSOCIATION, a North Carolina Nonprofit Corporation

BY: Thomas G Voorhees

Name: THOMAS G VOORHEES

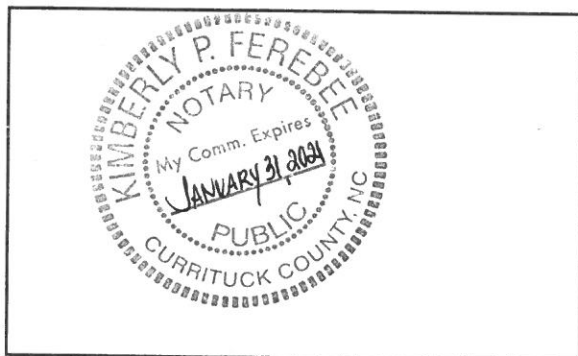
Title: PRESIDENT KILMARLIC HOA

STATE OF NORTH CAROLINA

(COUNTY) (CITY) OF CURRITUCK

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: THOMAS G VOORHEES (name), the PRESIDENT (title) of KILMARLIC RESIDENTIAL COMMUNITY ASSOCIATION, a North Carolina Nonprofit Corporation.

Witness my hand and seal this 22 day of JUNE, 20 20.



Affix Notary Seal Inside This Box

Kimberly P. Ferabee
Signature of Notary Public

KIMBERLY P FEREBEE
Typed or printed name of Notary Public

My commission expires: JANUARY 31, 2021