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on Nov 19 2010 at 08:11:56 AM  
by E MERITA LEWIS-SPENCER  
Register of Deeds  
Book 243 Page 907

RESOLUTION OF BOARD OF DIRECTORS OF BROAD CREEK HOMEOWNERS' ASSOCIATION, INC. Made this 15 day of July, 2010.

That whereas, Broad Creek Properties, Inc. as Declarant subjected the following described property to that "DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS FOR BROAD CREEK ESTATES SUBDIVISION", hereinafter referred to as the "Declaration of Covenants" dated the 10<sup>th</sup> day of March, 2008, and recorded in Book 232, Page 103, Hyde County Registry. This property is described as follows:

All of Lots One (1) through Eight (8) as they are shown on that map prepared by Hood L. Richardson, Professional Land Surveyor, dated December 26, 2007, and identified by the following legend: "PROPERTY OF: BROAD CREEK ESTATES SUBDIVISION". This map is duly of record in Plat Cabinet C, Slide 104-L, Hyde County Registry, and further reference is hereby made to said map for a more complete and accurate description of this property. Lot Nine (9), Lot Ten (10), and that parcel identified as "wood lands 49.36 acres" as shown on the above referenced map are expressly excluded from this "DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS FOR BROAD CREEK ESTATES SUBDIVISION."

And whereas, the Declarant desires to amend the Declaration of Covenants;

And where, the Declaration of Covenants provide in paragraph 12 recorded in Book 232, Page 107, Hyde County Registry, that a duly authorized resolution of the Board of Directors of the Broad Creek Estates Homeowners' Association, Inc., is required to amend the Declaration of Covenants above referred to;

And whereas, the Declarant has requested the Board of Directors to adopt such a resolution;

And whereas, the Board of Directors are in agreement with the proposed "FIRST AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS FOR BROAD CREEK ESTATES SUBDIVISION" herein referred to as "FIRST AMENDMENT", a copy of which is attached hereto and identified as exhibit "A";

And whereas, the Board of Directors are of the opinion that the proposed "First Amendment" is in the best interest of the Broad Creek Estates Subdivision;

And whereas, the Board of Directors desires to adopt such a resolution;

Returned to:  
T. R. THOMPSON, JR., ATTORNEY AT LAW, AURORA, NORTH CAROLINA  
21806 11/30/2010  
PO Box 308

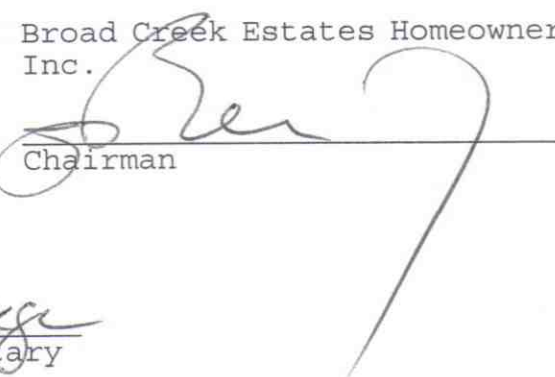
NOW THEREFORE, the Board of Directors of the Broad Creek Estates Homeowners' Association, Inc. do hereby adopt the following resolution:

Resolved that the "DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS FOR BROAD CREEK ESTATES SUBDIVISION" dated the 10<sup>th</sup> day of March, 2008, and recorded in Book 232, Page 103, Hyde County Registry, be amended by the "FIRST AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS FOR BROAD CREEK ESTATES SUBDIVISION", a copy of which is attached to this resolution.

IN WITNESS WHEREOF, Broad Creek Estates Homeowners' Association, Inc., has caused this Instrument to be executed in its name by the Chairman of its Board of Directors, attested by the Secretary of its Board of Directors and T.R. Thompson, Jr., a member of the Board of Directors, all by authority duly given, this the day and year first above written.

Broad Creek Estates Homeowners' Association,  
Inc.

BY:

  
Chairman

ATTEST:

  
Secretary

  
T.R. Thompson, Jr.

T. R. THOMPSON, JR., ATTORNEY AT LAW, AURORA, NORTH CAROLINA

Book 243 Page 909

STATE OF NORTH CAROLINA

COUNTY OF BEAUFORT

I, Susan Williamson, A Notary Public, do hereby certify that T.R. Thompson, Jr., a member of the Board of Directors of the Broad Creek Estates Homeowners' Association, Inc., personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the uses and purposes therein expressed.

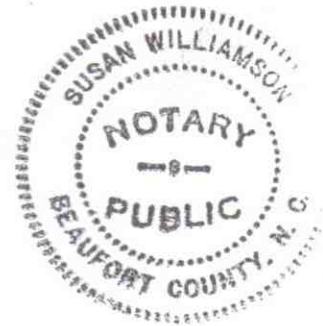
Witness my hand and notarial seal this 18<sup>th</sup> day of Nov., 2010.

Susan Williamson  
Notary Public

My Commission Expires:

12-06-2011

(SEAL)



STATE OF

VA

Book 243 Page 910

COUNTY OF

Virginia Beach

I, Amy Saunders, Notary Public, certify that Debora Berger, personally came before me this day and acknowledged that she is \_\_\_\_\_ Secretary of the Board of Directors of the Broad Creek Estates Homeowners' Association, Inc., a corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by Jeffrey Berger its Chairman of the Board of Directors, and attested by herself as \_\_\_\_\_ Secretary of the Board of Directors.

My commission expires 10/31/12.

Witness my hand and official seal, this the 15 day of July, 2010.

Amy Saunders  
Notary Public



T. R. THOMPSON, JR., ATTORNEY AT LAW, AURORA, NORTH CAROLINA



EXHIBIT "A"

STATE OF NORTH CAROLINA

COUNTY OF HYDE

FIRST AMENDMENT TO THE DECLARATION OF COVENANTS,  
CONDITIONS & RESTRICTIONS  
FOR BROAD CREEK ESTATES SUBDIVISION

THIS FIRST AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS BROAD CREEK ESTATES SUBDIVISION, hereinafter referred to as "FIRST AMENDMENT" made this 15<sup>th</sup> day of July, 2010, by Broad Creek Properties, Inc., hereinafter referred to as "Declarant" the Owner and Developer of Broad Creek Estates, and Broad Creek Estates Homeowners' Association, Inc., and the property owners in Broad Creek Estates Subdivision: Center for Health and Cancer Prevention 401(k) Plan, Keith Berger, Trustee, Virginia Carolina Investment Group, LLC, and Donald C. Anderson and wife, Gail K. Anderson;

W I T N E S S E T H

Whereas, subject to the conveyances hereinafter set out to third parties, the Declarant is the owner and developer of certain parcels of real estate (hereinafter called "Broad Creek Estates" or "the Subdivision") located in Currituck Township, Hyde County, North Carolina, and the Declarant as the owner and developer subjected the following described property to that "DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS FOR BROAD CREEK ESTATES SUBDIVISION" dated the 10<sup>TH</sup> DAY OF March 2008, and recorded in Book 232, Page 103, Hyde County Registry, hereinafter referred to as "DECLARATION OF COVENANTS, and said property is described as follows:

All of Lots One (1) through Eight (8) as they are shown on that map prepared by Hood L. Richardson, Professional Land Surveyor, dated December 26, 2007, and identified by the following legend: "PROPERTY OF: BROAD CREEK ESTATES

SUBDIVISION". This map is duly of record in Plat Cabinet C, Slide 104-L, Hyde County Registry, and further reference is hereby made to said map for a more complete and accurate description of this property. Lot Nine (9), Lot Ten (10), and that parcel identified as "wood lands 49.36 acres" as shown on the above referenced map are expressly excluded from this "DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS FOR BROAD CREEK ESTATES SUBDIVISION."

And whereas, the Declarant, since recording the Declaration of Covenants referred to above has conveyed the following parcels of land that are subject to the said Declaration of Covenants:

- A. Lot Number Two (2) conveyed to Donald C. Anderson and wife, Gail K. Anderson by deed dated the 28th day of May, 2008, and recorded in Book 233, Page 479, Hyde County Registry.
- B. Lot Number Five (5) conveyed to Center for Health and Cancer Prevention 401 (k) Plan, Keith Berger, trustee, by deed dated the 7th day of May, 2008 and recorded in Book 232, Page 805, Hyde County Registry.
- C. Lot Number Six (6) conveyed to Virginia Carolina Investment Group, LLC, by deed dated the 7th day of May, 2008, and recorded in Book 232, Page 808, Hyde County Registry.

And whereas, Paragraph 8 of Declaration of Covenants recorded in Book 232, Page 108, Hyde County Registry, provides that the Declarant shall organize the Broad Creek Estates Homeowners' Association, Inc., a North Carolina non-profit corporation, and this has been done. This paragraph further provides that each lot owner shall be a member of the Broad Creek Estates Homeowners' Association, Inc., and shall remain a member for as long as he is a lot owner.

And whereas, in accordance with the Declaration of Covenants, the Declarant and the owners of those lots referenced in

subparagraphs A, B, and C above are the members of the Broad Creek Estate Homeowners' Association, Inc.

And whereas, the Declaration of Covenants further provides in paragraph 8, Book 232, Page 108, Hyde County Registry, as follows: " As set forth in the Association Bylaws, each lot shall be entitled to two votes cast by its owner(s) in regards to Association matters voted on by the members."

And whereas, the Declaration of Covenants provide in Paragraph 12, Book 232, at Pages 107 and 108, Hyde County Registry as follows: " This Declaration may be amended at any time by a duly adopted resolution of Broad Creek Homeowners' Association Inc. Board of Directors AND an amending instrument signed and notarized by and for not less than seventy-five percent (75%) of the Lot Owners in the Subdivision."

And whereas, the Declarant, the following persons who are property owners in the Broad Creek Estates Subdivision: Center for Health and Cancer Prevention 401(k) Plan, Keith Berger, Trustee, and Virginia Carolina Investment Group, LLC, and Donald C. Anderson and wife, Gail K. Anderson, and in addition to the foregoing, the Chairman of the Board of Directors and Secretary of the Board of Directors of the Broad Creek Homeowners' Association Inc. acting in accordance with a duly adopted resolution of the Association, and in accordance with the Declaration of Covenants as set forth above, execute this FIRST AMENDMENT to the Declaration of Covenants dated the 10<sup>th</sup> day of March, 2008, recorded in Book 232, Page 103, Hyde County Registry.

NOW, THEREFORE, the Declarant, the Broad Creek Homeowners' Association, Inc., and the following property owners, Center for Health and Cancer Prevention 401(k) Plan, Keith Berger, Trustee, and Virginia Carolina Investment Group, LLC, and Donald C. Anderson and wife, Gail K. Anderson, do hereby amend the Declaration of Covenants dated the 10<sup>th</sup> day of March, 2008, by this FIRST AMENDMENT and the FIRST AMENDMENT is as follows:



2. No structure of a temporary nature, including but not limited to a trailer, mobile home, basement, tent, shack, garage, barn or other outbuilding shall be used on any part of the Subdivision at any time as a residence, either temporarily or permanently, and no trailer, mobile home, tent, shack, barn or other outbuilding shall be permitted to exist on the property as a residence. However, in conformity with Paragraph 19 below, recreational vehicles or travel trailers may be kept and stored on the lot so long as they are not occupied as a residence; subject however, to the exception that a recreational vehicle or travel trailer may be used as a residence for a period not to exceed two weeks in any given two month period of time.

3. With the two exceptions set forth herein, no Subdivision property shall be used for any type of commercial, business or industrial undertaking or enterprise. The use of this property shall be restricted to residential purposes only. The two exceptions to this provision are as follows: -1- Any occupant of a residence constructed on the property may use one interior room within the residence as an office, and it shall be open for the reception of customers or clients provided the occupant resides in the home and is in the residence when customers or clients are present; -2- This restriction will not prevent any subdivision support activities in conjunction with this residential subdivision project such as a lot sales office, a homeowners' association management office, maintenance areas, recreation areas, central meeting room areas and other such functions normally associated with a residential subdivision project.

6. No portion of the Subdivision property shall be used or maintained as a dumping ground for rubbish, trash or waste. When lot owners or persons occupying or using the property generate trash, garbage or other waste, such rubbish shall not be kept except in sanitary containers, which shall be emptied and cleaned at least weekly.

13. With the exception set forth below, all livestock and all domesticated farm animals (including, but not limited to,



fowl, cattle, and swine) shall be prohibited from all Subdivision property. However, residential occupants of the property may have dogs and cats provided they shall not disturb or annoy residents of the Subdivision and are not allowed to run free; dogs and cats shall be walked on leashes. If dogs or cats are walked outside of their home lot, the owner must scoop animal waste and dispose of the same in trash containers. Additionally, residential occupants may have two (2) horses provided they do not disturb or annoy residents of the Subdivision and are kept within a well maintained fence.

16. After conveyance of each respective lot by the Declarant, no signs or billboards shall be erected or maintained on the said lot except an appropriate "For Sale" sign, and no trade materials or inventories may be stored upon the lot. A car, pickup truck, panel wagon, or similar type of vehicle that is used by a lot owner in his or her business may be parked on the lot. Further, privately owned, non-commercial passenger pickup trucks owned and used by an owner or renter as a primary vehicle may be parked upon lots.

19. With the two exceptions set forth herein, no mobile homes (including single or double wide), trailers, tents or shacks may be installed on, stored or maintained within the Subdivision except in an area designated by Declarant. All construction on the property must conform to all Hyde County building regulations, rules, requirements and ordinances. Modular homes which are placed on "regular foundations" and do not remain on metal frames and meet the Hyde County building regulations, rules, requirements and ordinances are allowed. The two exceptions to this provision shall be that: (1) Nothing herein shall prevent Broad Creek Properties, Inc. from maintaining a temporary office whether mobile or not on the property as a sales office for so long as Broad Creek Properties, Inc. shall own any lots within the Subdivision which are for sale, and (2) Nothing herein shall prevent a resident owner, a resident renter or resident's guest of a lot from parking on the driveway a recreational vehicle or travel trailer and is not used or

occupied on the lot for a period not to exceed two weeks in any given two-month period of time.

21. Upon application to and approval of the Developer or the Homeowner's Association, and in accordance to such Hyde County regulations, rules, requirements and ordinances as may be applicable, and in accordance to such provisions as required by the Homeowner's Association or Developer, two adjoining lots which have the same ownership may be combined to form a single lot. In such event the newly formed single lot shall have all of the rights and obligations of a single lot under these Declarations and the Bylaws of the Homeowners' Association.

22. Lot improvements within the Subdivision shall be limited to single family residential dwellings with either attached or detached garages provided the detached garage is of the same construction style and material of the dwelling. For all lots, such single family residential dwelling construction shall have an enclosed, heated living spaces of at least 1200 square feet, not including cellars, decks, enclosed porches and garages. The dwelling must be built in accordance with the regulations, rules, requirements and ordinances of Hyde County.

Those paragraphs following Paragraph 22 in Book 232, at Pages 109, 110 and 110, Hyde County Registry, and listed under "OTHER LOT IMPROVEMENTS" are subject to the following provisions: Paragraph (a) has been deleted, Paragraph (b) has been deleted, Paragraph (c) has been deleted, Paragraph (d) has been deleted, Paragraph (e) has been deleted and Paragraph (i) has been deleted. Paragraph (g) remains as stated. Paragraph (f) has been amended and is now Paragraph 23, and Paragraph (h) has been amended and is now Paragraph 25.

23. In conjunction with the construction of a residential dwelling or thereafter, the property may be further improved by the construction of outbuildings, which shall be built in accordance with the regulations, rules, requirements and ordinances of Hyde County. The outbuildings may be used as a residence for guests or relatives who are visiting. Further,

provided it complies with the Hyde County regulations, rules, requirements and ordinances, a lot owner shall be allowed to live in an apartment above a garage on the property of the owner while the owner constructs the residence on the lot. Once begun, exterior construction on any dwelling or outbuilding shall be completed within twelve (12) months.

25. Trees may be removed for the dwelling and/or outbuilding footprint, driveway and septic field. Trees may be also removed within a fifteen-foot area around the dwelling or outbuilding.

Except as herein amended the "DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS FOR BROAD CREEK ESTATES SUBDIVISION" dated March 10, 2008, and of record in the Office of the Register of Deeds of Hyde County in Book 232, Page 103, and hereby ratified and confirmed.

IN WITNESS WHEREOF, Broad Creek Properties, Inc., has caused this FIRST AMENDMENT to the Declaration of Covenants to be executed in its name by its President, attested by its Secretary, its corporate seal hereunto affixed, all by authority duly given, Broad Creek Homeowners' Association, Inc. has caused this FIRST AMENDMENT to the Declaration of Covenants to be executed in its name by its Chairman of the Board of Directors, attested by the Secretary of the Board of Directors, all by authority duly given, and T.R. Thompson, Jr., a member of the Board of Directors has executed this First Amendment and Center for Health and Cancer Prevention 401(k) Plan, Keith Berger, Trustee, Virginia Carolina Investment Group, LLC, and Donald C. Anderson and wife, Gail K. Anderson, property owners in Broad Creek Estates subdivision have executed this FIRST AMENDMENT to the Declaration of Covenants this the day and year first above written.



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Broad Creek Properties, Inc.

BY:

President

ATTEST:

Julian Berger  
Secretary



Broad Creek Estates Homeowners'  
Association, Inc.

BY:

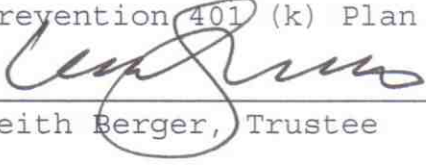
Chairman

ATTEST:

Julian Berger  
Secretary

T.R. Thompson, Jr.  
T.R. Thompson, Jr.

Center for Health and Cancer  
Prevention 401 (k) Plan

BY:  (SEAL)  
Keith Berger, Trustee

ATTEST:

  
Secretary

Virginia Carolina Investment Group,  
LLC

BY:   
Member/Manager

ATTEST:

  
Secretary

\_\_\_\_\_  
Donald C. Anderson (SEAL)

\_\_\_\_\_  
Gail K. Anderson (SEAL)

STATE OF VA

COUNTY OF Virginia Beach

I, Amy Schlers, Notary Public,  
certify that Debora Berger, personally came before me this day and  
acknowledged that she is \_\_\_\_\_ Secretary of Broad Creek  
Properties, Inc., a corporation, and that by authority duly given  
and as the act of the corporation, the foregoing instrument was  
signed in its name by Jeffrey Berger its \_\_\_\_\_ President, sealed  
with its corporate seal, and attested by him/herself as its  
\_\_\_\_\_ Secretary.

My commission expires 10/31/12.

Witness my hand and official seal, this the 15 day  
of July, 2010.

[Signature]  
Notary Public

(OFFICIAL SEAL)





STATE OF VA

COUNTY OF Virginia Beach

I, Amy Saunders, Notary Public,

certify that Debora Berger, personally came before me this day and acknowledged that she is \_\_\_\_\_ Secretary of the Board of Directors of the Broad Creek Estates Homeowners' Association, Inc., a corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by Jeffrey Berger its Chairman of the Board of Directors, and attested by herself as \_\_\_\_\_ Secretary of the Board of Directors.

My commission expires 10/21/12.

Witness my hand and official seal, this the 15 day of July, 2010.

Amy Saunders  
Notary Public



STATE OF NC  
COUNTY OF Beaufort

I, Cathy D Walker, a Notary Public, do hereby certify that T.R. Thompson, Jr., a member of the Board of Directors of the Broad Creek Estates Homeowners' Association, Inc., personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the uses and purposes therein expressed.

Witness my hand and notarial seal this 14<sup>th</sup> day of September, 2010.

Cathy D Walker  
Notary Public

My Commission Expires:  
May 31 2014

(SEAL)



STATE OF VA  
COUNTY OF Virginia Beach  
I, Amy Sanders, Notary Public,  
certify that Keith Berger, personally came before me this day and  
acknowledged that he is Trustee of the Center for Health and  
Cancer Prevention 401 (k) Plan, and that by authority duly given  
he signed the foregoing instrument..

My commission expires 10/31/12.

Witness my hand and official seal, this the 15 day  
of July, 2010.

[Signature]  
Notary Public

(OFFICIAL SEAL)



T. R. THOMPSON, JR., ATTORNEY AT LAW, AURORA, NORTH CAROLINA



STATE OF VA  
COUNTY OF Virginia Beach

I, Amy Saunders, a Notary Public, do hereby  
certify that Keith Berger and, personally came  
before me this day and acknowledged that he/she is a  
Member/Manager of Virginia Carolina Investment Group, LLC, a North  
Carolina limited liability company, and that by authority duly  
given he/she executed the foregoing instrument on behalf of the  
company and that said instrument is an act of the company.

Witness my hand and official stamp or seal, this 15 day of  
July, 2010.

[Signature]  
Notary Public



My Commission expires:  
7/31/12

T. R. THOMPSON, JR., ATTORNEY AT LAW, AURORA, NORTH CAROLINA

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public, do hereby certify that Donald C. Anderson and wife, Gail K. Anderson, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the uses and purposes therein expressed.

Witness my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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

My Commission Expires:

\_\_\_\_\_  
(SEAL)