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BOOK

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STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

RECORDED & VERIFIED  
MARY SUE OOTS

DECLARATION OF CONDOMINIUM  
BIRCH CREEK CONDOMINIUMS

THIS AMENDMENT OF REGISTERED DEEDS CONDOMINIUM, BIRCH CREEK  
CONDOMINIUMS (the "Amendment") made pursuant to Chapter 47 A of the  
North Carolina General Statutes and made this 28th date of October,  
1997.

WITNESSETH

WHEREAS, a meeting of the members of Birch Creek Homeowners  
Association, Inc. (the "Association") was duly held, after proper  
notice was given, at which meeting a quorum was present in person  
or by proxy; and,

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WHEREAS, at this meeting an amendment to the Declaration of  
Condominium, Birch Creek Condominiums (the "Declaration"), was  
discussed and voted upon by the members; and,

WHEREAS, the proposed amendment was approved and adopted by  
the members by an affirmative vote in excess of the minimum vote  
required for approval of this Amendment by the members.

NOW, THEREFORE, let it be that the Declaration of Condominium  
Birch Creek Condominiums recorded in Book 1203 Page 1317 of the New  
Hanover County Registry, as the same has heretofore been amended,  
is hereby amended as follows:

Amendment

A. Delete the existing subparagraph B titled "premiums" of  
Paragraph 14 titled "Insurance" and insert in lieu thereof, the  
following:

"B. Premiums. All insurance policy premiums paid for insurance of  
any kind or nature on the Property and/or for the benefit of the

RETURNED TO

*Robert S. Jordan*

Association and the officers and directors of the Association, including by way of example but not in limitation, directors and officers insurance and public liability insurance, purchased by or for the benefit of the Association, the Board or the Managing Agent shall be paid by the Association and shall be a common expense of the Association. Any deductible required to be paid under any of the insurance policies which the Association has secured and maintained shall be paid by the Association as a common expense; provided, however, should the Association obtain any insurance policy(ies) insuring all or a portion of the limited common areas and facilities under which there is a deductible then the owner of the unit to which any such limited common areas and facilities are appurtenant or related shall pay any deductible arising out of any claim related to such limited common areas and facilities appurtenant or related to their particular unit. If a unit owner maintains insurance on his unit or the limited common areas and facilities associated or related to his unit, such unit owner shall be responsible for and shall pay any deductible associated or arising out of any claim related thereto unless such damage or loss is caused by the owner or occupants or another unit in which event the owner of the unit which causes such loss or damage shall also pay the deductible for the other unit owners whose units suffered loss or damage."

END OF AMENDMENT

EXCEPT as specifically amended by this Amendment, the Declaration of Condominium Birch Creek Condominiums, as heretofore amended, shall be and remain in full force and effect.

A certification by the President and Secretary of the Association is attached hereto and incorporated herein by this reference certifying that this Amendment was duly adopted in accordance with the provisions of the Declaration.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals to this Agreement the day and year first above written.

BIRCH CREEK HOMEOWNERS ASSOCIATION, INC.

By: [Signature]  
President

ATTEST:

[Signature]



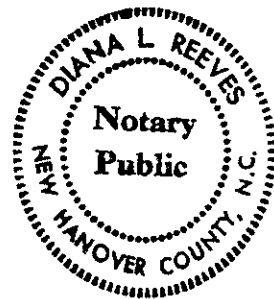
STATE OF NORTH CAROLINA  
COUNTY OF NEW HANOVER

I, Diana L. Reeves, a Notary Public in and for the County and State aforesaid do hereby certify that [Signature] personally appeared before me this day and acknowledged that he/she is [Signature] Secretary of BIRCH CREEK HOMEOWNERS ASSOCIATION, INC., and that, by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its [Signature] President, sealed with its corporate seal, and attested by himself/herself as its [Signature] Secretary.

WITNESS my hand and notarial seal this the 30th day of October, 1997.


[Signature]  
NOTARY PUBLIC

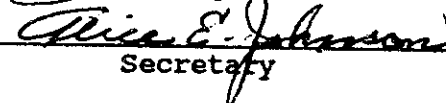
MY COMMISSION EXPIRES:  
August 9, 2000



The undersigned, being the duly elected and presently serving President and Secretary of Birch Creek Homeowners Association, Inc. do hereby certify that the amendment to the Declaration of Condominium Birch Creek Condominiums was duly adopted by the requisite affirmative vote of the members of said Association in accordance with the provision of said Declaration of Condominium at a duly held meeting after proper notice was duly given.

This 28th day of October, 1997.

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

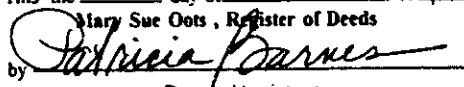
  
\_\_\_\_\_  
Secretary (SEAL)

STATE OF NORTH CAROLINA  
New Hanover County  
The Foregoing/ Annexed Certificate(s) of

Diana L. Reeves

Notary (Notaries) Public is/ are certified  
to be correct.

This the 3 day of Nov 1997

Mary Sue Oots, Register of Deeds  
by   
\_\_\_\_\_  
Deputy/Assistant