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FOR REGISTRATION REGISTER OF DEEDS
TAMMY THEUSCH BEASLEY
NEW HANOVER COUNTY, NC
2014 DEC 12 03 39 56 PM
BK 5857 PG 32-38 FEE \$26 00

INSTRUMENT # 2014033414

**SUPPLEMENTAL DECLARATION TO PROTECTIVE COVENANTS FOR
THE NEIGHBORHOODS AT WEST BAY ESTATES**

Prepared by **MURCHISON, TAYLOR, & GIBSON, PLLC**
16 North Fifth Avenue, Wilmington, NC 28401

NORTH CAROLINA

NEW HANOVER COUNTY

This SUPPLEMENTAL DECLARATION TO PROTECTIVE COVENANTS FOR THE NEIGHBORHOODS AT WEST BAY (this "Supplement") is made this 12th day of December, 2014, by **TORCHWOOD DEVELOPMENT COMPANY, INC.**, a North Carolina corporation, and **STEVENS BUILDING COMPANY**, a North Carolina corporation (collectively referred to as "Declarant") and joined by **SAVANA LAND COMPANY, LLC**, a North Carolina limited liability company ("Owner")

WITNESSETH

WHEREAS, Declarant or Declarant's predecessor in title executed that certain Amended Declaration of Protective Covenants for Windsor Place and Garlington Heights at West Bay Estates and caused the same to be recorded in Book 5296, Page 2633, and subsequently re-rerecorded in Book 5305, Page 501 of the New Hanover County Registry, as amended by documents recorded in Book 5344, Page 1737, Book 5364, Page 1342, Book 5380, Page 393, Book 5408, Page 1133, Book 5741, Page 203, and Book 5741, Page 209, all of the New Hanover County Registry (as amended and supplemented, being referred to herein as the "Declaration"),

WHEREAS, Article VII, Section 4 of the Declaration provides that the Declarant may annex and make a part of the Planned Community any other real property, whether now owned or hereafter acquired by Declarant or others, and whether developed by Declarant or others (the "Additional Property"), and that said Additional Property may be annexed to the Planned Community without the assent of the Members so long as the Additional Property is used for residential purposes (including but not limited to multifamily, condominiums,

townhomes, patio homes, apartments, Common Elements, roads and other amenities related thereto), and

WHEREAS, the Declarant desires the Annexed Property (as defined below) to be made subject to the Declaration,

WHEREAS, Owner, as the owner of the Annexed Property, desires to join into this Supplement for the purpose of consenting to the annexation of such property and agreeing to the terms and conditions provided herein,

NOW THEREFORE, the Declarant does hereby supplement the Declaration as follows

A. All capitalized terms used in this Supplement not otherwise defined herein shall have the meaning set forth in the Declaration

B Declarant hereby subjects all of the property described in Exhibit A, attached hereto and incorporated herein by reference (also known as Berkeley at West Bay Estates Phases 2 and 3) (the "Annexed Property") to the terms of the Declaration and to the jurisdiction of the Association. The Annexed Property shall be held, sold, and conveyed subject to the Declaration, as amended by this Supplement, which covenants shall run with title to the Annexed Property and shall be binding on all parties having any right, title, or interest in such property or any part thereof, and shall inure to the benefit of each owner thereof.

C. Owner does hereby consent to such annexation and joins herein to the extent necessary to accomplish the same

EXCEPT AS AMENDED AND SUPPLEMENTED HEREIN, the Declaration shall be and remain in full force and effect

[Execution page follows]

IN WITNESS WHEREOF, Declarant has caused this instrument to be signed as of the day and year first written above

TORCHWOOD DEVELOPMENT COMPANY, INC.,
a North Carolina corporation

By [Signature]
Name Burrows B. Smith
Title ~~member/manager~~ V. President
863

STATE OF NORTH CAROLINA

COUNTY OF New Hanover
(County where acknowledgment taken)

I, Staci Lynne Nicholson, a Notary Public in and for Brunswick County, North Carolina, certify that Burrows B. Smith personally came before me this day and acknowledged that he is V. President of TORCHWOOD DEVELOPMENT COMPANY, INC, 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 V. President

WITNESS my hand and official seal this 12 day of December, 2014

[Signature]
Notary Public

My commission expires
11/20/2018

STACI LYNNE NICHOLSON
NOTARY PUBLIC
BRUNSWICK COUNTY, NC

STEVENS BUILDING COMPANY, a North Carolina corporation

By Daniel J. Weldon
Name Daniel J. Weldon
Title Treasurer

STATE OF NORTH CAROLINA
COUNTY OF New Hanover

(County where acknowledgment taken)

I, Staci Lynne Nicholson, a Notary Public in and for Brunswick County, North Carolina, certify that Daniel J. Weldon personally came before me this day and acknowledged that he is ~~Treasurer~~ President of STEVENS BUILDING COMPANY, 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 ~~Treasurer~~ President.

WITNESS my hand and official seal this 12 day of December, 2014

Staci Lynne Nicholson
Notary Public

My commission expires:
11/20/2018

STACI LYNNE NICHOLSON
NOTARY PUBLIC
BRUNSWICK COUNTY, NC

The undersigned, as the owner of the Annexed Property, joins herein for the purpose of consenting to the annexation of such property and agreeing to the terms and conditions provided herein

SAVANA LAND COMPANY, LLC, a North Carolina limited liability company

By [Signature]
Name: Burrows G. Smith
Title: Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF New Hanover
(County where acknowledgment taken)

I, Staci Lynne Nicholson, a Notary Public in and for Brunswick County, North Carolina, certify that Burrows G. Smith personally came before me this day and acknowledged that he is Member/Manager of SAVANA LAND COMPANY, LLC, a North Carolina limited liability company, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Member/Manager.

WITNESS my hand and official seal this 12 day of December, 2014

[Signature]
Notary Public

My commission expires:
11/20/2018

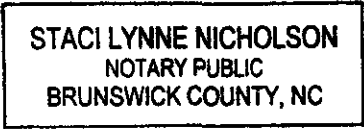


EXHIBIT A

The Annexed Property

Being all of Phase 2 and Phase 3, Berkeley at Westbay Estates as shown on a map recorded in Map Book 58, Page 58, of the New Hanover County Register of Deeds office, with reference to said map being hereby made for a more particular description Being a portion of the property owned by Savana Land Company, LLC as recorded in Deed Book 4885 Page 1389



TAMMY THEUSCH BEASLEY
REGISTER OF DEEDS, NEW HANOVER
216 NORTH SECOND STREET

WILMINGTON, NC 28401

Filed For Registration: 12/12/2014 03 39:56 PM

Book RE 5857 Page. 32-38

Document No.: 2014033414

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Recorder: HUGHLEY, CAROL

State of North Carolina, County of New Hanover

PLEASE RETAIN YELLOW TRAILER PAGE WITH ORIGINAL DOCUMENT.

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