



FOR REGISTRATION REGISTER OF DEED  
TAMMY THEUSCH BEASLEY  
NEW HANOVER COUNTY, NC  
2013 MAY 29 04:01:50 PM  
BK-5741 PG 203-208 FEE \$26 00

INSTRUMENT # 2013019512

**STATE OF NORTH CAROLINA  
COUNTY OF NEW HANOVER**

**Prepared by: S. Denise Watts and Joy P. Easley, Watts & Easley PLLC, Attorneys at Law  
(Without Opinion on Title)**

**DECLARATION OF ANNEXATION  
ANNEXING ADDITIONAL LANDS INTO THE  
NEIGHBORHOODS AT WEST BAY ESTATES**

THIS DECLARATION OF ANNEXATION ANNEXING ADDITIONAL LANDS INTO THE NEIGHBORHOODS AT WEST BAY ESTATES is made as of the 23<sup>rd</sup> day of May, 2013 by TORCHWOOD DEVELOPMENT COMPANY, INC., and STEVENS BUILDING COMPANY, hereinafter collectively referred to as "Declarant" or "Developer" for the purposes hereinafter stated,

**WITNESSETH**

WHEREAS, Declarant or Declarant's predecessor in title, recorded an Amended Declaration of Protective Covenants For Windsor Place and Garlington Heights At West Bay Estates in Book 5296, at Page 2633, in the Office of the Register of Deeds of New Hanover County, North Carolina (as amended by documents Explanation Statement to Correct Obvious Minor Error(s) Made in an Instrument as Originally Recorded, said document being recorded in Deed Book 5305, at Page 501; Amendment and Supplemental Protective Covenants, said document being recorded in Deed Book 5344, at Page 1737; Amendment and Supplemental Protective Covenants, said document being recorded at Deed Book 5364, at Page 1342, Amendment to Protective Covenants, said document being recorded at Deed Book 5380, at Page 393; and Amendment to Amended Declaration of Protective Covenants for Windsor Place and Garlington Heights At West Bay Estates, said document being recorded at Book 5408, at Page 1133), hereinafter referred to as the "Declaration"; and

WHEREAS, Article VII, Section 4 of the Declaration provides that the Declarant may annex to 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 the Declarant or others (the

**(Without Opinion on Title)**

\* Bagwell Holt + Smith  
Chapel Hill NC

“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, Declarant now wishes to annex additional land into THE NEIGHBORHOODS AT WEST BAY ESTATES, and hereby declares that the property described below shall be held, sold and conveyed subject to the following easements, restrictions, covenants and conditions, which are for the purpose of protecting the value and desirability of such property and adjacent properties now or formerly owned by Declarant. The easements, restrictions, covenants and conditions shall run with the property described herein and be binding on all parties now or hereafter having any right, title or interest in such property or any part hereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof

1 All capitalized terms used in this Declaration of Annexation not otherwise herein defined shall have the meaning set forth in the Declaration

2 Declarant hereby subjects that certain real property, more particularly described in Exhibit A attached hereto and incorporated herein by reference (also known as Berkeley at West Bay Estates Phase I), to the terms of the Declaration and to the jurisdiction of the Association

IN WITNESS WHEREOF, the undersigned being the Declarant herein, has caused this Declaration of Annexation to be executed in its corporate name by its officer pursuant to Declarant's Board of Directors as of the day and year first above written

**(Without Opinion on Title)**

TORCHWOOD DEVELOPMENT COMPANY, INC. (DECLARANT)

BY *Burrows G. Smith* VP

PRINTED NAME: Burrows G. Smith

TITLE: Vice President

STATE OF North Carolina  
COUNTY OF New Hanover

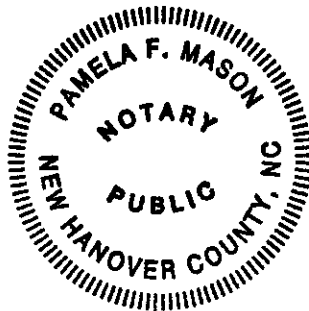
I, Pamela F. Mason, a Notary Public, within and for the State and County aforesaid do hereby certify that the foregoing instrument of writing was this day produced to me in the above State and County by **BURROWS G. SMITH**, party hereto, either personally known to me or proven by satisfactory evidence (said evidence being \_\_\_\_\_), personally appeared before me this day, and, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated

Burrows G. Smith  
*Name(s) of principal(s)*

Witness my hand and official seal, this the 23<sup>rd</sup> day of May, 2013.

My Commission Expires: 10/26/16  
Pamela F. Mason  
Notary Public

[SEAL]



(Without Opinion on Title)

STEVENS BUILDING COMPANY (DECLARANT)

BY: [Signature]  
PRINTED NAME. Michael Craig Stevens  
TITLE: President

STATE OF North Carolina  
COUNTY OF New Hanover

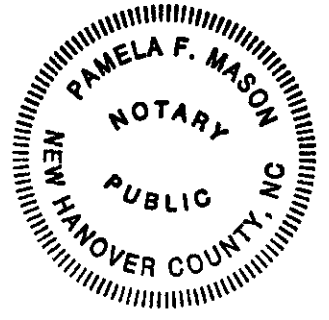
I, Pamela F. Mason, a Notary Public, within and for the State and County aforesaid do hereby certify that the foregoing instrument of writing was this day produced to me in the above State and County by MICHAEL CRAIG STEVENS, party hereto, either personally known to me or proven by satisfactory evidence (said evidence being \_\_\_\_\_), personally appeared before me this day, and; each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

Michael Craig Stevens  
*Name(s) of principal(s)*

Witness my hand and official seal, this the 23<sup>rd</sup> day of May, 2013

My Commission Expires 10-26-16  
Pamela F. Mason  
Notary Public

[SEAL]



(Without Opinion on Title)

**EXHIBIT A**

Being all of Phase 1, 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.

**(Without Opinion on Title)**



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

WILMINGTON, NC 28401

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**Filed For Registration: 05/29/2013 04:01:50 PM**

**Book. RE 5741 Page. 203-208**

**Document No : 2013019512**

**6 PGS \$26.00**

**Recorder: JOHNSON, CAROLYN**

**State of North Carolina, County of New Hanover**

**PLEASE RETAIN YELLOW TRAILER PAGE WITH ORIGINAL DOCUMENT.**

**\*2013019512\***

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