

FILED

'87 SEP 9 PM 4 05

NORTH CAROLINA BK 528 PG 0745

DORRIS A. FRY
REGISTER OF DEEDS
DARE COUNTY, N.C. AMENDMENT NO. 1

DARE COUNTY

THIS AMENDED DECLARATION made this 4th day of September, 1987, by NAGS HEAD VILLAGE OWNERS ASSOCIATION, INC.

WITNESSETH:

THAT WHEREAS, the declarant has heretofore filed a declaration dated August 31, 1987, relating to the property known as "The Village at Nags Head", which is a part of a SPD-C District under the terms and conditions of the zoning ordinance originally adopted on June 1, 1981, and subsequently amended on the 16th day of July, 1986, all of said property being within and under the jurisdiction of the Town of Nags Head;

AND WHEREAS, as a part of the amendment to the SPD-C District adopted July 16, 1986, the "open space" was more particularly defined as to the items and areas included therein;

AND WHEREAS, the Town does desire, and declarant has agreed, to file this amended declaration so as to specify for the benefit of all parties, and particularly purchasers within The Village, the matters and things which relate to the "open space" duties and responsibilities of the association.

NOW, THEREFORE, the declarant, Nags Head Village Owners Association, Inc., in addition to its original declaration dated August 31, 1987, does hereby declare that each purchaser with The Village at Nags Head takes with notice that as a member of the association the development parcel standards of The Village are as follows:

RECREATIONAL DISTRICTS:

Permitted Uses - Recreational uses will be allowed in any district in The Village at Nags Head.

THE VILLAGE AT NAGS HEAD PROPERTY OWNERS ASSOCIATION:

(The declarant has applied for an amendment to its charter to comply with this name hereinbefore set forth)

Village Association

Membership - Every property owners is a mandatory member of the "Village" property owners association.

Purpose - The property owners association is responsible for ownership and maintenance of all "Village" common areas, including but not limited to, "Village" entry areas including islands, medians and signs; buffer and natural areas; Roanoke Sound access areas; Atlantic Ocean access areas; "Village" walkways, drainage easements, and structures; lakes, and ponds; and other open space areas. NOTE: Drafts of the Declaration, Covenants and Conditions which create a Property Owners Association will be included as Appendix A at the time of Site Plan submittal.

NEIGHBORHOOD ASSOCIATION:

Membership - Every property owner within a development section or parcel/neighborhood is a mandatory member of that neighborhood association.

Purpose - It is responsible for ownership and maintenance of all "Neighborhood" common areas, including but not limited to, areas around "Neighborhood" residential buildings; "Neighborhood" parking areas, private streets, drives, street medians, identification signs, and all other recreations areas provided for in that neighborhood.

THE VILLAGE AT NAGS HEAD BEACH AND TENNIS CLUB:

Membership - This will be a membership facility with outside membership in addition to property owners of The Village at Nags Head, that choose to join. Membership is always open to the property owners of The Village at Nags Head, who have first priority and are given special financial consideration from outside members.

Purpose - This would consist of a private club with facilities which may include a Beach, Swim and/or Tennis Center which may have the following facilities; including a swimming pool, sunbathing areas, club house, eating and drinking establishments, pro shops, bath and toilet facilities, tennis/squash/basketball courts, volleyball area or any other appropriate recreational activity.

Parking - Swimming Pool, one space per one hundred forty (140) square feet of pool water surface area; Basketball two (2) spaces per basket; Tennis and Racketball Courts two (2) spaces per court, eating and drinking 1 space for each 55 feet of interior public area.

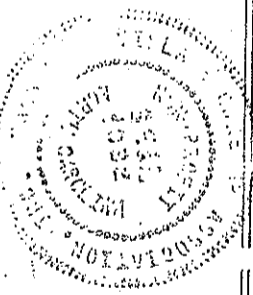
IN WITNESS WHEREOF, Nags Head Village Owners Association, Inc. has caused this Amendment No. 1 to its Declaration to be executed in its corporate name by its president, attested by its secretary, and its common corporate seal, as a non-profit corporation, attached hereto this day and year first above written.

NAGS HEAD VILLAGE OWNERS ASSOCIATION, INC.

By Andrew L. Ammons
Andrew L. Ammons, President

ATTEST:

Wallace H. McCown
Wallace H. McCown, Secretary



MCCOWN & MCCOWN
ATTORNEYS AT LAW
MANTEO, N. C. 27954.

NORTH CAROLINA

DARE COUNTY

I, the undersigned, a Notary Public of Dare County, North Carolina, do hereby certify that Wallace H. McCown, personally came before me this day and acknowledged that he is Secretary of Nags Head Village Owners Association, Inc., a non-profit corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal, and attested by him as its Secretary.

Witness my hand and notarial seal this 9th day of September, 1987.

Tamatha Jo Perry (Fincham)
Notary Public

My commission expires:

7-26-91

**TAMATHA JO PERRY
NOTARY PUBLIC
DARE COUNTY, N.C.**

The foregoing certificate of Tamatha Jo Perry (Fincham), a Notary Public of Dare County, North Carolina, is certified to be correct. This instrument and this certificate are duly registered at the date and time and in the book and page shown on the first page hereof.

D. Brian A. Bry Register of Deeds for Dare County

By Norma Jean Ward asst.
Deputy Register of Deeds