



FOR REGISTRATION REGISTER OF DEEDS  
JENNIFER H. MACNEISH  
NEW HANOVER COUNTY, NC  
2010 SEP 29 09:35:49 AM  
BK:5513 PG:2353-2356 FEE:\$20.00

INSTRUMENT # 2010027046

Prepared By and Return to Alfred G. Adams, Esq.

Womble, Carlyle Sandridge & Rice, PLLC, One West Fourth Street, Winston-Salem, NC 27101

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### AMENDMENT TO DECLARATION OF CARLETON PLACE TOWNHOMES

THIS AMENDMENT TO DECLARATION OF CARLETON PLACE TOWNHOMES ("Amendment") is made and entered into as of the 27 day of March, 2010 ("Effective Date") by and between CARLETON PLACE TOWNHOMES ASSOCIATION, ("Association") and ALL PRESENT AND FUTURE OWNERS OF PROPERTY WITHIN CARLETON PLACE TOWNHOMES ("Owners").

#### RECITALS

1. Carleton Place Townhomes is subject to that certain Declaration for Carleton Place Townhomes ("Declaration") recorded in Book 2352, at Page 0354, of the Office of the Register of Deeds for New Hanover County, North Carolina.
2. Section 15.2 of the Declaration provides that the Declaration may be amended by the Association with at least sixty-seven percent (67%) vote of all classes of members of the Association approving of the proposed amendment ("Required Approval Vote").
3. The Association has determined that it is in the best interest of the Association to amend the Declaration on several points and at a duly called meeting of the Association amendments to the Declaration as herein delineated were approved by the Required Approval Vote.
4. In compliance with the amendment process as established by the Declaration, the President of the Association shall certify the compliance with the requisite procedures of the Declaration and such certification shall be attested by the Secretary or Assistant Secretary of the Association and the amendment shall be recorded in the Office of the New Hanover Register of Deeds.

RETURN TO  
*Marshall, Womble & Gibson*

NOW THEREFORE, in accordance with Section 15.2 of the Declaration, the Association after obtaining the Required Approval Vote does hereby make the following amendments to the Declaration to be binding upon the Owners.

1. A new Section 2.6. Common Property Gate. is added to the Declaration as follows: There currently exists a gate (“Gate”) which provides access from Carleton Place Townhomes to the campus of the University of North Carolina at Wilmington. The Gate is deemed to be a Common Element to be maintained, repaired and replaced by the Association through the actions of the Executive Board. Although the Executive Board is granted routine maintenance, repairs and replacement activities relating to the Gate, any action to remove, close, or relocate the Gate from its present location (meaning the location of the Gate as of the date of this Amendment) shall require a majority vote of all classes of the members of the Association. The Executive Board by its own action is not granted the authority to remove, close or relocate the Gate. Any limited or temporary closure of the Gate solely for routine maintenance, repair, or replacement activities shall be within the authority of the Executive Board.
2. Section 9.3 of the Declaration is revised as follows: “No member of the Covenants Committee shall receive compensation for service on the Covenants Committee.”
3. Section 16.1 of the Declaration is revised to correct scrivener’s error as follows: Wherever the typed word “eight” is found in said Section 16.1, the word shall be “eighty” so that the written percentage shall be consistent with the number percentage.
4. The President of the Association with the attestation of the Secretary or Assistant Secretary of the Association does hereby certify that the Required Approval Vote was obtained in order to effectuate this Amendment.
5. The Association shall cause this Amendment to be recorded in the Office of the Register of Deeds for New Hanover County, North Carolina.

IN WITNESS WHEREOF, the President of the Association with the attestation of the Secretary or Assistant Secretary of the Association has executed this Amendment as of the Effective Date.

[SIGNATURES FOLLOW ON NEXT PAGE]

CARLETON PLACE TOWNHOMES ASSOCIATION

By: Mauri K. Hodges

Name: MAURI K. HODGES

Title: President

ATTEST:

By: Charles R. Andrews Jr.

Name: CHARLES R. ANDREWS JR.

Title:        Secretary

STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

I certify that MAURI K. HODGES, President of Carleton Place Townhomes Association and CHARLES R ANDREWS JR. Secretary of Carleton Place Townhomes Association, *[being personally known by me or having seen satisfactory evidence of the principal's identify]* personally appeared before me this day and acknowledged to me that they voluntarily signed the foregoing document for the purpose stated therein and in the capacities indicated.

Date: 9-25-10

Calvin W Barnes

(official signature of Notary)

CALVIN W BARNES, Notary Public

(Notary's printed or typed name)

My commission expires: 12-07-2014





JENNIFER H. MACNEISH  
REGISTER OF DEEDS, NEW HANOVER  
216 NORTH SECOND STREET

WILMINGTON, NC 28401

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State of North Carolina, County of New Hanover

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