

Melanie Arthur
CARTERET COUNTY 6P
JL Date 08/26/2005 Time 15:29:00
GR 1129205 Page 1 of 6

NORTH CAROLINA, CARTERET COUNTY

The foregoing certificate(s) of Notary Public(s) is/are 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.

Melanie Arthur, Registrar of Deeds
By *Nancy Osuna*
Asst./Deputy, Registrar of Deeds

PREPARED BY: JAMES W. THOMPSON, Attorney At Law, 1207-C Arendell Street, Morehead City, North Carolina 28557

Return to JMT
STATE OF NORTH CAROLINA
COUNTY OF CARTERET

**SEVENTH AMENDMENT
TO DECLARATION OF COVENANTS,
CONDITIONS, EASEMENTS, RESTRICTIONS, CHARGES, LIENS, AND
RESERVATIONS
FOR
"STANTON LANDING"
A RESIDENTIAL COMMUNITY**

(Preliminary Note: This Seventh Amendment results in the dedication of a "Boat Ramp" area located along the ICW and the southern boundary line of the "Clubhouse and Pool Property"; dedicates an access roadway to the "Stanton Landing Dock Lots" which lie north of Phase II, Stanton Landing; assigns use rights in Dolphin Way and Waterway Drive to lot owners and to the Stanton Landing Property Owners Association, and creates maintenance responsibility for said roads in the Association.)

THIS SEVENTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS, RESTRICTIONS, CHARGES, LIENS, AND RESERVATIONS FOR STANTON LANDING is made on this 26TH day of AUGUST, 2005 by U.S.F., LLC, a North Carolina Limited Liability Company, hereinafter referred to as the "Declarant".

BOOK 1129 PAGE 205

6

WITNESSETH:

THAT WHEREAS, the Declarant is the developer of that subdivision known as "Stanton Landing", a residential single-family subdivision located along the east bank of the Intracoastal Waterway in Carteret County, a plat of Phase 1 thereof being recorded in map book 30, page 206; a plat of the Phase 2 being recorded in map book 30, page 344; a plat of Phase 3-A being recorded in map book 30, page 661; a plat of Phase 3-B being recorded in map book 30, page 660, Carteret Registry; and a plat of Lots 1 through 9 and lots 1A through 9A, Block A, Section III, Sea Gate (sometimes referred to as "Phase IV, Stanton Landing"), being recorded in map book 30, page 587, Carteret Registry. In connection with such development, Declarant did execute and record a document entitled "Declaration of Covenants, Conditions, Easements, Restrictions, Charges, Liens, and Reservations -- Stanton Landing" recorded in book 969, page 93, Carteret County Registry (hereafter "Declaration of Covenants") which affects the lots in said development made subject thereto; and,

WHEREAS, pursuant to Article 2.2.1 of the Declaration of Covenants, Declarant has previously amended said Covenants by certain prior amendments of record, and does desire to further amend the same as hereafter provided; and,

NOW, THEREFORE, pursuant to Declarant's reserved right to amend the Declaration of Covenants, the Declarant hereby amends the same as follows:

1. Dedication of Boat Ramp Area. Declarant hereby dedicates the property described below to and for the use of all lot owners in Stanton Landing, to be

BOOK 1129 **PAGE 205**

used by said owners as a location for the launching and retrieval of small boats. This property shall constitute part of the "common property" of Stanton Landing and shall be conveyed by deed from Declarant to the Stanton Landing Property Owners Association for ownership and maintenance. No parking or storage of vehicles, boats, trailers, jet skis, equipment, or other items of personal property shall be permitted upon this Boat Ramp area. Further, the Association is hereby empowered to impose reasonable rules and regulations regarding the use of said property by lot owners. The "Boat Ramp" property is described as follows:

Being a portion of Parcel 3 ("Clubhouse and Pool Property") which is being simultaneously conveyed to the Association by Declarant by deed of record in book 1129, page 206, Carteret Registry, reference to which deed is hereby made in aid of this description, and being more particularly described as the southernmost 25.75 foot strip of said Parcel 3 which is bordered by the high water mark of the ICW to the west, Lot 9A (map book 29, page 503) to the south, and Waterway Drive to the east. This description includes all riparian rights incident to this description.

2. Dedication of Access Road. Declarant hereby dedicates the property described below to and for the use of all owners of "Dock Lot Interests" as defined in the "Second Amendment" to the Stanton Landing covenants as recorded in book 1094, page 470 (and re-recorded in book 1099, page 475), Carteret Registry. This "Access Road" property is described as follows:

Beginning at a point in the cul-de-sac right of way of Gatsey Lane as shown upon the map of Phase II, Stanton Landing (map book 30, page 344), said point being located S 87-32-22 E, 26.71 feet from the northeast corner of Lot 39, Stanton Landing, Phase II, and runs thence from said point N 3-43-24 W, 93.88 feet to a point; thence S 86-16-36 W, 284.63 feet to a point; thence N 64-18-42 W, 61.99 feet to an iron rod, said rod being the southeast corner of Lot 1, Seagate III, Block B (map book 11, page 22); thence S 83-38-00 E, 60.45 feet to a concrete monument, the southwest corner of the Baugus Tract as shown by map book 12, page 12, Carteret Registry; thence along the Baugus line, N 86-02-00 E, 35.09 feet to a point; thence N 86-16-36 E, 264.03 feet to a point; thence leaving the Baugus line, S 03-43-24 E, 126.73 feet to a point in the cul-de-sac right of way of Gatsey Lane; thence along a curve to the left having a radius of 55 feet and an arc

BOOK 1129 PAGE 205

length of 23.96 feet, being subtended by a chord of N 61-00-31 W, a distance of 23.77 feet to the point of beginning.

This property shall constitute part of the "common property" of the Stanton Landing Dock Lot Owners Association and shall be conveyed by deed from Declarant to said Association for ownership and maintenance consistent with the "Second Amendment" above referenced. Further, this Association is hereby empowered to impose reasonable rules and regulations regarding the use of said property by owners of said Dock Lot Interests.

3. Dolphin Way and Waterway Drive. By amendment entitled "First Amendment to Declaration of Covenants, Conditions, Easements, Restrictions, Charges, Liens, and Reservations for Stanton Landing" dated November 9, 2004 and recorded in book 1083, page 278, Carteret Registry, Declarant annexed to the common scheme of development at Stanton Landing Lots 1 through 8 and Lots 1A through 8A, Block A, Section III, Sea Gate as shown upon the recorded plat of the same in map book 30, page 587, Carteret Registry. Declarant and its agents have sometimes referred to said Lots as "Phase IV, Stanton Landing" because said Lots are as much a part of the Stanton Landing community as any other lots. For purposes of deed conveyances, the formal legal description of said "Phase IV Lots will continue to describe them as "Sea Gate" lots because they are already approved and platted as Sea Gate lots. However, because of prior legal precedent, the Sea Gate Association has no authority over these Lots, and thus they were able to be annexed to Stanton Landing without regard to any obligation or covenants involving Sea Gate or the Sea Gate Association.

"Dolphin Way" is the access road to the Stanton Landing Clubhouse and Pool property being conveyed to the Stanton Landing Property Owners Association

BOOK 129

PAGE 205

simultaneously with this Amendment. Dolphin Way and Waterway Drive also provide access to the Phase IV Lots. The owners of the Phase IV Lots, being members of the Association, pay dues and assessments like all other lot owners in Stanton Landing to enable the Association to meet its obligations towards the common areas of Stanton Landing, such as road maintenance. The Declarant deems it to be highly desirable for the overall benefit of the Stanton Landing community, including the enhancement of property values, pleasing aesthetics, and good maintenance of common areas serving the community and the Clubhouse/Pool property, that Dolphin Way and Waterway Drive be well-maintained and kept in good repair. For these reasons, it is therefore appropriate that the Association have the same maintenance responsibility for Dolphin Way and Waterway Drive as it has to the other streets of Stanton Landing.

Therefore, the Declarant hereby annexes its use rights in and to Dolphin Way and Waterway Drive to the Stanton Landing Subdivision regime and imposes upon the Association the obligation to maintain and repair the same from time to time as it does the other streets of the Subdivision. The Phase IV Lots shall be subject to the same uniform dues and assessments as levied by the Association against all other Stanton Landing lots.

The area of Dolphin Way which is the subject of Section 3 of this Amendment is that portion which extends westerly from the main road leading into Stanton Landing (N.C.S.R. 1474 "Old Stanton Road") to its intersection with Waterway Drive as shown upon map of Sea Gate, Section II, Block A as per map book 9, page 86, Carteret Registry; and the area of Waterway Drive which is the subject of Section 3 of this

BOOK 1129

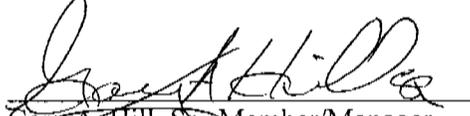
PAGE 255

Amendment likewise appears upon said referenced map, and also appears upon map of record in map book 30, page 587 showing the "Phase IV Lots".

4. Rights Reserved by Declarant. Notwithstanding this Amendment and the conveyances referenced herein, Declarant reserves all rights previously reserved in the Declaration of Covenants and all subsequent Amendments thereto, including the right to annex subsequent properties to the general Stanton Landing Subdivision regime.

WHEREFORE, the undersigned Declarant has executed its official signature on the date first above written and for the purpose expressed herein.

U.F.S., LLC


Gary A. Hill, Sr., Member/Manager

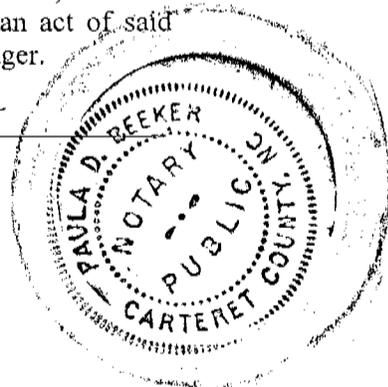
STATE OF NORTH CAROLINA
COUNTY OF CARTERET

I, Paula Beeker, a Notary Public of the County and State aforesaid, certify that Gary A. Hill, Sr. personally appeared before me this day and acknowledged that he is the Member/Manager of U.F.S., LLC, a North Carolina limited liability company, that by authority duly given and as an act of said company, the foregoing instrument was signed by him as its Member/Manager.

Witness my hand and official seal this 26th day of August 2005.

Paula D. Beeker
Notary Public

My Commission expires:



\\Storserv\Law Office\IGM\Rest. Covenants\seventh.amendment.stanton.lndg.doc

BOOK 1129 PAGE 205