Director of
Planning and Inspections
MEREDITH GUNS

Building Inspector
MARTY SHAW
CHARLES THUMAN

Code Enforcement Officer
JORDAN BLYTHE

THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

Assistant Director of
Planning and Inspections
CAMERON RAY

Senior Planner
RYAN LANG

Zoning Administrator
DONNA ELLIOTT

PLANNING DEPARTMENT

March 08, 2021

Memorandum

To: Debbie Diaz, Town Manager

From: Cameron Ray, Assistant Planning Director CR

Subject: Amended Conditional Use Site Plan – Leslie Hornfeck – 808 E Eighth Avenue in the Light Industrial Two Zone – Modify Site Plan to Remove Workforce Housing Designation from Unit 808E

Attached with this memorandum you will find a request to change the designation of workforce housing unit 808 E Eighth Avenue to a market rate unit. Also attached, is the Amended Declaration of Covenants including all owner's signatures and a site plan showing the proposed change to market rate and workforce housing units on site.

The request meets the requirements outlined in § 153.207 (A) *Work force housing.*

The Amended Conditional Use Site Plan is subject to the following conditions:

1. Payment of all waived fees associated with the conversion of Unit 808 E to market rate.
2. Payment of Town Attorney fees associated with review of the amended covenants.

Staff recommends setting the required public hearing for April 12, 2021

ATTACHMENT PH-1B

Ray, Cameron

From:	Deb McKinney <deb@outerbankslaw.com>
Sent:	Friday, February 5, 2021 4:52 PM
To:	Ray, Cameron; Guns, Meredith; Casey Varnell
Cc:	James R. Gilreath, Jr.; Leslie Hornfeck
Subject:	Proposal to Remove Unit 808-E, Ph I, Natures Walk, from Workforce Housing Unit
Attachments:	Letter from Hornfeck re 808 Eighth Ave. Unit E.pdf; Parcel A - Natures Walk Subdivision.pdf; Chuck Poe-New Era Industries Letter..pdf; Phase 2 - Natures Walk.pdf; Ninth Amendment - Natures Walk (To Varnell).pdf

To: **KDH Planning and Inspections Department**

Our Client: Leslie Hornfeck, Unit Owner of 808-E, Natures Walk Subdivision

Our firm represents Ms. Leslie Hornfeck, who is proposing to have the unit she owns in Natures Walk Subdivision (Unit 808-E, Phase I, Natures Walk Subdivision), removed from the designation "Workforce Housing Unit." As requested in the email shown below from Assistant Planning Director, Cameron Ray, please find attached the following:

1. Letter from owner, Leslie Hornfeck, requesting conversion of Unit 808-E, Natures Walk, from the Workforce Housing Unit;
2. Plat of Parcel A, Natures Walk Subdivision (which includes subject Unit 808-E);
3. Plat of Phase 2 of Natures Walk Subdivision (in case needed);
4. Letter from Chuck Poe/New Era Industries; and
5. Ninth Amended Declaration of Covenants with Owner Signatures.

We request your department review, and include this matter on the agenda for the KDH Board of Commissioners meeting on March 8, 2021, and subsequently present on the Consent Agenda for the Town of Kill Devil Hills Public Hearing at the meeting on April 12, 2021.

If questions and/or if additional information is needed, please let me know.

Thank you for your attention to this matter.

Sincerely,

Deb McKinney
NC Certified Paralegal
Rose Harrison Gilreath & Powers, P.C.
Deliveries: 700 Blue Jay Street, Suite 1
USPS Mail: Post Office Box 405
Kill Devil Hills, North Carolina 27948
Telephone: (252) 480-1414
Facsimile: (252) 480-1765

11/5/20

Leslie Hornfeck

808 Eighth Ave. Unit E

Kill Devil Hills, NC 27948

To Whom it may Concern:

I am writing to express my desire to have my townhouse removed from the work force housing program. I have moved from this location. The townhouse is currently vacant and I need to sell it ASAP. With the dissolution of the CDC, it seems apparent that while a good idea, the program has flaws that has made it a hinderance to the very people that it originally was created to help. I need to get this on the market to sell with a clean title at the earliest time period to mitigate my financial loss. Thank you for your prompt attention and assistance with this.

Best regards,

Leslie Hornfeck

PO Box 1296

Kill Devil Hills, NC 27948

leslie@lesliesvacationrentals.com

252-489-1447

N.E.I.
New Era Industries

Charles D. Poe, President
PO Box 3303 / Kill Devil HIlls, NC 27948 / (252) 599-2888

November 18, 2020

Rose, Harrison and Gilreath
700 Blue Jay Street
Kill Devil Hills, North Carolina 27948

ATT: James R. Gilreath, Jr. / RE: Sale of property at 808 E. Natures Walk

Jim:

As you are aware, in absence of an appropriate non-profit housing group, Kill Devil Hills has asked that my company and I review any "waiver" or adjustments of the restrictions placed upon the Natures Walk development.

It is clear that, under the existing conditions and length of time the development has been in operation, it would be prudent in this case to release the property from workforce housing restrictions. If further questions or concerns arise, please feel free to contact me.

Sincerely,

Charles D. Poe, President
chas.poe@gmail.com
(o) 252-441-8855
© 252-599-2888

Prepared by and Return to:
James R. Gilreath, Jr., Esquire
Rose Harrison Gilreath & Powers, P.C.
Post Office Box 405
Kill Devil Hills, NC 27948
File No. 20185

STATE OF NORTH CAROLINA
COUNTY OF DARE

NINTH AMENDED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF NATURE'S WALK SUBDIVISION

THIS AMENDMENT to the Declaration of Covenants, Conditions and Restrictions of Nature's Walk Subdivision, is made and declared this _____day of _____, 2021, by Leslie J. Hornfeck, with a mailing address of Post Office Box 1296, Kill Devil Hills, North Carolina 27948 (hereinafter "**Declarant**"); and Amber Jennings, Roy R. Pilkington, Jr., and/or Debra J. Pilkington, Trustees, or their successors in trust, under the Pilkington Living Trust dated May 5, 2017, Robin M. Taylor, Robin M. Taylor, Leslie J. Hornfeck, Jason J. Greene and Christine A. (Blair) Greene, Daniel K. Jones and wife, Jenise I. Jones, Nancy Cuddy, Thomas E. Tupponce, and Malcolm A. Tupponce and wife, Gertrude M. Tupponce, Brooke Hall and John Hall, Lauren Deal, Beth Penner and Jeff Penner, Pauline M. White, and Andrew D. Lewis (hereinafter, "**Lot Owners**"), and the **Town of Kill Devil Hills:**

WITNESSETH:

WHEREAS, certain restrictive covenants, conditions and restrictions were heretofore imposed on the property known as Nature's Walk Subdivision, which are more particularly described in "**Exhibit A**," attached hereto and incorporated herein by reference (hereinafter the "Property"), by a **Declaration of Covenants, Conditions and Restrictions** recorded in Book 1756, Page 371; **as amended** in the Amended Declaration of Covenants, Conditions and Restrictions of Nature's Walk Subdivision recorded in Book 1772, Page 222; as further amended in the **Second** Amended Declaration of Covenants, Conditions and Restrictions of Nature's Walk Subdivision recorded in Book 1779, Page 288; as further amended in the **Third** Amended Declaration of Covenants, Conditions and Restrictions of Nature's Walk Subdivision recorded in Book 1786, Page 169; as further amended in the **Fourth** Amended Declaration of Covenants, Conditions and Restrictions of Nature's Walk Subdivision recorded in Book 1862, Page 457; as further amended in the **Fifth** Amended Declaration of Covenants, Conditions and Restrictions of Nature's Walk Subdivision recorded in Book 1883, Page 171; as further amended in the **Sixth** Amended Declaration of Covenants, Conditions and Restrictions of Nature's Walk

Subdivision recorded in Book 2021, Page 894; as further amended in the **Seventh** Amended Declaration of Covenants, Conditions and Restrictions of Nature's Walk Subdivision recorded in Book 2285, Page 178; and as further amended in the **Eighth** Amended Declaration of Covenants, Conditions and Restrictions of Nature's Walk Subdivision recorded in Book _____, Page _____, of the Dare County Public Registry (hereinafter, "Declarations"); and

WHEREAS, the Declarations may be amended by Lot Owners to which at least Sixty-Seven percent (67%) of the votes in the Association are allocated, and by the Town of Kill Devil Hills; and

WHEREAS, Lot Owners are presently allocated over Sixty-Seven percent (67%) of the votes in the Association; and

WHEREAS, Declarant, Lot Owners and the Town of Kill Devil Hills, desire to amend the Declarations to modify and amend the definition of Workforce Housing Unit.

NOW, WHEREFORE, the Declarant, Lot Owners and the Town of Kill Devil Hills, do hereby make known and publish the following Amendment to the Declarations, and said Declarations, as amended, shall be binding on all parties, entities or persons purchasing real property within the boundaries of the Property, or their heirs or designees, or any other person claiming under them:

Article I, Section 22, shall be changed to read: "Workforce Housing Unit" shall mean Units 808-D, and 809-D, set forth on the Plat.

Unit 808-E is no longer a Workforce Housing Unit, as defined in the Declarations, and as such, Unit 808-E is not and shall not be restricted by or encumbered by: (i) the resale prohibitions or occupancy restrictions set forth in Sections 14, 15 and 16, of Article IX of the Declarations; (ii) by the Workforce Housing Ordinance in Sections 153.002 and 153.207, of the Town Ordinance of Kill Devil Hills; (iii) the Housing Eligibility and Priority Placement Eligibility System of the Outer Banks Community Development Corporation, or any subsequent amendment thereto; or (iv) any other term, condition, restriction or requirement that applied or related to Work Force Housing Unit as provided in the Declaration, Kill Devil Hills Town Ordinance, or elsewhere.

Other than the specific modifications referred to herein, the original Declarations shall be and remain in full force and effect subject only to the changes effected by this instrument. By their signatures below, all parties certify compliance with the Amendment provisions of Article XI of the Declarations.

IN WITNESS WHEREOF, Declarant, Lot Owners and the Town of Kill Devil Hills, have caused this instrument to be executed pursuant to due authority as of the day and year first above written.

Town of Kill Devil Hills:

Town of Kill Devil Hills

By: _____
Debora Peele Diaz, Town Manager

STATE OF NORTH CAROLINA

COUNTY OF DARE

I, _____, a Notary Public for said County and State, do hereby certify that **Debora Peele Diaz** personally came before me this day and acknowledged that she is the Town Manager of The Town of Kill Devil Hills, and acknowledged on behalf of The Town of Kill Devil Hills, the due execution of the foregoing instrument.

Witness my hand and official seal, this the _____ day of _____, 2021.

_____
Notary Public

My Commission Expires: {STAMP/SEAL}
_____

Declarant:

Leslie J. Hornfeck

STATE OF NORTH CAROLINA

COUNTY OF DARE

I, DEBRA S. BELANGIA, a Notary Public of the above referenced County and State, do hereby certify that **Leslie J. Hornfeck** personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial stamp or seal, this 6th day of JANUARY, 2020.

Notary Public

My Commission Expires:
AUGUST 3, 2023

{SEAL/STAMP}

DEBRA S. BELANGIA
NOTARY
PUBLIC
CURRITUCK COUNTY, NC

Addendum to the
NINTH AMENDED DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS
OF NATURE'S WALK SUBDIVISION

The undersigned, owning Unit 808-C in Nature's Walk Subdivision, does hereby execute the foregoing, and by doing so, does hereby vote for, consent to, and subject said Unit 808-C, owned by the undersigned to the NINTH Amended Declaration of Covenants, Conditions and Restriction of Nature's Walk Subdivision. I further represent and warrant I have authority to vote on behalf of any co-owners of the Unit 808-C as provided in Article III of the Declaration, if any, and it is the intent of all owners that my signature below shall be binding upon all owners of Unit 808-C and shall represent the vote of all owners of Unit 808-C.

Owner – Unit 808-C:

Roy Pilkington, Jr. Trustee

Roy Pilkington, Jr., Trustee, under the Pilkington Living Trust dated May 5, 2017

Debra J Pilkington, Trustee

Debra J. Pilkington, Trustee, under the Pilkington Living Trust dated May 5, 2017

STATE OF NORTH CAROLINA

COUNTY OF DARE

I, Tracy D. Campbell, a Notary Public of the above referenced County and State, do hereby certify that **Roy R. Pilkington, Jr., and/or Debra J. Pilkington, Trustees, or their successors in trust, under the Pilkington Living Trust dated May 5, 2017**, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial stamp or seal, this 28 day of December 2020.

Tracy D. Campbell
Notary Public

My Commission Expires:
9-23-2025

[SEAL/STAMP]

TRACY D. CAMPBELL
NOTARY
PUBLIC
DARE COUNTY, NC

Addendum to the
NINTH AMENDED DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS
OF NATURE'S WALK SUBDIVISION

The undersigned, owning Unit 808-D in Nature's Walk Subdivision, does hereby execute the foregoing, and by doing so, does hereby vote for, consent to, and subject said Unit 808-D, owned by the undersigned to the NINTH Amended Declaration of Covenants, Conditions and Restriction of Nature's Walk Subdivision. I further represent and warrant I have authority to vote on behalf of any co-owners of the Unit 808-D as provided in Article III of the Declaration, if any, and it is the intent of all owners that my signature below shall be binding upon all owners of Unit 808-D and shall represent the vote of all owners of Unit 808-D.

Owner – Unit 808-D:

Robin M. Taylor

Robin M. Taylor

STATE OF NORTH CAROLINA

COUNTY OF DARE

I, Kimberlee H. Thompson, a Notary Public of the above referenced County and State, do hereby certify that **Robin M. Taylor** personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial stamp or seal, this 31 day of Dec, 2020.

Kimberlee H. Thompson

Notary Public

My Commission Expires: 12/20/2021

{SEAL/STAMP}

KIMBERLEE H THOMPSON
NOTARY PUBLIC
DARE COUNTY, NC

Addendum to the
NINTH AMENDED DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS
OF NATURE'S WALK SUBDIVISION

The undersigned, owning Unit 808-E in Nature's Walk Subdivision, does hereby execute the foregoing, and by doing so, does hereby vote for, consent to, and subject said Unit 808-E, owned by the undersigned to the NINTH Amended Declaration of Covenants, Conditions and Restriction of Nature's Walk Subdivision. I further represent and warrant I have authority to vote on behalf of any co-owners of the Unit 808-E as provided in Article III of the Declaration, if any, and it is the intent of all owners that my signature below shall be binding upon all owners of Unit 808-E and shall represent the vote of all owners of Unit 808-E.

Owner – Unit 808-E:

Leslie J. Hornfeck

STATE OF NORTH CAROLINA

COUNTY OF DARE

I, DEBRA S. BELANGIA, a Notary Public of the above referenced County and State, do hereby certify that **Leslie J. Hornfeck** personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial stamp or seal, this 6th day of JANUARY, 2020.

Notary Public

My Commission Expires:
AUGUST 3, 2023

{SEAL/STAMP}

DEBRA S. BELANGIA
NOTARY
PUBLIC
CURRITUCK COUNTY, NC

Addendum to the
NINTH AMENDED DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS
OF NATURE'S WALK SUBDIVISION

The undersigned, owning Unit 809-A in Nature's Walk Subdivision, does hereby execute the foregoing, and by doing so, does hereby vote for, consent to, and subject said Unit 809-A, owned by the undersigned to the NINTH Amended Declaration of Covenants, Conditions and Restriction of Nature's Walk Subdivision. I further represent and warrant I have authority to vote on behalf of any co-owners of the Unit 809-A as provided in Article III of the Declaration, if any, and it is the intent of all owners that my signature below shall be binding upon all owners of Unit 809-A and shall represent the vote of all owners of Unit 809-A.

Owner – Unit 809-A:

Janson J. Greene

Christine A. Blair

STATE OF NORTH CAROLINA Virginia

COUNTY OF DARE Virginia Beach

I, Brittany Echevarria, a Notary Public of the above referenced County and State, do hereby certify that **Janson J. Greene and Christine A. Blair** personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial stamp or seal, this 19 day of January, 2024.

Notary Public

My Commission Expires: July 31, 2023

{SEAL/STAMP}

BRITTANY NICOLE ECHAVARIA
NOTARY PUBLIC
REG. #7816337
My Comm. Exp.
Jul 31, 2023
COMMONWEALTH OF VIRGINIA

Addendum to the
NINTH AMENDED DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS
OF NATURE'S WALK SUBDIVISION

The undersigned, owning Unit 809-B in Nature's Walk Subdivision, does hereby execute the foregoing, and by doing so, does hereby vote for, consent to, and subject said Unit 809-B, owned by the undersigned to the NINTH Amended Declaration of Covenants, Conditions and Restriction of Nature's Walk Subdivision. I further represent and warrant I have authority to vote on behalf of any co-owners of the Unit 809-B as provided in Article III of the Declaration, if any, and it is the intent of all owners that my signature below shall be binding upon all owners of Unit 809-B and shall represent the vote of all owners of Unit 809-B.

Owner – Unit 809-B:

Daniel K. Jones

Jenise I. Jones

STATE OF NORTH CAROLINA

COUNTY OF DARE

I, Kami J. Trusz, a Notary Public of the above referenced County and State, do hereby certify that **Daniel K. Jones and Jenise I. Jones** personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial stamp or seal, this 26 day of December, 2020.

Notary Public

My Commission Expires:
July 16, 2023

SEAL/STAMP

KAMI J TRUSZ
NOTARY
MY
COMMISSION EXPIRES
7/16/2023
PUBLIC
DARE COUNTY, NC

Addendum to the
NINTH AMENDED DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS
OF NATURE'S WALK SUBDIVISION

The undersigned, owning Unit 809-D in Nature's Walk Subdivision, does hereby execute the foregoing, and by doing so, does hereby vote for, consent to, and subject said Unit 809-D, owned by the undersigned to the NINTH Amended Declaration of Covenants, Conditions and Restriction of Nature's Walk Subdivision. I further represent and warrant I have authority to vote on behalf of any co-owners of the Unit 809-D as provided in Article III of the Declaration, if any, and it is the intent of all owners that my signature below shall be binding upon all owners of Unit 809-D and shall represent the vote of all owners of Unit 809-D.

Owner – Unit 809-D:

Nancy Cuddy

Nancy Cuddy

STATE OF NORTH CAROLINA

COUNTY OF DARE

I, Kami J. Trusz, a Notary Public of the above referenced County and State, do hereby certify that **Nancy Cuddy** personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial stamp or seal, this 26 day of December, 2020.

Kami J. Trusz

Notary Public

My Commission Expires:
July 16, 2023

{SEAL/STAMP}

KAMI J TRUSZ
NOTARY
MY
COMMISSION EXPIRES
7/16/2023
PUBLIC
DARE COUNTY, NC

Addendum to the
NINTH AMENDED DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS
OF NATURE'S WALK SUBDIVISION

The undersigned, owning Unit 809-E in Nature's Walk Subdivision, does hereby execute the foregoing, and by doing so, does hereby vote for, consent to, and subject said Unit 809-E, owned by the undersigned to the NINTH Amended Declaration of Covenants, Conditions and Restriction of Nature's Walk Subdivision. I further represent and warrant I have authority to vote on behalf of any co-owners of the Unit 809-E as provided in Article III of the Declaration, if any, and it is the intent of all owners that my signature below shall be binding upon all owners of Unit 809-E and shall represent the vote of all owners of Unit 809-E.

Owner – Unit 809-E:

Thomas E. Tupponce

Thomas E. Tupponce

Malcolm Tupponce

Malcolm A. Tupponce

Gertrude M. Tupponce

Gertrude M. Tupponce

STATE OF ~~NORTH CAROLINA~~ Virginia
COUNTY OF ~~DARE~~ King William

I, Cheryl Fields, a Notary Public of the above referenced County and State, do hereby certify that **Thomas E. Tupponce, Malcom A. Tupponce, and Gertrude M. Tupponce** personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial stamp or seal, this 19th day of January, ~~2020~~. 2021

Cheryl Fields

Notary Public

My Commission Expires: 7/31/2021

{SEAL/STAMP}

CHERYL L. GOULDIN
NOTARY PUBLIC
REG. #7297428
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES JULY 31, 2017

CHERYL L. FIELDS
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
REGISTRATION # 7297428
MY COMMISSION EXPIRES 7/31/2021

CHERYL L. FIELDS
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
REGISTRATION # 7297428
COMMISSION EXPIRES 7/31/2021

STATE OF NORTH CAROLINA
COUNTY OF DARE

I, _____, a Notary Public of the above referenced County and State, do hereby certify that **Thomas E. Tupponce, Malcom A. Tupponce, and Gertrude M. Tupponce** personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial stamp or seal, this _____ day of _____, 2020.

_____

Notary Public

My Commission Expires: {SEAL/STAMP}

_____

Addendum to the
NINTH AMENDED DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS
OF NATURE'S WALK SUBDIVISION

The undersigned, owning Unit 900-A in Nature's Walk Subdivision, does hereby execute the foregoing, and by doing so, does hereby vote for, consent to, and subject said Unit 900-A, owned by the undersigned to the NINTH Amended Declaration of Covenants, Conditions and Restriction of Nature's Walk Subdivision. I further represent and warrant I have authority to vote on behalf of any co-owners of the Unit 900-A as provided in Article III of the Declaration, if any, and it is the intent of all owners that my signature below shall be binding upon all owners of Unit 900-A and shall represent the vote of all owners of Unit 900-A.

Owner – Unit 900-A:

Brooke Hall

Brooke Hall

John Hall

John Hall

STATE OF NORTH CAROLINA

COUNTY OF DARE

I, DEBRA S. BELANGIA, a Notary Public of the above referenced County and State, do hereby certify that **Brooke Hall and John Hall** personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial stamp or seal, this 17th day of JANUARY, 2020.

Debra S. Belangia

Notary Public

My Commission Expires:
AUGUST 3, 2023

{SEAL/STAMP}

DEBRA S. BELANGIA
NOTARY
PUBLIC
CURRITUCK COUNTY, NC

Addendum to the
NINTH AMENDED DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS
OF NATURE'S WALK SUBDIVISION

The undersigned, owning Unit 900-D in Nature's Walk Subdivision, does hereby execute the foregoing, and by doing so, does hereby vote for, consent to, and subject said Unit 900-D, owned by the undersigned to the NINTH Amended Declaration of Covenants, Conditions and Restriction of Nature's Walk Subdivision. I further represent and warrant I have authority to vote on behalf of any co-owners of the Unit 900-D as provided in Article III of the Declaration, if any, and it is the intent of all owners that my signature below shall be binding upon all owners of Unit 900-D and shall represent the vote of all owners of Unit 900-D.

Owner – Unit 900-D:

Lauren Deal

Lauren Deal

STATE OF NORTH CAROLINA

COUNTY OF ~~DARE~~ Forsyth

I, Paige L. Deal, a Notary Public of the above referenced County and State, do hereby certify that **Lauren Deal** personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial stamp or seal, this 29th day of December, 2020.

Paige L Deal

Notary Public

PAIGE L DEAL
Notary Public-North Carolina
COUNTY OF FORSYTH
My Commission Expires: 10/2/2021

My Commission Expires:
10-2-2021

{SEAL/STAMP}

PAIGE L DEAL
Notary Public-North Carolina
COUNTY OF FORSYTH
My Commission Expires:

Addendum to the
NINTH AMENDED DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS
OF NATURE'S WALK SUBDIVISION

The undersigned, owning Unit 902-A in Nature's Walk Subdivision, does hereby execute the foregoing, and by doing so, does hereby vote for, consent to, and subject said Unit 902-A, owned by the undersigned to the NINTH Amended Declaration of Covenants, Conditions and Restriction of Nature's Walk Subdivision. I further represent and warrant I have authority to vote on behalf of any co-owners of the Unit 902-A as provided in Article III of the Declaration, if any, and it is the intent of all owners that my signature below shall be binding upon all owners of Unit 902-A and shall represent the vote of all owners of Unit 902-A.

Owner – Unit 902-A:

Bethanne Penner
Beth Penner

Jeff Penner

STATE OF NORTH CAROLINA

COUNTY OF DARE

I, Kami J. Trusz, a Notary Public of the above referenced County and State, do hereby certify that **Beth Penner and Jeff Penner** personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial stamp or seal, this 26 day of December, 2020.

Kami J. Trusz
Notary Public

My Commission Expires:
July 16, 2023

NOTARY STAMP
KAMI J. TRUSZ
NOTARY
MY
COMMISSION EXPIRES
7/16/2023
PUBLIC
DARE COUNTY, NC

Addendum to the
NINTH AMENDED DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS
OF NATURE'S WALK SUBDIVISION

The undersigned, owning Unit 902-C in Nature's Walk Subdivision, does hereby execute the foregoing, and by doing so, does hereby vote for, consent to, and subject said Unit 902-C, owned by the undersigned to the NINTH Amended Declaration of Covenants, Conditions and Restriction of Nature's Walk Subdivision. I further represent and warrant I have authority to vote on behalf of any co-owners of the Unit 902-C as provided in Article III of the Declaration, if any, and it is the intent of all owners that my signature below shall be binding upon all owners of Unit 902-C and shall represent the vote of all owners of Unit 902-C.

Owner – Unit 902-C: Pauline M White

Pauline M. White

STATE OF NORTH CAROLINA

COUNTY OF DARE

I, Kami J. Trusz, a Notary Public of the above referenced County and State, do hereby certify that **Pauline M. White** personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial stamp or seal, this 26 day of December, 2020.

Kami J. Trusz
Notary Public

(SEAL/STAMP)

KAMI J TRUSZ
NOTARY
MY COMMISSION EXPIRES
7/16/2023
PUBLIC
DARE COUNTY, NC

My Commission Expires:
July 16, 2023

Addendum to the
NINTH AMENDED DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS
OF NATURE'S WALK SUBDIVISION

The undersigned, owning Unit 902-D in Nature's Walk Subdivision, does hereby execute the foregoing, and by doing so, does hereby vote for, consent to, and subject said Unit 902-D, owned by the undersigned to the NINTH Amended Declaration of Covenants, Conditions and Restriction of Nature's Walk Subdivision. I further represent and warrant I have authority to vote on behalf of any co-owners of the Unit 902-D as provided in Article III of the Declaration, if any, and it is the intent of all owners that my signature below shall be binding upon all owners of Unit 902-D and shall represent the vote of all owners of Unit 902-D.

Owner – Unit 902-D:

Andrew D. Lewis

STATE OF NORTH CAROLINA

COUNTY OF DARE

I, Kami J. Trusz, a Notary Public of the above referenced County and State, do hereby certify that **Andrew D. Lewis** personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial stamp or seal, this 26 day of December, 2020.

Notary Public

My Commission Expires:
July 16, 2023

KAMI J TRUSZ
NOTARY
PUBLIC
DARE COUNTY, NC
MY
COMMISSION EXPIRES
7/16/2023

{SEAL/STAMP}

STATE OF NORTH CAROLINA
COUNTY OF DARE

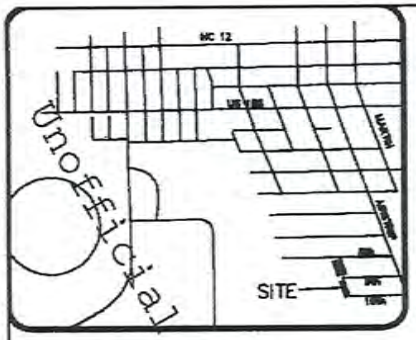
I, EDWARD FRANCIS, REVIEW OFFICER OF DARE COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE 2-5-08 E Francis

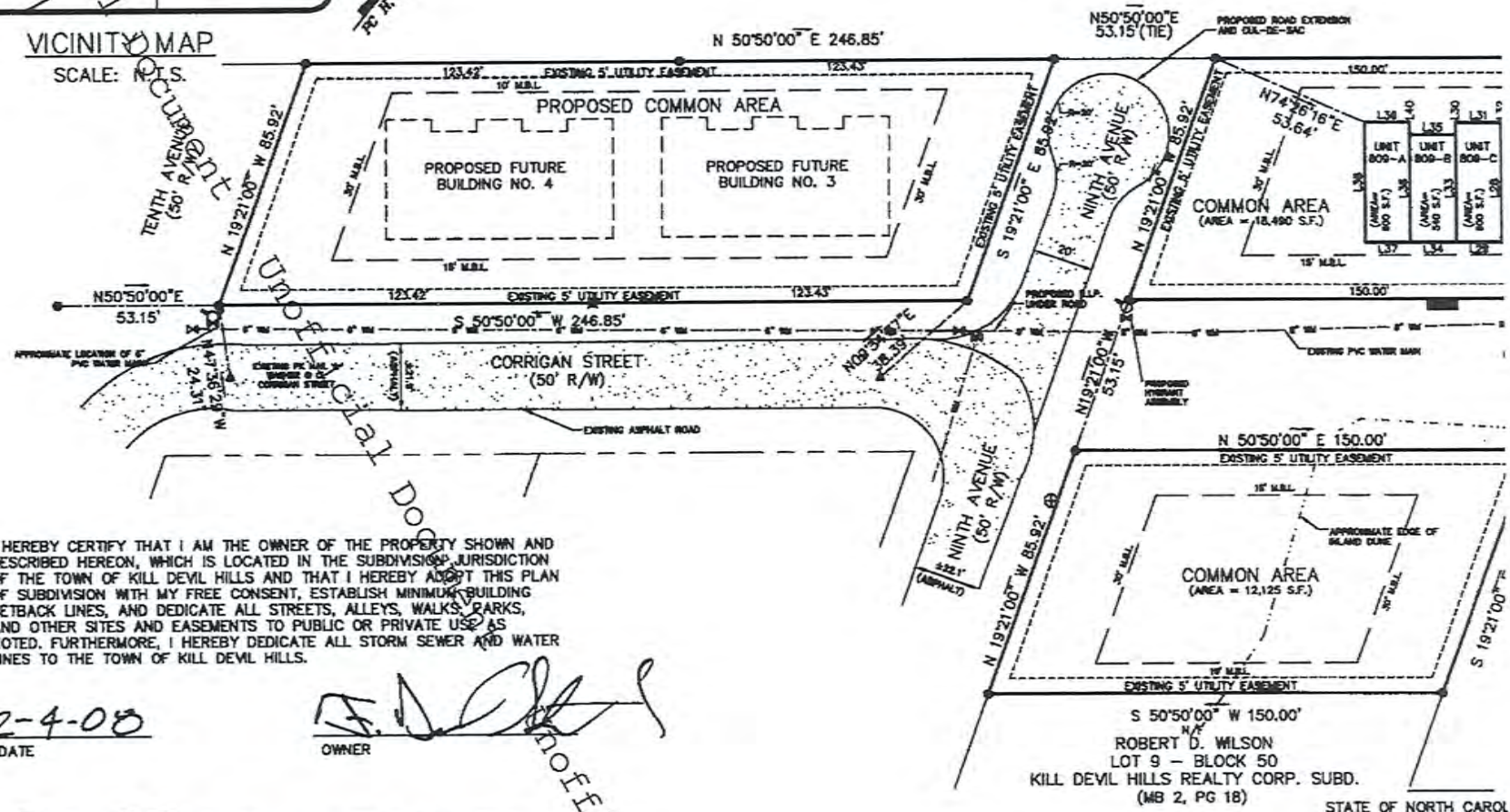
KILL DEVIL HIL

I HEREBY CERTIFY
COMPLY WITH THE
BOARD FOR RECO

2-4-08
DATE



VICINITY MAP
SCALE: N.T.S.



I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF THE TOWN OF KILL DEVIL HILLS AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH MINIMUM BUILDING SETBACK LINES, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, AND OTHER SITES AND EASEMENTS TO PUBLIC OR PRIVATE USE AS NOTED. FURTHERMORE, I HEREBY DEDICATE ALL STORM SEWER AND WATER LINES TO THE TOWN OF KILL DEVIL HILLS.

2-4-08
DATE

OWNER

I, DEBRA S. BELANGIA, HEREBY CERTIFY THAT E. DERRICK STALLINGS APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THIS CERTIFICATE. WITNESS MY HAND AND OFFICIAL SEAL THIS THE 4th DAY OF FEB, A.D. 2008.

Debra S. Belangia
NOTARY PUBLIC

MY COMMISSION EXPIRES: AUGUST 08, 2008

OFFICIAL SEAL

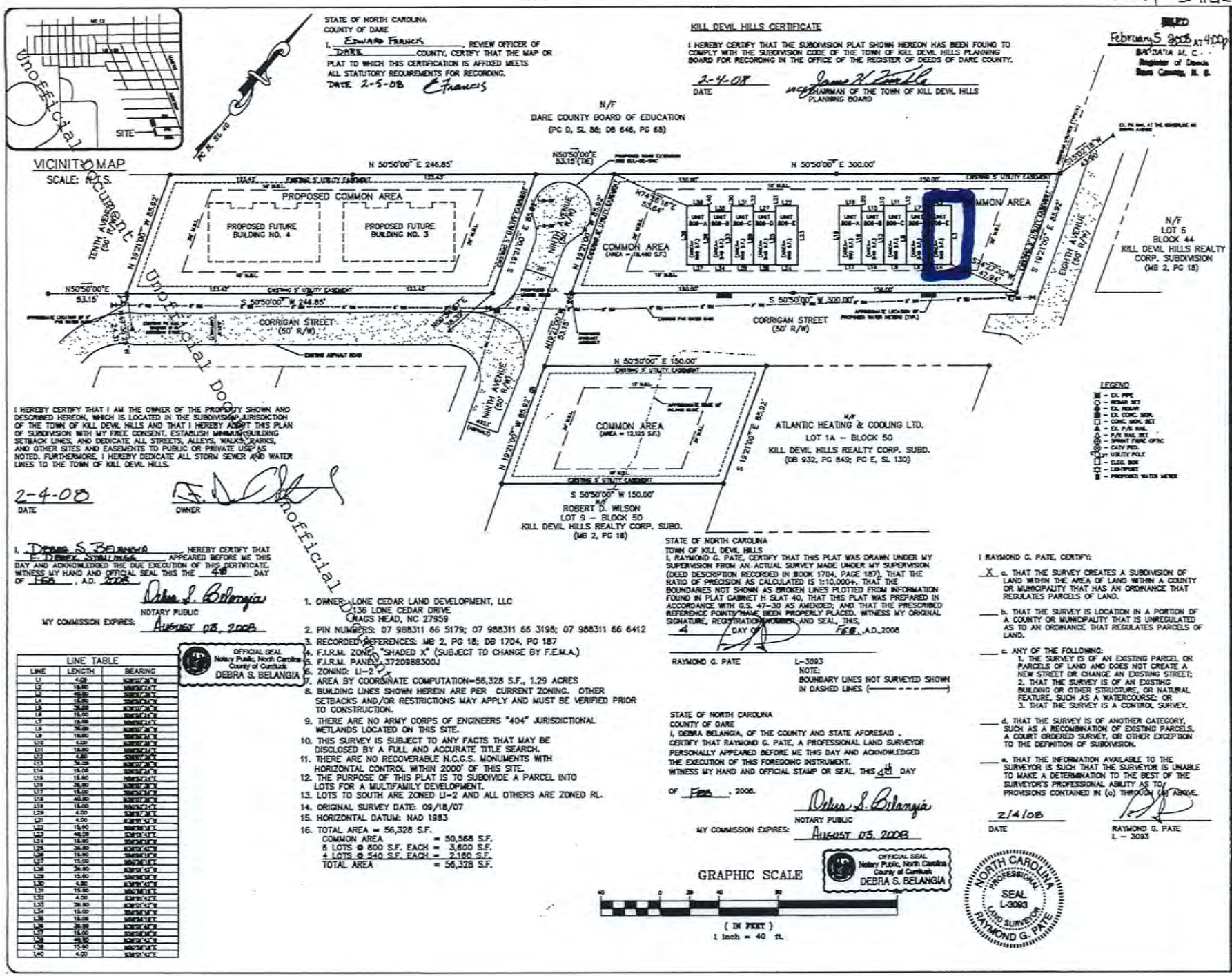
1. OWNER: LONE CEDAR LAND DEVELOPMENT, LLC
136 LONE CEDAR DRIVE
NAGS HEAD, NC 27959
2. PIN NUMBERS: 07 988311 66 5179; 07 988311 66 3198; 07 988311 66 6412
3. RECORDED REFERENCES: MB 2, PG 18; DB 1704, PG 187
4. F.I.R.M. ZONE: "SHADED X" (SUBJECT TO CHANGE BY F.E.M.A.)

STATE OF NORTH CAROL
TOWN OF KILL DEVIL HIL
I, RAYMOND G. PATE, C
SUPERVISION FROM AN
(DEED DESCRIPTION REC
RATIO OF PRECISION AS
BOUNDARIES NOT SHOWN
FOUND IN PLAT CABINET
ACCORDANCE WITH G.S.
REFERENCE POINTS HAV
SIGNATURE, REGISTRATIO
4 DAY O

Unofficial Document
Unofficial Document
Unofficial Document

Filed Book: PCH Page: 77 Doc Id: 0234838
03/06/2008 04:00PM Receipt #: 159836
Doc Code: PCH
BARBARA M GRAY, REGISTER OF DEEDS DARE CO, NC
0234838
Page: 1 of 1
02/05/2008 04:00P

PCH Slide 77



STATE OF NORTH CAROLINA
COUNTY OF DARE

I, EDWARD FRANCIS, REVIEW OFFICER OF DARE COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE 2-5-08 E Francis

KILL DEVIL HILLS CERTIFICATE

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION CODE OF THE TOWN OF KILL DEVIL HILLS PLANNING BOARD FOR RECORDING IN THE OFFICE OF THE REGISTER OF DEEDS OF DARE COUNTY.

2-4-08 James H Tuttle
DATE CHAIRMAN OF THE TOWN OF KILL DEVIL HILLS PLANNING BOARD

FILED February 5 2008 AT 4:00p
BARBARA M. GRAY
Register of Deeds
Dare County, N. C.

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF THE TOWN OF KILL DEVIL HILLS AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH MINIMUM BUILDING SETBACK LINES, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, AND OTHER SITES AND EASEMENTS TO PUBLIC OR PRIVATE USE AS NOTED. FURTHERMORE, I HEREBY DEDICATE ALL STORM SEWER AND WATER LINES TO THE TOWN OF KILL DEVIL HILLS.

2-4-08 E. D. Chase
DATE OWNER

I, DEBRA S. BELANGIA, E. DERRY STALLINGS, HEREBY CERTIFY THAT APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THIS CERTIFICATE. WITNESS MY HAND AND OFFICIAL SEAL THIS THE 4th DAY OF FEB, A.D. 2008.

Debra S. Belangia
NOTARY PUBLIC
MY COMMISSION EXPIRES: AUGUST 05, 2008

OFFICIAL SEAL
Notary Public, North Carolina
County of Currituck
DEBRA S. BELANGIA

1. OWNER: LONE CEDAR LAND DEVELOPMENT, LLC
   136 LONE CEDAR DRIVE
   KIAGS HEAD, NC 27959
2. PIN NUMBERS: 07 988311 66 5179; 07 988311 66 3198; 07 988311 66 6412
3. RECORDED REFERENCES: MB 2, PG 18; DB 1704, PG 187
4. F.I.R.M. ZONE: "SHADED X" (SUBJECT TO CHANGE BY F.E.M.A.)
5. F.I.R.M. PANEL: 3720988300J
6. ZONING: LI-2
7. AREA BY COORDINATE COMPUTATION=56,328 S.F., 1.29 ACRES
8. BUILDING LINES SHOWN HEREIN ARE PER CURRENT ZONING. OTHER SETBACKS AND/OR RESTRICTIONS MAY APPLY AND MUST BE VERIFIED PRIOR TO CONSTRUCTION.
9. THERE ARE NO ARMY CORPS OF ENGINEERS "404" JURISDICTIONAL WETLANDS LOCATED ON THIS SITE.
10. THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
11. THERE ARE NO RECOVERABLE N.C.G.S. MONUMENTS WITH HORIZONTAL CONTROL WITHIN 2000' OF THIS SITE.
12. THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE A PARCEL INTO LOTS FOR A MULTIFAMILY DEVELOPMENT.
13. LOTS TO SOUTH ARE ZONED LI-2 AND ALL OTHERS ARE ZONED RL.
14. ORIGINAL SURVEY DATE: 09/18/07
15. HORIZONTAL DATUM: NAD 1983
16. TOTAL AREA = 56,328 S.F.
    COMMON AREA = 50,568 S.F.
    6 LOTS @ 600 S.F. EACH = 3,600 S.F.
    4 LOTS @ 540 S.F. EACH = 2,160 S.F.
    TOTAL AREA = 56,328 S.F.

LINE TABLE

LINE	LENGTH	BEARING
L1	4.00	N26°01'42"W
L2	15.80	N64°58'18"E
L3	40.00	N26°01'42"W
L4	15.80	S64°58'18"W
L5	26.00	N26°01'42"W
L6	15.00	N64°58'18"E
L7	15.00	N26°01'42"W
L8	30.00	N64°58'18"E
L9	15.00	S26°01'42"E
L10	4.00	N26°01'42"W
L11	15.80	N64°58'18"E
L12	4.00	S26°01'42"E
L13	34.00	N64°58'18"E
L14	15.00	S26°01'42"E
L15	15.80	N64°58'18"E
L16	34.00	N26°01'42"W
L17	15.00	N64°58'18"E
L18	40.00	N26°01'42"W
L19	15.00	N64°58'18"E
L20	4.00	S26°01'42"E
L21	4.00	N26°01'42"W
L22	15.80	N64°58'18"E
L23	40.00	S26°01'42"E
L24	15.80	S64°58'18"W
L25	26.00	N26°01'42"W
L26	15.00	N64°58'18"E
L27	15.00	N26°01'42"W
L28	30.00	N64°58'18"E
L29	15.00	S26°01'42"E
L30	4.00	N26°01'42"W
L31	15.80	N64°58'18"E
L32	4.00	S26°01'42"E
L33	30.00	N26°01'42"W
L34	15.00	N64°58'18"E
L35	15.00	S26°01'42"E
L36	30.00	N64°58'18"E
L37	15.00	S26°01'42"E
L38	40.00	N26°01'42"W
L39	15.00	N64°58'18"E
L40	4.00	S26°01'42"E

STATE OF NORTH CAROLINA
TOWN OF KILL DEVIL HILLS

I, RAYMOND G. PATE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 1704, PAGE 187). THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+, THAT THE BOUNDARIES NOT SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN PLAT CABINET H SLAT 40, THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED; AND THAT THE PRESCRIBED REFERENCE POINTS/NAME BEEN PROPERLY PLACED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER, AND SEAL, THIS 4 DAY OF FEB, A.D., 2008

RAYMOND G. PATE L-3093

NOTE:
BOUNDARY LINES NOT SURVEYED SHOWN IN DASHED LINES (— — — — —)

STATE OF NORTH CAROLINA
COUNTY OF DARE

I, DEBRA BELANGIA, OF THE COUNTY AND STATE AFORESAID, CERTIFY THAT RAYMOND G. PATE, A PROFESSIONAL LAND SURVEYOR PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THIS FOREGOING INSTRUMENT. WITNESS MY HAND AND OFFICIAL STAMP OR SEAL, THIS 4th DAY OF FEB, 2008.

Debra S. Belangia
NOTARY PUBLIC
MY COMMISSION EXPIRES: AUGUST 05, 2008

OFFICIAL SEAL
Notary Public, North Carolina
County of Currituck
DEBRA S. BELANGIA

I RAYMOND G. PATE, CERTIFY:

X a. THAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF LAND WITHIN A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

___ b. THAT THE SURVEY IS LOCATION IN A PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND.

___ c. ANY OF THE FOLLOWING:
1. THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET;
2. THAT THE SURVEY IS OF AN EXISTING BUILDING OR OTHER STRUCTURE, OR NATURAL FEATURE, SUCH AS A WATERCOURSE; OR
3. THAT THE SURVEY IS A CONTROL SURVEY.

___ d. THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS A RECOMBINATION OF EXISTING PARCELS, A COURT ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

___ e. THAT THE INFORMATION AVAILABLE TO THE SURVEYOR IS SUCH THAT THE SURVEYOR IS UNABLE TO MAKE A DETERMINATION TO THE BEST OF THE SURVEYOR'S PROFESSIONAL ABILITY AS TO PROVISIONS CONTAINED IN (a) THROUGH (d) ABOVE.

2/4/08 R. G. Pate
DATE RAYMOND G. PATE L – 3093

NORTH CAROLINA PROFESSIONAL SEAL L-3093 LAND SURVEYOR RAYMOND G. PATE

GRAPHIC SCALE
40 0 20 40 80
(IN FEET)
1 inch = 40 ft.

Pate Engineering & Land Surveying, P.C.
PATE
New Bern Professional Center
119 Wood Hill Drive Unit B
P.O. Box 1808
Nags Head, NC
Office: 252-441-0931
Fax: 252-480-0981

REVISIONS

LONE CEDAR LAND DEVELOPMENT, LLC SUBDIVISION
PARCEL A – NATURE'S WALK RECOMBINATION
KILL DEVIL REALTY CORP. SUBDIV.
ATLANTIC TOWNSHIP DARE COUNTY NORTH CAROLINA

FILE NO.: 06-938REC
SCALE: 1"=40'
SURVEYED: JEF 9/18/07
DRAWN: DRB
CHECKED: RGP
DATE: 01/22/08
SHEET NO: 1 OF 1 SHEETS

Unofficial Document