


BOOK 1073 PAGE 0213


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 Currituck County, NC
 Charlene Y Dowdy Register of Deeds
 BK 1073 PG 213-215

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**SECOND AMENDMENT TO DECLARATION OF COVENANTS,
 CONDITIONS AND RESTRICTIONS
 PINE ISLAND SUBDIVISION**

Prepared by and return to Robert B. Hobbs, Jr.
 Attorney at Law
 Hornthal, Riley, Ellis & Maland, L.L.P.
 Post Office Box 310
 Nags Head, North Carolina 27959

NORTH CAROLINA
 CURRITUCK COUNTY

THIS SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS
 AND RESTRICTIONS is made this the 8TH day of JANUARY, 2009 by PINE ISLAND
 POA, INC., a North Carolina Nonprofit Corporation, hereinafter referred to as "Association";

WITNESSETH:

WHEREAS, Turnpike Properties, Inc., Declarant of Pine Island Subdivision, recorded a
 Declaration of Covenants, Conditions and Restrictions ("Declaration") for Pine Island Subdivision
 in Book 311, Page 257, Currituck County Registry; and

WHEREAS, Article Nine of the Declaration provides that the members of the Association
 may amend the Declaration pursuant to the provisions set forth therein; and

WHEREAS, pursuant to Article Nine of the Declaration, the Association approved and
 recorded a First Amendment to the Declaration in Book 785, Page 764, Currituck County Registry;
 and

WHEREAS, at a meeting of the membership of the Association held on April 18, 2008
 convened after due notice, and upon the affirmative vote of owners of lots to which at least sixty-six
 percent (66%) of the votes in the Association are allocated, as required by the provisions of Article
 Nine of the Declaration, it was resolved that the Declaration shall be so amended.

NOW, THEREFORE, the Association does hereby designate, declare, make known and publish the following amendments to the Pine Island Subdivision Declaration of Covenants, Conditions and Restrictions:

1. A new Section 5 shall be added to Article Three, General Provisions, as follows:

Section 5. Mortgage Holder Approval Not Required for Bylaws Amendments. Mortgage holder approval shall not be necessary to amend the Bylaws.

2. Article Nine, Amendment to Declaration, shall be amended and restated as follows:

An amendment to this Declaration may be proposed by the Board of Directors acting upon a vote of a majority of the Directors, or by the Members of the Association owning a majority of the voting interests in all of the Lots and Dwelling Units, whether meeting as Members or by instrument in writing signed by them. Upon any Amendment to this Declaration being proposed by the Board of Directors or Members, such proposed Amendment shall be transmitted in writing to the President of the Association, or other officer of the Association in the absence of the President, who shall thereupon call a Special Meeting of the Members of the Association for a date not sooner than ten (10) days nor later than fifty (50) days from receipt by him of the proposed Amendment. It shall be the duty of the Secretary to give to each Member written notice of such Special Meeting, stating time and place, and reciting the proposed Amendment in reasonably detailed form, which notice, if mailed, shall be mailed not less than ten (10) days nor more than fifty (50) days before the date set for such Special Meeting. If mailed, such notice shall be deemed to be properly given when deposited in the United States Mail, Certified with Return Receipt Requested, addressed to the Member at his Post Office address as it appears on the records of the Association, the postage thereon prepaid. Any Member may, by written waiver of notice signed by such Member, waive such notice, and such waiver, when filed in the records of the Association, whether before or after the holding of the meeting, shall be deemed equivalent to the giving of notice to such Member. At the meeting, the Amendment proposed must be approved by an affirmative vote of sixty-six percent (66%) of the votes of Members (including the Declarant) entitled to vote in order for such Amendment to become effective. At any meeting held to consider such Amendment, the written vote of any Member of the Association shall be recognized and counted if such Member is not in attendance at such meeting or represented thereat by proxy, provided such written vote is delivered to the Secretary of the Association prior to

or at such meeting. If so approved, such Amendment of this Declaration shall be transcribed and certified by the President and Secretary of the Association as having been duly adopted and approved by the requisite percentage of Members. The original or an executed copy of such Amendment so certified and executed by said officers with the same formalities as a deed, shall be recorded in the Currituck County Public Registry, and no such Amendment to this Declaration shall be effective until so recorded. If any Amendment to the Declaration creates an inconsistency in the Bylaws, to the extent such inconsistency exists, the Declaration shall control.

3. Except as otherwise amended herein, the Declaration remains in full force and effect.

IN WITNESS WHEREOF, the Association has caused this instrument to be signed in its corporate name by its duly authorized officer, the day and year first above written.

PINE ISLAND POA, INC.,
a North Carolina nonprofit corporation

BY: [Signature]
President

STATE OF Pennsylvania, COUNTY OR CITY OF Montgomery

I, Monica Witman, a Notary Public of the County or City of Montgomery, and State aforesaid, certify that Robert E. Sprague personally came before me this day and acknowledged that (he)(she) is President of Pine Island POA, Inc., a North Carolina nonprofit corporation, and that (he)(she), as President, being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official stamp or seal, this 8th day of January, 2009.

[Signature]
Signature of Notary Public

Monica A. Witman
Typed or printed name of Notary Public

My commission expires: 8/19/11

(AFFIX NOTARY SEAL)

FAUSERS\ROBERT\Clients\Fine Island POA\Declaration Second Amendment 2008.wpd
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COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
MONICA A. WITMAN, Notary Public
Pottstown Boro., Montgomery County
My Commission Expires August 19, 2011

