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BOOK 1584 PAGE 516

PREPARED BY: ✓ W. George Huffman, Attorney
Hickory, North Carolina

FIRST SUPPLEMENTARY DECLARATION
TO THE DECLARATION OF THE
MALLARD COVE CONDOMINIUMS

This Declarant's First Supplementary Declaration to the Declaration of the Mallard Cove Condominiums, made this 28th day of October, 1988 by Select Homes, Inc., a North Carolina corporation with offices in Hickory, Catawba County, North Carolina, hereinafter referred to as "Declarant";

WITNESSETH:

WHEREAS, Declarant executed the DECLARATION OF MALLARD COVE CONDOMINIUMS dated January 30, 1986 and recorded in the Office of the Register of Deeds of Catawba County, North Carolina, in Deed Book 1430 at Page 428; and

WHEREAS, the plat for Mallard Cove Condominiums, Phase I is recorded in Plat Book 20 at Page 231, and the certified plans for Mallard Cove Condominiums, Phase I are recorded in Condominium Book 1, Unit Ownership File 35, Office of the Register of Deeds of Catawba County, North Carolina; and

WHEREAS, Declarant has completed Mallard Cove Condominiums, Phase IIA, and Declarant now elects to supplement the Declaration to include Phase IIA under the terms hereof.

NOW, THEREFORE, Declarant hereby supplements the Declaration to include Phase IIA under the terms and provisions thereof. Upon the recording of this Supplementary Declaration, the units created under Phase IIA shall become part of the Mallard Cove Condominiums, and the owner/owners of said units shall be subject to the provisions of the Declaration, as supplemented herein, and shall become a member or members of the Mallard Cove Homeowner's Association of Hickory, Inc. In accordance with the provisions of the Declaration and the North Carolina Unit Ownership Act as set forth in Chapter 47A of the North Carolina General Statutes, Declarant certifies as follows:

ARTICLE I

The units created by Phase IIA of the Mallard Cove Condominiums are designated as Units 15, 16, 17, and 18 with respective addresses of 2229, 2231, 2233, and 2235 Sixth Street, N.W., Hickory, Catawba County, North Carolina.

ARTICLE II

The certified plans for Phase IIA have been filed in Condominium Book 1, Unit Ownership File 35, in the Office of the Register of Deeds for Catawba County, North Carolina, and said plans are incorporated in this

Supplementary Declaration and in the Declaration by reference.

ARTICLE III

The plat for Phase IIA is recorded in Plat Book 24 at Page 113, in the Office of the Register of Deeds for Catawba County, North Carolina, and said plat is incorporated in this Supplementary Declaration and in the Declaration by reference.

ARTICLE IV

New common areas created by Phase IIA include the unimproved land and improved land (parking areas, curb and gutter, portion of swimming pool, etc.) as shown on the recorded plat of Phase IIA recorded in Plat Book 24 at Page 113, Catawba County Registry.

ARTICLE V

By the terms of this Supplementary Declaration and the terms of the original Declaration, Declarant brings within the operation of the original Declarations and this Supplementary Declaration, the real property described on Exhibit "A" together with all rights, easements, and appurtenances thereto. The property which is hereby submitted to the Act by this Supplementary Declaration is all of that parcel of land with the buildings and other improvements erected thereon situate and lying and being in the City of Hickory, Catawba County, North Carolina, and being more particularly described as set forth on Exhibit "A" attached hereto and incorporated by reference and referred to as Phase IIA of the Mallard Cove Condominiums.

ARTICLE VI

The percentage of undivided interest of each unit owner in the common areas and facilities have been reallocated as set out on Exhibit "g" attached hereto and made a part hereof, said reallocation resulting in the eventual increased interest of each unit owner provided all units on Exhibit "g" are completed.

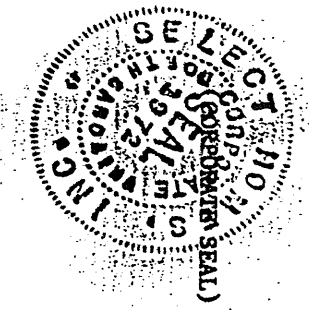
ARTICLE VII

Exhibit "d" and Exhibit "g" as set out in the original Declaration is changed and corrected to read Exhibit "c" and Exhibit "d" respectively.

IN WITNESS WHEREOF, Select Homes, Inc. has caused this instrument to be signed in its corporate name by its President and attested by its Secretary, and sealed with its corporate seal, all done by direction of its Board of Directors duly given, as of the day and year first above written.

SELECT HOMES, INC.

BY: Raoul H. Hurst
President

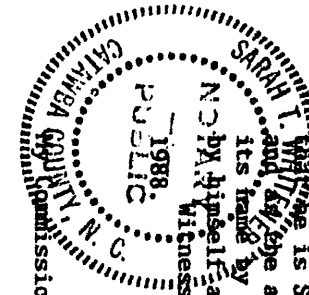


ATTEST:

George L. Henson
Secretary

STATE OF NORTH CAROLINA :
COUNTY OF CATAWBA :

I, *Sarah T. Whitener*, Notary Public, do hereby certify that George L. Henson personally came before me this day and acknowledged to me that he is Secretary of Select Homes, Inc. and that, by authority duly given to him by the act of the Corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal, and attested by its *hand* as its Secretary.



Witness my hand and official seal, this the *31st* day of *October*,
Sarah T. Whitener (Seal)
Notary Public

STATE OF NORTH CAROLINA, CATAWBA COUNTY.

The foregoing certificate of *Sarah T. Whitener*, Notary Public, of Catwaba County, North Carolina, is certified to be correct. This instrument was presented for registration this *31* day of *October* 1988, at *9:54* A.M., *WKK*, and duly recorded in the Office of the Register of Deeds of Catwaba County, North Carolina, in Book *1584*, Page *516*.
This *31* day of *October*, A.D., 1988.

Ruth Mackie *Ruth Mackie* *Rita Brewer*
Register of Deeds *Rita Brewer* Register of Deeds

FILED
RUTH MACKIE

69 OCT 31 AM 9 54

REGISTER OF DEEDS
CATAWBA CO., N.C.

EXHIBIT "A"

INSERT LEGAL DESCRIPTION

BEGINNING at a control corner on the bank of Lake Hickory, said beginning point marking the Southwestern corner of Mallard Cove Condominiums, Phase I, Plat Book 20 at Page 231, Catawa County Registry, and running thence from said beginning point with the highwater mark of Lake Hickory, South 62° 09' West 90.00 feet to an iron stake; thence continuing with the highwater mark of Lake Hickory, North 73° 15' West 133.80 feet to an iron stake; thence a new line North 23° 43' 20" East 168.15 feet to an iron stake; thence South 42° 55' East 22.76 feet to a control corner; thence with the Western line of Mallard Cove Condominiums, Phase I, South 42° 57' 05" East 182.79 feet to the point of the Beginning and containing 0.461 acres.

EXHIBIT "B"

UNIT NO.	PHASE I Is Com- pleted	PERCENTAGE INTEREST IN COMMON AREA IF		PHASE I, TIA, TIB & TII Are Completed
		PHASE I & TIA Are Completed	PHASE I, TIA & TIB Are Completed	
1	6.7683%	5.1368%	2.9861%	1.9986%
2	6.6501%	5.0471%	2.9340%	1.9637%
3	6.4353%	4.8841%	2.8392%	1.9002%
4	6.6501%	5.0471%	2.9340%	1.9637%
5	6.4353%	4.8841%	2.8392%	1.9002%
6	8.5840%	6.5149%	3.7872%	2.5347%
7	6.4353%	4.8841%	2.8392%	1.9002%
8	8.5840%	6.5149%	3.7872%	1.9002%
9	6.4353%	4.8841%	2.8392%	1.9002%
10	8.5840%	6.5149%	3.7872%	1.9002%
11	6.4353%	4.8841%	2.8392%	1.9002%
12	6.6501%	5.0471%	2.9340%	1.9637%
13	6.4343%	4.8833%	2.8387%	1.9637%
14	8.9176%	6.7681%	3.9344%	1.8999%
15		6.8230%	3.9663%	2.6332%
16		5.3051%	3.0839%	2.0640%
17		6.0641%	3.5251%	2.3593%
18		5.9123%	3.4369%	2.3002%
19			3.4369%	2.3002%
20			3.5251%	2.3593%
21			3.5251%	2.3593%
22			3.4369%	2.3002%
23			3.4369%	2.3002%
24			3.5251%	2.3593%
25			3.5251%	2.3593%
26			3.4369%	2.3002%
27			3.4369%	2.3002%
28			3.4369%	2.3002%
29			3.5251%	2.3593%
30			3.0839%	2.0640%
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