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NEW HANOVER COUNTY,

TAMMY THEUSCH PIVER

REGISTER OF DEEDS

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Prepared By & Return to:

Charles D. Meier, Marshall, Williams & Gorham, LLP
 430 Eastwood Road Suite 200, Wilmington, NC 28403

STATE OF NORTH CAROLINA
 COUNTY OF NEW HANOVER

FOURTH AMENDMENT TO THE DECLARATION OF DOLPHIN BAY

This Fourth Amendment to the Declaration of Dolphin Bay ("Amendment") is made and entered into as of this 27 day of April, 2021 by The Dolphin Bay Homeowners Association, Inc., a North Carolina nonprofit corporation ("Association").

WITNESSETH:

A. The Association is the property owners' association charged with the responsibility for the operation of that certain real property known as Dolphin Bay located in New Hanover County, North Carolina, and described in a Declaration recorded in Book 1238, Page 0511, New Hanover County Register of Deeds ("Declaration").

B. The Declaration provides in Article VIII(A) that the Declaration can be amended by affirmative vote of not less than seventy-five percent (75%) of the Members. In addition, the Declaration was amended by an instrument recorded in Book 4327, Page 372, to adopt the N.C. Planned Community Act, Chapter 47F of the N.C. General Statutes, which lowered the percentage of votes required to amend the Declaration to sixty-seven percent (67%) of the votes of the Members in accordance with N.C.G.S.A. § 47F-2-117.

C. The Amendment set forth below has been adopted by an affirmative vote of not less than eighty-eight percent (88%) of the votes of the members by ballot, and has otherwise been properly adopted and approved as required by the Declaration, Bylaws and Articles of Incorporation, as applicable. In particular, there were 93 possible votes and 82 voted in favor of the Amendment.

D. That the President or Vice President of the Association has been duly authorized and empowered to execute this Amendment and to cause the same to be recorded in the New Hanover County Register of Deeds as the binding act of the Association, its Members and Board of Directors.

submitted electronically by "Marshall, Williams & Gorham"
 in compliance with North Carolina statutes governing recordable documents
 and the terms of the submitter agreement with the New Hanover County Register of Deeds.

Now therefore, in consideration of the recitals set forth above, and as the act and deed of the Association, its Members and Board of Directors, the Declaration is hereby amended and modified as set forth below:

By deleting the last sentence of Article III, DESIGN AND ARCHITECTURAL CONTROL, Paragraph H. ("All fences shall be of wood, and no wire or chain fence of any nature shall be permitted.") and adding in place thereof the following sentence: "All fences shall be of wood or aluminum, and no wire or chain fence of any nature shall be permitted."

END OF AMENDMENT

Except as amended, the Declaration, as may have been previously amended, shall remain in full force and effect.

The undersigned, being the President of the Association, does, by his/her execution hereof, certify that this Amendment was duly adopted by not less than eighty-eight percent (88%) of the votes of the Members, by ballot, and has otherwise been properly adopted and approved as required by the Declaration, Bylaws and Articles of Incorporation, as applicable, were duly adopted by a vote of the Board of Directors (if required), and that all the procedures, steps and requirements necessary to amend said Declaration have been complied with, the day and year first above written.

THE DOLPHIN BAY HOMEOWNERS ASSOCIATION, INC.

By: Ronald L Hess
President
Printed Name: Ronald L Hess

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

I, Elise Mary Galgano, notary public, do hereby certify that Ronald L Hess (name of officer), personally appeared before me this day and acknowledged that he/she is the President of the Association and that he/she, being authorized to do so, executed the foregoing on behalf of the Association.

Witness my hand and official seal this the 27th day of April, 2021.

Elise Mary Galgano
Notary Public
My Commission Expires: 01/15/2025

(Notary Seal)

