

Recorded: 05/12/2022 03:45:35 PM
BY: CLAUDIA HARRINGTON
Cheryl L. House, Register of Deeds
Dare County, NC

Fee Amt: \$26.00

NC Excise Tax: \$0.00
Land Transfer Fee: \$0.00

BOOK 2618 PAGE 540 (4)

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Prepared by and return to:
Casey C. Varnell, Attorney at Law
Sharp, Graham, Baker, and Varnell, LLP

NORTH CAROLINA
DARE COUNTY

DECLARATION OF PROTECTIVE COVENANTS
FOR PLANNED COMMUNITY

THIS DECLARATION is made and entered the 12th day of May, 2022 by the Sound-Sea Village Homeowners Association, Inc., a North Carolina Non-Profit Corporation and by the individual property owners joining and named as signatories to this Declaration.

RECITALS:

WHEREAS, Sound-Sea Village is a subdivision consisting of improved real property and located in the vicinity of Duck, Dare County, North Carolina. Sound-Sea Village is documented and shown on a subdivision plat recorded in Map Book 2, Page 238, Map Book 2, Page 244, and Map Book 3, Page 100 of the Dare County Public Registry; and

WHEREAS, no restrictive covenants have been recorded within the Dare County Public Registry which are appurtenant to Sound-Sea Village, although Sound-Sea Village consists of certain common elements, namely being a) the subdivision streets known as Sound Sea Avenue, Acorn Oak Avenue, Ocean Bay Boulevard, Clay Street, Cedar Drive, Cypress Drive, Willow Drive, Maple Drive, and Elm Drive; b) the beach accesses existing to directly eastward of Ocean Bay Boulevard, Acorn Oak Avenue, and Sound Sea Avenue; c) open space located adjacent to N.C. Highway 12 (Duck Road) and directly west of Lot 81 and Lot 98 of Section 3 of the Sound-Sea Village subdivision and identified by Dare County Tax Parcel Number 009280000; and d) open space located adjacent to N.C. Highway 12 (Duck Road) and directly west of Lot 47 of Section 2 of the Sound-Sea Village subdivision and identified by Dare County Tax Parcel Number 009280001; and

WHEREAS, Sound-Sea Village Homeowners Association Inc., (herein referred to as "SSVHOA") is the association of property owners for the Sound-Sea Village subdivision, being a duly formed non-profit association with the North Carolina Secretary of State;

WHEREAS, the owners of the lots and properties within the subdivision are the members of SSVHOA and have historically paid annual assessments and other dues in order to maintain the common areas referenced above; and

WHEREAS, the purpose of this Declaration is to confirm the application of Chapter 47F of the North Carolina General Statutes (the North Carolina Planned Community Act) to the Sound-Sea Village subdivision, to the SSVHOA, and to the members of the SSVHOA. Such confirmation shall explicitly include the ability of the SSVHOA to collect dues and assessments against its Members for the purposes of maintaining, improving, and managing the common areas specified directly above, as well as the authority to collect and enforce said assessments in any manner authorized by the North Carolina Planned Community Act.

NOW, THEREFORE, this Declaration has been joined by the percentage of lot owners required by the North Carolina Planned Community Act (which is referred to below as the "PCA"), to make the property subject to the PCA by adopting the following terms:

TERMS

1. The previously recorded maps and plats of the subdivision are confirmed to evidence the lots and parcels of land which are subject of this Declaration.
2. Sound-Sea Village and the properties subject of this declaration are declared to be a planned community as described in North Carolina General Statutes Chapter 47F. To the extent that the PCA does not already apply, this Declaration is made in accordance with 47F-1-102 and all of the provisions of Chapter 47F will hereafter be applicable to the subdivision and properties as set forth herein.
3. The Sound-Sea Village Homeowner's Association, Inc. shall be deemed to be the association of property owners which is specified in 47F-3-101, having all of the powers and authority specified in the PCA.
4. The members of the SSVHOA shall be all of the owners of the lots within Sound-Sea Village subdivision and shall be subject to the following:

Imposition, Personal Obligation, Lien. Each Owner, by becoming an Owner by the acceptance of a deed or otherwise, whether or not such deed or any other instrument pursuant to which title was obtained so provides, shall be deemed to covenant and agree to pay to the Association annual assessments and special assessments for the purpose of providing for the maintenance and operation of the common areas described herein ("Maintenance Assessments"). These assessments shall be fixed, established, and

collected from time to time in an amount commensurate with the projected common area maintenance needs, which amount shall be determined by the Board of Directors. This amount shall be prorated according to current development on each lot within the subdivision. The amount of the annual assessment against any vacant lot within the subdivision shall be one-half (1/2) the amount of the annual assessment against those lots which are improved. Any given Maintenance Assessment shall be due within thirty (30) days from the date of issuance of the invoice accounting for said assessment. Each Maintenance Assessment (or installment payment thereof) together with such interest thereon and costs of collection to include attorney's fees, shall be a charge and continuing lien upon the subdivision lot against which the Maintenance Assessment is made and shall also be the personal obligation of the Owner of such lot at the time the Assessment falls due. The interest on any delinquent assessment shall be in the amount of eighteen percent (18%) per annum against the outstanding principal balance, running from the date of default. In the event of default by a SSVHOA member on payment of a Maintenance Assessment, the Association may elect to file a claim of lien in the Office of the Clerk of Superior Court of Dare County on behalf of the Association against the lot of the delinquent member. Said lien may be foreclosed upon by the Association in accordance with the PCA and Chapter 45 of the North Carolina General Statutes.

5. Without limiting any other provision of this Declaration, the following common areas are declared to be dedicated for use by the members of the association and will be maintained by the association as a common property in accordance with Chapter 47F. Any person owning a property within the subdivision and any mortgage lender for such properties will be entitled to rely upon this dedication for purposes of maintenance of such common areas: a) the subdivision streets known as Sound Sea Avenue, Acorn Oak Avenue, Ocean Bay Boulevard, Clay Street, Cedar Drive, Cypress Drive, Willow Drive, Maple Drive, and Elm Drive; b) the beach accesses existing to directly eastward of Ocean Bay Boulevard, Acorn Oak Avenue, and Sound Sea Avenue; c) open space located adjacent to N.C. Highway 12 (Duck Road) and directly west of Lot 81 and Lot 98 of Section 3 of the Sound-Sea Village subdivision and identified by Dare County Tax Parcel Number 009280000; and d) open space located adjacent to N.C. Highway 12 (Duck Road) and directly west of Lot 47 of Section 2 of the Sound-Sea Village subdivision and identified by Dare County Tax Parcel Number 009280001.
6. The terms and provisions of this Declaration have been approved and adopted by the Board of Directors of SSVHOA at a meeting of the board of directors called and noticed for such purpose and this adoption has been confirmed and ratified by the requisite percentage of property owners signing this Declaration as noted by the signature pages attached hereto.

(SIGNATURE PAGE TO FOLLOW)

These By-laws have been signed as set forth below by the President of the Association, after a receiving the requisite membership vote at a duly called meeting of the Association occurring on April 30, 2022, with the date of signing of this document being the 9 day of May, 2022.

78% of the members eligible to vote

Sound-Sea Village Homeowners Association Inc.

By: *Kenneth H. Frantz*
President

STATE OF North Carolina
COUNTY OF Dare

I, a Notary Public for the aforementioned State and County do hereby certify that *Kenneth H. Frantz* personally appeared before me this day and acknowledged the execution of the foregoing declaration in the capacity of President of the Sound-Sea Village Homeowners Association, Inc. Witness my hand and seal, this the 9 day of May, 2022.

My commission expires:
12/28/2025

Nicole E. Wilkinson
Notary Public

