



NORTH CAROLINA  
DARE COUNTY

Prepared By Robert B. Hobbs, Jr., Attorney

DECLARATION OF WITHDRAWAL

THIS DECLARATION OF WITHDRAWAL is made this 14 day of September, 2000 by CAROLINA DUNES ASSOCIATION, INC., hereinafter the "Declarant".

WITNESSETH:

WHEREAS, Carolina Dunes, Inc., a North Carolina Corporation, being the owner of the subdivision known as "Carolina Dunes", on or about the 14<sup>th</sup> day of March, 1972 caused to be registered and recorded in the Dare County Registry, a certain map or plat of the subdivision known as "Carolina Dunes, Section A" which map or plat is recorded in Map Book 5, Page 41, Dare County Registry; and

WHEREAS, Carolina Dunes, Inc., a North Carolina Corporation, being the owner of the subdivision known as "Carolina Dunes", on or about the 29<sup>th</sup> day of November 1973, caused to be registered and recorded in the Dare County Registry, a certain map or plat of the subdivision known as "Carolina Dunes, Section B" which map or plat is recorded in Map Book 6, Page 59, Dare County Registry; and

WHEREAS, Carolina Dunes, Inc., a North Carolina Corporation, and/or William A. Small and wife, Margaret R. Small, and Gaston E. Small, Jr. and wife, Beverly M. Small, on or about the 26<sup>th</sup> day of February, 1975 caused to be registered and recorded in the Dare County Registry, a certain map or plat of the subdivision known as "Carolina Dunes, Section C" which map or plat is recorded in Map Book 8, Page 6, Dare County Registry; and

WHEREAS, Carolina Dunes, Inc., a North Carolina Corporation, and/or William A. Small and wife, Margaret R. Small, and Gaston E. Small, Jr. and wife, Beverly M. Small, on or about the 11<sup>th</sup> day of July, 1977 caused to be registered and recorded in the Dare County Registry, a certain map or plat of the subdivision known as "Carolina Dunes, Revised Section C" which map or plat is recorded in Plat Cabinet A, Slide 3, Dare County Registry; and

WHEREAS, by deed dated August 27, 1996 and filed in Book 1071, Page 793, Dare County Registry, Carolina Dunes, Inc. the developer of Sections A and B of Carolina Dunes, conveyed to Declarant the fee simple title to the property described below; and

WHEREAS, by deed dated August 4, 2000, and filed in Book 1341, Page 225, Dare County Registry, William A. Small and wife, Margaret R. Small, and Gaston E. Small, Jr. and wife, Beverly M. Small, the developers of Section C of Carolina Dunes, conveyed to Declarant the fee simple title to Parcel 2 described below; and



WHEREAS, Declarant, as the owner of the fee simple title to the parcels described below, by virtue of the deeds described above, is the entity claiming under the original dedicator of the parcels described below within the meaning of Section 136-96 of the North Carolina General Statutes; and

WHEREAS, the parcels described below have never been actually opened, improved, or used by the general public, or any rights asserted therein by the general public, at any time since the recordation of the aforesaid plats.

NOW, THEREFORE, Declarant, claiming the benefit of Section 136-96 of the North Carolina General Statutes, as amended, does now declare as follows:

1. That Declarant is the owner of the following parcels of land:

All of that certain lots or parcels of land situated in the Village of Duck, Atlantic Township, Dare County, North Carolina, and more particularly described as follows:

All of those certain common areas as set forth on the subdivision maps of Carolina Dunes subdivision, Sections A, B, and C, and more particularly described as follows:

Parcel 1. A strip of land measuring 8 feet in width, and approximately 320 feet in length, running from the eastern right of way line of Buffell Head Road, to the mean high water mark of the Atlantic Ocean. Said strip of land is located on the southern property line of Lot 8, Section A, Carolina Dunes, and on the northern property line of Lot 9, Section A, Carolina Dunes, as shown on map filed in Map Book 5, Page 41, Dare County Registry. This property is identified as parcel 009744-069 by the Dare County Tax Office.

Parcel 2. A strip of land measuring 8 feet in width, and approximately 320 feet in length, running from the eastern right of way line of Buffell Head Road, to the mean high water mark of the Atlantic Ocean. Said strip of land is located on the southern property line of Lot 177, Section C, Carolina Dunes, and on the northern property line of Lot 178, Section C, Carolina Dunes, as shown on map filed in Plat Cabinet A, Slide 3, Dare County Registry. This parcel is identified as "8' Walk" on the said subdivision plat. This property is further identified as parcel 009744-089 by the Dare County Tax Office.

Parcel 3. A strip of land measuring 8 feet in width, and approximately 320 feet in length, running from the eastern right of way line of Buffell Head Road, to the mean high water mark of the Atlantic Ocean. Said strip of land is located on the northern property line of Lot 141, Section B, Carolina Dunes, as shown on map filed on Map Book 6, Page 59, Dare County Registry. This parcel is identified as "8'



Walk" on the said subdivision plat. This property is further identified as parcel 009744-068 by the Dare County Tax Office.

Parcel 4. That certain parcel measuring 75 feet by 134 feet and designated as "Parking Area" on the subdivision map of Section A, Carolina Dunes, filed in Map Book 5, Page 41, Dare County Registry, and located at 125 Sprigtail Drive. Said Parking Area is located on the eastern property line of Lot 81, the southern right of way line of Sprigtail Drive, and the western property line of Lots 83 and 84, Section A, Carolina Dunes. Said Parking Area is identified as parcel 009744-067 by the Dare County Tax Office.

Parcel 5. That certain parcel measuring 75 feet by 325 feet and designated as "PARK AREA" on the map of Section B of Carolina Dunes filed in Map Book 6, Page 59, Dare County Registry. Said park area is located at 1364 Duck-Corolla Road (N.C. Highway 12). Said park area is located on the northern property line of Lot 95, Section B, Carolina Dunes and the western right of way line of N. C. Highway 12. This Park Area is designated as parcel 009564-099 by the Dare County Tax Office.

2. That since the time of the recordation of the various plats of "Carolina Dunes" as described above, the parcels described above have never been opened, improved, or used by the general public at any time; that no person has asserted any public easement thereon; and that neither the State of North Carolina nor any County or municipal corporation has opened or accepted the dedication of the above described parcels, nor have either maintained the same since the date of recordation of the said plats.

3. That the said plats of "Carolina Dunes" have been on file in the office of the Register of Deeds of Dare County, North Carolina for more than fifteen years preceding this Declaration.

4. That no person other than the Declarant and the various property owners in Carolina Dunes subdivision, has asserted any right or cause of action to enforce any public or private easement in the above described parcels.

AND FURTHER, Declarant does hereby withdraw the parcels described above from all such public use to which it may have been dedicated by the recordation of the aforesaid plats of "Carolina Dunes."

Nothing herein shall be construed to impair, diminish, or eliminate any private easement rights in the above described parcels of land which may be held by owners of lots in Sections A, B and C of Carolina Dunes subdivision. The sole purpose of the Declaration is to withdraw the above described parcels from dedication or use by the general public.



IN WITNESS WHEREOF, the Grantor has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors.



(AFFIX CORPORATE SEAL)

CAROLINA DUNES ASSOCIATION, INC.

BY: [Signature]  
President

ATTEST:  
[Signature]  
Secretary

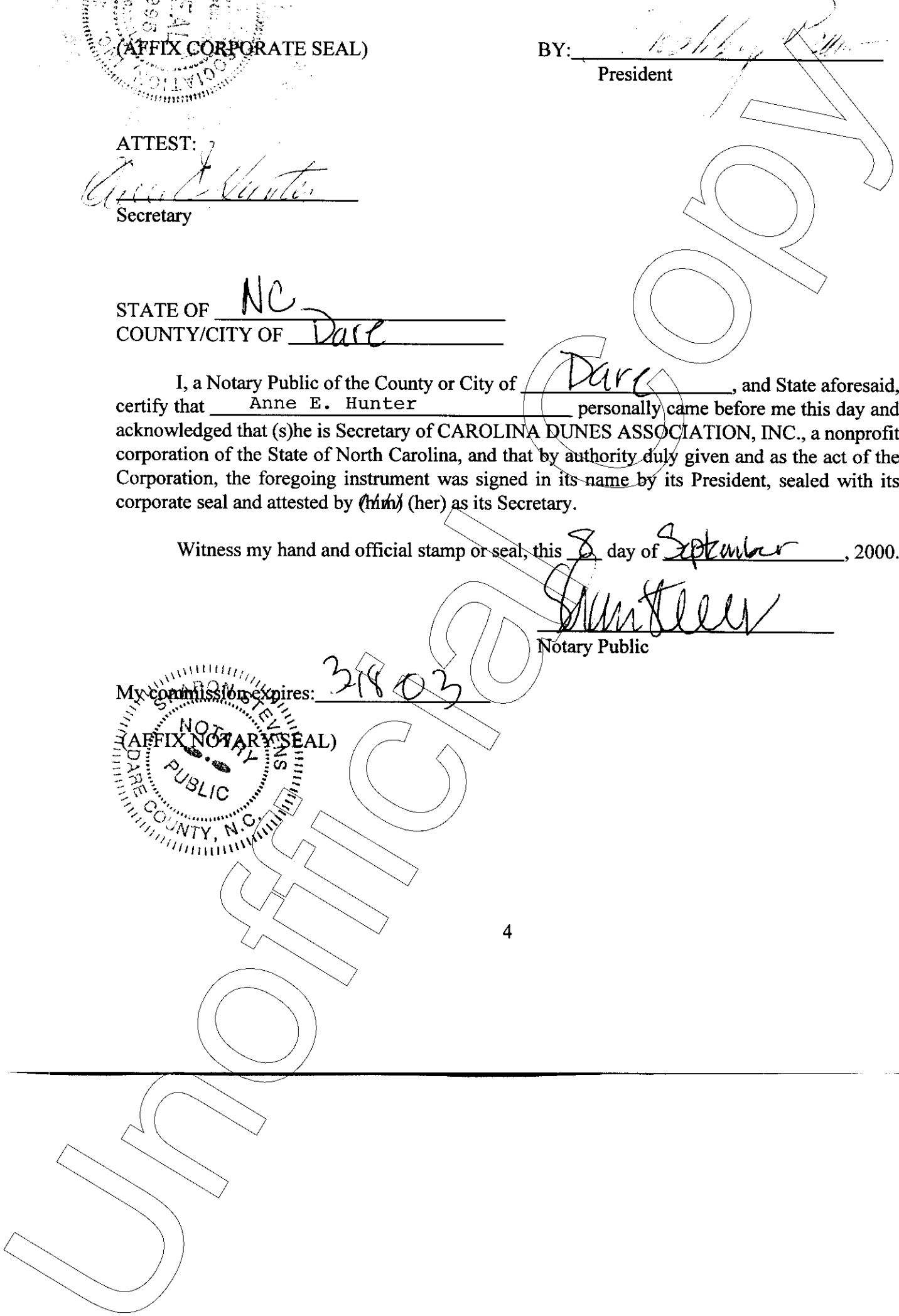
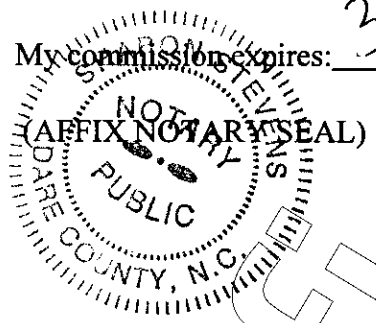
STATE OF NC  
COUNTY/CITY OF Dare

I, a Notary Public of the County or City of Dare, and State aforesaid, certify that Anne E. Hunter personally came before me this day and acknowledged that (s)he is Secretary of CAROLINA DUNES ASSOCIATION, INC., a nonprofit corporation of the State of North Carolina, and that by authority duly given and as the act of the Corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by (him) (her) as its Secretary.

Witness my hand and official stamp or seal, this 8 day of September, 2000.

[Signature]  
Notary Public

My commission expires: 3/18/03





North Carolina  
Dare County

The foregoing certificate of Sharon Stevens  
A Notary Public of Dare Co., NC  
is certified to be correct. This instrument and this certificate are duly registered at the  
Date and Time in the Book and Page shown on the first page hereof.

Barbara M. Gray, Register of Deeds

By: Andrew Y. Lillett  
Deputy Register of Deeds

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