



TOWN OF SOUTHERN SHORES

5375 N Virginia Dare Trl, Southern Shores, NC 27949
(252) 261-2394 tel (252) 255-0876 fax
www.southernshores-nc.gov

Application No. APA-23-01 Date 8-31-23
Application Fee \$350.00 Receipt No. 610910

THIS FORM IS A NOTICE OF APPEAL TO THE BOARD OF ADJUSTMENT. THE BOARD OF ADJUSTMENT MAY HEAR AND DECIDE APPEALS OF ADMINISTRATIVE DECISIONS OF ADMINISTRATIVE OFFICIALS CHARGED WITH ENFORCEMENT OF THE TOWN'S ZONING ORDINANCE OR ANY OTHER ORDINANCE THAT REGULATES LAND USE OR DEVELOPMENT AS PROVIDED UNDER THE TOWN CODE OF ORDINANCES. ADDITIONAL PAGES MAY BE ATTACHED TO ANSWER ANY QUESTIONS IN THE APPLICATION OR TO PROVIDE ANY SUPPLEMENTAL INFORMATION.

- Applicant Name Ann Sjoerdsma
Mailing Address 232 N. Dogwood Trail
City Southern Shores State NC Zip Code 27949
Telephone (252) 256-0058
- Property Owner Name (If different from Applicant) David + Evelyn Traub
Mailing Address 9100 Riverwatch Drive
City Richmond State VA Zip Code 23235
Telephone (804) 873-5010
- Property (If decision being appealed is specific to a particular property):
Street Address 172 Ocean Blvd., Southern Shores, NC 27949
Tax Parcel Identification Number 021892000
Subdivision Name So/Sh Amended Plat B Section# 3 Lot# B, Block 27
Zoning District Classification RS-1
Current Use of Property Vacant
- Date of administrative decision being appealed Aug. 4, 2023
- Attach a copy of the administrative decision being appealed. (Please consult Town Code Sec. 36-366 (a)(1) for examples of appealable administrative decisions.) See Attachment
- Describe the specific provisions or portions of the decision being appealed. No. 1.
Appellant's responses to questions 6-10
appear in five pages attached to this
application.

See the five-page attachment to this application.

7. Specify the grounds for your appeal. Fully explain how the administrative official inaccurately interpreted and/or applied the terms of the Town's Zoning Ordinance or other applicable ordinance. What do you believe to be the correct answer, and why?

See the five-page attachment to this application.

8. If you are not the property owner, or if the decision was not issued to you, explain the facts which give you standing to appeal the administrative decision. (Please consult Town Code Sec. 36-366(b)(1) and G.S. 160D-1402(c) to determine whether or not you have standing. If you have questions about standing, you may wish to consult an attorney.)

See the five-page attachment to this application.

9. List the names and addresses of all abutting property owners and the owners of property immediately across the street from the property affected. The list shall be current according to the most recent tax listing abstract as filed in the office of the Dare County Tax Supervisor. (If you posted a sign on the property affected in the manner provided by Town Code Sec. 36-362(b), please indicate the date of such posting and provide any pictures you may have of the posting).

See the five-page attachment to this application.

10. Are any attachments being submitted with this application? Yes No

If yes, please identify attachments and number of pages.

See the five-page attachment to this application.

CERTIFICATION

I certify that the information filed by me in this application is accurate to the best of my knowledge, information, and belief.

Property Owner Signature

Date

STATE OF _____, COUNTY OF _____

On this _____ day of _____, 20_____

_____ personally appeared before me and is known to me to be the person who signed the foregoing instrument and he/she acknowledged that he/she signed the same and being duly sworn by me, made oath that the statements in the foregoing instrument are true.

Signature of Notary Public _____

My Commission expires _____, 20_____

CERTIFICATION BY APPLICANT OTHER THAN PROPERTY OWNER

I Ann Sjoerdsma (your name) file this application on the behalf of Ann Sjoerdsma (property owner name).

I am the adjacent property owner (attorney, contractor, etc.) ^{to} for the property owner in this matter and file this application with the full knowledge and consent of the property owner. I certify that the information filed by me in this application is accurate to the best of my knowledge, information, and belief.

Ann Sjoerdsma
Signature

8/31/23
Date

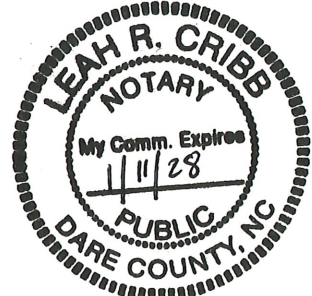
STATE OF North Carolina, COUNTY OF Dare

On this 31 day of August, 2023

Ann Sjoerdsma personally appeared before me and is known to me to be the person who signed the foregoing instrument and he/she acknowledged that he/she signed the same and being duly sworn by me, made oath that the statements in the foregoing instrument are true.

Signature of Notary Public Leah R. Cribb

My Commission expires Jan. 11, 2028, 2028



APPELLANT'S RESPONSES TO QUESTIONS 6-10 OF APPEAL APPLICATION

6. (Specific provisions or portions of zoning decision being appealed.)

I am appealing the administrative decision to issue Building/Floodplain Development Permit #DPA23-000122 and Zoning Permit #ZP23-000063 (hereinafter "Permits"), which are attached in response to Question No. 5, on behalf of myself and my three siblings, with whom I co-own the adjacent property at 174 Ocean Blvd. (See my response to Question No. 9 for their names and addresses.) Hereinafter, I will refer to "we," rather than "I."

We (hereinafter the "Appellant") object to the entirety of the Permits issued to the Traubs (hereinafter "Permit Applicants") because they allow the perpetuation of a zoning violation—the creation of an illegal side-yard setback—that occurred in late December 2018, as we explain in our response to Question No. 7.

The Permit Applicants should not be able to benefit from this illegality, which gives them more land to develop than they would have been able to purchase in December 2021 if the illegality had not occurred.

7. (Appellant's grounds for appeal.)

Summary: It is our contention that the Town of Southern Shores' approval of a recombination plat with a potential illegal side-yard setback—which became an actual violation in December 2018—enabled and directly led to the previous owner's sale of Lot B, Block 27, section 3, to the Permit Applicants. By issuing the Aug. 4, 2023 Permits to the Permit Applicants, the Town perpetuates this violation, which it has repeatedly declined to address despite Appellant's request that it do so.

We are adjacent property owners who rent a quaint 52-year-old beachbox cottage on our property. The cottage's privacy, quiet enjoyment, and general desirability as a vacation destination will be greatly diminished by the Permit Applicants' elaborate proposed development. This diminution will adversely affect our rental income, as well as the market value of our property should we ever elect to sell. (See Question No. 8, on our standing, below.)

The Town of Southern Shores (hereinafter the "Town") should have denied the Permit Applicants' application for Permits and corrected the zoning violation(s) it has allowed, to Appellant's detriment. On appeal, the Permits should be revoked.

We are concerned here with residential properties in the RS-1 single-family dwelling residential district of Southern Shores. Before we elaborate upon our grounds for appeal, we provide some necessary facts.

Factual Background: In 1952, matriarch/property owner Edith Pipkin built a flattop, known as "Pink Perfection," and an accessory building on a large oceanfront parcel of land known as Lots 1-4, Block 27, Section 3, in Southern Shores. We shall refer to this parcel, whose ownership passed (presumably through testamentary devise) from Miss Edith to her brother, Benton, to Benton's two sons, Ashmead and John, and then after John's death to John's two daughters, Anne and Pringle, as the "Pink Estate."

We have been neighbors of generations of the Pipkin family since 1971, when our parents built a cottage at 174 Ocean Blvd., which was adjacent to the Pink Estate.

As of 2017, Ashmead Pipkin (“Mr. Pipkin”) and his nieces, operating as Pipkin I Limited Partnership (“Pipkin LP”), jointly owned the Pink Estate in equal shares.

In September 2017, Mr. Pipkin and Pipkin LP sought to recombine their four-lot parcel into two unequal lots, which they designated as Lot A (now known as 170 Ocean Blvd., on which the Pink Perfection sits) and Lot B (now known as 172 Ocean Blvd.).

The Town approved this alleged recombination, which we believe should have been treated as a subdivision, on Oct. 3, 2017. (See Attachment No. 2.) As a result of this recombination, a potential error in a side-yard setback between the structures on Lot A and the southern boundary of Lot B occurred. (We explain this error and how it invalidates the Permits, below.)

The error was “potential” because Mr. Pipkin and his nieces remained cotenants of the Pink Estate, which they now believed consisted of Lots A and B, for more than 15 months thereafter. They then partitioned their cotenancy.

On Dec. 27, 2018, Pipkin LP gave all of its interest in Lot B to Mr. Pipkin, individually. Six days earlier, Mr. Pipkin and his wife Marjorie gave all of their interest in Lot A to Pipkin LP. (See Attachments No. 3 and 4, respectively.) Both of the deeds partitioning the cotenancy were recorded in the Dare County Registry of Deeds on Jan. 16, 2019.

On Dec. 9, 2021, Mr. Pipkin sold Lot B to Permit Applicants in a private sale.

We contend that:

1) The Town Should Have Required a Subdivision and Disallowed a Recombination in October 2017: The Town should have required the Pink Estate cotenants to subdivide their property and not permitted them to recombine it. Had it done so, the Appellant would have received notice of the proposed parcel division and an opportunity to be heard at public hearings before the Southern Shores Planning Board and the Southern Shores Town Council. The Appellant would have obtained the Pipkins’ proposed new plat for the Pink Estate; discovered that Mr. Pipkin, who drafted it, created potential illegal side-yard setbacks on Lot A; and brought this problem to the Town’s attention.

2) The Appellant Should Have Received Notice of Any New Lot Division of the Pink Estate: Neither the Town nor cotenants Mr. Pipkin and Pipkin LP gave Appellant, an adjacent property owner with a considerable stake in the future development of the Pink Estate, any notice, actual or constructive, of the recombination. We had standing to appeal the Town’s administrative decision, and would have done so, if we had been given notice. As applied to us, the 30-day appeal period was meaningless.

3) The Pink Estate Cotenants Created, and the Town Approved, a Potentially Illegal Side-Yard Setback on Lot A: The Recombination Plat (Attachment No. 2), which the Town approved on Oct. 3, 2017, contains a critical potential error. It shows an insufficient side-yard setback between the dwelling and garage on Lot A and the southern boundary of Lot B of just 10.1 feet,

instead of the Town Code-required 15 feet. (Our direct observations suggest this distance is actually less than 10.1 feet.)

There is a patio with a wall to the north of the dwelling on Lot A, but we do not know the height of the wall. If the patio wall is at least 30 inches in height, then the insufficiency of the side-yard setback between it and Lot B is more extreme than the insufficiency between the dwelling and garage on Lot A and the southern boundary of Lot B, as represented on the plat.

We contend that had the side-yard setback been correctly assessed at 15 feet (as Town Code sec. 36-202(4)(a) requires), rather than at 10.1 feet, or less, as shown on the Recombination Plat, Mr. Pipkin would have had to deduct an estimated 550 square feet (5 feet in width multiplied by about 110 feet in length) from the Lot B property that he sold to the property owners.

4) The Setback Error Did Not Become a Zoning Violation Until the Pink Estate Cotenancy Was Partitioned in December 2018: The insufficient side-yard setback of 10.1 feet or less became a zoning violation only when the Pink Estate cotenants partitioned their cotenancy, and the ownership of Lot A and Lot B became separate and distinct. Up until that time, the cotenants had identical property interests, and the setback error was inchoate. It became actionable after the cotenants differentiated their property interests in late December 2018.

5) The Statute of Limitations for the Town to Bring an Action Against Mr. Pipkin and/or Pipkin LP for a Zoning Violation Has Not Run: According to Sec. 1-51(5) of the N.C. General Statutes, a municipality must bring a “suit, action or proceeding” against the owner of an interest in real property for violating a “land-use statute, ordinance, or permit” within five years after either “the facts constituting the violation are known to the governing body, an agent, or an employee of the unit of local government” or “the violation can be determined from the public record of the unit of local government,” whichever occurs earliest. Whether the five-year limitations period started in December 2018 or on Jan. 19, 2019, when the cotenancy partition deeds were recorded, the statute of limitations has not run.

APPLICABLE TOWN ORDINANCES:

1) **ON SUBDIVISION:** The Town of Southern Shores Subdivision Ordinance is Chapter 30 of the Town Code.

Ch. 30, sec. 2, the definitions section of the Subdivision Ordinance, defines a subdivision as "all divisions of a tract . . . of land into two or more lots, building sites or other divisions when any one or more of those divisions are created for the purpose of sale or building development (whether immediate or future) . . ." but it excludes from this definition the following:

"(1) The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the town as required by this chapter."

The Pipkins' recombination of the Pink Estate was “for the purpose of sale,” and, in fact, the newly created Lot B was sold by Mr. Pipkin, individually, after the cotenancy partition.

The Pipkins' division of the Pink Estate is not excluded from the Subdivision Ordinance because,

although it did not increase the total number of lots, one of the resultant lots (Lot A) does not meet the side-yard setback standard of the Town for homes in the RS-1 residential district. The division rendered Lot A non-conforming as of the 2018 cotenancy partition.

2) **ON SIDE-YARD SETBACKS**

Town Code sec. 36-202(d) provides for the minimum dimensional requirements of building in the RS-1 residential district. According to Code sec. 36-202(d)(4)(a), the minimum side yard setback “shall be” 15 feet.

This requirement has been in effect since 2002.

The Code defines “yard” as a required open space “unoccupied and unobstructed by any structure or portion of a structure, from 30 inches above the ground level of the graded lot upward . . . [etc.]” (Sec. 36-57)

Code sec. 36-57 defines a “structure” as “anything constructed or erected, the use of which requires location of the ground, or attachment to something have location on the ground.”

Taken together, these Code sections have been interpreted by the Town to mean that the side-yard setback distance between a single-family dwelling, a garage, or other structure that is at least 30 inches tall, on one lot, and the property line of an adjacent property must be 15 feet.

8) **(Standing.)**

We are an aggrieved party that will suffer special damages—as evidence of standing requires—if the Permits issued by the Town are not revoked.

We believe that the elaborate 4,921-square-foot, multi-story dwelling, two-car garage, swimming pool, multiple decks, walkways, and accessory buildings, including two large storage facilities, that the Permit Applicants propose constructing next door to our comparatively small beachbox would adversely affect the desirability of our cottage as a vacation rental, as we explain below, and as a result reduce our rental income.

We also contend that the Permit Applicants’ development would adversely affect the market value of our property.

As previously stated, our property is adjacent to the Permit Applicants’ property, the southern boundary of our property being contiguous with the northern boundary of theirs.

Our parents bought 174 Ocean Blvd. in 1969 and two years later built the first cottage on pilings in Southern Shores on the property. The cottage appears today much as it did in 1971. (See Attachment No. 5) There is no living space on the ground level of the house where a single-car garage and washer/dryer are located (the door to the right in photo). In fact, more than three-quarters of the “floor” on the ground level is sand. We store supplies in this area, which is accessed through the garage door on the left.

The cottage was enlarged slightly in 1991 with an eastside addition that created a dining room and great room. It is now an estimated 1700 square feet. Our family has continuously rented the

cottage for the past 52 years through Southern Shores Realty to small parties of vacationers desirous of a quiet, no-frills vacation.

We promote our cottage largely through its location (isolated, private oceanfront), its positioning (panoramic views of the ocean from the great room and attached deck), and environment (quiet, natural landscape; dark, starry nights). All of these features would be seriously compromised by the Permit Applicants' proposed development. The proposed placement of a swimming pool between the 4900-plus-square-foot dwelling and the first line of vegetation, would be especially detrimental to our rental parties, who enjoy an attached deck on the south side of our cottage that would overlook this pool and its large surrounding concrete surface.

The Permit Applicants' proposed development would be intrusive and out of character with the existing neighborhood, which is distinguished by two historically designated properties: the Pink Perfection and the Price flattop at 176 Ocean Blvd. Our 1971-era cottage has historic significance, as well.

The proposed development would bring noise, bright lights, vehicular traffic, and regular maintenance activity where there has been none. It would be a nuisance.

9) Names and addresses of affected property owners:

a) The co-owners with Ann Sjoerdsma of 174 Ocean Blvd. are:

Leslie Swink, 466 Monterey Pkwy., Orange Park, FL 32073

Albert Sjoerdsma, Jr., 826 Main St., Apt. 4, Ann Arbor, MI 48104

Britt L. Sjoerdsma, 4460 Deer Trail Blvd., Sarasota, FL 34238

b) Pipkin I LP owns 170 Ocean Blvd. Its address is 1133 S. Kings Drive, Charlotte, NC 28207.

c) Ocean Haven LLC owns 173 Ocean Blvd. Its address is 1514 Cardwell Rd., Crozier, VA 23039.

10) Attachments:

No. 1: Residential Building/Floodplain Development Permit and Residential Zoning Permit issued by Town of Southern Shores Planning and Code Enforcement, Aug. 4, 2023. (three pages)

No. 2: Pink Estate Cotenants' Recombination Plat, Oct. 3, 2017. (one page)

No. 3: Deed to Partition Cotenancy, Dec. 27, 2018, between Grantor Pipkin I LP and Grantee Ashmead P. Pipkin, giving all of Grantor's interest in Lot B to Grantee. (Deed downloaded from Dare County GIS website.) (three pages)

No. 4: Deed to Partition Cotenancy, Dec. 21, 2018, between Grantors Ashmead Pipkin and his wife Marjorie and Grantee Pipkin I LP, giving all of Grantors' interest in Lot A to Grantee. (Deed downloaded from Dare County GIS website.) (two pages)

No. 5: Photo of Sjoerdsma Cottage Used for Marketing by Southern Shores Realty. (one page)



**TOWN OF SOUTHERN SHORES
PLANNING AND CODE ENFORCEMENT**
5375 N Virginia Dare Trail, Southern Shores, NC 27949
(252) 261-2394 Ext 4 - Office (252) 255-0876 - Fax
www.southernshores-nc.gov

**RESIDENTIAL
BUILDING/FLOODPLAIN
DEVELOPMENT PERMIT**

BUILDING PERMIT # DPA23-000122

Parcel: 021892000 PIN: 986819701400 Location: 172 OCEAN BLVD District: RS1 - Single Family Residential District Subdiv: SO/SH AMENDED PLAT B SEC 3 Lot-Block-Sect: LOT: LOT B BLK: 27 SEC: 3	Owner: TRAUB, DAVID M Address: 9100 RIVERWATCH DR RICHMOND, VA 23235 Phone #: 804-873-5010
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BUSINESS NAME: The Coastal Cottage Company CONTRACTOR'S NAME: Michael York ADDRESS: 100 WOODHILL CT CITY, STATE, ZIP: KITTY HAWK, NC 27949 OFFICE#: (252) 573-9342 CELL#: FAX#: EMAIL: mike@coastalcottageobx.com	NC G.C. LICENSED CONTRACTOR: Licensed General Contractor NC G.C. LICENSE NUMBER: 74617 LIMITATION: UNLIMITED CLASSIFICATION: QUALIFIER: MICHAEL KEVIN YORK LIEN AGENT NAME: First American Title Insurance Company ENTRY#: 1874674 LIEN AGENT ADDRESS: 223 S. West Street, Suite 900, Raleigh, NC 27603	
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DESCRIPTION OF WORK – (Any deviation from the Building Plan or Site Plan requires prior approval): NEW CONSTRUCTION OF 5 BDRM, 4.2 BATH OCEANFRONT HOME WITH DETACHED GARAGE, POOL, DUNE DECK, AND DUNE WALK
SPECIAL CONDITIONS - ALL WOOD BELOW RFPPE (8) FT. SHALL BE TREATED
 UNDER CONSTRUCTION & FINISHED CONSTRUCTION ELEVATION CERTIFICATES REQUIRED
 MANUFACTURED TRUSS DRAWINGS REQUIRED PRIOR TO FRAMING INSPECTION
 LETTER FROM ENGINEER OF RECORD STATING ALL FRAMING MEETS OR EXCEEDS DESIGN SPECIFICATIONS PER DRAWINGS BEFORE FRAMING INSPECTION WILL BE SCHEDULED
 PRIOR TO THE CERTIFICATE OF COMPLIANCE/OCCUPANCY ISSUANCE, LETTER FROM ENGINEER SHALL CERTIFY THE FINISHED CONSTRUCTION IS COMPLIANT WITH THE DESIGN, SPECIFICATIONS AND PLANS FOR VE ZONE CONSTRUCTION

TYPE OF CONSTRUCTION: <input checked="" type="checkbox"/> New Construction - <input type="checkbox"/> Addition / Expansion - <input type="checkbox"/> Remodel / Renovation / Repair - <input checked="" type="checkbox"/> Accessory - <input type="checkbox"/> Other <input type="checkbox"/> Bulkhead - <input type="checkbox"/> Piers/Docks - <input type="checkbox"/> Retaining Wall - <input type="checkbox"/> Beach Access Walkway/Stairs - <input checked="" type="checkbox"/> Swimming Pools - <input type="checkbox"/> Workshop - <input type="checkbox"/> Gazebo <input type="checkbox"/> Detached Garage - <input type="checkbox"/> Accessory Storage Building - <input type="checkbox"/> Dune Deck - <input type="checkbox"/> Generator		
OCCUPANCY: 10	TYPE OF FOUNDATION: Pile	PERMIT TYPE: Residential
HEATED/LIVING AREAS (SqFt): 4921.0	HEAT: Heat Pump	RESIDENCE TYPE: 2nd Home
NON-HEATED AREAS (SqFt): 3,543	A/C: Heat Pump	BUILDING USE: Single Family
NUMBER OF STORIES: 3	INTERIOR WALLS: drywall	ZONING DISTRICT: RS1 - Single Family Residential District
BEDROOMS: 5	EXTERIOR WALLS: James Hardie or similar	ZONING PERMIT #: ZP23-000063
SEPTIC CAP. # OF PERSONS: 10	FIREPLAGE: Gas	DATE APPROVED: 08/04/2023
BATHS: 4 ½ BATHS: 2	ROOF: Metal	PERMITTED/CONDITIONAL USE: Single Family Dwelling
GARAGE - DETACHED: 600 ATTACHED:	INSULATION: Batt	CAMA PERMIT #: 2022-11
STORAGE ENCLOSURE: 1,637	ELEVATOR (SqFt): 35	DATE ISSUED: 10/07/2022
POOL: 2,642 SHED:	DECKS (SqFt): 1,271	
FLOOD ZONE: VE - 11 ft	WINDOWS MAKE: Andersen A-Series	SEPTIC PERMIT #: S4-13690
BASE FLOOD ELEVATION: Plus 3 ft of Freeboard	WINDOWS TYPE: Casement + picture	DATE ISSUED: 10/05/2022

TOTAL CONSTRUCTION COST: \$3,300,000.00

PERMIT FEES:	Total Cost
Description	
Plan Review Fee - Single Family New Construction	150.00
Heated/Living Area Fee (Single Family)	2,952.60
Non-Heated Areas Fee (Single Family)	1,062.90
Swimming Pools	250.00
Homeowners Recovery Fund	10.00
TOTAL FEE:	4,425.50

***The owner and builder are responsible to comply with all regulations and laws; should personally inspect all construction and be certain to comply with all Ordinances of the Town of Southern Shores. The applicant certifies that the information on this permit is correct; that he/she is the owner or duly authorized agent of owner; that all construction shall be as shown on the submitted plans and specifications; the he/she understands this permit is valid for 90 days to begin construction and may be revoked for failure to comply with applicable regulations and laws.

 Applicant - Owner/Contractor Building/Code/Zoning Official <i>By MB</i>	(Please print and sign name) MICHAEL K. YORK	08/04/2023 Date Approved 8-4-2023 Date Issued
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TERMS/CONDITIONS FOR BUILDING AND FLOODPLAIN DEVELOPMENT PERMIT
#DPA23-000122

Contractors and sub-contractors are NOT PERMITTED to park within the Town's right-of-way without an approved Encroachment Agreement signed by a Town official.

FOUNDATION SURVEY

AS- BUILT SURVEY

(Depicting ALL improvements on site Including but not limited to: structures, parking spaces, driveways and turn around; CAMA and flood zone information, Zoning setback lines and the overall lot coverage calculations and percentage.)

HEIGHT CERTIFICATION -

(Must be submitted on a height certification letter, foundation survey or under construction elevation certificate.)

UNDER CONSTRUCTION AND FINISHED CONSTRUCTION ELEVATION CERTIFICATES required (if in a flood zone):

Under construction elevation certificate required prior to framing/sheathing inspection

Finished construction elevation certificate required prior to pre-final inspection

V ZONE CERTIFICATE required

Parking

Up to 8 person septic capacity - requires minimum of 3 parking spaces

10 person septic capacity - requires minimum of 4 parking spaces

12 person septic capacity - requires minimum of 5 parking spaces

14 person septic capacity - requires minimum of 7 parking spaces

Trash and Recycle Bins

Trash bins and the Temporary Toilet are not allowed in Town's right-of-way.

Trash receptacles are purchased through Bay Disposal 252-491-5105.

Recycle receptacles are purchased through Bay Disposal 252-491-5105.

Noise Ordinance

The erection, excavation, demolition, alteration or repair is only permitted between the hours of 7am and 8pm Mon-Sat.

The operation of any equipment attended by loud or unusual noise in not allowed during the hours of 8pm to 7am.

Insurance

Surety Bond in amount of \$5,000 payable to Town of Southern Shores

Worker's Compensation Certificate or Affidavit

Owner Exemption and signed Affidavit

Inspection Requirements

Follow all Southern Shores inspection requirements. Please call the office for scheduling 24 hours in advance. (Attached)

Pools

Appendix G applies for pool and barrier requirements.

Sanitation

Access to toilet or port-a-potty must be provided.

Bulkheads and Docks

Installation shall not result in the heaving or shoaling of the waterway.

No dock or piling shall protrude into the water more than 4', measured perpendicular to the canal shoreline.

No dock, piling or moored boat shall protrude into any area within 15' of the centerline of the waterline.

Other

RESIDENTIAL ZONING PERMIT

ZONING PERMIT # ZP23-000063



TOWN OF SOUTHERN SHORES
Planning and Code Enforcement
 5375 N Virginia Dare Trl, Southern Shores, NC 27949
 (252) 261-2394 Ext 3 - office (252) 255-0876 -fax
www.southernshores-nc.gov

PROPERTY USE: Single Family
PERMITTED OR CONDITIONAL USE: Single Family Dwelling
RESIDENTIAL TYPE: 2nd Home
TYPE OF CONSTRUCTION: New Construction

ZONING DISTRICT: RS1 - Single Family Residential District

SETBACKS: FRONT - 25

SIDE - 15

REAR - 25

ISSUED TO:

Location 172 OCEAN BLVD Southern Shores, NC 27949	Owner TRAUB, DAVID M 9100 RIVERWATCH DR RICHMOND, VA 23235
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DETAILS: NEW CONSTRUCTION OF 5 BDRM, 4.2 BATH OCEANFRONT HOME WITH DETACHED GARAGE, POOL, DUNE DECK, AND DUNE WALK

It is hereby certified that the above use as shown on the plats or plans submitted with the application conforms with all applicable provisions of the Town of Southern Shores Ordinances. The issuance of this permit does not allow the violation of the aforementioned ordinances or any other governing regulations. The applicant is responsible for obtaining a building permit (if required) prior to commencing work on the proposed improvement. A final zoning inspection may be required by the Zoning Administrator upon completion of the proposed improvement.

CONDITIONS:

ALL WOOD BELOW RFPE (8) FT. SHALL BE TREATED

1. Must meet the setback requirements shown above (HVAC and pool equipment included unless less than 30" above the ground). **As-built survey required to demonstrate compliance.**
2. Maximum building height for the single-family dwelling is **47.4 ft.** above msl. measured from 12.4 ft. above msl. **Height certificate required to demonstrate compliance.**
3. Maximum building height for the accessory building is **45.5 ft.** above msl. measured from 10.5 ft. above msl.
4. Lot coverage shall not exceed 30%. **As-built survey required to demonstrate compliance.**
5. Total enclosed living space for the single-family dwelling and accessory structure shall not exceed 6,000 sq. ft.
6. Following construction of the proposed improvements, the property shall retain all stormwater generated by a 1.5 inch rain event and will not adversely affect any stormwater management system previously constructed by the Town or on adjacent properties.
7. No fill material may be re-distributed or placed on the lot in the rear or side setback areas unless the final horizontal-to-vertical slope is equal to or less than 3:1.

Permit Fees:		TOTAL FEE: 75.00
Description	Total Cost	
Zoning Permit Fee	75.00	

APPROVED BY:

Wes Haskett

 Zoning Administrator *By nrb*

8-4-2023

 Date Issued

[Signature]

 Applicant - Owner/Contractor

8-4-23

 Date Approved

PCI SL 354

Quible & Associates, P.C.
SINCE 1939

ENGINEERING & CONSULTING • SURVEYING
ENVIRONMENTAL SCIENCES • PLANNING

NC License # C-2028
PO Drawer #20, 401 N. Hwy. 101, Suite 200
Phone: (704) 491-8147 Fax: (704) 491-8148
E-mail: oquin@quibleandassociates.com

PROFESSIONAL SEAL
L-5209
JOHN M. HURDLE
NORTH CAROLINA
CERTIFICATION

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RECOMBINATION PLAT

ASHMEAD P. PIPKIN & PIPKIN I LIMITED PARTNERSHIP
NORTH CAROLINA
DARE COUNTY
ATLANTIC TOWNSHIP

COMMISSION NO.	P13113.1
DESIGNED BY	OTHERS
DRAWN BY	JMH
CHECKED BY	TAS
ISSUE DATE	09/20/17

SUBJECTS CERTIFICATE

I, JOHN M. HURDLE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY OF THE LAND SHOWN THEREON. I HAVE PERSONALLY EXAMINED THE PLAT AND THE SHOWN AS DASHED LINES AND ARE CLEARLY INDICATED AS BEING FROM INFORMATION OBTAINED FROM THE FIELD. I HAVE ALSO PERSONALLY EXAMINED THE PLAT AND THE SHOWN AS DASHED LINES AND ARE CLEARLY INDICATED AS BEING FROM INFORMATION OBTAINED FROM THE FIELD. I HAVE ALSO PERSONALLY EXAMINED THE PLAT AND THE SHOWN AS DASHED LINES AND ARE CLEARLY INDICATED AS BEING FROM INFORMATION OBTAINED FROM THE FIELD. I HAVE ALSO PERSONALLY EXAMINED THE PLAT AND THE SHOWN AS DASHED LINES AND ARE CLEARLY INDICATED AS BEING FROM INFORMATION OBTAINED FROM THE FIELD.

DATE: 9/22/17

DATE: 9/22/17

CERTIFICATE OF CONSENSUE

THE UNDERSIGNED OWNERS HEREBY APPROVE THIS PLAT OF RECOMBINATION.

ASHEAD P. PIPKIN
DATE: 9/22/17

ASHMEAD P. PIPKIN
DATE: 9/22/17

NOTARY CERTIFICATE

I, JAMES F. SWINLEY, A NOTARY PUBLIC OF DADE COUNTY, NORTH CAROLINA, DO HEREBY CERTIFY THAT ASHEAD P. PIPKIN PERSONALLY APPEARED BEFORE ME THIS DATE AND ACKNOWLEDGE THE DATE AND SIGNATURE OF THE RECOMBINATION CERTIFICATE.

DATE: 9/22/17

NOTARY CERTIFICATE

I, JAMES F. SWINLEY, A NOTARY PUBLIC OF DADE COUNTY, NORTH CAROLINA, DO HEREBY CERTIFY THAT ASHEAD P. PIPKIN PERSONALLY APPEARED BEFORE ME THIS DATE AND ACKNOWLEDGE THE DATE AND SIGNATURE OF THE RECOMBINATION CERTIFICATE.

DATE: 9/22/17

EXEMPTION CERTIFICATE

THIS PLAT IS EXEMPT FROM SUPERVISION REGULATIONS UNDER ACES 160 A-276 (A) AND SECTION 303-2 OF THE TOWN OF SOUTHERN SHORES SUPERVISION ORDINANCE.

DATE: 10-31-17

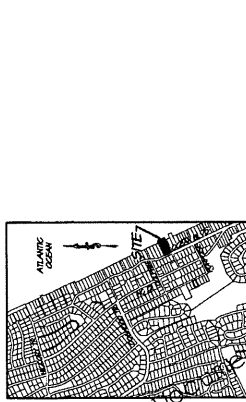
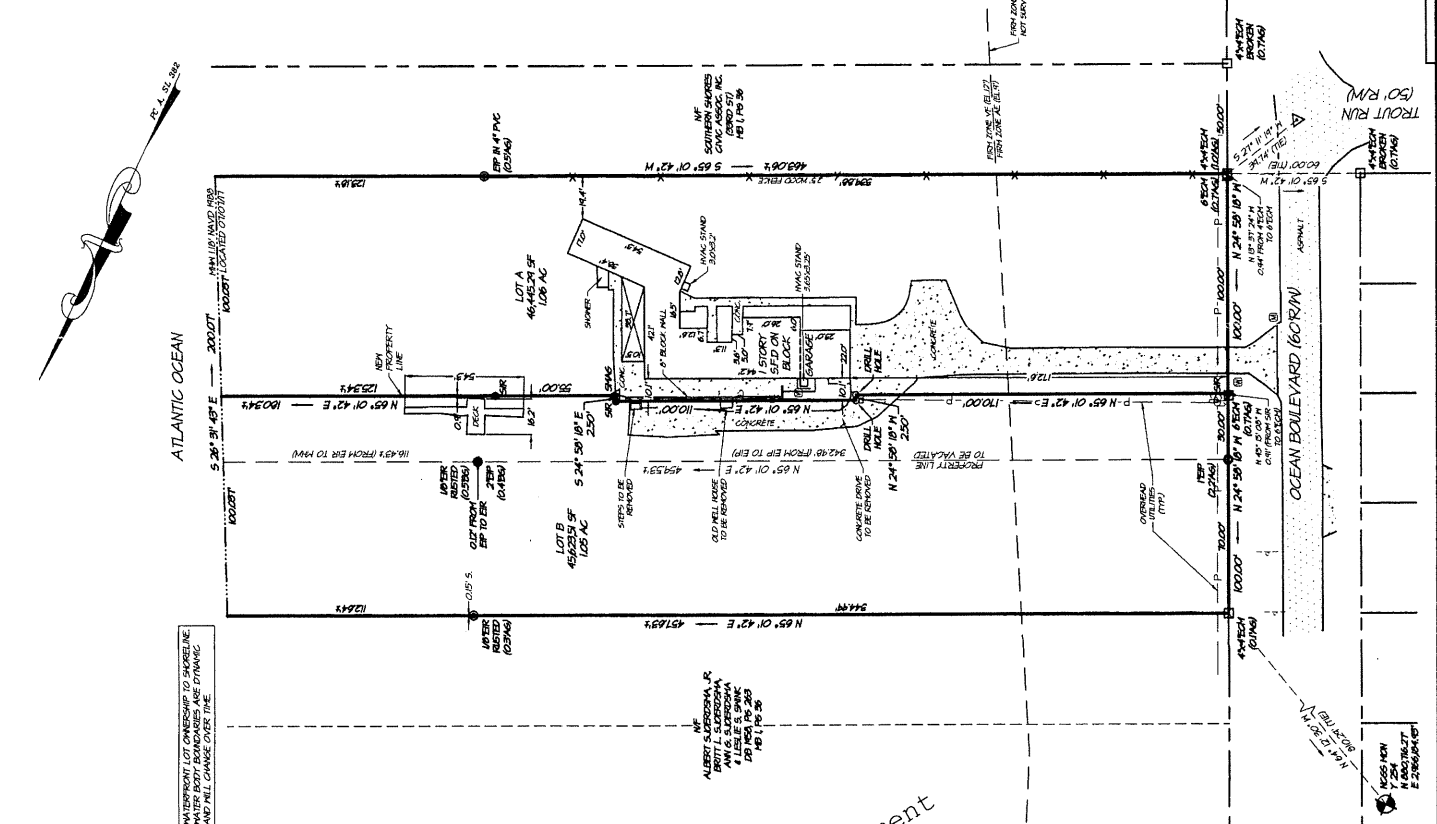
SENDER CERTIFICATE

I, JAMES F. SWINLEY, A NOTARY PUBLIC OF DADE COUNTY, NORTH CAROLINA, DO HEREBY CERTIFY THAT ASHEAD P. PIPKIN PERSONALLY APPEARED BEFORE ME THIS DATE AND ACKNOWLEDGE THE DATE AND SIGNATURE OF THE RECOMBINATION CERTIFICATE.

DATE: 10-31-17

GRAPHIC SCALE

(IN FEET)
1 inch = 40 ft.



LEGEND

- EXISTING CONCRETE
- EXISTING ASPHALT
- EXISTING BOUNDARY LINE
- EXISTING 6" DIA. CONCRETE PIPE
- EXISTING 4" DIA. CONCRETE PIPE
- EXISTING 3" DIA. CONCRETE PIPE
- EXISTING 2" DIA. CONCRETE PIPE
- EXISTING 1" DIA. CONCRETE PIPE
- EXISTING 6" DIA. CAST IRON PIPE
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- EXISTING 2" DIA. COPPER PIPE
- EXISTING 1" DIA. COPPER PIPE
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NOTES:

- EXISTING CONCRETE
- EXISTING ASPHALT
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- EXISTING 2" DIA. UNKNOWN EASEMENT
- EXISTING 1" DIA. UNKNOWN EASEMENT

UNOFFICIAL DOCUMENT

Attachment No. 3

Recorded: 01/16/2019 04:38:27 PM
BY: TONI MIDGETT
Cheryl L. House, Register of Deeds
Dare County, NC

Fee Amt: \$26.00 NC Excise Tax: \$0.00

BOOK 2280 PAGE 258 (3)

700060713



Unofficial Document

Excise Tax: 0.00
LT # 2939 /0.00
Parcel No. 021892000

Prepared by & Return to: Casey & Robbins, PC

Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds. No title search requested or performed. Prepared at the direction of Ashmead Pringle Pipkin, Attorney at Law.

Brief Description for the index: Lot B, SO/SH Amended

NORTH CAROLINA GENERAL WARRANTY DEED

This Deed to Partition a Cotenancy made this 27th day of December, 2018 by and between

GRANTOR	GRANTEE
<p>Pipkin I Limited Partnership, a North Carolina Limited Partnership</p> <p>1133 South Kings Drive Charlotte, N.C. 28207</p>	<p>Ashmead Pringle Pipkin</p> <p>8581 Cypress Lakes Drive, Villa D-512 Raleigh, N.C. 27615</p>

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the Atlantic Township, Dare County, North Carolina and more particularly described as follows:

BEING all of Grantor's interest in Lot B as shown on a plat captioned "Recombination Plat- Lots 1-4, Blk 27, Sec 3, Southern Shores, Ashmead P. Pipkin & Pipkin I Limited Partnership," dated September 20, 2017, by Quible & Associates, P.C. recorded in Plat Cabinet I, Slide 354, Dare County Registry.

Unofficial Document

UNOFFICIAL Document

All or a portion of the property herein conveyed does ~~XX~~ does not include the primary residence of a Grantor. The property hereinabove described was acquired by Grantor by instrument recorded in Book 1730 Page 389.

This conveyance is made in lieu of a proceeding to partition, and its purpose is to end a joint tenancy between the grantor and the grantee. Each cotenant will hereafter own a separate interest in part of the property previously owned jointly. Neither the grantor nor the grantee paid any consideration for this conveyance.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

The Grantor covenants with the Grantee that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the following exceptions:

1. Ad Valorem taxes for 2018 and all subsequent years.
2. Subject to all easements and restrictive covenants as may appear of record in the Public Registry of Dare County.
3. ~~No mineral rights are conveyed hereby.~~
IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal.

Pipkin I Limited Partnership, LLC

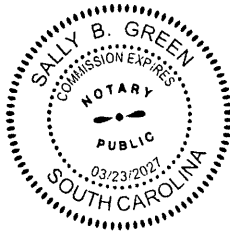
By: *Anne Hunter Pipkin* (Seal)
Anne Hunter Pipkin, General Partner

STATE OF South Carolina Charleston COUNTY/CITY

I, *Sally B. Green* a Notary Public of the County/City and State aforesaid, certify that **Anne Hunter Pipkin, General Partner of Pipkin I Limited Partnership, a North Carolina Limited Partnership**, personally appeared before me this day and having authority to do so, acknowledged the execution of the foregoing instrument on behalf of **Pipkin I Limited Partnership**. Witness my hand and official stamp or seal, this *12th* day of *December*, 2018.

My Commission Expires: *3/22/21*

STAMP / SEALS
✓



Sally B. Green
Notary Public

UNOFFICIAL Document

Unofficial Document

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal.

Pipkin I Limited Partnership, LLC

By: Ruth Pringle Pipkin Franklin (Seal)
Ruth Pringle Pipkin Franklin, General Partner

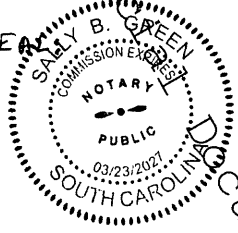
STATE OF South Carolina Charleston COUNTY/CITY

I, Sally B. Green a Notary Public of the County/City and State aforesaid, certify that Ruth Pringle Pipkin Franklin, General Partner of Pipkin I Limited Partnership, a North Carolina Limited Partnership, personally appeared before me this day and having authority to do so, acknowledged the execution of the foregoing instrument on behalf of Pipkin I Limited Partnership. Witness my hand and official stamp or seal, this 21st day of December, 2018.

My Commission Expires: 3/23/27

Sally B. Green
Notary Public

✓
STAMP/SEAL



Unofficial Document

Unofficial Document

Attachment No. 4

Recorded: 01/16/2019 04:36:37 PM
BY: TONI MIDGETT
Cheryl L. House, Register of Deeds
Dare County, NC

Fee Amt: \$26.00 NC Excise Tax: \$0.00

BOOK 2280 PAGE 256 (2)

700060712



Unofficial Document

Excise Tax: 0.00
LT # 28-19 /0.00
Parcel No. 02189000

Prepared by & Return to: Casey & Robbins, PC

Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds. No title search requested or performed. Prepared at the direction of Ashmead Pringle Pipkin, Attorney at Law.

Brief Description for the index: **Lot A, SO/SH Amended**

NORTH CAROLINA GENERAL WARRANTY DEED

This Deed to Partition a Cotenancy made this 21ST day of DECEMBER, 2018 by and between

GRANTOR	GRANTEE
Ashmead Pringle Pipkin and Marjorie A. Pipkin, his wife	Pipkin I Limited Partnership, a North Carolina Limited Partnership C/O Ms. Anne Pipkin, General Partner
8581 Cypress Lakes Drive, Villa D-512 Raleigh, N.C. 27615	1133 South Kings Drive Charlotte, N.C. 28207

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the Atlantic Township, Dare County, North Carolina and more particularly described as follows:

BEING all of Grantor's interest in Lot A as shown on a plat captioned "Recombination Plat- Lots 1-4, Blk 27, Sec 3, Southern Shores, Ashmead P. Pipkin & Pipkin I Limited Partnership," dated September 20, 2017, by Quible & Associates, P.C. recorded in Plat Cabinet 1, Slide 354, Dare County Registry.

Unofficial Document

UNOFFICIAL DOCUMENT

All or a portion of the property herein conveyed ___ does ~~XX~~ does not include the primary residence of a Grantor. Reference is hereby made to a deed recorded in Book 137, page 578, and to estate files Nos. 71-E-51 and 88-E-104 in the office of the Dare County Clerk of Court.

This conveyance is made in lieu of a proceeding to partition, and its purpose is to end a joint tenancy between the grantor and the grantee. Each cotenant will hereafter own a separate interest in part of the property previously owned jointly. Neither the grantor nor the grantee paid any consideration for this conveyance.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

The Grantor covenants with the Grantee that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the following exceptions:

1. Ad Valorem taxes for 2018 and all subsequent years.
2. Subject to any easements and restrictive covenants as may appear of record in the Public Registry of Dare County.
3. NO MINERAL RIGHTS ARE CONVEYED HEREBY.

APP
Mel

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal.

Ashmead Pringle Pipkin (Seal)
Ashmead Pringle Pipkin

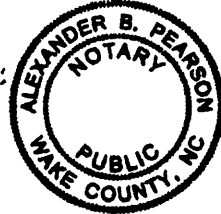
Marjorie A. Pipkin (Seal)
Marjorie A. Pipkin

STATE OF North Carolina, Wake COUNTY/CITY

I, Alexander B. Pearson a Notary Public of the County and State aforesaid, certify that Ashmead Pringle Pipkin and wife, Marjorie A. Pipkin appeared before me this day and, acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 21st day of December, 2018.

My Commission Expires: 10/19/2019

STAMP/SEAL:



Alexander B. Pearson
Notary Public

UNOFFICIAL DOCUMENT

Attachment No. 5

