

BK 2790 PG 415 - 418 (4) DOC# 587338
This Document eRecorded: 01/03/2019 02:18:47 PM
Fee: \$26.00 DocType: ADMT Tax: \$0.00
Lincoln County, North Carolina
Danny R. Hester, Register of Deeds

Prepared by and Mail to: Adam J. Marshall: Black, Slaughter & Black PA
P.O. Box 41027, Greensboro, NC 27404

NORTH CAROLINA

**THIRD AMENDMENT OF DECLARATION
OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR AUTUMN WOODS
SUBDIVISION**

LINCOLN COUNTY

THIS AMENDMENT OF DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("Amendment") made this 28th day of December 2018 by the Autumn Woods Homeowners Association, Inc., a North Carolina non-profit corporation, in Lincoln County, North Carolina (the "Association").

WITNESSETH

WHEREAS, Hecht Development Co., a North Carolina corporation, (the "Declarant,") caused a certain Declaration of Covenants, Conditions and Restrictions to be recorded in Book 2011, Page 491 of the Office of the Register of Deeds for Lincoln County, North Carolina (the "Declaration"). The First Amendment to Restrictive Covenants is recorded in Book 2316, Page 449 of the Office of the Register of Deeds for Lincoln County, North Carolina (the "First Amendment"). The Second Amendment to Restrictive Covenants is recorded in Book 2665, Page 304 of the Office of the Register of Deeds for Lincoln County, North Carolina (the "Second Amendment").

WHEREAS, Article VII, Section 2, of the Declaration originally contained the following language: *"Notwithstanding the foregoing requirements, the Architectural Control Committee shall have the right (but not the obligation), because of restrictive topography, lot dimensions or unusual site related conditions or other reasons, to allow variances from such minimum square footage requirements of up to ten percent (10%) of such minimum square footage requirements by granting a specific written variance.*

No Dwelling erected upon a Lot shall contain more than two and one-half (2 1/2) stories above ground level; provided, however, the Architectural Control Committee shall have the right (but not the obligation), because of steep topography, unique Lot configuration or similar reasons, to allow Dwelling heights greater than two and one-half (2 1/2) stories on rear and side elevations.

WHEREAS, there was no notice or vote to delete the above italicized language but it was inadvertently removed in the Second Amendment by the drafting attorney. The above italicized language still exists, is valid, and is enforceable and is shown the amendment language below to clarify and to remove doubt.

WHEREAS, the Association desires to amend the Declaration for a third time to modify the minimum square footage requirements.

WHEREAS, NCGS § 47F-2-117 states that the Declaration may be amended only by affirmative vote or written agreement signed by lot owners of lots to which at least sixty-seven percent (67%) of the votes in the association are allocated.

WHEREAS, the required number of votes have been obtained. Evidence of the vote may be found among the books and records of the Association.

WHEREAS, Declarant no longer owns any lots in the Development and therefore their consent is no longer necessary to amend the Declaration.

NOW THEREFORE, the Declaration, as amended, is hereby further amended as follows:

Article VII, Section 2, is hereby deleted in its entirety and replaced with the following:

Article VII RESTRICTIONS:

SECTION 2. Dwelling Size. The square footage requirements set forth below are for enclosed heated floor area and are exclusive of the areas in heated or unheated basements, vaulted ceiling areas and attics, unheated porches of any type, attached or detached garages, porte-cocheres and unheated storage areas, decks and patios.

Any Dwelling erected upon any Lot shall contain not less than the following heated floor areas:

	<u>Minimum Total Heated Area</u>	<u>Minimum Ground Floor Heated Area</u>
1 Story	2,700	2,700
1 ½ Story	3,000	1,800
Multi-Level	3,200	1,900


Notwithstanding the foregoing requirements, the Architectural Control Committee shall have the right (but not the obligation), because of restrictive topography, lot dimensions or unusual site related conditions or other reasons, to allow variances from such minimum square footage requirements of up to ten percent (10%) of such minimum square footage requirements by granting a specific written variance.

No Dwelling erected upon a Lot shall contain more than two and one-half (2 1/2) stories above ground level; provided, however, the Architectural Control Committee shall have the right (but not the obligation), because of steep topography, unique Lot configuration or similar reasons, to allow Dwelling heights greater than two and one-half (2 1/2) stories on rear and side elevations.

IN WITNESS WHEREOF the undersigned have hereunto set their hands and seals this the

28th day of December 2018.

Autumn Woods Homeowners Association, Inc.

By: 

President, Autumn Woods Homeowners Association, Inc.

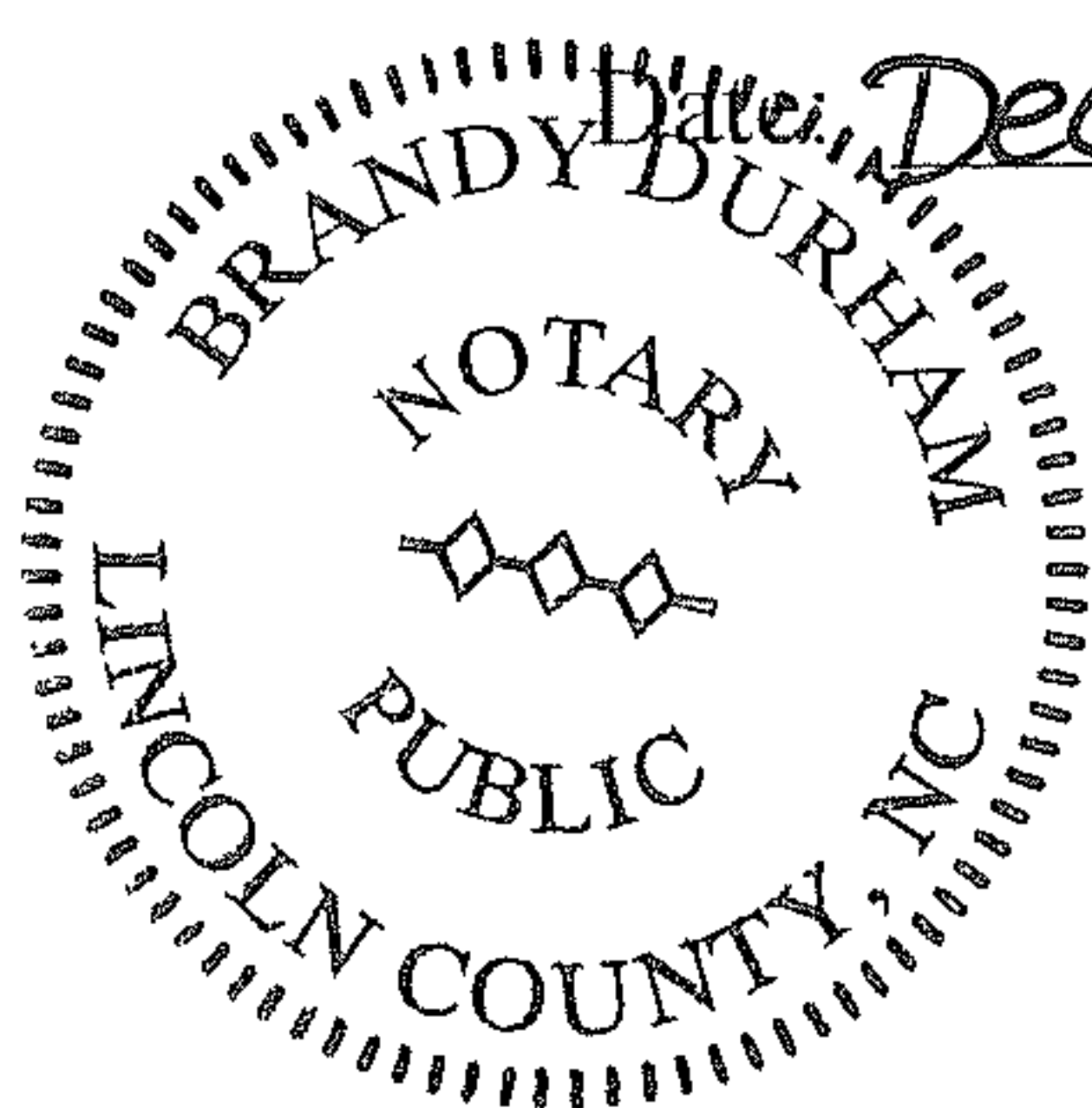
Attest:


Secretary, Autumn Woods Homeowners Association, Inc.

AUTUMN WOODS HOMEOWNERS ASSOCIATION, INC.
ACKNOWLEDGEMENTS

I, Brandy Durham, a Notary Public, do hereby certify that Devin Straupe personally appeared before me this day and acknowledged that he/she is President of the Autumn Woods Homeowners Association, Inc., a North Carolina Non-profit Corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was voluntarily signed in its name by its President for the purpose stated therein.

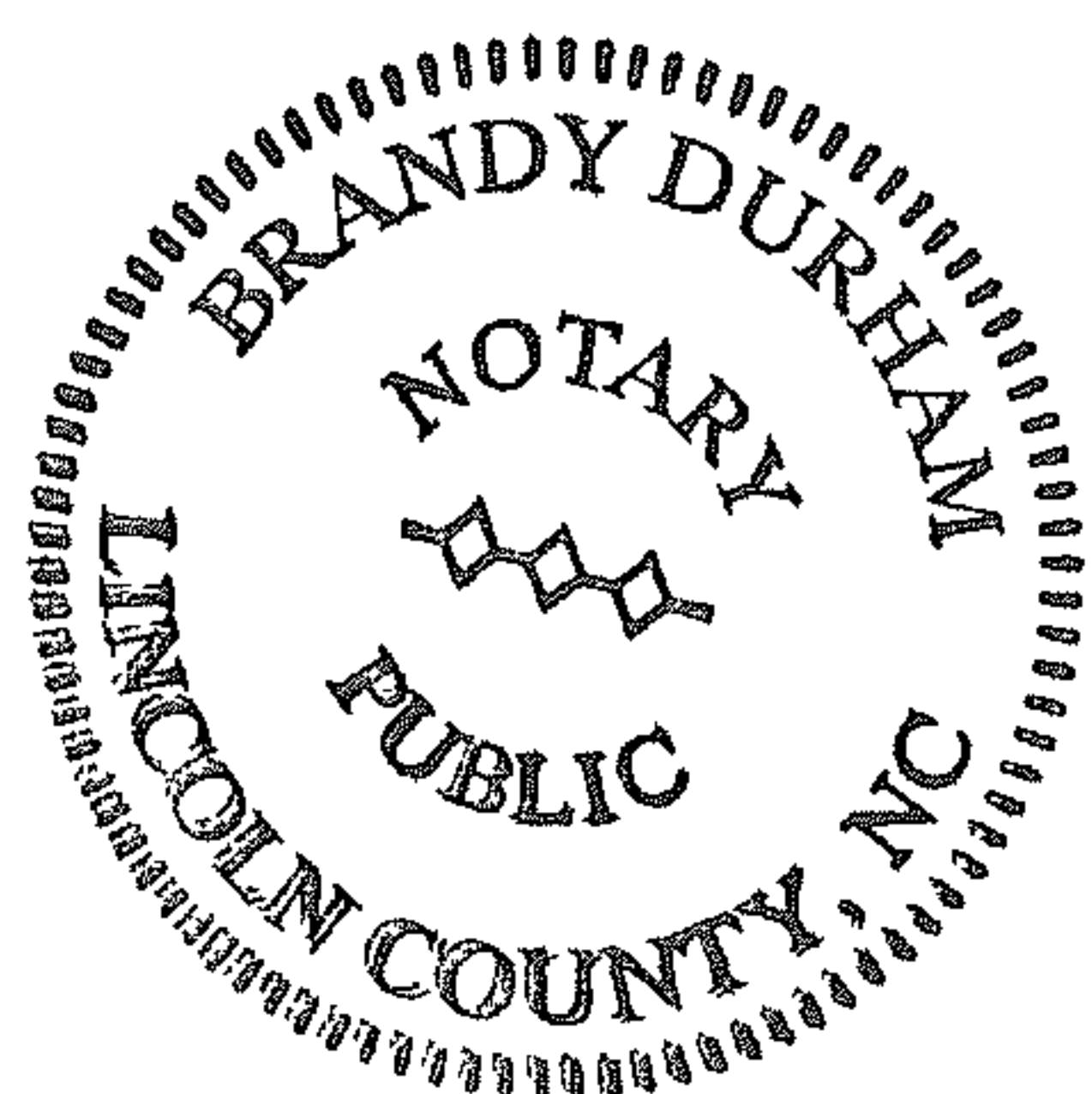
Date: Dec. 28th, 2018.



Brandy Durham
Notary Public
My Commission Expires: June 19th, 2021

I, Brandy Durham, a Notary Public, do hereby certify that Heather Tatee personally appeared before me this day and acknowledged that he/she is Secretary of Autumn Woods Homeowners Association, Inc., a North Carolina Non-profit Corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was voluntarily signed in its name by its Secretary for the purpose stated therein.

Date: Dec 28th, 2018.



Brandy Durham
Notary Public
My Commission Expires: June 19th, 2021