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Buncombe County, NC
Drew Reisinger Register of Deeds
BK 5529 PG 1569-1571

Prepared by and return to:

Dungan, Kilbourne & Stahl, P.A., One Rankin Avenue, Third Floor, Asheville, NC 28801 ~ Box 80

References: Deed Book 4878, Page 891

STATE OF NORTH CAROLINA
BUNCOMBE COUNTY

**FIRST AMENDMENT TO AMENDED AND RESTATED
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**
(Hamburg Mountain Subdivision)

WHEREAS, Hamburg Mountain Homeowners Association, Inc., ("Association") is the association of lot owners at Hamburg Mountain, an older planned community located in Buncombe, North Carolina;

WHEREAS, the Association is governed by that Amended and Restated declaration of Covenants, Conditions and Restrictions recorded in Deed Book 4878, Page 891 of the Buncombe County Registry (hereinafter "Amended Declaration");

WHEREAS, The Amended Declaration provides that it applies to that plat of the Summit Subdivision recorded in Plat Book 114, at Page 22 of the Buncombe County Registry;

WHEREAS, the Association believes that the references in the Amended Declaration to the plat of The Summit Subdivision was included in error;

WHEREAS, the Parties desire to correct the public record to reflect that the Amended Declaration does not apply to The Summit Subdivision;

WHEREAS, the Amended Declaration provides that it may be amended only by affirmative vote of 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 requisite number of Owners of Lots voted in favor of this Amendment;

NOW, THEREFORE, for and in consideration of the premises, the mutual covenants and conditions contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Association does hereby amend the Amended Declaration as follows:

Reference to Plat Book 114, at Page 22 in the recitals of the Amended Declaration is hereby stricken.

Article 1, Section G is hereby stricken in its entirety and the following replaced therefor:

G. **"Development Area"** shall mean that property depicted on the plats recorded in Plat Book 57, at page 107 and Plat Book 68, at Page 64 in the Office of the Register of Deeds of Buncombe County, North Carolina.

IN WITNESS WHEREOF, the undersigned officers of Hamburg Mountain Homeowners Association, Inc. hereby certify that the above First Amendment to Amended and Restated Declaration of Covenants, Conditions and Restrictions is duly adopted by the Association and its membership.

[Remainder of page intentionally left blank.]

This 9th day of March, 2017.

(Seal)

Hamburg Mountain Homeowners Association, Inc.

by:

President

Attest:

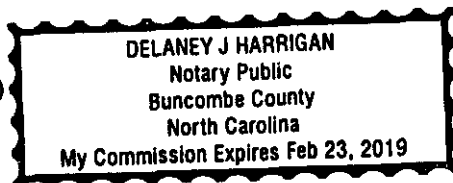
Secretary

NORTH CAROLINA
BUNCOMBE COUNTY

I, Delaney J. Harrigan, Notary Public for Buncombe County, North Carolina, certify that Kathy Lightcap personally came before me this day and acknowledged that he is Secretary of Hamburg Mountain Homeowners Association, Inc., a nonprofit corporation, 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 himself as its Secretary.

Witness my hand and official seal, this the 9th day of March, 2017.

(SEAL)



Delaney J. Harrigan
Notary Public

My commission expires Feb 23, 2019.