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WILKES COUNTY
RICHARD L. WOODRUFF
REGISTER OF DEEDS

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BOOK 01231
PAGE 0064
INSTRUMENT # 04969
EXCISE TAX (None)

After recording, return to:

Alston & Bird LLP
101 South Tryon Street, Suite 4000
Charlotte, North Carolina 28280-4000
Attn: Michael T. Cecka, Esq.

Refer to Book 01034, Page 0317,
Wilkes County, NC Register of Deeds

**FIRST AMENDMENT TO DECLARATION OF RESERVATIONS AND PROTECTIVE
COVENANTS**

THIS FIRST AMENDMENT TO DECLARATION OF RESERVATIONS AND PROTECTIVE COVENANTS (this "*Amendment*") is made as of August __, 2009 by and among BULL MOUNTAIN PROPERTY OWNERS ASSOCIATION, a North Carolina non-profit corporation (the "*Association*") and the undersigned members of the ASSOCIATION (individually and collectively, the "*Lot Owner*"), representing at least sixty-seven (67.0%) of the Lot Owner of the Subdivision (as defined below). Capitalized terms not defined herein shall have the meaning assigned to such term in the Declaration (as defined below).

WITNESSETH:

WHEREAS, Landstar Development, LLC, a Tennessee limited liability company ("*Declarant*") was the owner of all real property commonly known as the "Bull Mountain Subdivision" (the "*Subdivision*") as more particularly described in that certain Declaration of Reservations and Protective Covenants dated March 13, 2007 (the "*Declaration*"), recorded with the Register of Deeds for Wilkes County, North Carolina (the "*Official Records*") on March 13, 2007 at Book 01034, Page 0317, and as attached hereto as **Exhibit A**.

WHEREAS, Article IV of the Declaration created a restriction by permitting only "stick built log homes" to be constructed on any Lot in the Subdivision, while specifically prohibiting modular buildings, previously constructed homes, or systems built homes (collectively, the "*Restriction*").

WHEREAS, in addition to the Restriction, pursuant to the Building Standards established under Article XI of the Declaration, only "stick-built" construction is an acceptable "Building Type" and modular or systems built homes are specifically prohibited.

WHEREAS, the Association and the Lot Owner desire to modify the Restriction and the Building Standards to permit modular and/or systems built homes under select circumstances, as more particularly described in this Amendment (collectively, the "*Modification*").

WHEREAS, due to a scrivener's error, Article II of the Declaration excluded Lot forty-three (43) of the Subdivision as being part of the real property to be held, transferred, sold and conveyed subject to the Declaration (the "*Defective Plat Description*").

WHEREAS, by recording this Amendment in the Official Records, the Association and the Lot Owner desire to amend the Declaration and thereby (i) reflect the Modification, and (ii) correct the Defective Plat Description.

NOW THEREFORE, in consideration of ten dollars (\$10.00) paid by the Association and the Lot Owner to each other, and for other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged by the Association and the Lot Owner, the parties hereby agree to modify the Declaration as follows:

ARTICLE I

AMENDMENTS TO THE DECLARATION

AMENDMENT OF ARTICLE II. The Declaration is hereby amended by deleting the Defective Plat Description appearing on Page 1 of the Declaration in its entirety, and replacing it with the language set forth below:

"ALL of Lots one (1) through forty-three (43) of the subdivision named Bull Mountain, as more fully shown on those certain plats prepared by Fred C. Howell, P.L.S. L-1483, dated March 13, 2007, and recorded in the Office of the Register of Deeds of Wilkes County, North Carolina, in Plat Book 10, Pages 405-408."

AMENDMENT OF ARTICLE IV. The Declaration is hereby amended by deleting the Restriction appearing in the last full paragraph of Article IV, Page 2 of the Declaration in its entirety, and replacing it with the language set forth below:

"There shall be no single-wide mobile homes/manufactured homes, no double-wide mobile homes/manufactured homes, or buses situated on any Lot as a residence or for storage, either temporarily or permanently. Only stick built homes are permitted to be built within the Subdivision, and no modular buildings, previously constructed homes or systems built homes shall be permitted; provided, however, modular buildings, previously constructed homes or systems built homes shall be permitted under the limited circumstances outlined in Article XI hereof, and in any event, not without the prior written approval, in each instance, of the board of directors of the Association or the ACC."

AMENDMENT OF ARTICLE XI. The Declaration is hereby amended by deleting the language appearing after "Building Type" on Page 5 of the Declaration in its entirety, and replacing it with the language set forth below:

"Building Type:

- Stick built construction only (except that modular, previously constructed, or systems built homes shall be permitted, so long as (i) the building plans have received the prior written approval, in each instance, by the ACC or the board of directors of the Association, and (ii) such homes are constructed by Blue Ridge Log Cabins, LLC, a South Carolina limited liability company, including its successors ("Blue Ridge"), or other reputable modular or systems built home builders that have a product of similar quality akin to the homes constructed by Blue Ridge (as determined by the board of directors of the Association or the ACC in its sole and absolute discretion)."

ARTICLE II

MISCELLANEOUS

Ratification of Other Terms. Except as set forth herein, the Declaration shall remain and continue in full force and effect. It is agreed by the parties that all references to the Declaration hereafter made by them in any document or instrument delivered pursuant to or in connection with the Declaration shall be deemed to refer to the Declaration, as amended by this Amendment.

Governing Law. This Amendment shall be governed by and construed in accordance with the laws of the State of North Carolina without regard to the principles of conflicts of law of such state.

Entire Agreement. This Amendment and the Declaration embody the entire agreement and understanding between the parties hereto with respect to the subject matter hereof and supersede all prior agreements and understandings relating to the subject matter.

Severability. The invalidity or unenforceability of any provision of this Amendment shall not affect the validity or enforceability of any other provision of this Amendment.

Counterparts. This Amendment may be executed in any number of counterparts, and each such counterpart shall be deemed to be an original instrument, but all such counterparts together shall constitute but one agreement.

[NO FURTHER TEXT ON THIS PAGE]

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed as of the date first written above.

ASSOCIATION:

BULL MOUNTAIN PROPERTY OWNERS ASSOCIATION,
a North Carolina non-profit corporation

By: *Cheryl Leonhardt Gantt*
Name: Cheryl Leonhardt-Gantt
Title: President

STATE OF NORTH CAROLINA

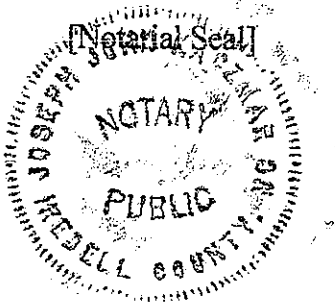
COUNTY OF MECKLENBURG

I, JOSEPH JOHN KACZMAREK a Notary Public of the aforesaid County and State, certify that CHERYL LEONHARDT-GANTT personally came before me this day and acknowledged that she, is the President of BULL MOUNTAIN PROPERTY OWNERS ASSOCIATION, a North Carolina non-profit corporation, and that she, as President being authorized to do so, executed the foregoing on behalf of the said corporation.

Witness my hand and official seal, this the 15th day of AUGUST, 2010. 16th

Joseph John Kaczmarek
Notary Public

Print Name: JOSEPH JOHN KACZMAREK
My Commission Expires: 02-26-2019



LOT OWNER:

Sign Name: *Cheryl Leonhardt Gantt*
Print Name: Cheryl Leonhardt Gantt
Lot #: 20

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

I, JOSEPH JOHN KACZMAREK, a Notary Public of the aforesaid County and State, do hereby certify that CHERYL LEONHARDT GANTT personally appeared before me this day and acknowledged the due execution of the foregoing First Amendment to Declaration of Reservations and Protective Covenants.

Witness my hand and official seal, this the 15th day of AUGUST, ~~2010~~ 2016

Joseph John Kaczmarek
Notary Public

Print Name: JOSEPH JOHN KACZMAREK
My Commission Expires: 02-26-2019

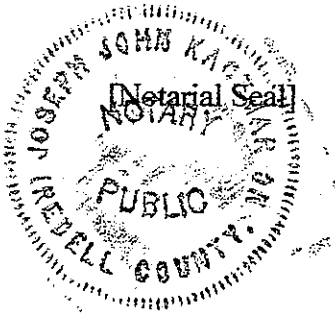


EXHIBIT A

Legal Description

ALL of Lots one (1) through forty-three (43) of the subdivision named Bull Mountain, as more fully shown on those certain plats prepared by Fred C. Howell, P.L.S. L-1483, dated March 13, 2007, and recorded in the Office of the Register of Deeds of Wilkes County, North Carolina, in Plat Book 10, Pages 405-408.