

Type: CONSOLIDATED REAL PROPERTY
Recorded: 2/10/2017 2:04:24 PM
Fee Amt: \$26.00 Page 1 of 5
Pitt County, NC
Lisa P. Nichols REG OF DEEDS

BK 3524 PG 97 - 101

Return to:

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1951 Clark Avenue
Raleigh, NC 27605

Grantee Index:

Cedar Ridge Subdivision

Grantor Index:

Cedar Ridge of Winterville Owners' Association, Inc.

STATE OF NORTH CAROLINA

COUNTY OF PITT

AMENDMENT TO RESTRICTIVE COVENANTS
OF CEDAR RIDGE, PHASE I & PHASE II

THIS AMENDMENT TO RESTRICTIVE COVENANTS OF CEDAR RIDGE, PHASE I & PHASE II, is made by the Cedar Ridge of Winterville Owners' Association, Inc. (hereinafter, "Association").

WHEREAS, Restrictive Covenants of Cedar Ridge Subdivision, Phase I, is recorded in Book 1331, Page 68 of the Pitt County Registry, as was amended by the Amendment to Restrictive Covenants of Cedar Ridge Subdivision, Phase II, recorded in Book 1742, Page 78 of the Pitt County Registry, and as was amended by Amendment to Restrictive Covenants of Cedar Ridge, Phase I & Phase II, recorded in Book 3414, Page 451 of the Pitt County Registry (collectively, hereinafter, the "Declaration");

WHEREAS, the Declaration provides that the Declaration may be amended by an instrument signed by not less than sixty-seven percent (67%) of the Lot Owners;

WHEREAS, the North Carolina Planned Community Act, specifically, G.S. 47F-2-117, provides that, a "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, or any larger majority the declaration specifies or by the declarant if necessary for the exercise of any development right."

WHEREAS, North Carolina's Nonprofit Corporation Act provides that any action that may be taken at a meeting of members may be taken without a meeting if approved by written ballot;

WHEREAS, the Association mailed a ballot to each member of the Association entitled to vote proposing to amend the Declaration; and

WHEREAS, as more specifically set forth in Exhibit A, which is attached hereto and incorporated by reference herein, more than sixty-seven (67%) of the Lot Owners voted in favor of each of the amendments to the Declaration.

NOW THEREFORE, the Association declares as follows:

1. Paragraph 14 of the Declaration (Amendment # 1) is amended to read as follows:

"No family dwelling shall be located nearer to the front lot line than the minimum building setback lines as shown on the recorded map. No family dwelling shall be located nearer than ten (10) feet to any side lot line. No outbuilding shall be located in front of the rear line of the dwelling building on said lot nor shall it be located nearer than ~~ten (10) feet~~ five (5) feet from any side lot line. No structure of any sort except a fence as approved herein shall be located nearer than ten (10) feet from the rear lot line or twenty-five (25) feet from a side street line."

2. Paragraph 16 of the Declaration (Amendment # 2) is amended to read as follows:

"No fence shall be constructed, built or erected on any lot on the property, except for a split-rail fence, or fence constructed of salt treated lumber or pvc; and any such permitted fence shall be constructed, built or erected ~~at least one foot from~~ on the property lines of such lot, lot. All fencing requires prior written approval pursuant to Paragraph 12. ~~after having obtained written approval for same from declarant or its designee.~~ It is further provided that no fence of any kind shall be constructed on any lots on the property in the front yard of such lot, said front yard being defined as that area of the yard located between the formal entrance of the residence and the street."

3. Paragraph 16 of the Declaration (Amendment # 3) is additionally amended to read as follows:

"No fence shall be constructed, built or erected on any lot on the property, except for a split-rail fence, a metal fence, or fence constructed of salt treated lumber or pvc; and any such permitted fence shall be constructed, built or erected at least one foot from the property lines of such ~~lot,~~ lot. All fencing requires prior written approval pursuant to Paragraph 12. ~~after having obtained written approval for same from declarant or its designee.~~ It is further provided that no fence of any kind shall be constructed or any lots on the property in the front yard of such lot, said front yard being defined as that area of the yard located between the formal entrance of the residence and the street."

4. Paragraph 16 of the Declaration (Amendment # 4) is additionally amended to read as follows:

"No fence shall be constructed, built or erected on any lot on the property, except for a ~~split-rail fence,~~ or fence constructed of salt treated lumber or pvc; and any such permitted fence shall be constructed, built or erected at least one foot from the property lines of such ~~lot,~~ lot. All fencing requires prior written approval pursuant to Paragraph 12. ~~after having obtained written approval for same from declarant or its designee.~~ It is further provided that no fence of any kind shall be constructed or any lots on the property in the front yard of such lot, said front yard being defined as that area of the yard located between the formal entrance of the residence and the street. Split-rail and chain link fencing is prohibited on any lot."

5. The above-stated amendments become effective upon recordation with the Pitt County Register of Deeds. Except as specifically amended herein, the Declaration remains in full force and effect.

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This the 25 day of January, 2017.

Cedar Ridge of Winterville Owners' Association, Inc.

By: _____
President

ATTEST: _____
Secretary

STATE OF NORTH CAROLINA

ACKNOWLEDGEMENT

COUNTY OF PITT

I, Brooke Baker, a Notary Public of the County and State aforesaid, certify that Brian Minshew, of whose identity I have personal knowledge, or of whose identity has been proven to me by the presentation of a drivers license, personally came before me this day and acknowledged that he/she is Secretary of Cedar Ridge of Winterville Owners' Association, Inc., a North Carolina 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 its Secretary. Witness my hand and official stamp or seal, this 25 day of January, 2017.

Brooke Baker
Notary Public

My commission expires: August 14, 2018

BROOKE BAKER
Notary Public
North Carolina
Pitt County

EXHIBIT A

Certificate of Adoption

The Cedar Ridge of Winterville Owners' Association, Inc. by the authority of its Board of Directors, hereby certifies that the foregoing amendments to the Declaration were approved by a vote of the Lot Owners pursuant to a written ballot. The total number of Lot Owners is 152.

For Amendment # 1, there were 115 ballots returned to the Association by the date of mandatory return stated in the ballot, there were 105 votes cast by ballot in favor of the amendment and there were 10 votes cast by ballot against the amendment, and therefore, the amendment to the Declaration was properly approved by the Lot Owners.

For Amendment # 2, there were 115 ballots returned to the Association by the date of mandatory return stated in the ballot, there were 102 votes cast by ballot in favor of the amendment and there were 13 votes cast by ballot against the amendment, and therefore, the amendment to the Declaration was properly approved by the Lot Owners.

For Amendment # 3, there were 115 ballots returned to the Association by the date of mandatory return stated in the ballot, there were 102 votes cast by ballot in favor of the amendment and there were 13 votes cast by ballot against the amendment, and therefore, the amendment to the Declaration was properly approved by the Lot Owners.

For Amendment # 4, there were 115 ballots returned to the Association by the date of mandatory return stated in the ballot, there were 104 votes cast by ballot in favor of the amendment and there were 11 votes cast by ballot against the amendment, and therefore, the amendment to the Declaration was properly approved by the Lot Owners.

Therefore, each amendment was approved by the affirmative vote of at least sixty-seven (67%) of the lot owners.

This the 25 day of January, 2017.

Cedar Ridge of Winterville Owners' Association, Inc.

By: _____

President

ATTEST: _____

Secretary