

DATE 7-29-19 BY RHB



2019006617

HAYWOOD CO, NC FEE \$26.00
PRESENTED & RECORDED:

07-29-2019 11:57:49 AM

SHERRI C. ROGERS
REGISTER OF DEEDS
BY: CASSENDAN FARMER
DEPUTY

BK: RB 977

PG: 2214-2216

**AMENDMENT TO THE DECLARATION OF
COVENANTS, CONDITIONS, AND RESTRICTIONS
FOR BROOK HOLLOW ESTATES**

This Amendment to the Declaration of Covenants, Conditions, and Restrictions for Brook Hollow Estates Property Owners Association, Inc., a North Carolina Non-Profit Corporation (the "Association") is made to be effective this 12th day of July, 2019.

RECITALS:

WHEREAS, the Association is a non-profit corporation that was formed by the original developer/declarant to operate and manage the association of owners of real property in the planned community described in the original declaration;

WHEREAS, the Association has assumed control of the operation of the matters related to the planned community;

WHEREAS, the original declaration was recorded at Deed Book 461, Page 2298, and re-recorded in Deed Book 470, Page 2548, Deed Book 472, Page, 185, and Deed Book 477, Page 219, of the Haywood County Register of Deeds, and the original declaration sets out all real property subject to the Declaration;

WHEREAS, the Association, being subject to Chapter 47F of the North Carolina Planned Community Act, and after a duly and properly called vote in November of 2018, and after all applicable and necessary votes, desires to amend the Restrictive Covenants;

WHEREAS, Amendments Three and Four apply to only lots purchased in the subdivision after the recording of this amendment;

NOW THEREFORE, the original Restrictive Covenants are reaffirmed and henceforth amended as follows:

AMENDMENT ONE

Restrictive Covenant Article IV

Section 3. Maximum Annual Assessment:

f. In addition to annual and special assessments authorized above, the Association may levy an impact fee in the sum of \$400.00 which is immediately due and payable when an Owner obtains from the appropriate governmental authority a building permit for the Construction of a residence dwelling, which said impact fee is to be applied to the cost of maintenance or repair to the road system due to construction upon individual Lots.

AMENDMENT TWO

Restrictive Covenant Article IV

Section 7. Effect of nonpayment of Assessments; Remedies of the Association:

Not exclusive to the remedies afforded in the original Declaration, the Association hereby adopts the policy and procedure set forth in the North Carolina Planned Community Act under Article 3 of N.C. Gen. Stat. § 47F-3-102 (11).

AMENDMENT THREE

Restrictive Covenant Article V

Section 2. Dwelling Size:

- a. Any one-story dwelling erected upon any Lot shall contain not less than 1,500 square feet, outside measurement enclosed floor heated area exclusive of porches, bridgeways, steps and garages.
- b. Any two-story dwelling erected upon any Lot shall contain not less than 1,750 square feet, outside measurement enclosed floor heated area on both floors, exclusive of open porches, bridgeways, steps and garages.

AMENDMENT FOUR

Restrictive Covenant Article VIII

Section 4. Design and Environmental Review Committee:

The Owner shall submit their building siting and design plans for review by the BHEPOA Design & Environment Review Committee. Submittal shall be made prior to application for the building permit to Haywood County. The review will be limited to confirming that the siting and design are in compliance with the Covenants and

Restrictions. The Owners shall submit their plans in .pdf format by email or hard copy by mail and shall highlight, on a separate piece of paper, how their siting and design meet the following C&R items: all setback dimensions, number of stories and size of house including height, amount of acres of tree clearing planned, water ditch line and culvert shown on site plan, erosion control method, septic system design and siting approval from Haywood County, 18 month construction schedule compliance, indicate the type of construction (stick-built, log, etc.), and all other items. Once received, the Review Committee will provide a written review report to the Owner in five (5) business days. Reference Appendix 3, Design and Environmental Review Committee Guidelines and Process.

Brook Hollow Property Owners Association, Inc.

 _____ (Seal)
By: **Karen Morris, President**

**STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD**

I, J. Scott Taylor, a Notary Public of the aforementioned County and State, certify that Karen Morris, as President of Brook Hollow Property Owners Association, Inc., a North Carolina non-profit corporation, personally appeared before me this day and acknowledged the due execution of the foregoing instrument on behalf of the corporation.

Witness my hand and official stamp this the 12th day of July, 2019.



Notary Public

My Commission Expires: 02/10/24

J. Scott Taylor NOTARY PUBLIC Buncombe County North Carolina My Commission Expires February 10, 2024
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