



2024002777

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

04-10-2024 01:45:17 PM

SHERRI C. ROGERS
REGISTER OF DEEDS
BY: BRENDA ISRAEL
DEPUTY

BK: RB 1105
PG: 1572-1575

Prepared by and return to:

Mark A. Wilson
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675 N. Main Street
Waynesville, NC 288786

STATE OF NORTH CAROLINA
HAYWOOD COUNTY

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 subdivision is effective as of the date of recordation above.

RECITALS:

1. Brook Hollow Estates is a subdivision located in Haywood County, North Carolina established and governed by that Declaration of Covenants, Conditions, and Restrictions recorded at Book 461, Page 2298, Book 470, Page 2548, Book 472, Page 185, and Book 477, Page 219 of the Haywood County Register of Deeds, as amended by that document recorded at Book 977, Page 2214-2216 of the Haywood County Register of Deeds.
2. The Declarations provide that the same may be amended by approval of the Lot owners from not less than seventy-five percent (75%) of the Lots.
3. The Association conducted a vote and received affirmative written votes approving the adoption of this Amendment.

THEREFORE, the Declaration of Covenants, Conditions, and Restrictions for Brook Hollow Estates, as previously amended, are hereby amended as follows:

Revise Article I Section 2 to read as follows:

Section 2: "Lot Owner" shall mean, and refer to, the record owner(s) (whether persons, entities, or trusts) of any Lot which is part of the subdivision but excluding in all cases any party holding an interest merely as security for the performance of an obligation.

Add two new sections for Article I, that read as follows:

Section 6. "Rental" shall mean the leasing of a Lot for residential purposes for any time period and for any form of consideration.

Section 7. "Rental Program" shall mean the program managed by the Board that consists of a list of all Lots allowed to be used for Rentals and how many times said Lot has been entered into the Rental Program, along with the rules and regulations promulgated by the Board regarding Rental usage.

Add a new section for Article V that reads as follows:

Section 14. No Lots shall be used for Rentals except for those wherein the Lot Owner has requested placement into the Rental Program. It shall be the responsibility of the Lot Owner to notify the Board in writing of their desire to place their Lot into the Rental Program (hereafter "Program"). So long as the Lot is otherwise eligible for admission into the Program, as provided below, the Board shall add said Lot to the Program.

(a) A Lot may be entered into the Program only as follows:

- i. Any Lot (i.e., a vacant/undeveloped Lot; one with a dwelling; or one with a dwelling under construction), if said Lot is placed into the Program within ninety (90) days of the date of recording of this Amendment. If said Lot is not opted into the Program within this ninety (90) day period, then the Lot will no longer be eligible for entry into the Program.*
- ii. If a Lot has been admitted to the Program per the above and is sold or transferred by any means to a subsequent owner, the new owner has ninety (90) days to request that the Lot remains in the Program. If said new owner does not request that the Lot remains in the Program within the stipulated ninety (90) day period, then said Lot will be removed from the Program by the Board and it will no longer be eligible for the Program.*

(b) No Lot may be opted into the Program more than two (2) times: the first time is by the Lot Owner at the time this Amendment is recorded (and if the Lot was appropriately opted-into the Program as outlined above) and the second time is by the immediate subsequent Lot Owner,

regardless of how or on what terms the immediate subsequent Lot Owner acquires title to the Lot.

(c) After being opted-into the Program, a Lot shall remain in the Program until one of the following occurs:

- i. The Lot Owner notifies the Board in writing of his/her/their intent to remove the Lot from the Program (Note: once removed, the Lot can't be returned to the Program).
- ii. The Lot is removed from the Program by the Board for Lot Owner's failure to comply with the rules and regulations governing the Program. The Board has issued rules and regulations governing the usage of Lots for Rentals. Additionally, the CC&Rs contain guidelines and policy regarding the conduct of actions by all Owners and Guests in the community. In the event of violation(s) of such rules, guidelines and policies, the Board will consider the matter and has the discretion to proceed with the disciplinary process(s) provided for in N.C.G.S. §47F-3-107.1 to include all enforcement options noted therein including fines, removal of the Lot from the Program and suspension of Owners' BHEPOA privileges.

By signature below, Donald Thomas, as secretary, certifies that he has received the votes on to approve this Amendment, has counted the same, and that this Amendment has been approved by at least seventy-five percent (75%) of the lot owners.

This the 10th day of April, 2024

Brook Hollow Property Owners Association, Inc.



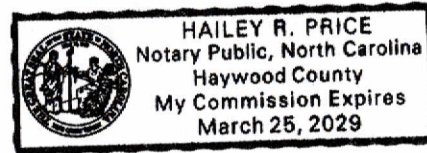
By: Donald Thomas, Vice President, and Secretary

STATE OF NORTH CAROLINA
COUNTY OF HAYWOOD

I, Hailey R. Price, a Notary Public of the aforementioned County and State, certify that Donald Thomas, as Vice President and Secretary 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 10th day of April, 2024.

Hailey R. Price
Notary Public



My Commission Expires: March 25, 2029