

BK 2624 PG 183 - 185

Prepared by and return to: **Sellers, Ayers, Dortch & Lyons, P.A. (Box 91)**
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Charlotte, N.C. 28204

**CERTIFICATION OF AMENDMENTS TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
OF
BEACON POINTE PHASES III & IV**

This **CERTIFICATION OF AMENDMENTS TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF BEACON POINTE PHASES III & IV** is made pursuant to Article XII, Section 1 of the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BEACON POINTE PHASES III & IV, recorded in Book 1526 at Page 720 of the Iredell County Public Registry on February 19, 2004, as amended and supplemented by instruments recorded thereafter ("Declaration") and N.C.G.S. §47F-2-117(a), and is effective upon recordation in the Iredell County Public Registry.

Statement of Purpose

N.C.G.S. §47F-2-117 provides that the Declaration may be amended with the approval of Lot Owners to which at least sixty-seven percent (67%) of the votes in the Association are allocated. In accordance with the requirements of the statute and the Declaration, as well as N.C.G.S. §55A-7-08, the following Amendments were adopted by the affirmative vote of the required percentage of the Owners. Accordingly, the due and proper adoption of the following Amendments are hereby certified by the President and Secretary of the Association for recordation.

NOW, THEREFORE, with the affirmative vote and approval of Lot Owners of Lots to which at least sixty-seven percent (67%) of the votes in the Association are allocated, the Declaration is amended as follows:

1. The third paragraph in Article X, Section 1, is deleted in its entirety and replaced with the following language:

A private attached garage (up to but not more than two garages) not to exceed four (4) car capacity in one of the following configurations: a) three car capacity with three single garage doors; b) two car capacity with a double-garage door plus a single car capacity with a single door; c) two garages each of two (2) car capacity with double-garage doors; or d) three car capacity with three single garage doors plus a 1 car capacity with a single door. No more than three single doors or two double doors

may face in any singular direction. All doors must be of the same material, design, color and height. The maximum garage door height shall be ten (10) feet.

2. The sixth paragraph of Article X, Section 3 is deleted in its entirety and replaced with the following language:

All dwellings, garages and Outbuildings shall have roofs (except for dormers, porches, bay windows, and greenhouses) with a roof pitch & height complimentary to the existing dwelling not to exceed the pitch of the average pitches of the existing dwelling, and such roofs shall be covered with slate, wooden or architectural metal shakes, terracotta tile, copper sheathing, or architectural fiberglass shingles.

Regarding the above proposed action, the undersigned Owner(s) vote as follows:

3. Article X, Section 13, subsection (c) is amended to read as follows:

(c) political, yard sale or similar temporary signs shall not exceed 2' by 2' in size. Political signs shall be removed within 7 calendar days after an election and erected no more than 90 calendar days prior to the first day of early voting. Yard sale signs or other similar temporary signs may not be erected more than 10 calendar days prior to event date and shall be removed within 7 days of the event's completion. The Association may, but is not required to, remove any sign that is in violation of this provision.

Regarding the above proposed action, the undersigned Owner(s) vote as follows:

4. Article X, Section 1, is amended to add a new subsection (e) as follows:

(e) Camping on unimproved Lots is strictly prohibited. Camping includes but is not limited to the use of a RV, trailer, camper, and/or tent.

5. Article X, Section 18 is deleted in its entirety and replaced with the following language:

No noxious or offensive trade or activity shall be carried on upon any Lot, in any residential dwelling or Outbuilding, or on the Property, nor shall anything be done thereon which may be or become an annoyance or nuisance to the Owners or Occupants of the surrounding Lots. No substance, thing or material shall be kept upon any Lot that will emit foul or obnoxious odors, or that will cause any noise that will disturb the peace and quiet of the Owners or Occupants of the surrounding Lots. It shall be within the sole and exclusive discretion of the Board of Directors to determine whether a trade or activity is a nuisance. In determining whether a trade or activity is a nuisance, the Board of Directors shall consider, among other things, whether the trade or activity is a detriment to: (a) a high quality residential environment; (b) to the enhancement of the value, marketability and quality of all property within the Subdivision; and (c) providing the owners of Lots with the best possible value for their investment and the protection of that investment.

6. The first paragraph in Article XII, Section 1 shall be deleted in its entirety and replaced with the following language:

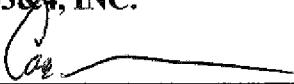
The Declaration may be amended only by the affirmative vote or written agreement signed by Owners of Lots to which at least sixty-seven percent (67%) of the votes in the association are allocated;

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provided, however, that such amendment must be consented to by Declarant so long as Declarant is the Owner of any Lot in the Subdivision including any Additional Property. Any such amendment shall not become effective until the document or instrument evidencing such change has been filed.

IN WITNESS WHEREOF the undersigned President and Secretary of the BPHOA-3&4, Inc., certify the proper adoption of this amendments, certify that approval of this amendments was obtained as required by the in accordance with North Carolina law and the Declaration and that these amendments to the Declaration have been duly adopted to be effective upon recordation.

BPHOA-3&4, INC.

By: 

Name: Casey Ingram
President

By: 

Name: Billy Miller
Secretary

STATE OF NORTH CAROLINA

COUNTY OF Iredell

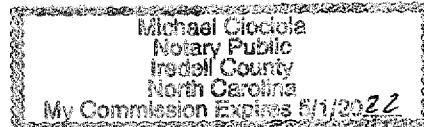
I, a notary public for the County and State aforesaid, certify that Casey Ingram, being first duly sworn, appeared before me this day and certifies that (s)he is the **President** of BPHOA-3&4, Inc. and that upon authority duly given and as the act of the association certifies the due adoption and execution of the forgoing instrument.

This the 26 day of July, 2018


Notary Public

Seal or Stamp:

My Commission Expires: May 1, 2022



STATE OF NORTH CAROLINA

COUNTY OF Iredell

I, a notary public for the County and State aforesaid, certify that Billy Miller, first being duly sworn, appeared before me this day and certifies that (s)he is the **Secretary** of BPHOA-3&4, Inc. and that upon authority duly given and as the act of the association certifies the due adoption and execution of the forgoing instrument.

This the 26 day of July, 2018


Notary Public

Seal or Stamp:

