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PREPARED BY AND RETURN TO: Allen C. Moseley  
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NORTH CAROLINA

AMENDMENT TO DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR TOWNHOMES AT BROOKSHIRE

WATAUGA COUNTY

THIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR TOWNHOMES AT BROOKSHIRE is made this 16 day of February, 2021, by RCPBD INVESTMENTS, LLC, a North Carolina Limited Liability Company (hereinafter referred to as "Declarant"), and any and all persons, firms or corporations hereafter acquiring any of the within described property.

WITNESSETH:

WHEREAS, Declarant caused to be filed of record that certain Declaration of Covenants, Conditions and Restrictions for Townhomes At Brookshire (the "Declaration") in Book of Records 2159, Page 464, Watauga County Public Registry, under which Declarant subjected that certain parcel or tract of land containing 5.128 acres to the terms and provisions of the Declaration, which parcel is shown and described on the plat recorded in Plat Book 28, Page 101, Watauga County Public Registry; and

WHEREAS, Declarant desires to file this Amendment to the Declaration in order to clarify and confirm easement rights on the part of each Owner over and across the Common Area for the purpose of maintaining, repairing and replacing any and all facilities which are appurtenant to and reasonably necessary for the use and enjoyment of the Owner.

Bk 2167 Pg 75

Doc No. 702370 Kind AMD

NOW, THEREFORE, Declarant does hereby amend the Declaration as follows:

- 1.) Article VII, Section 7, entitled Easement of Encroachment, is hereby deleted in its entirety and the following is substituted in lieu thereof:

Section 7. Easement of Encroachment. There shall be reciprocal appurtenant easements of encroachment for maintenance, use, repair and replacement of any permitted encroachment, specifically including the HVAC units and propane gas tanks on the specific site as originally provided for by Declarant. In addition, there shall also be reciprocal appurtenant easements between each Unit and any adjacent Common Area and between adjacent Units due to placement, settling or shifting of the improvements constructed, reconstructed, or altered thereon (in accordance with the terms of this Declaration) to a distance of not more than ten feet, as measured from any point on the common boundary along a line perpendicular to such boundary. However, in no event shall an easement for encroachment exist if such encroachment occurred due to willful and knowing conduct on the part of, or with the knowledge and consent of, the Person claiming the benefit of such easement.

- 2.) Except as expressly amended herein, all other terms and provisions of the Declaration, as written, shall remain in full force and effect.

IN WITNESS WHEREOF, the Declarant has caused this Amendment to Declaration of Covenants, Conditions and Restrictions for Townhomes At Brookshire to be duly signed as of the day and year first above written.

{SIGNATURE PAGE ATTACHED}

RCPBD INVESTMENTS, LLC, a North Carolina Limited Liability Company

By: [Signature] (SEAL)  
Rick Miller, Manager

Bk 2167 Pg 76

Doc No 702370 Kind AMD

STATE OF NC

COUNTY OF Watauga

I, the undersigned, a notary public of said State, do hereby certify that Rick Miller personally appeared before me this day and acknowledged that he is Manager for RCPBD Investments, LLC, a North Carolina Limited Liability Company, and that the foregoing instrument was signed on behalf of the Company.

WITNESS my hand and official seal this the 10 day of February, 2021.

[Signature]  
Notary Public

My commission expires:  
11/16/23

NOTARIAL SEAL:

STACY L. ELDTRETH  
Notary Public, North Carolina  
Watauga County  
My Commission Expires  
November 16, 2023