

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL

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AMENDMENT
TO DECLARATION OF COVENANTS AND RESTRICTIONS OF
BEAR CLIFF SUBDIVISION

Applicable to All Phases of Bear Cliff Subdivision

This is an AMENDMENT to the Declaration of Covenants and Restrictions of Bear Cliff Subdivision by the Owners Association of Bear Cliff Subdivision, made this 19th day of May, 2019.

RECITALS:

WHEREAS, Black Bear Development, Inc., a North Carolina Corporation (the "Declarant"), filed a Declaration of Covenants and Restrictions (the "Declaration") for Phase I and Phase II of Bear Cliff Subdivision in McDowell County Register of Deeds Book 753, Page 1, as amended, which is incorporated by reference as if fully set forth herein; and

WHEREAS, subsequent to the filing of the Declaration, the Declarant incorporated Phase III, Phase IV, and Phase V into Bear Cliff Subdivision and memorialized the same in McDowell County Deed Book 774, Page 223; McDowell County Deed Book 792, Page 450; McDowell County Deed Book 1020, Page 807; and McDowell County Deed Book 811, Page 454, respectively, each of which are incorporated by reference as if fully set forth herein; and

WHEREAS, Article 13, Section 13.3 of the Declaration provides that “The Covenants, conditions and restrictions of the Declaration may be amended at any time and from time to time by an agreement signed by Owners holding a majority of votes appurtenant to the Lots which are then subject to the Declaration”; and

WHEREAS, on May 19, 2018 the Bear Cliff Owners Association voted with a quorum in attendance to amend the Declaration in Article 8, Section 8.3.A., Building Construction and Quality, pertaining to “composite vinyl material”, as set out on the minutes from the aforesaid meeting attached hereto as “Exhibit A” and incorporated by reference as if fully set out herein; and

WHEREAS, On May 19, 2018 the Bear Cliff Home Owners Association voted with a quorum in attendance to amend the Declaration in Article 8, Section 8.27, Mail and Newspaper Boxes, pertaining to a “centrally located mailbox station”, as set out on the minutes from the aforesaid meeting attached hereto as “Exhibit A” and incorporated by reference as if fully set out herein;

WHEREAS, Article 6, Section 7.9(a) provides that “The President shall be the principal executive officer of the Association, and subject to the control of the Board, shall supervise and control the management of the Association. The President shall preside at all meetings of the Board of Directors; shall see that orders and resolutions of the Board are carried out, **shall sign all leases, mortgages, deeds and other written instrument**, and shall co-sign all checks and promissory notes.” (emphasis added).

NOW, THEREFORE, PURSUANT AND WITH THE AUTHORITY OF Article 13, Section 13.3 of the Declaration, the Declaration of Covenants, Conditions, and Restrictions, Bear Cliff, Phase I and Phase II, as recorded in McDowell County Deed Book 753, Page 1, and Phase III, Phase IV, and Phase V into Bear Cliff Subdivision and memorialized the same in McDowell County Deed Book 774, Page 223; McDowell County Deed Book 792, Page 450; McDowell County Deed Book 1020, Page 807; and McDowell County Deed Book 811, Page 454, respectively, as amended, are hereby amended to delete the former Article 8 Section 8.3.A in its entirety, and the following is inserted in lieu thereof:

Section 8.3. A. Building Construction and Quality

All dwellings, buildings, and accessory structures shall be darker, muted colors that blend with the natural features of the environment. The structures may be stone covered block, cement fiber siding (vinyl and aluminum are not permitted) or stucco covered foundation (synthetic stucco is not permitted), wood, log or brick. Any horizontal siding (including log siding) must be completely supported to maintain a straight and even outer surface and must be completely and properly finished. Brick colors have to be prior approved by the Architectural Committee.”

NOTE: On 11/23/22 Board & ARC voted to allow Aluminum to ONLY be used in these three applications: fascia, gutters underside of the soffit

FURTHER, the aforesaid Declaration of Covenants, Conditions, and Restrictions as set out above are hereby amended to delete the former Article 8 Section 8.27 in its entirety, and the following is inserted in lieu thereof:

“Section 8.27. Mail and Newspaper Boxes

Individual mailboxes need to conform to the United States Postal Service requirements and should have a natural and uniform appearance.”

FURTHER, except as otherwise provided herein, the Declaration and the aforementioned subsequently documents recorded shall remain in full force and effect.

IN WITNESS WHEREOF, the Bear Cliff Owners Association President has hereunto caused this instrument to be signed in its corporate name by its duly authorized officer and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

**BEAR CLIFF OWNERS ASSOCIATION
A North Carolina Non-Profit Corporation**

Mark Wise, President (SEAL)

**NORTH CAROLINA
MCDOWELL COUNTY**

I the undersigned Notary Public in and for said County and State, do hereby certify that **MARK WISE**, personally known to me, personally came before me this day and acknowledged that he is President of **BEAR CLIFF OWNERS ASSOCIATION, INC.** a corporation, and that he, as said officer, being authorized to do so, executed the foregoing document on behalf of the corporation. **WITNESS** my hand and seal, this ____ day of May, 2019.

NOTARY PUBLIC

My Commission Expires

Printed Name of Notary Public