

Prepared by and return to: BA Folk PLLC, PO Box 90426, Raleigh, NC 27675

STATE OF NORTH CAROLINA **FOURTH AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND
RESTRICTIONS FOR PINEVILLE EAST
COTTAGES @ THE VILLAGE**

COUNTY OF JOHNSTON

This Fourth Amendment to Declaration of Covenants, Conditions and Restrictions for Pineville East Cottages @ The Village (hereinafter referred to as "Amendment") is made as of the date set forth in the notary acknowledgment herein by **PINEVILLE EAST COTTAGES, INC.** (the "Association").

In addition, this Amendment is executed by **FLOWERS PLANTATION FOUNDATION, INC.**, a North Carolina non-profit corporation (the "Foundation") and **DWF DEVELOPMENT, INC.** a North Carolina corporation (the "Declarant") for the purpose of expressing consent, as set forth below.

WITNESSETH:

WHEREAS, DWF Development, Inc. has previously recorded in Book 3341, Page 575, Johnston County Registry and re-recorded in Book 3342, Page 409, Johnston County Registry, that certain DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR PINEVILLE EAST COTTAGES @ THE VILLAGE, as amended by that certain AMENDMENT TO RESTRICTIVE COVENANTS FOR PINEVILLE EAST COTTAGES @ THE VILLAGE recorded in Book 3381, Page 704; that certain AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR PINEVILLE EAST COTTAGES @ THE VILLAGE recorded in Book 3761, Page 69; and that certain FIRST [sic] AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE PINEVILLE EAST COTTAGES @ THE VILLAGE recorded in Book 4426, Page 693 (as otherwise amended and supplemented from time to time, hereinafter the "Declaration"); and

WHEREAS, there are a total of 18 Lots within Pineville East Cottages; and

WHEREAS, it is equitable and desirable that the Palmetto Place, Pineville East, Pineville East Cottages and Pineville East Estates homeowners share the cost of maintaining Beckwith Lane and the entrance gate thereto on a pro-rata, per lot basis; and

WHEREAS, Section 17.2 of the Declaration provides that the Declaration may be amended by "the affirmative vote or written consent, or any combination thereof, of two thirds (2/3) of the total Class 'A' votes in the Association, including two-thirds (2/3) of the Class 'A' votes held by Members other than the Declarant, and the consent of the Declarant"; and

WHEREAS the Pineville East Cottages subdivision has previously been subjected to that certain Development Agreement for Flowers Plantation which is recorded in Deed Book 1615, Page 601 and that certain Declaration of Easements and Covenant to Share Costs for Flowers Plantation which is recorded in Deed Book 1615, Page 609, both aforesaid Registry (collectively the "Foundation Documents").

NOW, THEREFORE, in consideration of the sum of ten dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Declaration is hereby amended as follows:

1. The above recitals are incorporated herein by reference.

2. Section 8.10 is hereby added to the Declaration as follows:

8.10. Beckwith Avenue Maintenance. As part of the Base Assessments in its annual budget, starting in the 2021 budget year the Association shall collect sufficient funds from the Members to pay for the Pineville East Cottages portion of the cost of maintenance of Beckwith Avenue and the entrance gate thereon. Pineville East Cottages represents 18 of the 107 total Lots which shall contribute to maintenance thereof. These funds shall be remitted to Beckwith Avenue Street and Gate Maintenance, Inc., a North Carolina non-profit corporation, which shall take title to Beckwith Avenue, and which shall be organized such that the Palmetto Place, Pineville East, Pineville East Cottages and Pineville East Estates homeowners (and/ or their respective owners' associations) shall have shared voting rights and board representation thereon, once the Foundation has relinquished declarant control thereof.

It is noted that an identical reimbursement provision will be set forth in the other declarations of the other three associations, as approved by the Foundation.

3. The Foundation executes this Amendment solely to express its assent to the terms thereof, to the extent that such assent is required under the Foundation Documents and/ or the Declaration.

4. Except as specifically amended by this Amendment, the Declaration remains unchanged and in full force and effect, and the parties by their execution hereof hereby ratify, affirm and approve the Declaration, as specifically amended hereby. All capitalized terms that are not defined herein shall have the same meanings given to them in the Declaration.

[signatures on following
pages]

IN WITNESS WHEREOF, the undersigned Association, Declarant and Foundation have caused this Amendment to be executed as of the day and year indicated in the acknowledgement block below.

ASSOCIATION

Pineville East Cottages, Inc., a North Carolina non-profit corporation

By: [Signature]
Name: Randy Habley
Title: President

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Resident.

Date: 12.11.20

[Signature]

Official Signature of Notary Public

Alyson Hatfield
Notary printed or typed name

My commission expires:
12.11.2023



CERTIFICATE OF PINEVILLE EAST COTTAGES, INC.

This is to certify that, upon proper notice given a [the] Special [Annual] Meeting of the Members of the PINEVILLE EAST COTTAGES, INC., was held on [Date and Year] at [Time]. The purpose [One of the purposes] of the meeting, as set forth in the Notice of Meeting, was to approve the attached Amendment.

At such meeting, at which a quorum was present, in person or by proxy, a total of 18 votes were cast: 16 votes were cast in favor of such action, and 2 votes were cast against such action. Accordingly, the motion to approve this Amendment was approved by at least 67% of the Members as required by the Declaration and Bylaws of the Association.

[Signature]
Secretary

STATE OF NORTH CAROLINA
COUNTY OF JOHNSTON

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Dennis Lysle Corvin

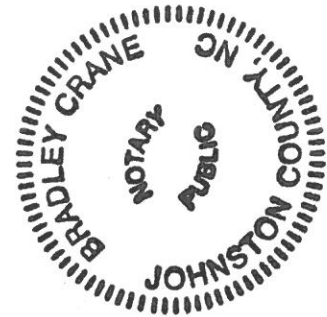
Date:

Bradley Crane

Official Signature of Notary Public

Bradley Crane
Notary printed or typed name

My commission expires:
10/30/2022



IN WITNESS WHEREOF, the undersigned Association, Declarant and Foundation have caused this Amendment to be executed as of the day and year indicated in the acknowledgement block below.

DECLARANT

DWF Development, Inc., a North Carolina corporation

By:

Name: Rebecca D. Flowers

Title: President

STATE OF NORTH CAROLINA

COUNTY OF JOHNSTON

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: **Rebecca D. Flowers**.

Date:

Official Signature of Notary Public

Notary printed or typed name

My commission expires:

IN WITNESS WHEREOF, the undersigned Association, Declarant and Foundation have caused this Amendment to be executed as of the day and year indicated in the acknowledgement block below.

FOUNDATION

Flowers Plantation Foundation, Inc., a North Carolina corporation

By:

Name: Rebecca D. Flowers

Title: President

STATE OF NORTH CAROLINA

COUNTY OF JOHNSTON

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: **Rebecca D. Flowers.**

Date:

Official Signature of Notary Public

Notary printed or typed name

My commission expires:
