

Doc ID: 029750290004 Type: CRP
Recorded: 11/19/2015 at 04:31:08 PM
Fee Amt: \$26.00 Page 1 of 4
Workflow# 0000320502-0001
Buncombe County, NC
Drew Reisinger Register of Deeds
BK 5373 PG 1894-1897

Prepared by and return to:
Goosmann Rose Colvard & Cramer, P.A. (jrr) (Courthouse Box 81)

No title examination completed nor opinion rendered by the preparer hereof

State of North Carolina
County of Buncombe

**Third Amendment
to
Declaration of Covenants, Conditions and Restrictions for Starview Heights**

This **Third Amendment to Declaration of Covenants, Conditions and Restrictions for Starview Heights** (herein "Third Amendment") made and entered this 19 day of November, 20015 by **CPBI, LLC**, a North Carolina limited liability company (herein "Successor Declarant") and **Starview Heights Property Owners' Association, Inc.**, a North Carolina non-profit corporation and all Future Owners within Starview Heights.

W i t n e s s e t h :

That Whereas, a predecessor Declarant filed that certain **First Amendment and Restatement of Declaration of Covenants, Conditions and Restrictions for Starview Heights** as recorded in **Book 4939, at Page 1165** and that certain **Confirmation of First Amendment and Restatement of Declaration** as recorded in **Book 4966, at Page 514** of the Buncombe County, NC Registry's Office ("Registry") and Successor Declarant filed that certain **Second Amendment to Declaration of Covenants, Conditions and Restrictions for Starview Heights** as recorded in **Book 5234, at Page 189** and that certain **Supplement to Declaration of Covenants, Conditions and Restrictions for Starview Heights** as recorded in **Book 5307, at Page 1496** of said Registry (herein collectively "Declaration"); and

Whereas, Successor Declarant is the assignee under that certain Assignment or Declarant Rights, Contracts and Permits for Starview Heights as recorded in **Book 5020, at Page 950** of the Registry; and

Whereas, the Successor Declaration desires to modify and amend the Declaration as set forth herein.

Now Therefore, the Successor Declarant, by this Third Amendment to the Declaration, does hereby modify and amend the Declaration as follows:

1. Article IV, Section 15, Rentals is hereby modified and amended to provide the following: Starview Heights is a non-rental community and no dwelling unit shall be rented within Starview Heights; provided however that the following four (4) dwelling units are temporarily exempt from this provision.

5 Gemini Heights, Weaverville, NC 28787
9 Gemini Heights, Weaverville, NC 28787
7 Avery Nicole Drive, Weaverville, NC 28787
11 Avery Nicole Drive, Weaverville, NC 28787

Exemption of this section for the above referenced dwelling units will expire and said dwelling units will become subject to this section upon conveyance of each respective dwelling unit to a new owner. Upon conveyance of each dwelling unit to a new owner said dwelling unit will become subject to this section and be prohibited from being rented.

For the purpose of this section the term "rented" shall mean any occupancy of a dwelling unit by any party other than the owner of record as shown with the Buncombe County Register of Deeds regardless of whether an owner of a dwelling unit receives profit for the occupancy in which a third party would have exclusive use and enjoyment of the dwelling unit.

Joinder: Although not required, more than 67% of the votes allocated to Members voted to approve this Third Amendment and the Association joins herein to evidence its consent hereto.

Except as modified, supplemented or amended herein, all terms, conditions and provisions of the Declaration shall remain in full force and effect.

In Witness Whereof, the Successor Declarant with the joinder of the Association has caused this instrument to be executed as of the day and year first above written.

Successor Declarant:

CPBI, LLC,
a North Carolina limited liability company

By: 

Joe P. Calderwood, manager

Association:

Starview Heights Property Owners' Association, Inc.,
a North Carolina non-profit corporation

By: 

President

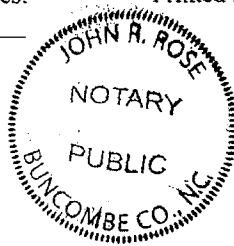
State of North Carolina, County of Buncombe


I certify that the following person personally appeared before me this day each acknowledging to me that the signed the foregoing document for the purposes stated therein: **Joe P. Calderwood as Manager of CPBI, LLC, a North Carolina limited liability company.**

Date: 11.19.15

My Commission expires: 4.18.16

(Notary Seal)




Notary Public

Printed Name of Notary: _____

State of North Carolina, County of Buncombe

I certify that the following person personally appeared before me this day each acknowledging to me that the signed the foregoing document for the purposes stated therein:
Maryann W. Presnell, as President of Starview Heights Property Owners' Association, Inc., a North Carolina non-profit corporation.

Date: 11.19.15

My Commission expires:

4.18.16

(Notary Seal)

John R. Rose
Notary Public
Printed Name of Notary: _____

