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Fee Amt: \$26.00 Page 1 of 4
Workflow# 0000398811-0001
Buncombe County, NC
Drew Reisinger Register of Deeds

BK 5521 PG 846-849

Prepared by and return to:

Goosmann Rose Colvard & Cramer, P.A. (JRR/CNT) (Courthouse Box 81)

No title examination completed nor opinion rendered by the preparer hereof

**State of North Carolina
County of Buncombe**

**Fourth Amendment
to**

Declaration of Covenants, Conditions and Restrictions for Starview Heights

This **Fourth Amendment to Declaration of Covenants, Conditions and Restrictions for Starview Heights** (herein "Fourth Amendment") made and entered this 15th day of February, 2017 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.

Witnesseth:

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**, that certain **Supplement to Declaration of Covenants, Conditions and Restrictions for Starview Heights** as recorded in **Book 5307, at Page 1496**, and that certain **Third Amendment to Declaration of Covenants, Conditions and Restrictions for Starview Heights** as recorded in **Book 5373, at Page 1894** 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

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

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

1. Article I, Section 9, Declarant Control Period is hereby modified and amended to provide the following:

9. “Declarant Control Period” shall mean that period terminating when Successor Declarant or its successors and assigns:
 - (a) the date upon which the Declarant conveys the last Lot as shown on the plat or any subsequent recorded plat adding property as additional phase of the subdivision;
 - (b) voluntarily terminates its Declarants Rights hereunder by a written recording notice of Termination in the registry;
 - (c) January 1, 2025.

2. Article IV Section 3, Subdivision and Modification of Lots is hereby modified and amended to provide the following:

3. Subdivision and Modification of Lots: No Lot may be subdivided or merged into other Lots without consent of Successor Declarant. In the event the Successor Declarant merges a Lot with an adjacent unbuildable lot, the Lot Owner shall pay an additional 30% annual assessments. Notwithstanding the foregoing, the Successor Declarant reserves the right to modify the lines of Lots, to append other parcels to the subdivision and to establish access ways to and from any such other parcels, as it deems advisable.

3. Article IV Section 9, Animals is hereby modified and amended to provide the following:

9. Animals: Only dogs (a maximum of two), cats (a maximum of two), birds and fish and such other animals as approved by the Association may be kept and maintained in the dwelling unit. When outside, all dogs must be on a leash and shall not be left unattended unless controlled by an invisible fence system, and shall not become a nuisance. Owners must dispose of solid waste of any pet owned by them in accordance with rules adopted by the Association.

Joinder: Although not required, more than 67% of the votes allocated to Members voted to approve this Fourth 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

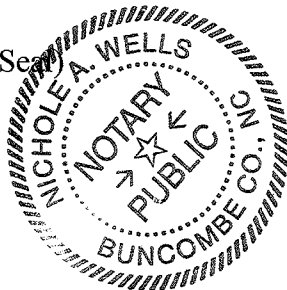
State of North Carolina, County of Buncombe

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: 02/15/2017

Nichole A. Wells
Nichole A. Wells, Notary Public
My Commission expires: 12/09/2020

(Notary Seal)



[SIGNATURE PAGE TO FOLLOW]

SIGNATURE PAGE TO
FOURTH AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS FOR STARVIEW HEIGHTS

Association:

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

By: David A. Stryker
David A. Stryker, President

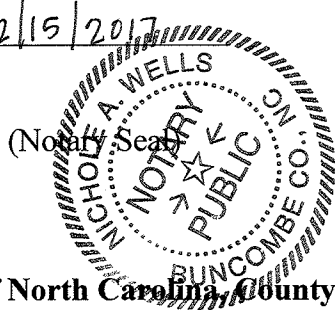
By: Benjamin Michalove
Benjamin Michalove, Secretary

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: _____

David Stryker, **as President of Starview Heights Property Owners' Association, Inc.**, a North Carolina non-profit corporation.

Date: 02/15/2017



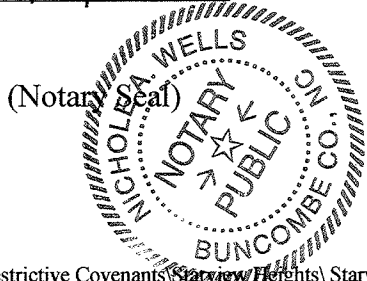
Nichole A. Wells
Nichole A. Wells, Notary Public
My Commission expires: 12/09/2020

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: _____

Benjamin Michalove, **as Secretary of Starview Heights Property Owners' Association, Inc.**, a North Carolina non-profit corporation.

Date: 02/15/2017



Nichole A. Wells
Nichole A. Wells, Notary Public
My Commission expires: 12/09/2020