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This instrument drafted by: Nathan A. Miller, Esq, P.O. Box 49, Boone, NC 28607

NORTH CAROLINA

CLEVELAND COUNTY

**THIRD AMENDMENT TO DECLARATION OF COVENANTS  
CONDITIONS AND RESTRICTIONS  
FOR BROAD RIVER HIGHLANDS  
AND RETIREMENT OF DECLARANT RIGHTS**

This Third Amendment to Declaration of Covenants Conditions and Restrictions for Broad River Highlands made and entered into this the II<sup>nd</sup> day of May, 2023, by Benjamin Beshears, Member/Manager of NC Country Land, LLC, a North Carolina Limited Liability Company, (hereinafter known as "Declarant" pursuant to the assignment of Declarant Rights recorded on February 17, 2022 in Book 1865, Page 1029, Cleveland County, North Carolina Public Registry), and all parties hereafter acquiring any part of the property acquired by Declarant in Book 1865, Page 1019, CCNCPR and acquired by the previous Declarant in Book 1673, Page 612, CCNCPR and shown on the maps of Broad River Highlands, and duly recorded in Plat Book 31, Pages 98 and 99; Plat Book 35, Page 003; Plat Book 33, Page 94; Plat Book 35, Page 127; Plat Book 35, Page 005; Plat Book 36, Page 60; Plat Book 45, Page 137 and Plat Book 45, Page 138 all of the Cleveland County Registry;

**WITNESSETH:**

**THAT WHEREAS**, the original Declarant heretofore declared, gave, granted and conveyed for said real property listed above certain restrictive covenants for the benefit of said subdivision, as recorded in Book 1527, Page 221, Cleveland County, North Carolina Public Registry; and

submitted electronically by "Miller & Johnson, PLLC"  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Cleveland county Register of Deeds.

**WHEREAS**, Declarant was the owner of a number of lots set forth in their deed recorded in Book 1865, Page 1019; but these lots have since been conveyed; and

**WHEREAS**, paragraph 19 of the Original Declaration of Restrictive Covenants for Broad River Highlands wherein the Declarant reserved the right to cancel, modify or change of any of the restrictive covenants by the written consent of the Declarant which w'litten consent shall be duly executed, acknowledged, and recorded in the Office of the Register of Deeds of Cleveland County, North Carolina; and

**WHEREAS**, the Declarant has modified the Original Declaration of Restrictive Covenants for Broad River Highlands by filing the Amendment to Declaration of Covenants Conditions and Restrictions for Broad River Highlands on March 7, 2022 in Book 1866, Page 1990, CCNCPR; and

**WHEREAS**, the Declarant has modified the Original Declaration of Restrictive Covenants for Broad River Highlands by the filing the Second Amendment to Declaration of Covenants Conditions and Restriction for Broad River Highlands on October 5, 2022 in Book 1884, Page 527, CCNCPR; and

**WHEREAS**, the Declarant wishes and desires to modify the Original Declaration of Restrictive Covenants for Broad River Highlands as set forth in Book 1527, Page 2211. CCNCPR, to modify the Amendment to Declaration of Covenants Conditions and Restrictions for Broad River Highlands as set forth in Book 1866, Page 1990, CCNCPR and to modify the Second Amendment to Declaration of Covenants Conditions and Restrictions for Broad River Highlands as set forth in Book 1884, Page 527, CCNCPR; and

**WHEREAS**, the Declarant has determined in their sole discretion that these amendments set forth below are best for the general plan or scheme of the development; and

**NOW, THEREFORE**, current Declarant hereby **REVISES AND AMENDS** said restrictive covenants for Broad River Highlands, Cleveland County Registry as follows:

25. **AMENDMENT:** This Declaration may only be amended by the affirmative vote of 67% of the property owners with the votes apportioned as set forth in Paragraph 12(b) of the Declarations.

26. **RETIREMENT OF DECLARANT RIGHTS:** The undersigned being the duly assigned entity of the Declarant Rights for the Broad River Highlands subdivision does hereby retire and extinguish all declarant rights it has and hereby declares that no declarant rights for this subdivision exist.

All other provisions of the DECLARATION OF RESTRICTIVE COVENANTS FOR BROAD RIVER HIGHLANDS recorded in Book 1527, Page 221, CCNCPR and AMENDMENT TO DECLARATION OF COVENANTS CONDITIONS AND RESTRICTIONS FOR BROAD RIVER HIGHLANDS recorded in Book 1866, Page 1990, CCNCPR shall remain as stated in those recorded documents. This Third Amendment effectively changes in its entirety the Second Amendment.

IN TESTIMONY WHEREOF, Declarant has hereunto set its hands and seal this the 11<sup>th</sup> day of MQ.Y, 2023.

NC Country Land, LLC, a North Carolina Limited Liability Company

 (SEAL)  
Benjamin Beshears, Member/Manager

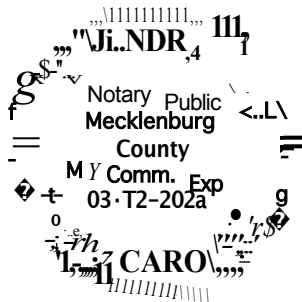
STATE OF NORTH CAROLINA

COUNTY OF Yec, \tnb

I, -A\(')Ong(CA... ::f:\y a Notary Public of the state and county aforesaid, certify that **Benjamin Beshears** personally appeared before me this day and acknowledged that they are the **Member/Managers of NC Country Land, LLC**, and that by authority duly given and as the act of each entity, they signed the foregoing instrument in its name on its behalf as its act and deed.

WITNESS my hand and Notarial Seal this the 11 day of MCt), 2021.

NOTARYSEAL



No DU, vic.

My commission expires: Mt, (C,h |21 2-02 B