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CATINIA E. WINCHESTER

NORTH CAROLINA

**AMENDMENT OF DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS
FOR COLLYBROOKE**

ROCKINGHAM COUNTY

THIS SECOND AMENDMENT TO DELCARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR COLLYBROOK (the "Amendment") is made this ~~26TH~~ day of April, 2018, by the **COLLYBROOKE HOMEOWNERS ASSOCIATION, INC.**, a North Carolina non-profit corporation (the "Association"), and **COLLYBROOKE, LLC**, a North Carolina limited liability company with its principal place of business in High Point, Guilford County, North Carolina (the "Declarant"), pursuant to the provisions of Chapter 47F of the North Carolina General Statutes, entitled the "North Carolina Planned Community Act", and Article XIII, Section (4) of the Declaration of Covenants, Conditions and Restrictions for Collybrooke.

Return to Bill Arnot
5826 Samet Dr. Suite 105
High Point, NC 27265

BACKGROUND STATEMENT

[Capitalized terms used but not otherwise defined herein shall have the meanings given to them in the Declaration]

THAT WHEREAS, Collybrooke, LLC ("Collybrooke"), as Declarant, caused to be recorded in Book 1338, Page 568, Rockingham County Registry, A Declaration of Covenants, Conditions and Restrictions for Collybrooke (the "Declaration"), which Declaration established certain covenants and conditions for the real property described therein and the property subsequently annexed therein; and

WHEREAS, Pursuant to Article XIII, Section (4) of the Declaration, the Declaration may be amended with the approval of the Owners of Lots to which at least sixty-seven percent of the votes in the Association are allocated (67%) by executing and recording an Amendment to the Declaration in accordance with said Article; and

WHEREAS, a meeting of the Association was duly called, noticed and held in accordance with the Bylaws of the Association on April 25, 2018, at 8326 Angel Pardue Road, Stokesdale, NC, Rockingham County, and at such meeting, by a vote of greater than sixty-seven percent (67%) of the votes of the Lot Owners, pursuant to Article XIII, Section (4) of the Declaration, the Lot Owners approved this Amendment; and

WHEREAS, the Owners and the Declarant wish to amend the Declaration in order to: (1) modify certain restrictions set forth in Article VII of the Declaration; (2) delete the requirement that the Rockingham County Board of County Commissioners must approve any amendment to the Declaration; and (3) amend and modify the provisions of the Declaration in accordance with this Amendment.

NOW, THEREFORE, the Declarant does hereby amend the Declaration as follows:

1. **Incorporation of Background Statement.** The above background statement and preamble is incorporated herein by reference, and this Amendment shall be construed in light thereof.

2. **Amendment to Article IX, Section 5(e).** Article IX, Section 5(e) of the Declaration is hereby deleted in its entirety and the following is inserted in its stead:

(e) **Roof.** No roof shall be permitted without a minimum pitch of 6:12 except with the written consent of the Board of Directors (or Architectural Control Committee, if established).

3. **Amendment to Article XIII, Section 4(d).** Article XIII, Section 4(d) of the Declaration is hereby deleted in its entirety and the following is inserted in its stead:

(d) **Limitations.** No Amendment by the Declarant or the Owners regarding the obligation to maintain permanent water quality ponds shall be effective without the written consent of the governmental authority with jurisdiction over watershed protection. No amendment by the Declarant shall adversely affect the title to any Lot or have a material adverse effect upon any right of an Owner unless the affected Owner consents in writing to the amendment. During the Development Phase, any amendment by the Owners must be approved in writing by the Declarant in Order to be effective.

3. **Ratification of Declaration.** All of the terms of the Declaration, whether or not expressly modified herein, shall be construed so as to give effect to the Amendment contained herein, and such Amendment shall supersede conflicting terms of the Declaration. In all other respects, the Declaration shall continue in full force and effect in accordance with its terms, except as expressly amended and supplemented by this Amendment, and is hereby ratified and affirmed by the Declarant.

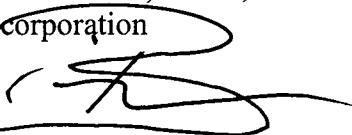
4. **Covenants Running with the Land; Binding Nature.** This Amendment and the Declaration, as amended from time to time, and the rights and obligations thereunder, shall

run with title to the any Lot and shall be appurtenant thereto, and shall bind and inure to the benefit of the Declarant and subsequent owners of the Lots, and their respective heirs, successors and assigns.


5. **Governing Law:** This Amendment and the Declaration and any controversy or claim arising out of or relating to this Amendment or the Declaration shall be governed by, interpreted and construed in accordance with the laws of the State of North Carolina, without giving effect to the principles of conflicts of laws.

IN WITNESS WHEREOF, the Declarant and the Association have each executed this Amendment effective as of the day and year first above written.

DECLARANT
COLLYBROOKE HOMEOWNERS
ASSOCIATION, INC., a North Carolina non-profit corporation

By: 
Name: Bill Arnot
Title: President

COLLYBROOKE, LLC, a North Carolina limited liability company

✓ By: 
Name: Chris Duda
Title: Manager

{NOTARY PAGE TO FOLLOW}

NORTH CAROLINA – GUILFORD COUNTY

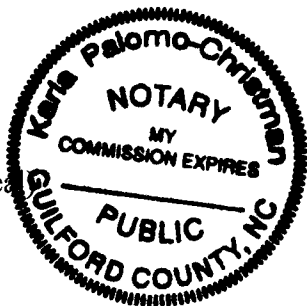
I, Karla Palomo-Christman a Notary Public, do hereby certify that **William F. Arndt, Jr.** appeared before me this day and acknowledged that he is the President of Collybrooke Homeowners Association, Inc. a North Carolina non-profit corporation and the foregoing instrument was signed for and on behalf said non-profit corporation.

WITNESS my hand and official seal this 26 day of April, 2018.

Karla Palomo-Christman
Official Signature of Notary

Karla Palomo-Christman
Printed or Typed Name of Notary

My Commission Expires: 5.23.21



(Official Seal)

NORTH CAROLINA – GUILFORD COUNTY

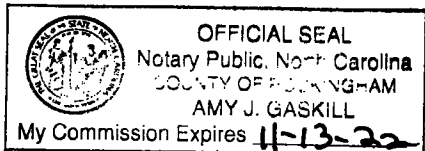
I, Amy J. Gaskill, a Notary Public of Rockingham County, North Carolina, do hereby certify that **Christopher T. Dunbar** personally came before me this day and acknowledged that he/she is the Manager of COLLYBROOKE, LLC, a North Carolina limited liability company, and that he as Manager, being authorized to do so, executed the foregoing on behalf of the said limited liability company.

Witness my hand and Notarial seal or stamp, this the 26 day of April, 2018.

Amy J. Gaskill
Official Signature of Notary

Amy J. Gaskill
Printed or Typed Name of Notary

My Commission Expires: 11-13-22



(Official Seal)