

FILED

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REGISTER OF DEEDS  
LINCOLN COUNTY, NC

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 ✓ Prepared By & Return to : Robert J. Brown, P.A., 477 N. Highway 16, Denver, NC 28037

NORTH CAROLINA

**AMENDMENT TO DECLARATION OF  
 COVENANTS, CONDITIONS AND  
 RESTRICTIONS FOR BALLENTRAE**

LINCOLN COUNTY

THIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BALLENTRAE, made and entered into this 22nd day of October, 2007, by Jon-Mar, LLC, a North Carolina limited liability company, hereinafter referred to as "Declarant."

WITNESSETH:

WHEREAS, Declarant, executed that certain "Declaration of Covenants, Conditions, and Restrictions for Ballentrae" as recorded in Deed Book 1776 at Page 211 in the Lincoln County Public Registry, and that certain "Revised Declaration of Covenants, Conditions, and Restrictions for Ballentrae" as recorded in Deed Book 1787 at Page 239 in the Lincoln County Public Registry, (hereinafter collectively referred to as the "Declaration"), which imposed certain protective and restrictive covenants on the lots located in Ballentrae Subdivision as designated in that certain plat recorded in Plat Book 13 at Page 308 of the Lincoln County Public Registry, and

WHEREAS, Article IX, Section 3 of the Declaration provides that the Declaration may be amended by a written instrument signed by the Owners of not less than seventy five percent (75%) of the Lots subject to the Declaration; and

WHEREAS, the Declarant is the current record owner of more than seventy five percent (75%) of the Lots subject to the Declaration; and

WHEREAS, the Declarant desires to amend the Declaration.

NOW THEREFORE, the Declarant, constituting the owner of more than seventy five percent (75%) of the lots located in Ballentrae subdivision, does hereby amend the Declaration as follows:

ARTICLE VII, SECTION 1, subsections (1) and (2) as set out in the above recited and recorded Declaration are deleted in their entirety and the following sentences are inserted in lieu thereof:

- (1) Any one-story Dwelling erected upon any Lot which adjoins the golf course, consisting of Lots 1 through 11, shall contain not less than 1,800 square feet; and any one-story Dwelling erected upon any Lot which does not adjoin the golf course, consisting of Lots 12 through 25, shall contain not less than 1,600 square feet.
- (2) Any one and one-half (1 1/2) story or two (2) story Dwelling erected upon any Lot which adjoins the golf course, consisting of Lots 1 through 11, shall contain not less than 2,000 square feet, with at least 1,450 square feet on the first floor; and any one and one-half (1 1/2) story or two (2) story Dwelling erected upon any Lot which does not adjoin the golf course, consisting of Lots 12 through 25, shall contain not less than 1,800 square feet, with at least 1,450 square feet on the first floor.

The following is inserted as SECTION 9 of ARTICLE IV in the above recited and recorded Declaration:

“SECTION 9. LANDSCAPE MAINTENANCE. The Association shall maintain certain landscaped areas of each Lot as more clearly defined in the Architectural and Site Guidelines, or as set forth in that certain Landscape and Maintenance Guidelines established by the Declarant.”

THAT EXCEPT as herein amended, the remaining provisions of said Declaration shall remain in full force and effect.

In the event of a conflict between this Amendment and the Declaration, this Amendment shall control.

IN WITNESS WHEREOF, the Declarant has caused this instrument to be executed on the day and year first above written.

*[SIGNATURES APPEAR ON FOLLOWING PAGE]*