

FILED

DATE 2/11/2009TIME: 11:26 AMBOOK 2093PAGE 351ELAINE N. HARMON
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
LINCOLN COUNTYAMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND
RESTRICTIONS FOR BALLENTRAE

THIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BALLENTRAE, dated this 9th day of February, 2009, is made and entered into by Jon-Mar, LLC, a North Carolina limited liability company, hereinafter referred to as "Declarant," and Harry F. Welch and wife, Mary Jane Welch, hereinafter referred to as "Owner."

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, Declarant sold and conveyed Lot 3 of Ballentrae Subdivision to Owner, by Deed recorded in Book 1832 Page 186 in 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, and the undersigned Owner comprise more than seventy five percent (75%) of the Lots subject to the Declaration; and

WHEREAS, the undersigned desire to amend the Declaration.

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

ARTICLE IV, SECTION 4, PERIOD OF DECLARANT CONTROL, is hereby amended as follows:

The first sentence as set forth in Article IV, Section 4 of the above recited and recorded Declaration is deleted and the following sentence is inserted in lieu thereof:

"For so long as the Declarant owns at least five (5) Lots in the Subdivision, the Declarant shall have the exclusive authority to designate, appoint, and remove all members of the Association's Board of Directors and Officers."

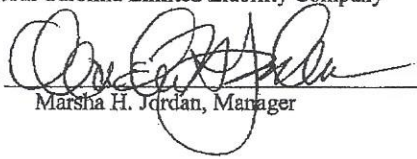
THAT EXCEPT as herein amended, the remaining provisions of said Declaration shall remain in full force and effect.

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

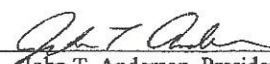
IN WITNESS WHEREOF, the undersigned have caused this instrument to be executed on the day and year first above written.

DECLARANT:

Jon-Mar, LLC,
a North Carolina Limited Liability Company

By: 
Marsha H. Jordan, Manager

By: Anderson Properties, Inc.,
a North Carolina Corporation, Manager

By: 
John T. Anderson, President