



2023003291

TRANSYLVANIA CO, NC FEE \$26.00

PRESENTED & RECORDED:

07-11-2023 01:09:24 PM

BETH C LANDRETH

REGISTER OF DEEDS

BY: ANTJE OWEN

DEPUTY REGISTER OF DEEDS

BK: DOC 1084

PG: 358-360

After Recording Please Return to:
Stone's Lake Property Owners Association, Inc.
c/o Deer Ridge Property Management, Inc.
7737 Greenville Hwy
Brevard, NC 28712

References: Book 237, Page 417
 Book 903, Page 462
 Book 1071, Page 178

**THIRD AMENDMENT TO DECLARATION OF RESTRICTIVE AND
PROTECTIVE COVENANTS FOR STONE'S LAKE**

This **THIRD AMENDMENT TO DECLARATION OF RESTRICTIVE AND PROTECTIVE COVENANTS FOR STONE'S LAKE** is made this the tenth day of July, 2023 by and between Stone's Lake Property Owners Association, Inc., a North Carolina nonprofit corporation ("Association") and the present and future owners of lots in the Stone's Lake Subdivision.

WITNESSETH:

WHEREAS, on June 11th, 2004, Cedar Oaks Joint Ventures ("Declarant") recorded a Declaration of Restrictive and Protective Covenants for Stone's Lake ("Declaration") for the development known as Stone's Lake Subdivision at Book 237, Page 417, Transylvania County Registry; and

WHEREAS, on December 16, 2019, the Association recorded an Amendment and Certificate of Amendment to the Declaration of Restrictive and Protective Covenants for Stone's Lake ("First Amendment") at Book 903, Page 462, Transylvania County Registry; and

WHEREAS, on March 9, 2023, the Association recorded an Amendment and Certificate of Amendment to the Declaration of Restrictive and Protective Covenants ("Second Amendment") at Book 1071, Page 178; and

WHEREAS, on September 17, 2013, and on July 30, 2021, the former Declarant improperly asserted expired Declarant rights by attempting to subject and to remove property from the provisions of the Declaration, when said property has not been properly subjected to the Declaration upon its June 11, 2004 recording, by recording Deeds at Book 670, Page 476 and Book 994, Page 342, Transylvania County Registry (collectively, "Deeds"); and

WHEREAS, at the time of the recording of the Deeds, the Declarant control period had expired pursuant to Article 26, Section E the Declaration, the Declarant's Class B membership had expired pursuant to Article 26 (B) of the Declaration, and Declarant owned no real property in the Subdivision; and

WHEREAS, the members of the Association do hereby desire to amend the Declaration to clarify that that the former Declarant retains no declarant rights of any kind whatsoever, that all Declarant rights have expired, that any effort by former Declarant to exert non-existent Declarant rights have been and shall be a nullity, and whenever the context does not demand it, to remove any reference to the former Declarant; and

WHEREAS, Article 29 of the Declaration provides that the Declaration may be amended by the recordation in the office of the Register of Deeds for Transylvania County a document prepared and executed by the Secretary of the Board of Directors certifying that the amendment to the Declaration has been approved by the affirmative votes of at least sixty-seven percent (67%) of the votes in the Association; and

WHEREAS, at a meeting properly noticed, and with a quorum present in person or by proxy, held on July 8, 2023, this Third Amendment to Declaration of Restrictive and Protective Covenants for Stone's Lake was approved by the affirmative votes of at least sixty seven percent (67%) of the votes in the Association, was certified by the Secretary of the Board of the Directors, and was further executed by the President of the Association.

NOW, THEREFORE, the DECLARATION OF RESTRICTIVE AND PROTECTIVE COVENANTS FOR STONE'S LAKE is hereby amended as follows:

- 1) Article 2, Section A of the Declaration shall be amended by deleting the word "Developer" in the fourth line of said Article 2, Section A, and inserting in its place the words "the Board of Directors."
- 2) Article 9 of the Declaration shall be amended by deleting in its entirety the phrase "without the express written consent of Developer which must be recorded in the office of the Register of Deeds for Transylvania County, North Carolina."
- 3) Article 10 of the Declaration shall be amended by deleting the first paragraph of Article 10 in its entirety and by deleting the phrase "other than Developer" from the first line of the second paragraph in Article 10.
- 4) Article 25 of the Declaration, introductory paragraph. shall be amended by deleting in its entirety the phrase Developer, Developer's successors and assigns or licensees" and inserting in its place the phrase "Stone's Lake Property Owners Association, Inc."
- 5) Article 25 Section A of the Declaration shall be amended by deleting the word "Developer" wherever it appears and inserting in its place the phrase "Stone's Lake Property Owners Association, Inc."
- 6) Article 25, Section B of the Declaration shall be amended by deleting in its entirety the phrase "for access to any lot or parcel or any other lands owned by Developer located outside of the Development" in the fourth and fifth lines of said Article 25, Section B.

- 7) Article 29 of the Declaration shall be amended by deleting the second paragraph of Article 29 in its entirety.
- 8) Article 30 of the Declaration shall be amended by deleting Article 30 in its entirety.
- 9) Article 34 of the Declaration shall be amended by deleting the first two words of Article 34, specifically, "developer" and "and."
- 10) Article 36 of the Declaration is amended by deleting Article 36 in its entirety.

IN WITNESS WHEREOF, the undersigned officers of Stone's Lake Property Owners hereby certify that the above THIRD AMENDMENT TO DECLARATION OF RESTRICTIVE AND PROTECTIVE COVENANTS FOR STONE'S LAKE is duly adopted by the Association and its membership in accordance with and pursuant to the Declaration, this tenth day of July, 2023.

STONE'S LAKE PROPERTY OWNERS ASSOCIATION, INC.,

By: *Al Galatan*, President

Attest: *Patrick Gerard Brannigan*, Secretary

STATE OF NORTH CAROLINA
 TRANSYLVANIA COUNTY

I, Mary E. Nowicki, Notary Public for said County and State, certify that Patrick Gerard Brannigan personally came before me this day and acknowledged that (s)he is Secretary of Stone's Lake Property Owners Association, Inc., a non-profit corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal, and attested by herself/himself as its Secretary.

Witness my hand and official seal, this the tenth day of July, 2023.

(Seal)

Mary E. Nowicki
 Notary Public

My Commission Expires: May 23, 2026

