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Lincoln County, North Carolina
Danny R. Hester, Register of Deeds

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Charlotte, N.C. 28204

Filed Electronically

**CERTIFICATION OF AMENDMENT TO
AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR MARINER'S POINTE AT SMITHSTONE TOWNHOMES**

This **CERTIFICATION OF AMENDMENT TO AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR MARINER'S POINTE AT SMITHSTONE TOWNHOMES** is made pursuant to Article Thirteen of the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Mariner's Pointe at Smithstone Townhomes recorded in Book 1312 at Page 157 and 1318 at Page 209 of the Lincoln County Public Registry ("Declaration").

Statement of Purpose

The Declaration provides in Article Thirteen for the amendment by the affirmative vote of sixty-seven percent (67%) of the votes (votes being calculated as provided in Sections 8.2 and 8.3 of the Declaration) of the Owners. In accordance with the requirements of the Declaration, as well as N.C.G.S. § 55A-7-08, the following Amendment was approved by the affirmative vote of the required percentage of the Owners. Accordingly, the due and proper adoption of following Amendment is hereby certified by the President and the Secretary of the Association for recordation.

NOW, THEREFORE, with the affirmative vote and approval of Members/Owners entitled to cast not less than sixty-seven percent (67%) of the votes in the Association (calculated as provided in Sections 8.2 and 8.3 of the Declaration), the Declaration is amended as follows:

1. Article Three is amended to add an additional definition providing as follows:

“Phase II” shall mean and refer to the real property described in Exhibit A to the Declaration less and excepting the real property shown and depicted on the maps recorded in Plat Book 11 at Page 175 as revised on the map recorded in Plat Book 12 at Page 410. Phase II shall include, without limitation, the property shown on the maps recorded in Plat Book 17 at Page 16, Plat Book 17 at Page 17, Plat Book 17 at Page 38, Plat Book 17 at Page 39 and Plat Book 17 at Page 100.

2. Article Six, Section 6.2 of the Declaration is amended to add a new second paragraph providing as follows:

In addition to the foregoing care and maintenance responsibilities, each Owner of a Lot and Dwelling Unit located within Phase II will be solely and exclusively responsible for:

- a. the care, repair, maintenance and replacement of the basement walls and foundation of any Phase II Dwelling Unit which is approved by the Association and the Master Association for construction with the basement; and
- b. the care, repair, maintenance and replacement of any deck that is attached or affixed to a Dwelling Unit constructed on a Phase II Lot that is authorized and approved by the Association and the Master Association, including the exterior portions of the Dwelling Unit to which the deck is attached or which are obscured by or rendered inaccessible as a result of the construction and attachment of the deck.

Nothing herein shall obligate the Association or the Master Association to approve Dwelling Units in Phase II with basements or exterior decks.

3. Article Twelve, Section 12.1 of the Declaration is amended to add a new second paragraph providing as follows:

Notwithstanding any other provision contained in this Declaration, the Association shall have no responsibility for the care, repair, maintenance or replacement of exterior decks attached and affixed to Phase II Dwelling Units or for basement walls and foundations for Phase II Dwelling Units, the care, repair, maintenance and replacement of those components being the sole responsibility of the Owner of the Dwelling Unit as is more particularly provided for in Section 6.2 and 12.2 of this Declaration.

4. Article Twelve, Section 12.2 of the Declaration is amended to add a new second paragraph providing as follows:

Notwithstanding any other provision contained in this Declaration and in addition to the foregoing, the Owners of Phase II Dwelling Units shall be responsible for:

- a. the care, repair, maintenance and replacement of the basement walls and foundation of any Phase II Dwelling Unit which is approved by the Association and the Master Association for construction with the basement; and
- b. the care, repair, maintenance and replacement of any deck that is attached or affixed to a Dwelling Unit constructed on a Phase II Lot that is authorized and approved by the Association and the Master Association, including the exterior portions of the Dwelling Unit to which the deck is attached or which are obscured by or rendered inaccessible as a result of the construction and attachment of the deck.

Nothing herein shall obligate the Association or the Master Association to approve Dwelling Units in Phase II with basements or exterior decks.

IN WITNESS WHEREOF the undersigned officers of the Mariner's Pointe at Smithstone Townhomes Owners' Association, Inc. certify the proper adoption of these amendments and do hereby certify that approval of this amendment was obtained as required by the Declaration and in accordance with North Carolina law and that this amendment to the Declaration has been duly adopted to be effective upon recordation.

**MARINER'S POINTE AT SMITHSTONE
TOWNHOMES OWNERS' ASSOCIATION, INC.**

By: *Teresa Estes*
Teresa Estes
President

By: *Barbara Yarbrough*
Name: BARBARA YARBROUGH
Secretary

NOTARY ACKNOWLEDGMENTS NEXT PAGE

NOTARY ACKNOWLEDGMENTS

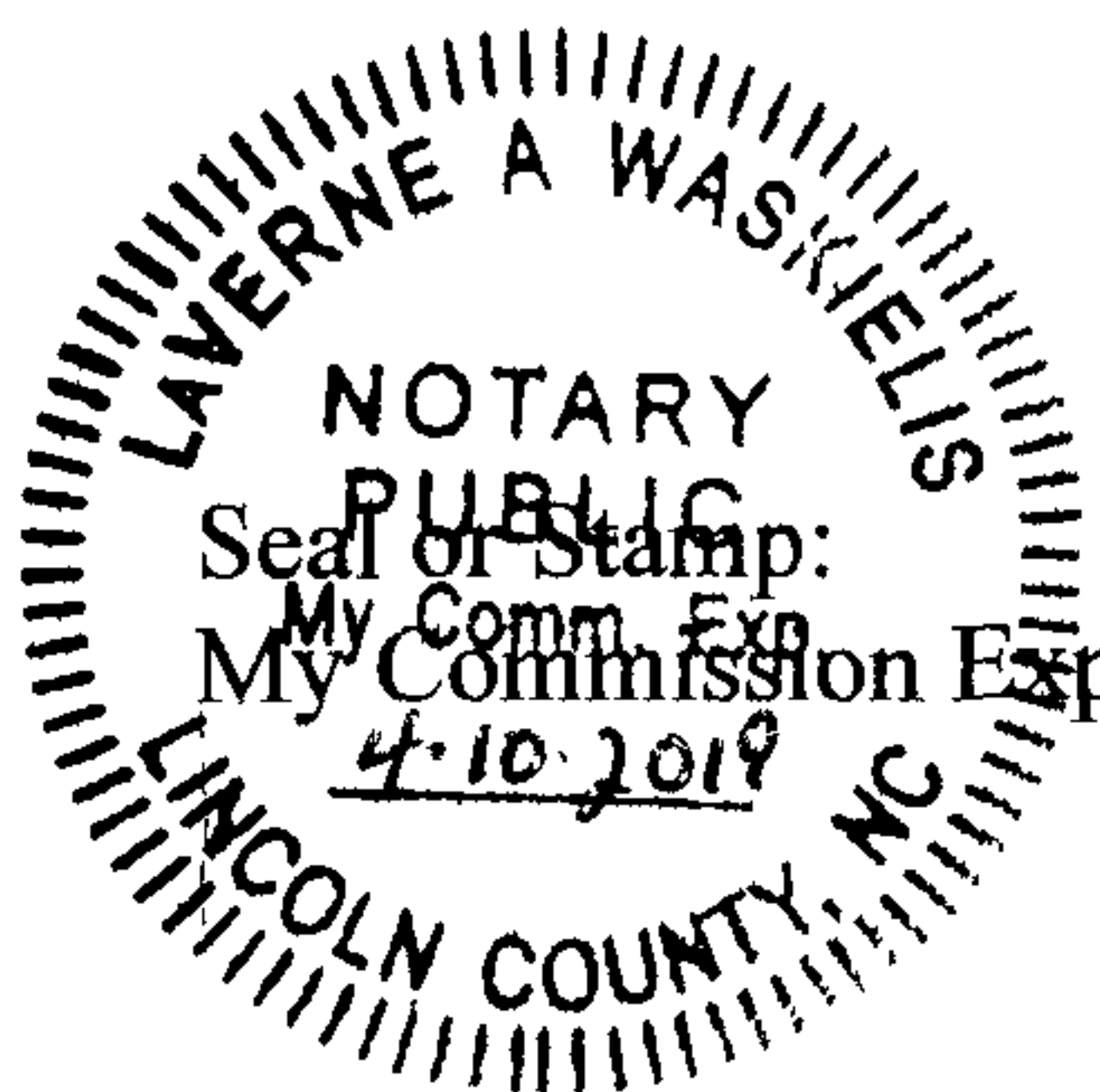
State of North Carolina

County of LINCOLN

I, a notary public for the County and State aforesaid, certify that **Teresa Estes**, being first duly sworn, appeared before me this day and certifies that she is the **President** of **MARINER'S POINTE AT SMITHSTONE TOWNHOMES OWNERS' ASSOCIATION, INC.** and, upon authority duly given and as the act of the association, certified the due adoption and execution of the forgoing instrument.

This the 8 day of OCTOBER, 2018.

Laverne A. Washkielis
Notary Public



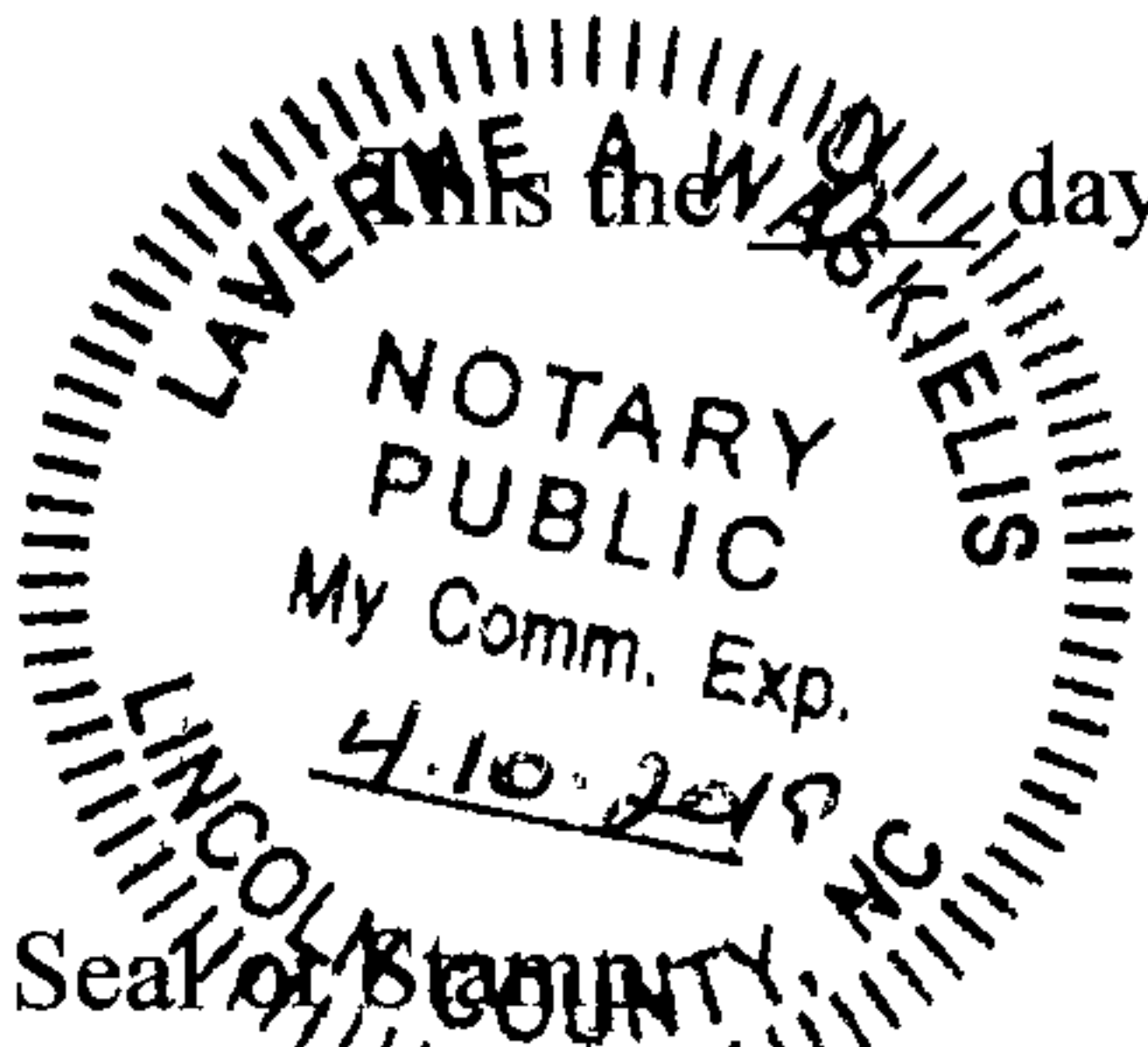
State of North Carolina

County of LINCOLN

I, a notary public for the County and State aforesaid, certify that BARBARA YARBROUGH, being first duly sworn, appeared before me this day and certifies that (s)he is the **Secretary** of the **MARINER'S POINTE AT SMITHSTONE TOWNHOMES OWNERS' ASSOCIATION, INC.** and, upon authority duly given and as the act of the association, certified the due adoption and execution of the forgoing instrument.

This the 8 day of OCTOBER, 2018.

Laverne A. Washkielis
Notary Public



Seal of State: _____
My Commission Expires: APRIL 10, 2019