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2018035180
NEW HANOVER COUNTY, NC
TAMMY THEUSCH BEASLEY
REGISTER OF DEEDS

NC FEE \$26.00

Prepared By & Return to: Charles D. Meier, Marshall, Williams & Gorham, LLP
P.O. Drawer 2088, Wilmington, NC 28402

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

**FIRST AMENDMENT TO THE DECLARATION AND SECOND
AMENDMENT TO THE BYLAWS OF JASMINE COVE AND SILVER CREEK
VILLAGE AT JASMINE COVE, PHASES AND II**

This First Amendment to the Declaration and Second Amendment to the Bylaws of Jasmine Cove and Silver Creek Village at Jasmine Cove, Phases I and II ("Amendment") is made and entered into as of this 31st day of October, 2018 by Jasmine Cove/Silver Creek Village Owners Association, Inc., a North Carolina nonprofit corporation ("Association").

WITNESSETH:

A. The Association is the property owners' association charged with the responsibility for the operation of that certain real property known as Jasmine Cove and Silver Creek Village at Jasmine Cove, Phases I and II located in New Hanover County, North Carolina, and described in a Declaration recorded in Book 1774, Page 862, New Hanover County Register of Deeds ("Declaration"), the Bylaws of which are attached as Exhibit A ("By-Laws") as may have been previously amended from time to time, including, but not limited to, the addition of real property subject to said Declaration and Bylaws, this Amendment being effective and applicable to all such additions.

B. Said Declaration provides in Article 34 that the Declaration can be amended by an affirmative vote of not less than two thirds (2/3) of the Lot Owners. Said Bylaws provide in Article VII that the Bylaws can be

amended by an affirmative vote of not less than Seventy Five per cent (75%) of the Lot Owners.

C. The Amendments set forth below have been adopted by an affirmative vote of not less than Seventy Five per cent (75%) of the Lot Owners by a ballot vote, 73 for, 15 against, and have otherwise been properly adopted and approved as required by the Declaration, Bylaws and Articles of Incorporation, as applicable.

D. That the President or Vice President of the Association has been duly authorized and empowered to execute this Amendment and to cause the same to be recorded in the New Hanover County Register of Deeds as the binding act of the Association, its Members, Lot/Unit Owners and Board of Directors.

Now therefore, in consideration of the recitals set forth above, and as the act and deed of the Association, its Members, Lot/Unit Owners and Board of Directors, the Declaration and Bylaws are hereby amended and modified as set forth below:

DECLARATION AMENDMENTS

By deleting Article 5, **BUILDING DESIGN**, in its entirety and inserting in lieu thereof the following: No residence (including any accessory building, fence, addition or structure of any kind) shall be erected, or placed on the lot until the plans and specifications showing each such residence, accessory building, fence, addition or structure of any kind, have been approved in writing as to conformity, harmony of exterior design and appearance with the existing residences, accessory buildings, fences, additions, or structures within Jasmine Cove and Silver Creek Silver Creek Village at Jasmine Cove, Phases I and II, by the Association or an Architectural Review Committee ("ARC"), which shall be a committee composed of three (3) persons appointed by the Board of Directors. In the event the Association or ARC fails to approve or disapprove such plans and specifications within thirty (30) days after receipt of the plans and specifications, such approval shall be deemed granted.

By deleting the last sentence of **Article 9, FENCED AREAS AND LIMITED COMMON AREAS** in its entirety and inserting in lieu thereof the following: The fences surrounding such areas shall be maintained, repaired and replaced by the owner of the adjacent unit or house, and the areas within the fences shall further be maintained, repaired and replaced by the owner of the adjacent unit or house.

By deleting **Article 10, OTHER FENCING**, in its entirety.

By adding the following sentences between first and second sentences, first paragraph, of **Article 13, EXTERIOR MAINTENANCE**: Each lot owner shall maintain, repair and replace all fences adjacent to his/her lot, and keep the same in good condition. As of the recording of this Amendment, the Association shall no longer have any obligation to maintain, repair and replace any fences, whether constructed by the owner or Developer.

END OF DECLARATION AMENDMENTS

BYLAW AMENDMENTS

By deleting the following phrase from **Article V, Section 3, MAINTENANCE**: (including fences constructed by the developer).

By deleting **ARTICLE VII, Amendments**, in its entirety, and inserting in lieu thereof the following: The procedure for amendments to the Bylaws shall the same as for the Declaration, Article 34.

By adding the following **Section 9, Conflict**, to **Article VII, Miscellaneous**: In the event of any irreconcilable conflict between any provision of the Declaration and Bylaws, the provisions of the Declaration shall control.

END OF BYLAW AMENDMENTS

Except as amended, the Declaration and Bylaws, as may have been previously amended, shall remain in full force and effect.

The undersigned, being the President of the Association, does, by his/her execution hereof, certify that this Amendment was duly adopted by an affirmative vote of not less than Seventy Five per cent (75%) of the Lot Owners in person, by proxy, or by ballot, was duly adopted by a vote of the Board of Directors (if required), and that all the procedures, steps and requirements necessary to amend said Declaration and Bylaws have been complied with, the day and year first above written.

Jasmine Cove/Silver Creek Village
Owners Association, Inc.

By: Michelle Erich
President

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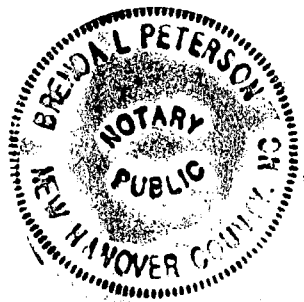
STATE OF NORTH CAROLINA
COUNTY OF New Hanover

I, Brendal Peterson, notary public, do hereby certify that
Michelle Erich (name of officer), personally appeared before me
this day and acknowledged that he/she is President (title of officer) of
the Association and that he/she, being authorized to do so, executed the
foregoing on behalf of the Association.

Witness my hand and official seal this the 31 day of
October, 2018.

(Notary Seal)

Brendal Peterson
Notary Public
My Commission Expires: 08/12/22



TAMMY THEUSCH
BEASLEY
Register of Deeds

New Hanover County

Register of Deeds

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State of North Carolina, County of NEW HANOVER
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Recorder: KELLIE GILES
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