

FILED ~~Catawba~~ County

on Jun 12, 2013 at 10:21:00 am

Excise Tax \$0.00 (AT)

INST. # 11580

DONNA HICKS SPENCER,
Register of Deeds

Ex 03193 Pg 0379-0393

✓ Prepared by and return to: Timothy D. Swanson, Esq., Young, Morphis, Bach & Taylor, LLP

STATE OF NORTH CAROLINA

COUNTY OF CATAWBA

**FIRST AMENDMENT TO THE
DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS OF
HUNTINGTON WOODS
HOMEOWNERS ASSOCIATION OF
HICKORY, INC.**

This First Amendment to the Declaration of Covenants, Conditions and Restriction of Huntington Woods Homeowners Association of Hickory, Inc., a North Carolina non-profit corporation (the "Association"), is made and entered into the last day of execution set forth below by the Association, pursuant to the Declaration of Covenants, Conditions and Restrictions recorded in Book 1350 at Page 295 of the Catawba County Registry and the provisions of Chapter 47F of the North Carolina General Statutes.

PREAMBLE

WHEREAS, Huntington Woods Development Corporation, a North Carolina corporation, and predecessor to the Association, executed a Declaration of Covenants, Conditions and Restrictions on March 14, 1984, which is duly recorded in the Office of the Register of Deeds for Catawba County, North Carolina in Deed Book 1350 at Page 295 (the "Declaration");

WHEREAS, Article X, Section 3 of the Declaration provides "the covenants and restrictions of [the] Declaration shall run with and bind the land, for a term fo twenty (20) years from the date [the] Declaration is recorded, after which time they shall be automatically extended for successive periods of ten (10) years;"

WHEREAS, the Declaration has been in effect since March 14, 1984;

WHEREAS, Article X, Section 3 of the Declaration permits an amendment of the Declaration after the first twenty (20) years period by an instrument signed by not less than seventy-five percent (75%) of the Lot Owners;

WHEREAS, it is the desire of the Association and not less than seventy-five percent (75%) of the Lot Owners, as evidenced by the written consents incorporated herein by reference and attached hereto as Exhibit A, to amend the Declaration to restrict and regulate the rental of Lots located in Huntington Woods in furtherance of the plan for the improvement and to protect and preserve the value of the Lots;

NOW, THEREFORE, for and in consideration of the execution of this Amendment, the covenants contained herein, and for other good and valuable consideration, the receipt and legal sufficiency of which is hereby acknowledged, and pursuant to the Declaration of Covenants, Conditions and Restrictions recorded in Book 1350 at Page 295 of the Catawba County Registry and the provisions of Chapter 47F of the North Carolina General Statutes, the above paragraphs of the Preamble are hereby incorporated into this Amendment and the Declaration is hereby amended in the following respects:

Section 15 shall be added to Article VIII of the Declaration and shall provide as follows:

Section 15. Lease Restrictions, Rules and Regulations.

- A. General Lease Restriction. Except as provided herein, no Lot subject to the Declaration shall be rented, leased or otherwise let to any third party for a period of two years from the date of the deed or instrument conveying or transferring title to the Owner of said Lot. It is the intent of this provision that the lots in Huntington Woods shall be principally occupied by the owners of said Lots.
- B. Existing Lot Owners. Anyone owning a Lot as of the date of the recording of this Amendment shall be allowed to lease said Lot until it is sold, conveyed or transferred to a third party. Anyone owning a Lot as of the date of the recording of this Amendment shall, prior to the sale, conveyance or transfer of said Lot, notify all potential buyers, grantees or transferees that no Lot within the Association, including the Lot being sold, conveyed or transferred, may be leased unless otherwise provided by this Section.
- C. All Leases Subject to Association Documents. Any lease agreement entered into following the date of the recording of this Amendment and otherwise permitted by this Section shall be in writing, and shall contain a provision that such lease is subject to the Declaration, By-Laws, and such Rule and Regulations as may be adopted by the Board of Directors from time to time and that any violation of the Declaration, By-laws or Rule and Regulations of the Association shall be considered a default under the lease agreement. Any lease agreement entered into prior to the date of the recording of this Agreement and otherwise permitted by this Section shall be deemed to be subject to the documents of the Association by reference without the necessity of specific reference to them, and they shall bind the tenants to their

terms and conditions.

- D. Lessor not Discharged from Compliance. The lease of a Lot shall not discharge the Lot Owner from compliance with any of the obligations and duties as a Lot Owner.

- E. Hardship Exception. Lot Owners subject to the Declaration, upon a showing of significant financial hardship, may be permitted to lease their property once during the period of their ownership. Any such owner desiring to lease his/her property shall first submit a written Hardship Application to the Board of Directors of Huntington Woods setting forth the following:
 - (i) The terms and conditions upon which the Lot Owner proposes to lease his/her property; and
 - (ii) The significant financial hardship warranting the lease of his/her property.

All Hardship Applications submitted to the Board of Directors shall be considered at the Board of Director's next regularly scheduled meeting at which a quorum is present. Upon the Board's determination of the existence of significant financial hardship, warranting the lease of the applicants property, which determination shall be in the sole discretion of the Board of Directors, the Board of Directors may permit a one time only lease of the applicant's property for a period of not less than six (6) months and not longer than twelve (12) months on such reasonable terms and conditions as the Board of Directors may approve. The powers granted the Board of Directors pursuant to this section shall be exercised in good faith.

- F. Rules and Regulations Governing Rentals. The Board of Directors shall have the power to formulate, publish and enforce reasonable rules and regulations, not inconsistent herewith, governing the leasing of Lots. Such rules and regulations may provide for the imposition of fines or penalties for the violation thereof.

To the extent not amended herein, the remaining provision of the Declaration shall remain in full force and effect.

The definition of words contained in Article 1 of the Declaration shall apply to the words and terms used in this Amendment. The definitions set forth in Article 1 of the Declaration are hereby incorporated herein by reference to the same extent as if set forth herein in their entirety.

THE DRAFTSMAN OF THIS INSTRUMENT DID NOT SEARCH TITLE OR ABSTRACT TITLE TO THE PROPERTIES LOCATED IN HUNTINGTON WOODS AND

MAKES NO CERTIFICATION NOR ACCEPTS ANY LIABILITY FOR THE CONDITION OF THE TITLES THERETO OR THE EFFECT THAT THE CONDITION OF SAID TITLES MAY HAVE ON THIS AMENDMENT.

0382

IN WITNESS WHEREOF, Huntington Woods Homeowners Association of Hickory, Inc. has caused this First Amendment to Declaration of Covenants, Conditions and Restriction of Huntington Woods Homeowners Association of Hickory, Inc., consented to in writing by not less than seventy-five (75%) percent of the Lot Owners subject to said Declaration, to be executed by its duly authorized officers and its corporate seals to be hereunto affixed, all by proper authority of its Board of Directors, as of the last day of execution set forth below.

HUNTINGTON WOODS HOMEOWNERS ASSOCIATION OF HICKORY, INC.:

By: *Dorothy Storey*
Name: Dorothy Storey
Title: President

6-10-2013
Date

Attested by:

By: *Rebekah Keith*
Name: Rebekah Keith
Title: Secretary

6-10-2013
Date

[Corporate Seal]

STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

I, *Wanda C. Sigmon*, a Notary Public of the County and State aforesaid, certify that **Rebekah Keith** personally came before me this day and acknowledged that she is the Secretary of Huntington Woods Homeowners Association of Hickory, Inc., a North Carolina non-profit corporation, that by authority duly given and as the act of the corporation, the foregoing instrument was signed by its President, sealed with its corporate seal and, attested by herself as its Secretary.

WITNESS my hand and official stamp or seal this 10th day of June, 2013.



Wanda C. Sigmon
Notary Public
Print Name: Wanda C. Sigmon
My Commission Expires: 8.23.2013

EXHIBIT A

LOT OWNER CONSENTS

**Lot Owner Signatures in Compliance with Article X, Section 3 of Declaration of
Covenants, Conditions and Restriction of Huntington Woods Homeowners
Association of Hickory, Inc.**

HUNTINGTON WOODS HOMEOWNERS ASSOCIATION OF HICKORY , INC.

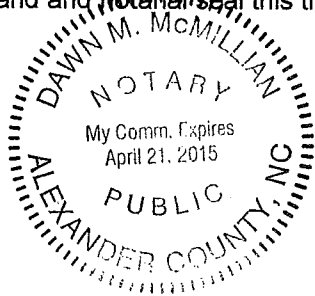
0384

As Owner of the below described Lot, I/we vote YES to adopt the proposed amendment to the Declaration of Covenants, Conditions and Restrictions of Huntington Woods Homeowners Association of Hickory, Inc., recorded in Book 1350 at Page 295 of the Catawba County Registry, entitled "Section 15. Lease Restrictions, Rules and Regulations."

	Name	Lot#	Signature
1	Sara Jean Owens	1780	Sara J Owens
2	Sue Fletcher Austin	1651	Sue Fletcher Austin
3	WALTER LONG HOLLAR	1712	Walter Long Hollar
4	DORIS ENNIS	1652	Doris Ennis
5	MARtha Pitts Reece	1784	Martha Pitts Reece
6	Linda Bacon Bolick	1623	Linda Bacon Bolick
7	Barbara A. Laney	1713	Barbara A. Laney
8	JOHN MAJOR	1787	John Major
	DONNA MAJOR	1787	Donna A. Major
9	Kay B. Melton	1650	Kay B Melton
10	MARION W. WALLIS	1742	Marion W. Wallis
11	Rebekah Wise Keith	1775	Rebekah Wise Keith
12	Robert Jackson Bohm TRSTEE	1631	Robert Jackson Bohm TRSTEE
13	KATHLEEN C LeCOMPTE	1783	Kathleen C LeCompte
14	ANN & TROTTER	1743	Ann & Trotter
15	Juanita G. Greene	1758	Juanita G Greene
16	Elizabeth W Witherspoon	1716	Elizabeth W Witherspoon
17	DOROTHY M STOREY	1776	Dorothy M Storey

STATE OF NORTH CAROLINA, COUNTY OF CATAWBA

I, Dawn M McMillian, a Notary Public, do hereby certify that all the above has/have sworn to me that he/she/they are the owner(s) of Huntington Woods Subdivision Lot # _____ and he/she/they personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and notary seal this the day 22nd of January, 2013.



Notary Public: Dawn M McMillian
My Commission Expires: April 21, 2015

HUNTINGTON WOODS HOMEOWNERS ASSOCIATION OF HICKORY , INC.

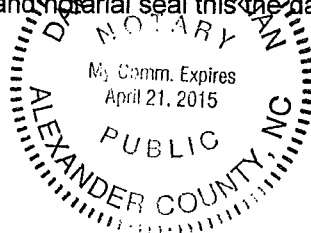
0385

As Owner of the below described Lot, I/we vote YES to adopt the proposed amendment to the Declaration of Covenants, Conditions and Restrictions of Huntington Woods Homeowners Association of Hickory, Inc., recorded in Book 1350 at Page 295 of the Catawba County Registry, entitled "Section 15. Lease Restrictions, Rules and Regulations."

	Name	Lot#	Signature
18	Barbara S. Miller	1721	Barbara S Miller
	LARRY MILLER	1721	L. Miller
19	Jean Michele Martow	1720	Jean Michele Martow
20	Judy Gragg Miller	1711	Judy Gragg Miller
21	ESTEBAN JORDAN	1710	Esteban Jordan
22	Kaye McCall Medford	1633	Kaye McCall Medford
23	Rebecca Anne Green	1717	Rebecca Anne Green
24	Domenico S. Cappi	1752	Domenico S. Cappi
25	Janet Cadwell Jerch	1782	Janet Jerch
26	William J Dooler	1621	William J Dooler
27	Gina S. Styres	1786	Gina S Styres
	Robert Styres, Jr.	1786	Robert M. Styres
28	Gill Thomas	1654	Gill Thomas
	Craig S. Thomas	1654	Craig S. Thomas
29	LESLIE ELLEN AVANT	1715	Leslie Ellen Avant

STATE OF NORTH CAROLINA, COUNTY OF CATAWBA

I, Dawn McMillen, a Notary Public, do hereby certify that all the above has/have sworn to me that he/she/they are the owner(s) of Huntington Woods Subdivision Lot # 1721 and he/she/they personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and notarial seal this the day 26th of February, 2013.



Notary Public: Dawn McMillen
My Commission Expires: April 21, 2015

HUNTINGTON WOODS HOMEOWNERS ASSOCIATION OF HICKORY, INC.

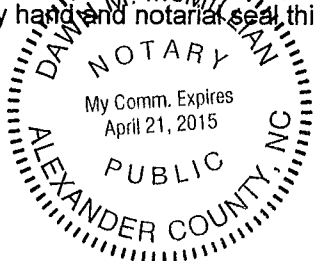
0386

As Owner of the below described Lot, I/we vote YES to adopt the proposed amendment to the Declaration of Covenants, Conditions and Restrictions of Huntington Woods Homeowners Association of Hickory, Inc., recorded in Book 1350 at Page 295 of the Catawba County Registry, entitled "Section 15. Lease Restrictions, Rules and Regulations."

	Name	Lot#	Signature
30	Joann W Miller	1774	Joann W Miller
31	Anita W. Norris	1759	Anita W. Norris
32	Margaret H. Robinson	1771	Margaret H. Robinson
33	Angela M. Simon	1762	Angela M. Simon
34	RONALD EARLEY	1754	Ronald E. Earley
	BARBARA BEARLEY	1754	Barbara B. Earley / Mabel Earley
35	Linda Monroe	1751	Linda Monroe
36	CHARLES J. TRAVIS	1764	Charles J. Travis
37	Jody P. Myers	1620	Jody P. Myers
38	SAUNDRA L BOGGINA	1620	Sandra L. Boggin
39	Dwight W. Wilson	1674	Dwight W. Wilson
40	Jerry Wynn Towner	1626	Jerry Wynn Towner
41	OLAN FEAR	1632	Olan D. Fear
42	Peggy Raymer Prevatte	1641	Peggy Raymer Prevatte
43	Vinnie G. DUNCAN	1630	Vinnie G. Duncan
	Clyde R. Duncan	1630	Clyde R. Duncan
44	Ingrid E. Peake	1643	Ingrid E. Peake
45	Barbara T. Conway	1737	Barbara T. Conway

STATE OF NORTH CAROLINA, COUNTY OF CATAWBA

I, Dawn M McMillan, a Notary Public, do hereby certify that all the above has/have sworn to me that he/she/they are the owner(s) of Huntington Woods Subdivision Lot # _____ and he/she/they personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and notarial seal this the day 14th of May, 2013.



Notary Public: Dawn M. McMillan
My Commission Expires: April 21, 2015

HUNTINGTON WOODS HOMEOWNERS ASSOCIATION OF HICKORY , INC.

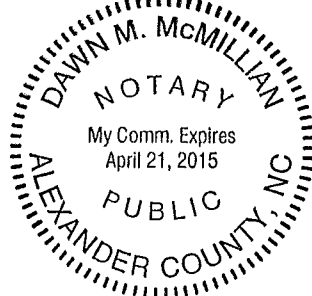
0387

As Owner of the below described Lot, I/we vote YES to adopt the proposed amendment to the Declaration of Covenants, Conditions and Restrictions of Huntington Woods Homeowners Association of Hickory, Inc., recorded in Book 1350 at Page 295 of the Catawba County Registry, entitled "Section 15. Lease Restrictions, Rules and Regulations."

	Name	Lot#	Signature
46	Pauline Lane	1736	Pauline Lane
47	ERNESTINE H. HALL	1719	Ernestine H. Hall
48	Marilyn Childers	1718	Marilyn Childers
49	SANDRA G. DENNY ②	1732	Sandra G. Denny
50	NANCY ABERNETHY GALL	1731	Nancy A. Gall
51	Joy Carpenter Martin	1791	Joy Carpenter Martin
52	Judith Burbank	1781	Judith Burbank
53	AL JEAN BOGLE	1777	Al Jean Bogle
54	Ruth B. Mitchell	1778	Ruth B. Mitchell
55	BART Richard STARR ①	1755	Bart R. Starr
56	NONA R BURNS	1720	Nona R Burns

STATE OF NORTH CAROLINA, COUNTY OF CATAWBA

I, Dawn M McMILLIAN, a Notary Public, do hereby certify that all the above has/have sworn to me that he/she/they are the owner(s) of Huntington Woods Subdivision Lot # _____ and he/she/they personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and notarial seal this the day 14th of May, 2013.



Notary Public: Dawn M McMILLIAN
My Commission Expires: April 21, 2015

HUNTINGTON WOODS HOMEOWNERS ASSOCIATION OF HICKORY, INC.

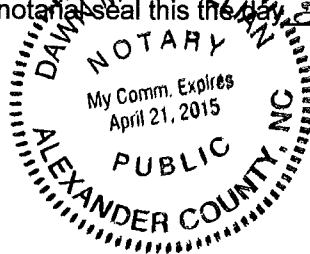
0388

As Owner of the below described Lot, I/we vote YES to adopt the proposed amendment to the Declaration of Covenants, Conditions and Restrictions of Huntington Woods Homeowners Association of Hickory, Inc., recorded in Book 1350 at Page 295 of the Catawba County Registry, entitled "Section 15. Lease Restrictions, Rules and Regulations."

	Name	Lot#	Signature
39	SUSAN H. BLIZZARD	1740	Susan H. Blizzard
58	Rebecca Munday Yount	1642	Rebecca Munday Yount
	DONALD F. DENNY ²	1732	Donald F. Denny
59	Kathryn Caroline Meyer	1712	Kathryn C Meyer
60	Laurel V. Hutchinson	1793	Laurel V. Hutchinson
61	Lynn W. Sigman	1753	Lynn W. Sigman
	FREY J. SIGMAN	1753	Frey J. Sigman
	Robin S. Annas ¹	1755	Robin S. Annas

STATE OF NORTH CAROLINA, COUNTY OF CATAWBA

I, Dawn M. McMillan, a Notary Public, do hereby certify that all the above has/have sworn to me that he/she/they are the owner(s) of Huntington Woods Subdivision Lot # 1740 and he/she/they personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and notary seal this the 29th day of May, 2013.



Notary Public: Dawn M. McMillan
My Commission Expires: April 21, 2015

HUNTINGTON WOODS HOMEOWNERS ASSOCIATION OF HICKORY, INC.

As Owner of the below described Lot, I/we vote **YES** to adopt the proposed amendment to the Declaration of Covenants, Conditions and Restrictions of Huntington Woods Homeowners Association of Hickory, Inc., recorded in Book 1350 at Page 295 of the Catawba County Registry, entitled "Section 15. Lease Restrictions, Rules and Regulations."

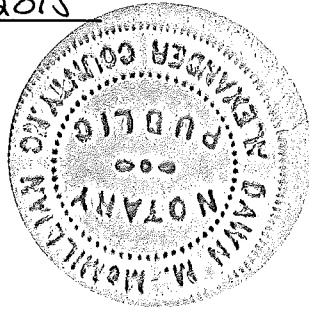
Name	Lot #	Signature
62 MARY L. REICHARD	1653	<i>Mary L. Reichard</i>

STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

I, Dawn M McMillan a Notary Public, do hereby certify that Mary L. Reichard has/have sworn to me that he/she/they are the owner(s) of Huntington Woods Subdivision Lot # 1653 and he/she/they personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and notarial seal this the 1st day of June, 2013.

Notary Public: Dawn M McMillan
My Commission Expires: April 21, 2015



HUNTINGTON WOODS HOMEOWNERS ASSOCIATION OF HICKORY, INC.

As Owner of the below described Lot, I/we vote YES to adopt the proposed amendment to the Declaration of Covenants, Conditions and Restrictions of Huntington Woods Homeowners Association of Hickory, Inc., recorded in Book 1350 at Page 295 of the Catawba County Registry, entitled "Section 15. Lease Restrictions, Rules and Regulations."

63

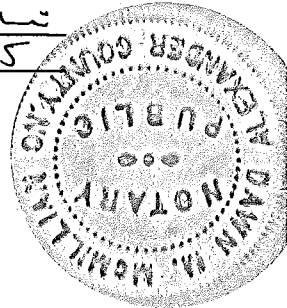
Name	Lot #	Signature
Kasey L. Wells	1634	<i>Kasey L. Wells</i>

STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

I, Dawn M McMillen, a Notary Public, do hereby certify that Kasey L. Wells has/have sworn to me that he/she/they are the owner(s) of Huntington Woods Subdivision Lot # 1634 and he/she/they personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and notarial seal this the 2nd day of June, 2013.

Notary Public: Dawn M McMillen
My Commission Expires: April 21, 2015



HUNTINGTON WOODS HOMEOWNERS ASSOCIATION OF HICKORY, INC.

As Owner of the below described Lot, I/we vote **YES** to adopt the proposed amendment to the Declaration of Covenants, Conditions and Restrictions of Huntington Woods Homeowners Association of Hickory, Inc., recorded in Book 1350 at Page 295 of the Catawba County Registry, entitled "Section 15. Lease Restrictions, Rules and Regulations."

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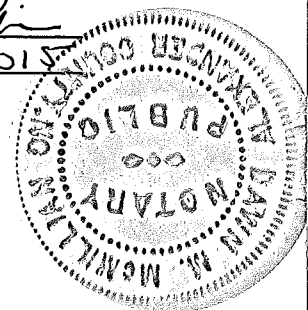
Name	Lot #	Signature
LANA MCNAMARA	1772	<i>Lana Dawn McNamara</i>

STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

I, Dawn M McMillan, a Notary Public, do hereby certify that Lana Dawn McNamara has/have sworn to me that he/she/they are the owner(s) of Huntington Woods Subdivision Lot # 1772 and he/she/they personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and notarial seal this the 22 day of June, 2013.

Notary Public: *Dawn M McMillan*
My Commission Expires: April 21, 2015



HUNTINGTON WOODS HOMEOWNERS ASSOCIATION OF HICKORY, INC.

As Owner of the below described Lot, I/we vote **YES** to adopt the proposed amendment to the Declaration of Covenants, Conditions and Restrictions of Huntington Woods Homeowners Association of Hickory, Inc., recorded in Book 1350 at Page 295 of the Catawba County Registry, entitled "Section 15. Lease Restrictions, Rules and Regulations."

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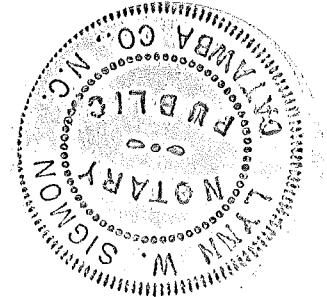
Name	Lot #	Signature
Dawn M McMillian	1757	Dawn M McMillian

STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

I, Lynn W. Sigmon a Notary Public, do hereby certify that Dawn M. McMillian has/have sworn to me that he/she/they are the owner(s) of Huntington Woods Subdivision Lot # 1757 and he/she/they personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and notarial seal this the 27th day of May, 2013.

Notary Public: Lynn W. Sigmon
My Commission Expires: May 22, 2015



HUNTINGTON WOODS HOMEOWNERS ASSOCIATION OF HICKORY, INC.

As Owner of the below described Lot, I/we vote **YES** to adopt the proposed amendment to the Declaration of Covenants, Conditions and Restrictions of Huntington Woods Homeowners Association of Hickory, Inc., recorded in Book 1350 at Page 295 of the Catawba County Registry, entitled "Section 15. Lease Restrictions, Rules and Regulations."

Name	Lot #	Signature
Joan Gaudette	1785	Joan Gaudette

STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

I, Dawn M McMillan, a Notary Public, do hereby certify that Joan Gaudette has/have sworn to me that he/she/they are the owner(s) of Huntington Woods Subdivision Lot # 1785 and he/she/they personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and notarial seal this the 6th day of June, 2013.

Notary Public: Dawn M McMillan
My Commission Expires: April 21, 2015

