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Buncombe County, NC
Drew Reisinger Register of Deeds

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BK 5832 PG 459-461

✓ Please return to Erin F. Dunnuck, Esq., Dunnuck Law Firm, P.L.L.C., 16 Broad Street, Asheville, North Carolina 28801 – Box 64

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

References: Deed Book 4067, Page 317
Deed Book 4169, Page 1396
Deed Book 4631, Page 404

**AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS FOR HAMBURG CROSSING**

THIS AMENDMENT made this the 1st day of November, 2019 by Hamburg Crossing Property Owner’s Association, Inc., a North Carolina non-profit corporation; and

WITNESSETH

WHEREAS, Hamburg Crossing Property Owner’s Association, Inc. (“Association”) a real property development established as a planned community to be organized, controlled and governed by that certain document, Declaration of Covenants, Conditions and Restrictions for the Hamburg Crossing (“Declaration”), recorded in Deed Book 4067, Page 317 of the Buncombe County Registry, as amended; and

WHEREAS, in accordance with the provisions of Article XII, Section 3 of the Declaration and Section 47F-2-117 of the Planned Community Act, owners of lots to which at least sixty-seven percent (67%) of the votes are allocated voted in favor of the adoption of this Amendment; and

NOW THEREFORE, the Declaration is hereby amended by striking Section 2 of Article VI of the Declaration and replacing it with the following Section 2 of Article VI:

ARTICLE VI
Assessments

2. Association Responsibility. If a maintenance or repair item is not specifically listed as the Association’s responsibility in this Declaration, the maintenance or repair item is the Owners’ responsibility.

NOW THEREFORE, the Declaration is hereby amended by striking Section 3(f) and Section 3(g) of Article VI of the Declaration and replacing it with the following Section 3(f) and Section 3(g) of Article VI:

ARTICLE VI
Assessments

3. Purpose of Assessments: The Assessments levied by the Association may be used for the following purposes:

- (f) for the exterior maintenance of all improvements on each lot within the Property, including painting, repairing, replacement and care of roofs, gutters, downspouts, exterior building surfaces, trees, shrubs, grass, walks and other exterior improvements. Such exterior maintenance or repair shall not include glass surfaces or locks. The Assessments levied by the Association may also be used for maintenance and repair of water pipelines, valves and other equipment used to convey water from the water meter to the foundation at the exterior of each dwelling. The Association is not responsible for water pipelines past the foundation at the exterior of each dwelling.

In the event that the need for maintenance or repair of a lot or improvements thereon is caused by the willful or negligent act of any family member, guest, or invitees of the owner of any lot needing such maintenance shall be added and become part of the assessment to which such lot is subject. The Association, in its sole discretion, determines what maintenance is required;

- (g) for landscape and yard work maintenance, including mowing of grass for all property within the Property. The Assessments levied by the Association may be used for the purpose of repairing or replacing landscaping or hardscapes altered or damaged through the course of maintaining or repairing the exterior water pipelines;

IN WITNESS WHEREOF, the undersigned officers of Hamburg Crossing Property Owner's Association, Inc. hereby certify that the above amendment to the Declaration of Covenants, Conditions and Restrictions for Hamburg Crossing is duly adopted by the Association and its membership in accordance with and pursuant to the Declaration.

This 1st day of November, 2019.

Hamburg Crossing Property Owner's Association, Inc.

By: Martha M. Biemelt
President

Attest: Doris T. Polash
Secretary

STATE OF NORTH CAROLINA
COUNTY OF Buncombe

I Pamela Halsnik, Notary Public for Buncombe County, North Carolina, certify that Martha M. Biemelt ~~Doris T. Polash~~ personally came before me this day and acknowledged that she/he is Hamburg Crossing Property Owner's Association, Inc., a nonprofit 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 and attested by herself/ himself as its Secretary.

Witness my hand and official seal, this the 1st day of November, 2019.

(SEAL)

Pamela Halsnik
Notary Public

My commission expires: October 3, 2020

