

Prepared by Scott Neumann  
Return to Steve Smiley  
P.O. Box 270K  
HENDERSONVILLE NC 28739

STATE OF NORTH CAROLINA  
COUNTY OF TRANSYLVANIA

000456 000227

**AMENDMENT TO THE DECLARATION OF RESTRICTIVE COVENANTS  
OF JUMP CREEK SUBDIVISION**

This Amendment to the Declaration of Restrictive Covenants of Jump Creek Subdivision is made by at least 75% of the property owners of lots owned within Jump Creek Subdivision, one vote per lot.

**WITNESSETH:**

WHEREAS, at least 75% of the lot owners in Jump Creek Subdivision desire to make certain modifications to the Restrictive Covenants which were recorded in Deed Book 273, page 523 of the Transylvania County Registry of Deeds.

NOW THEREFORE, in consideration of the premises, lot owners hereby execute this instrument and hereby subject themselves, heirs and assigns to the following modification of Declaration of Restrictive covenants: Jump Creek Subdivision:

1. Change paragraph 17 to read as follows:

**HOMEOWNERS ASSOCIATIONS:** The homeowners association has incorporated as "Non-profit corporation of Jump Creek Country Estates Property Owners, Inc." Any common areas of the Association shall be preserved and maintained by the non-profit corporation. All lot owners shall be members of the corporation, and there shall be 1 vote per lot owned.

2. Change the paragraph 24 to read as follows:

**COVENANTS AND RESTRICTIONS: WHO IS BOUND:** All the covenants and restrictions herein shall run with the land and be binding upon the heirs, executors, administrators, legal representatives, successors and assigns of the respective parties hereto, and that the word "owner" when used in the deed shall include the singular, plural, masculine, feminine, and neuter genders whenever and wherever the context so admits and requires. The homeowners associations board of director's reserves the right to grant easements for garage facings, setbacks, etc. in cases of hardship due to topography.

Filed for registration on the 26 day of Oct  
1991 at 11:30 o'clock A.M. and registered and  
verified on the 26 day of Oct, 1991  
in Book No: 459 of page 257  
Julie R. Edwards

Register of Deeds, Transylvania County

Bill H. Smith  
Deed

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3. Add the following paragraph 26-a:

**TERMS OF DEFAULT:** In the event that in a particular year the owner of any lot located in the subdivision which is subject to the annual road maintenance fee, assessments and special assessments herein above provided for does not pay said annual fee within fifty (50) days after said fee has been levied and the owner has been notified in writing of such levy by certified mail, then if not so paid, any such levy shall constitute a lien against that owner's lot from the date of the filing of a certificate of lien against that lot in the office of the Register of Deeds for Transylvania County, North Carolina. Any lien may also include costs associated with the filing the lien including reasonable attorney's fees. Upon filing the lien, interest shall accrue on it at the maximum legal rate. Such notice of lien shall be signed by two of the elected board members, the President and the Treasurer, on behalf of the Association. Upon payment of said assessment charge and interest, the Board of Directors shall, within a reasonable time, have said lien cancelled. All liens provided for herein may be foreclosed by suit by the party filing said lien in like manner as a deed of trust and, in such event, the party filing said lien might be a bidder at a foreclosure sale.

4. Add the following paragraph 26-b:

**MAINTENANCE COSTS:** The annual cost of repairing and maintaining all common roadways and common areas and owners of each lot or lots in the subdivision. This fee will be determined yearly by the members.

**Special Assessments:** The fees shall be due 30 days from mailing, and shall be assessed a \$25.00 late fee. The board of directors may levy special assessments on the property owners for special emergency needs of the Association as voted on by the board of directors.

5. Add the following paragraph 26-c:


**DEVELOPER:** Anywhere in the prior restrictive covenants recorded at Deed Book 270, Page 593, Transylvania County Register, where it references the Developer for purposes of modifications, enforcements or interpretation of these covenants, shall be changed to the Board of Directors of Jump Creek Subdivision.

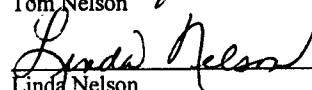
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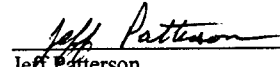
IN WITNESS WHEREOF, the parties hereto have hereunto set the hand and seal, the day and year first above written.

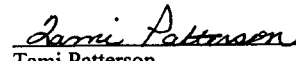
\_\_\_\_\_(SEAL)  
Christopher Goodwin

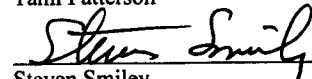
\_\_\_\_\_(SEAL)  
Adina Goodwin

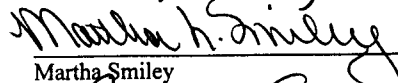
\_\_\_\_\_(SEAL)  
Tom Nelson

\_\_\_\_\_(SEAL)  
Linda Nelson

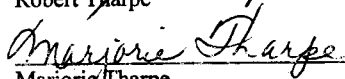
\_\_\_\_\_(SEAL)  
Jeff Patterson

\_\_\_\_\_(SEAL)  
Tami Patterson


\_\_\_\_\_(SEAL)  
Steven Smiley

\_\_\_\_\_(SEAL)  
Martha Smiley

\_\_\_\_\_(SEAL)  
Robert Tharpe

\_\_\_\_\_(SEAL)  
Marjorie Tharpe

\_\_\_\_\_(SEAL)  
Ernest Wildfoerster

\_\_\_\_\_(SEAL)  
Alma Wildfoerster

\_\_\_\_\_(SEAL)  
Carl Corning

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Aimee S. Corning (SEAL)  
Aimee Corning

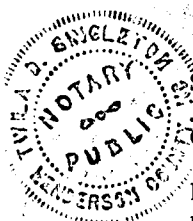
Bernhard Riewarts (SEAL)  
Bernhard Riewarts  
Riewarts (R)

Lorraine Riewarts (SEAL)  
Lorraine Riewarts  
Riewarts (R)

Paul Grossman (SEAL)  
Paul Grossman

Barbara Grossman (SEAL)  
Barbara Grossman

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STATE OF North Carolina  
COUNTY OF Henderson

I, a Notary Public of the County and State aforesaid, certify that Steven and Martha Smiley personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official seal, this the 23<sup>rd</sup> day of July, 1999.

Julie D. Singleton  
Notary Public

My Commission Expires:

May 18, 2003



STATE OF North Carolina  
COUNTY OF Transylvania

I, a Notary Public of the County and State aforesaid, certify that Robert and Marjorie Tharpe personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official seal, this the 7<sup>th</sup> day of August, 1999.

Karen R. Stewart  
Notary Public

My Commission Expires:

7-6-2003

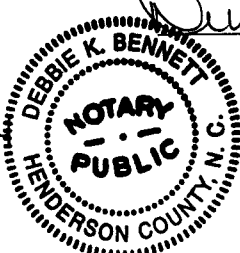
STATE OF North Carolina  
COUNTY OF Henderson

I, a Notary Public of the County and State aforesaid, certify that Ernest and Alma Wildfoerster personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official seal, this the 18<sup>th</sup> day of October, 1999.

Debbie K. Bennett  
Notary Public

My Commission Expires:

April 5, 2004



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STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, a Notary Public of the County and State aforesaid, certify that Carl and Aimee Corning personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official seal, this the 19 day of Aug, 1999.



Donna L. Smith  
Commission # GG 813191  
Expires Mar. 26, 2003  
Bonded Thru  
Atlantic Bonding Co., Inc.

Donna L. Smith  
Notary Public

My Commission Expires:

STATE OF N. C.

COUNTY OF Henderson

I, a Notary Public of the County and State aforesaid, certify that Bernhard and Lorraine Riewerts personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official seal, this the 24 day of July, 1999.

Riewerts e

Susie Wheatley  
Notary Public

My Commission Expires:  
My Commission Expires October 19, 2003

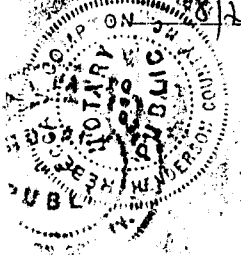
STATE OF NC

COUNTY OF Henderson

I, a Notary Public of the County and State aforesaid, certify that Paul and Barbara Grossman personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official seal, this the 21 day of Aug, 1999.

Rebecca J. Ampt  
Notary Public  
date 8/28/2002

My Commission Expires:



000456 000233

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

I, a Notary Public of the County and State aforesaid, certify that Christopher and Adina Goodwin personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official seal, this the \_\_\_ day of \_\_\_\_\_, 1999.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
\_\_\_\_\_

STATE OF North Carolina

COUNTY OF Henderson

I, a Notary Public of the County and State aforesaid, certify that Tom and Linda Nelson personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official seal, this the 29<sup>th</sup> day of July, 1999.



Thelma D. Singleton  
Notary Public

My Commission Expires:  
May 19, 2003

STATE OF North Carolina

COUNTY OF Henderson

I, a Notary Public of the County and State aforesaid, certify that Jeff and Tami Patterson personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official seal, this the 27 day of July, 1999.

Leanna I. Patterson  
Notary Public

My Commission Expires:  
7-31-2002



STATE OF NORTH CAROLINA TRANSYLVANIA COUNTY

The foregoing certificate of Thelma D. Singleton, Karen R. Stewart, Debbie L. Bunk,  
a Notary Public (Donna L. Smith, Susie G. White, Hayley, Rebecca J. Compton,  
State and County designated, is (are) certified to Leanna I. Patterson

be correct.  
This 26 day of October, 1999

William Edwards  
Register of Deeds  
Boeing & Smith Deputy