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Buncombe County, NC
Drew Reisinger Register of Deeds

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Prepared by and return to:
GOOSMANN ROSE COLVARD & CRAMER, P.L.A.
Box 81 (EMC/em 15-1291)

**STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE**

**FIRST AMENDMENT
TO
AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS
FOR
WOODCREST AT BILTMORE TERRACE**

This **First Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Woodcrest at Biltmore Terrace** is made and entered into this the 2nd day of March, 2017 by Highland Property Group, LLC, a North Carolina limited liability (hereinafter "Declarant" or "Developer") and with approval of Owners of Lots in the Woodcrest at Biltmore Terrace subdivision (herein "Subdivision") representing at least sixty-seven percent (67%) of votes in the **BILTMORE TERRACE HOME OWNERS ASSOCIATION, INC.**, a North Carolina non-profit corporation.

WTTNESSETH:

THAT WHEREAS, Developer is the developer and declarant of that certain residential development commonly referred to as "Woodcrest at Biltmore Terrace"; and

WHEREAS, Developer has heretofore filed an **Amended and Restated Declaration of Covenants, Conditions and Restrictions for Biltmore Terrace now known as Woodcrest at Biltmore Terrace** which is recorded in Record Book 5346 at Page 1037 in the Buncombe County, North Carolina Registry (herein the "Declaration"); and

WHEREAS, the Declaration provides, in relevant part, that Declarant, with approval of Owners in the Association representing more than two-thirds of the total votes, may make necessary amendments to the Declaration prior to conveyance of the Common Elements from the Declarant to the Association; and

WHEREAS, the Declarant is the owner of that certain property situate, lying and being in the County of Buncombe, State of North Carolina, being shown and designated as Lots 8, 10, 11, 12, 13, 14 and 15, Phase Two of Biltmore Terrace as shown on that plat recorded in Plat Book 166 at Page 59, Buncombe County, NC Registry, reference to which Plat is hereby made for a more particular description thereof (herein the "Property").

WHEREAS, Declarant desires that the Property be added to the Woodcrest at Biltmore Terrace Subdivision and be subject to the plan and operation of the Declaration.

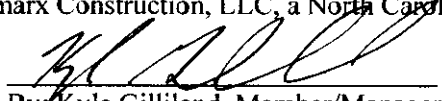
NOW THEREFORE, Developer hereby declares as follows:

1. Definitions. The words used in this First Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Woodcrest at Biltmore Terrace, unless the context shall clearly indicate otherwise, shall have the same meanings as set forth in the Declaration.
2. Submission of Property to Declaration. The Property, as set forth herein, is and shall be held, transferred, sold, conveyed, donated, leased and occupied subject to the terms and conditions of the Declaration, and the covenants, restrictions, conditions, easements and affirmative obligations set for therein, to the same extent as if such Property has originally been set forth in the Declaration, as it is now further amended by this First Amendment.
3. Completeness. Except as herein provided, the Declaration shall remain in full force and effect, without modification, the Declaration as amended hereby being the complete text of said instrument as of the date hereof.

IN WITNESS WHEREOF, the Declarant as caused this instrument to be executed the date and year first above written.

HIGHLAND PROPERTY GROUP, LLC
a North Carolina limited liability company

By: Amarn Construction, LLC, a North Carolina limited liability company, Member/Manager


 By: Kyle Gilliland, Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF ~~BUNCOMBE~~ **YANCEY**

I, the undersigned Notary Public of the County and State aforesaid, certify the following person(s) personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed: KYLE GILLILAND, Member/Manager of Amarn Construction, LLC, as Member/Manager of Highland Property Group, LLC. Witness my hand and Notarial stamp or seal this the 2 day of March, 2017.


 NOTARY PUBLIC
 COMMISSION EXPIRATION: May 15, 2017

