

6



Doc ID: 031367030006 Type: CRP
Recorded: 09/21/2017 at 01:27:38 PM
Fee Amt: \$26.00 Page 1 of 6
Workflow# 0000433278-0001
Buncombe County, NC
Drew Reisinger Register of Deeds

J

BK 5592 PG 910-915

Prepared by and return to:
GOOSMANN ROSE COLVARD & CRAMER, P.A.
Box 81 (EMC/em 15-1291)
TITLE NOT EXAMINED NOR OPINION RENDERED BY THE PREPARER HEREOF

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

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

This Second Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Woodcrest at Biltmore Terrace is made and entered into this the 21 day of September, 2017 by the **BILTMORE TERRACE HOME OWNERS ASSOCIATION, INC.**, a North Carolina non-profit corporation (hereinafter the "Association") with approval of at least sixty-seven percent (67%) of votes by Owners of Lots in the Woodcrest at Biltmore Terrace subdivision (herein "Subdivision") and **ROSS HOLDINGS, LLC**, a North Carolina limited liability company (hereinafter "Ross Holdings").

WTTNESSETH:

THAT WHEREAS, Highland Property Group, LLC, a North Carolina limited liability was the developer and declarant of that certain residential development commonly referred to as "Woodcrest at Biltmore Terrace" and 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 as amended by that certain **First Amendment** recorded in Record Book 5525 at Page 1402 (herein collectively the "Declaration"); and

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

2

WHEREAS, ROSS HOLDINGS is the owner of those certain properties known as 31, 33, 35 and 37 Lamar Avenue and described in that deed recorded in Record Book 5503 at Page 1656, Buncombe County, NC Registry, reference to which is hereby made for a more particular description thereof (herein the "Ross Holdings Property"); and

WHEREAS, ROSS HOLDINGS desires that the Ross Holdings Property all be added to the Woodcrest at Biltmore Terrace Subdivision and be subject to the plan and operation of the Declaration.

NOW THEREFORE, with the vote of approval from Owners of Lots in the Subdivision representing at least sixty-seven percent (67%) of votes in the Subdivision and Association as evidenced by those certain Association meeting minutes attached hereto as Exhibit A, the ASSOCIATION, with joinder of ROSS HOLDINGS, hereby declares as follows:

1. **Definitions.** The words used in this Second 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 Ross Holdings 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 forth 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 Second 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.

SIGNATURE PAGES TO FOLLOW

SIGNATURE PAGE
TO
SECOND AMENDMENT
TO
AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR WOODCREST AT BILTMORE TERRACE

BILTMORE TERRACE HOME OWNERS ASSOCIATION, INC.,
a North Carolina non-profit corporation

B. Ethridge
By: Brian Ethridge, President

STATE OF North Carolina
COUNTY OF Buncombe

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: Brian Ethridge, President of Biltmore Terrace Home Owners Association, Inc. Witness my hand and Notarial stamp or seal this the 31 day of August, 2017.

C. Scott McKenzie
NOTARY PUBLIC
COMMISSION EXPIRATION: 9-30-2020



SIGNATURE PAGE
TO
SECOND AMENDMENT
TO
AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR WOODCREST AT BILTMORE TERRACE

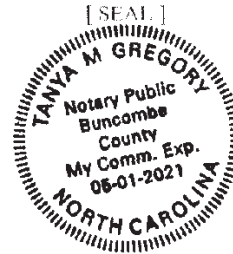
ROSS HOLDINGS, LLC,
a North Carolina limited liability company

David A. Ross
By: David A. Ross, Manager

STATE OF NC
COUNTY OF Buncombe

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: David A. Ross, Manager of Ross Holdings, LLC. Witness my hand and Notarial stamp or seal this the 1st day of September, 2017.

Tanya M Gregory
NOTARY PUBLIC
COMMISSION EXPIRATION: 5-1-2021



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

Attach Association meeting minutes of Vote

6

UNIFYING COMMUNITIES.



Meeting Minutes for Biltmore Terrace HOA, Inc.

Meeting Type Annual

Meeting Date 07/10/2017

Location

Called To Order 6:00 pm

Minutes Approval Quorum verified with 31 owners present in person or by proxy.

President's Report K Gilliland reviewed board approved budget with those in attendance. Absent opposition the budget for next fiscal year was approved.

New Business From minutes of May, 2017 annual meeting: The motion to add the Lamar Road properties to the HOA was made and seconded and passed unanimously by show of hands at the Annual Meeting. We wanted to remind owners that this vote is scheduled to be taken officially and memorialized at the July 10th meeting.

Previous motion called to vote, seconded and passed unanimously by attendees (both person and proxy)

Next Meeting Date

Time Adjourned 7:00 pm

POST OFFICE BOX 580 2602 HENDERSONVILLE RD. ARDEN, NC 28704
T: (828) 450 6875 (646) 978 3839 F: (828) 654 8270 www.ipmhoa.com

