



2019002447

AVERY CO, NC FEE \$26.00
PRESENTED & RECORDED:

06-20-2019 08:06:49 AM

RENEE DELLINGER
REGISTER OF DEEDS
BY: CHERYL GARLAND
DEPUTY

BK: RE 532

PG: 6-8

Gina Pennefer

**AMENDMENT
TO
DECLARATION
FOR
CROOKED CREEK PROPERTY OWNERS ASSOCIATION**

THIS AMENDMENT, made this 18 day of April, 2019 by the CROOKED CREEK PROPERTY OWNERS ASSOCIATION a North Carolina Unincorporated Association, (the "Association"), pursuant to the provisions of Chapter 47F of the North Carolina General Statutes, entitled "North Carolina Planned Community Act",

WITNESSETH:

WHEREAS, a Declaration of Restrictions, Covenants, and Conditions for Crooked Creek Development was executed pursuant to Chapter 47F of the North Carolina General Statutes establishing "Crooked Creek Development subdivision, including attachments, exhibits and amendments (the "Declaration"). The Declaration is dated November 1, 1993 and is recorded in Book 252, at Page 674, Avery County Registry. The Declaration is included in and made a part of this document as if fully set out herein; and

WHEREAS, the Association is the duly constituted property owners association for Crooked Creek Development subdivision as provided for in the Declaration and is the successor in interest to the Declarant; and

WHEREAS, the Association, its Lot Owners and Members have agreed that it is in their best interest to amend this Declaration to clarify certain matters with respect to the leasing of homes within the subdivision, in accordance with the terms and provisions set forth below; and

WHEREAS, NCGS § 47F-102-17 of the North Carolina Planned Community Act provides that this Declaration may be amended by affirmative vote of the Members of the Association (Owners) representing not less than sixty-seven percent (67%) of the total number of votes allocated to all Lots by this Declaration; and

WHEREAS, by written ballot, the amendment to the Declaration set forth herein was duly approved by the affirmative vote of Owners and Members of the Association representing not less than sixty-seven percent (67%) of the total number of votes allocated to all Lots as provided in the Declaration.

NOW, THEREFORE, the Association and its Owners and Members do hereby amend the Declaration as follows:

Section 3.16 shall be deleted in it's entirely and the following language is substituted in lieu thereof;

Section 3.16. Leasing. The Owner of a Lot shall have the right to lease such Lot, subject to the following conditions. Any lease of a home in Crooked Creek shall be for a minimum of 30 consecutive days. No sub-leases shall be permitted. All leases shall be subject to the terms of the Crooked Creek Development Documents (CCDD), as amended from time to time. Any failure of an Owner's tenant to comply with the terms of the CCDD shall be a default under the lease. The Owner shall be liable for any violation of the CCDD committed by the Owner's tenant, without prejudice to the Owner's right to collect any sums paid by the Owner of behalf of the tenant.

IN WITNESS WHEREOF, CROOKED CREEK PROPERTY OWNERS ASSOCIATION has caused this instrument to be signed in its name by its duly authorized *President* and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written and said *President* does hereby certify compliance with the amendment procedures set forth in the North Carolina Planned Community Act.

CROOKED CREEK PROPERTY OWNERS ASSOCIATION

By Richard S. Mather (Seal)
Richard S. Mather, President

Attested by:
Frank A. Wimbush (Seal)
Frank A. Wimbush, Secretary

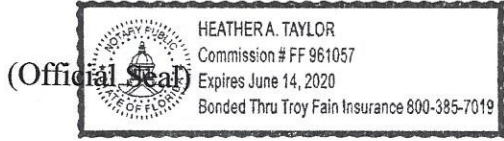
State of Florida

County of Brevard

I, Heather A. Taylor, a Notary Public for the aforesaid state and county, do hereby certify that *Richard S. Mather, President*, personally came before me this day and acknowledged that he is *President* of CROOKED CREEK PROPERTY OWNERS ASSOCIATION, and

acknowledged, on behalf of CROOKED CREEK PROPERTY OWNERS ASSOCIATION, the due execution of the foregoing instrument.

Witness my hand and official seal, this the 24 day of May, 2019.



Heather A. Taylor
Notary Public

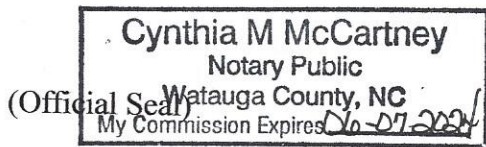
My commission expires June 14, 2020.

State of North Carolina

County of Avery

I, Cynthia M. McCartney, a Notary Public for the aforesaid County and State, do hereby certify that Frank A. Wimbush, personally came before me this day and acknowledged that he is Secretary of CROOKED CREEK PROPERTY OWNERS ASSOCIATION, a North Carolina unincorporated association, and that by the authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its association seal and attested by himself as Secretary.

Witness my hand and official seal, this the 7th day of June, 2019.



Cynthia M. McCartney
Notary Public

My commission expires 06-07, 2024.