

After recording, mail to: Brian S. Edlin, P.O. Box 10669, Raleigh, NC 27605-0669
This instrument was prepared by: Jordan, Price, Wall, Gray, Jones & Carlton, PLLC

NORTH CAROLINA

WAKE COUNTY

**AMENDMENT
TO
BLOOMSBURY ESTATES
DECLARATION OF CONDOMINIUM**

This AMENDMENT TO BLOOMSBURY ESTATES DECLARATION OF CONDOMINIUM (the "Amendment") is made and entered into the _____ day of _____, 2021, by the Bloomsbury Estates Condominium Homeowners Association, Inc. ("the Association").

W I T N E S S E T H:

WHEREAS, Bloomsbury, L.L.C., as original Declarant, executed and, on 13 July 2009, caused to be recorded at Book 13621, Page 2702, Wake County Registry, an instrument entitled "Bloomsbury Estates Declaration of Condominium", as amended and modified from time to time (collectively, and as otherwise amended and supplemented, the "Declaration"); and

WHEREAS, pursuant to Paragraph 21 of the Declaration, with respect to amendments that are of a material nature as defined therein, the Declaration may be amended with a vote of Unit Owners who represent sixty-seven percent (67%) of the total allocated votes in the Association cast in person or by proxy at a meeting held in accordance with the Bylaws; and

WHEREAS, no mortgage holders have made written request to the Association to receive notice of any amendment of the Declaration and therefore there are no eligible mortgage holders whose consent is required to amend the Declaration at this time; and

WHEREAS, the Unit Owners holding at least sixty-seven percent (67%) of the total allocated votes in the Association have voted to amend the terms of the Declaration as set forth hereinbelow; and

NOW THEREFORE, the undersigned do hereby declare that the following amendments to the Declaration shall be binding on all parties having or acquiring any right, title or interest in the real property subject to the Declaration, or any part thereof, and shall inure to the benefit of each Owner or successor in interest or assignee thereof:

1. RECITALS. The foregoing Recitals shall constitute an integral part of this Amendment, and this Amendment shall be construed in light thereof.

2. To delete Article 12 (q) in its entirety and replace it with the following:

(q) The balconies adjacent to each unit shall be kept in a clean, neat and orderly condition at all times and should not be used for storage or for the drying of laundry. In particular, clothing, underwear, towels or banners shall not be hung on the balcony railings, and any dead plants shall be removed promptly. No indoor carpeting, hot tub or other pool shall be installed on any balcony, nor any furniture that is of such insufficient weight that aloft winds may dislodge them from the balcony in dust cause a hazard.

3. This Amendment has been adopted in accordance with Paragraph 21 of the Declaration and shall be effective upon recordation in the Office of the Register of Deeds of Wake County.

4. Except as specifically amended hereinabove, the remaining provisions of the Declaration are hereby re-acknowledged and affirmed and remain in full force and effect in every respect.

IN WITNESS WHEREOF, the undersigned, being Association has caused this instrument to be executed effective on the date first above written.

**CERTIFICATION OF VALIDITY OF AMENDMENT TO
BLOOMSBURY ESTATES DECLARATION OF CONDOMINIUM**

By authority of its Board of Directors, the undersigned hereby certifies that the foregoing Fifth Amendment to Bloomsbury Estates Declaration of Condominium has been duly adopted and approved by the vote of Unit Owners who represent sixty-seven percent (67%) of the total allocated votes in the Association cast in person or by proxy at a meeting held in accordance with the Bylaws and is, therefore, a valid amendment to the existing Bloomsbury Estates Declaration of Condominium.

BLOOMSBURY ESTATES CONDOMINIUM
HOMEOWNERS ASSOCIATION, INC.

By _____
President

ATTEST:

Secretary

STATE OF NORTH CAROLINA

ACKNOWLEDGMENT

COUNTY OF WAKE

I, _____, a Notary Public of the County and State aforesaid, certify that _____, personally came before me this day and acknowledged that he/she is Secretary/Assistant Secretary of Bloomsbury Estates Condominium Homeowners Association, Inc., a North Carolina non-profit 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 _____ as its Secretary/Assistant Secretary.

Witness my hand and official stamp or seal, this _____ day of _____, 2021.

Notary Public

My commission expires: