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AMENDMENT TO THE DECLARATION OF
CONDOMINIUM AND BY-LAWS
FOR 1300 ST. MARY'S
CONDOMINIUM HOMEOWNERS
ASSOCIATION, INC.

WAKE COUNTY, NC 73
CHARLES P. GILLIAM
REGISTER OF DEEDS
PRESENTED & RECORDED ON
12/06/2019 11:22:54

BOOK:017674 PAGE:02136 - 02140

Amendments to declaration and by-laws, passed by 67% vote of the HOA on December 3, 2019

Amendment to Declaration:

Amend by removing the words "reductions in reserves for maintenance, repair, and replacement of common elements" from number 22. AMENDMENT so that it reads as follows:

22. AMENDMENT.

The covenants and restrictions of this Declaration shall run with and bind the land for a term of twenty (20) years from the date this Declaration is recorded, after which time they shall be automatically extended for successive periods of ten (10) years. This Declaration may be amended only by the affirmed vote of or a written agreement signed by Unit Owners of units to which at least sixty-seven percent (67%) of the votes in the Association are allocated.

Amendments of a material nature shall be agreed to by Unit Owners of units to which at least sixty-seven percent (67%) of the votes in the Association are allocated and by eligible mortgage holders who represent at least fifty-one percent (51%) of the votes of units that are subject to mortgages held by eligible mortgage holders. The term "eligible mortgage holders" shall mean those holders of a first mortgage on a condominium unit who have submitted a written request that the Association notify them of any proposed action requiring the consent of a specified percentage of eligible mortgage holders.

No amendment to the Declaration shall be effective until duly recorded in the Office of the Register of Deeds of Wake County, North Carolina. Upon recording, all Unit Owners and their successors and assigns shall be bound by said amendment.

A material change shall be considered as on which changes any of the following:

- Voting rights;
- Increases in assessments that raise the previously assessed amount by more than 25% assessments liens, or the priority of assessment liens;
- Responsibility for maintenance and repairs;
- Reallocation of interests in the general or limited common elements or rights to their use;
- Redefinition of any unit boundaries;
- Convertibility of units into common elements or vice versa;
- Expansion or contraction of the project, or the addition, annexations, or withdrawal of property to or from the project;
- Hazard or fidelity insurance requirements;

- Imposition of any restrictions on the leasing of units;
- Imposition of any restrictions on a Unit Owner's right to sell or transfer his or her unit;
- A decision by the Association to establish self-management if professional management had been required previously by Association documents or by an eligible mortgage holder;
- Restoration or repair of the project (after damage or partial destruction) in a manner other than that specified in the documents; or
- Any provisions that expressly benefit mortgage holders, insurers or guarantors.

Implied approval by an eligible mortgage holder shall be assumed when an eligible mortgage holder fails to submit a response to any written proposal for an amendment within sixty (60) days after it receives proper notice of the proposal, provided the notice was delivered by certified mail or registered mail with a "return receipt" requested.

This Declaration may further be unilaterally amended by the Declarant for the purpose of recording a verified statement of a registered architect or licensed professional engineer certifying that the plans heretofore filed or being filed simultaneously with such amendment fully depicting the layout, ceiling and floor elevations, unit numbers and dimensions of the units as built.

Amendment to By-laws Exhibit C:

Amend by removing the words "reductions in reserves for maintenance, repair, and replacement of common elements" from Article VII Section 2. Amendments of a Material Nature to By-Laws so that it reads as follows:

ARTICLE VII

Amendment of By-Laws

Section 2. Amendments of a Material Nature to By-Laws. Amendments of a material nature shall be agreed to by Unit Owners of units to which at least sixty-seven percent (67%) of the votes in the Association are allocated and by eligible mortgage holders who represent at least fifty-one (51%) of the votes of units that are subject to mortgages held by eligible mortgage holders. The term "eligible mortgage holders" shall mean those holders of a first mortgage on a condominium unit who have submitted a written request that the Associations notify them of any proposed action requiring the consent of a specified percentage of eligible mortgage holders. No amendment to the Declaration shall be effective until duly recorded in the Office of the Register of Deeds of Wake County, North Carolina. Upon recording, all Unit Owners and their successors and assigns shall be bound by said amendment.

A material change shall be considered as one which changes any of the following:

- Voting rights;
- Increases in assessments that raise the previously assessed amount by more than 25%, assessments liens, or the priority or assessments of liens;
- Responsibility for maintenance and repairs;
- Reallocation of interests in the general or limited common elements or vice versa;
- Expansion or contraction of the project, or the addition, annexations, or withdrawal of property to or from the project;
- Hazard or fidelity insurance requirements;
- Imposition of any restrictions on the leasing of units;

- A decision by the Association to establish self-management if professional management had been required previously by Association documents or by an eligible mortgage holder;
- Restoration or repair of the project (after damage or partial destruction) in a manner other than that specified in the documents; or
- Any provisions that expressly benefit mortgage holders, insurers or guarantors.

Implied approval by an eligible mortgage holder shall be assumed when an eligible mortgage holder fails to submit a response to any written proposal for an amendment within thirty (30) days after it receives proper notice of the proposal, provided the notice was delivered by certified mail or registered mail with a "return receipt" requested.

CERTIFICATION OF VALIDITY OF AMENDMENT TO DECLARATION OF
CONDOMINIUM AND BYLAWS FOR 1300 ST. MARY'S CONDOMINIUM
HOMEOWNERS ASSOCIATION, INC.

By authority of its Board of Directors, the undersigned hereby certify that the foregoing instrument has been duly approved by the affirmative vote and approval of the Unit Owners owning units to which no fewer than sixty-seven percent (67%) of the votes in the Association are allocated, and is, therefore, a valid amendment to the existing Declaration of Condominium and Bylaws for 1300 St. Mary's Condominium Homeowners Association, Inc., pursuant to the requirements of Article 22 of the Declaration and Article VII, Section 1 of Bylaws.

1300 ST. MARY'S CONDOMINIUM
HOMEOWNERS ASSOCIATION, INC.

By: Deborah J. Filby
Treasurer

STATE OF NORTH CAROLINA

ACKNOWLEDGEMENT

COUNTY OF WAKE

I, Brittany A. Latronica, a Notary Public of the County and State aforesaid, certify that Deborah J. Filby, personally came before me this day and acknowledged that he/she is Treasurer of 1300 St. Mary's Condominium Homeowner's Association, Inc., a non-profit corporation, and that by authority duly given and as the act of corporation, the foregoing instrument was signed by him/her in its name as Treasurer.

Witness my hand and official stamp or seal, this 6 day of December, 2019.

My commission expires:



Brittany A. Latronica
Notary Public



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Please retain yellow trailer page

It is part of the recorded document and must be submitted with the original for re-recording.

Charles P. Gilliam

Register of Deeds

Wake County Justice Center
300 South Salisbury Street, Suite 1700
Raleigh, NC 27601

☐ New Time Stamp

☐ \$25 Non-Standard Fee

☐ Additional Document Fee

☐ Additional Reference Fee

This Customer Group

_____ # of Excessive Entities

_____ # of Time Stamps Needed

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