

WAKE COUNTY, NC
CHARLES P. GILLIAM
REGISTER OF DEEDS
PRESENTED & RECORDED ON
08-28-2020 AT 16:15:54

BOOK: 018045 PAGE: 01215 - 01217

Prepared by and return to: Brian S. Edlin, Esq., P.O. Box 10669, Raleigh, NC 27605

STATE OF NORTH CAROLINA
COUNTY OF WAKE

**AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND
RESTRICTIONS FOR SIMMS
BRANCH/ANSON GROVE**

THIS AMENDMENT to the Declaration of Covenants, Conditions and Restrictions for Simms Branch/Anson Grove is made this 11TH day of NOVEMBER, 2019 by the Lot Owners and Members of Simms Branch/Anson Grove Homeowners Association, Inc. (hereinafter, "the Association"),

WITNESSETH:

THAT WHEREAS, a Declaration of Covenants, Conditions and Restrictions for Simms Branch/Anson Grove is recorded in Book 6258, Page 616 of the Wake County Registry ("Declaration"); and

WHEREAS, N.C.G.S. §47F-2-117 provides that such Declaration may be amended by not less than sixty-seven percent (67%) of the Lot Owners; and

WHEREAS, not less than sixty-seven percent (67%) of the Lot Owners have consented to this Amendment; and

NOW, THEREFORE, the undersigned does hereby declare that the Declaration of Covenants, Conditions and Restrictions for Simms Branch/Anson Grove shall be amended as follows:

1. To add a new Section G to Article XII as follows:
- G. No Lot shall be leased for a period of less than six (6) months. Any Lease

Agreement between an Owner and a lessee for the lease of such Owner's Lot shall provide that the terms of the Lease shall be subject in all respects to the provisions of this Declaration of Covenants, Conditions and Restrictions, the Articles of Incorporation and By-Laws of the Association and that any failure by the lessee to comply with the terms of such document shall be a default under the terms of the lease. In addition to the foregoing, the Board of Directors may promulgate rules and regulations that limit the number of non-Owner occupied Lots (i.e. leased) at any given time not to go below fifteen (15%) of the total number of Lots in Simms Branch/Anson Grove. It being the intention of this Amendment that, at times, the Board may, but shall not be required to, promulgate or amend its rules and regulations to allow in excess of fifteen (15%) of the total Lots in Simms Branch/Anson Grove to be non-Owner occupied, however, may not promulgate or amend its rules and regulations to set the number of non-Owner occupied Lots at below fifteen percent (15%) of the total number of Lots in Simms Branch/Anson Grove. The Board may, but shall not be required to, adopt rules and regulations that set the limit at a permissible percentage of the total number of Lots in Simms Branch/Anson Grove which rules and regulations allow for exceptions to exceed the set percentage limit for unforeseen circumstances and hardships by any Owner.

2. This amendment shall be effective upon recordation in the Office of the Wake County Registry.

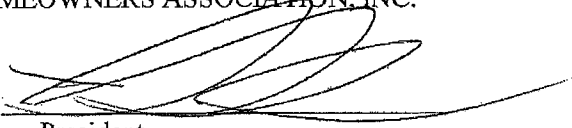
3. Except as amended hereinabove, the remaining portions of the Declaration as originally recorded are hereby restated and re-acknowledged.

WHEREFORE, the President and Secretary of the Association have hereunto affixed the corporate certification for the purpose of enacting the foregoing amendment.

CERTIFICATION OF VALIDITY OF AMENDMENT TO COVENANTS,
CONDITIONS AND RESTRICTIONS FOR SIMMS BRANCH/ANSON GROVE

By authority of its Board of Directors, the undersigned hereby certify that the foregoing instrument has been duly approved by not less than sixty-seven percent (67%) of the Lot Owners in Simms Branch/Anson Grove and is, therefore, a valid amendment to the existing Declaration of Covenants, Conditions and Restrictions for Simms Branch/Anson Grove, pursuant to N.C.G.S. §47F-2-117.

SIMMS BRANCH/ANSON GROVE
HOMEOWNERS ASSOCIATION, INC.

By: 
President

ATTEST:


Secretary

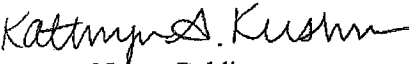
STATE OF NORTH CAROLINA

ACKNOWLEDGMENT

COUNTY OF WAKE

I, Kathryn A. Kushner, a Notary Public of the County and State aforesaid, certify that Ellen McBride, personally came before me this day and acknowledged that he/she is Secretary/Assistant Secretary of Simms Branch/Anson Grove 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 Ellen McBride as its Secretary/Assistant Secretary.

Witness my hand and official stamp or seal, this 26th day of August, 2020


Notary Public

My commission expires: 2/22/2021

