WAKE COUNTY, NC
TAMMY L. BRUNNER
REGISTER OF DEEDS
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NORTH CAROLINA

AMENDMENT TO DECLARATION OF CONDOMINIUM FOR PARK DEVEREUX CONDOMINIUM AND BYLAWS OF PARK DEVEREUX CONDOMINIUM HOMEOWNERS ASSOCIATION, INC.

WAKE COUNTY

THIS AMENDMENT TO THE DECLARATION OF CONDOMINIUM for Park Devereux Condominium and BYLAWS OF PARK DEVEREUX CONDOMINIUM HOMEOWNERS ASSOCIATION, INC. ("Amendment") is made this 1ST day of OCTOBER, 2024, by the Park Devereux Condominium Homeowners Association, Inc., upon the written consent of the Unit Owners representing not less than eighty percent (80%) of the total allocated votes in the Park Devereux Condominium Homeowners Association, Inc. (the "Association").

WITNESSETH:

WHEREAS, Rene Langford, Inc., the original Declarant recorded a Declaration of Condominium for Park Devereux Condominium on January 11, 2000, in Book 8500, Page 1212 of the Wake County Registry and caused this Declaration of Condominium to be re-recorded on January 24, 2000, in Book 8507, Page 2243 of the Wake County Registry as amended and supplemented thereafter, collectively (the "Declaration"); and

WHEREAS, N.C. Gen. Stat. § 47C-2-117(a) provides that a declaration may be amended by the affirmative vote of, or written consent signed by unit owners to which at least sixty-seven percent (67%) of the votes in the association are allocated or any larger majority the declaration specifies; and

WHEREAS, pursuant to Section 22 of the Declaration, this Declaration may be amended by the written consent of Unit Owners who represent at least 80% of the total allocated votes in the Association and if such amendment is of a material nature, as further described in the Declaration, then such amendment shall also require the approval of the eligible mortgage holders who represent at least 51% of the votes of unit estates that are subject to mortgages held by eligible holders; and

WHEREAS, the Unit Owners who represent at least 80% of the total allocated votes in the Association desire to amend the Declaration to lower the amendment

Submitted electronically by "Jordan Price Wall Gray Jones & Carlton"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Wake County Register of Deeds.

threshold and make it consistent with the North Carolina Condominium Act, specifically N.C.G.S. § 47C-2-117(a) as set forth below; and

WHEREAS, the proposed amendment as set forth below does not constitute a material change under the Declaration that requires the approval of eligible mortgage holders; and

WHEREAS, the Bylaws of the Association are attached to the Declaration as Exhibit D and are recorded in Book 8500, Page 1233 of the Wake County Registry ("Bylaws"); and

WHEREAS, Section 1 and 2 of Article VII of the Bylaws provides that the Bylaws may be amended by approval of the Unit Owners who represent at least 80% of the total allocated votes in the Association and if such amendment is of a material nature, as further described in the Bylaws, then such amendment shall also require the approval of the eligible mortgage holders who represent at least 51% of the votes of unit estates that are subject to mortgages held by eligible holders; and

WHEREAS, the proposed amendment to the Bylaws as forth below does not constitute a material change under the Bylaws that requires the approval of eligible mortgage holders; and

WHEREAS, the requisite percentage of Unit Owners further desire to amend the Bylaws to provide that the percentage of Unit Owner approval for future amendments to the Bylaws shall be sixty-seven percent (67%); and

NOW THEREFORE, the undersigned does hereby declare that the Declaration of Condominium for Park Devereux Condominium and Bylaws for Park Devereux Condominium Homeowners Association, Inc. is hereby amended as follows:

1. To amend Section 22 of the Declaration by deleting the first paragraph of that Section in its entirety and substituting the following language in lieu thereof **(new language appears in bold font):**

Section 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. For a period no longer than twenty four (24) months after the initial filing of the Declaration in the Wake County Registry, the Declarant may unilaterally amend this Declaration without consent or approval of other Unit Owners or eligible mortgage holders provided such amendments shall be exclusively for the purpose of (1) correcting clerical errors, (2) making changes in

order to comply with Federal National Mortgage Association requirements, (3) making permanent assignments of under-building parking spaces (if any), or (4) making permanent assignments of under building storage closets (if any). **Otherwise, this Declaration may be amended by the affirmative vote or written consent signed by Unit Owners to which at least sixty-seven percent (67%) of the total votes in the Association are allocated.** Any amendment must be recorded.

2. To further amend Section 22 of the Declaration by deleting the first sentence of the second paragraph of that Section in its entirety and substituting the following language in lieu thereof (**new language appears in bold font):**

Amendments of a material nature may be amended by the affirmative vote or written consent signed by Unit Owners to which at least sixty-seven percent (67%) of the total votes in the Association are allocated and by eligible mortgage holders who represent at least 51% of the votes of unit estates that are subject to mortgages held by eligible holders.

3. To amend Section 1 of Article VII of the Bylaws by deleting that Section in its entirety and substituting the following language in lieu thereof (**new language appears in bold font**):

Section 1. For a period of no longer than twenty-four (24) months after the initial filing of these Bylaws in the Wake County Registry, the Declarant may unilaterally amend these Bylaws without the consent or approval of other Unit Owners or eligible mortgage holders provided such amendment shall be exclusively for the purpose of correcting clerical error or making changes other than material changes, as defined below, to these Bylaws. **Otherwise, these Bylaws may be amended by the affirmative vote or written consent signed by Unit Owners to which at least sixty-seven percent (67%) of the total votes in the Association are allocated.** No such amendment shall be effective until set forth in an amended declaration and duly recorded in the Office of the Register of Deeds in Wake County, North Carolina. Upon recording, all Unit Owners and their successors and assigns shall be bound by said amendments.

4. To amend Section 2 of Article VII of the Bylaws by deleting the first sentence in the first paragraph of Section 2 in its entirety and substituting the following language in lieu thereof (**new language appears in bold font**):

Section 2. Amendment of a Material Nature to Bylaws. Amendments of a material nature shall be amended by the **affirmative vote or written consent signed by Unit Owners to which at least sixty-seven percent (67%) of the total votes in the Association are allocated** and by eligible mortgage holders who represent at least 51% of the votes of unit estimates that are subject to mortgages held by eligible holders.

5. Except as amended hereinabove, the remaining portions of the Declaration and the Bylaws are and shall remain unchanged and in full effect.

6. This Amendment to the Declaration and Bylaws shall be effective upon recordation in the Office of the Wake County Registry of Deeds.

[SIGNATURE PAGE FOLLOWS]

CERTIFICATION OF VALIDITY OF AMENDMENT TO DECLARATION OF CONDOMINIUM FOR PARK DEVEREUX CONDOMINIUM HOMEOWNERS ASSOCIATION, INC AND BYLAWS OF PARK DEVEREUX CONDOMINIUM HOMEOWNERS ASSOCIATION, INC.

By authority of its Board of Directors, Park Devereux Condominium Homeowners Association, Inc. hereby certifies that the foregoing instrument has been duly executed and authorized by the written consent of Unit Owners who represent at least 80% of the total allocated votes in the Association. The original written consents signed by those Unit Owners representing at least 80% of the total allocated votes in the Association are filed with the books and records of the Association. Therefore, this instrument is a valid Amendment to the existing Declaration of Condominium for Park Devereux Condominium and Bylaws of Park Devereux Condominium Homeowners Association, Inc.

PARK DEVEREUX CONDOMINIUM HOMEOWNERS ASSOCIATION, INC.

By: Jacqueline A. McCrory (1)
PRESIDENT

ATTEST:

Cassandra Anne Ammons (2)
Secretary

STATE OF NORTH CAROLINA ACKNOWLEDGEMENT
COUNTY OF WAKE

I, Johnna B. Roy, a Notary Public of the County and State aforesaid, certify that Jacqueline McCrory & ~~Cassandra Ammons~~ personally came before me this day and acknowledged that she is Secretary of Park Devereux 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 to by Cassandra Ammons (2) as its Secretary.

Witness my hand and official stamp or seal, this 1 day of October, 2024.

Johnna B. Roy
Notary Public

Johnna B. Roy
Printed Name

My Commission Expires: 1/17/27

JOHNNA B. ROY NOTARY PUBLIC WAKE COUNTY, N.C.