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BOOK 443 PAGE 113 (4)

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STATE OF NORTH CAROLINA

COUNTY OF PERQUIMANS

**AMENDMENT TO RESTATED DECLARATION
(ALBEMARLE PLANTATION)**

This AMENDMENT TO THE AMENDED AND RESTATED DECLARATION OF ALBEMARLE PLANTATION (the "First Amendment") is made as of this Seventeenth day of September, 2015 by **ALBEMARLE PLANTATION PROPERTY OWNERS ASSOCIATION, INC.**, a North Carolina corporation, hereinafter referred to as the "Association".

RECITALS:

A. Albemarle Plantation is a residential community, which is located in Perquimans County, North Carolina. The Association recorded a Restated Declaration of Covenants, Conditions and Restrictions for Albemarle Plantation dated August 1, 2012, and recorded in Book 410, Page 751, Perquimans County Registry (the "Restated Declaration").

B. Under the provisions of Article 11, Section 5 of the Restated Declaration, the Association reserved the right to modify or amend said Restated Declaration except as limited in Section 13.06 of Article Three (3) without prior notice and without the consent of any person or entity, for any purpose, provided such amendment or modification does not materially alter the basic plan of the development.

- C. Association has elected to amend the Restated Declaration to:
- a. Further define the role of the ASC and the process for approving waivers to the architectural standards
 - b. Clarify the existing restrictions on use of motor vehicles in AP

NOW, THEREFORE, Association, pursuant to the provisions of Article 11, Section 5 of the Restated Declaration hereby amends said Restated Declaration as follows:

ARTICLE TEN

Section 5, paragraph (a) is deleted and replaced with:

- (a) Except for construction by the Association, all buildings, structures or other improvements built in the Community shall be built under the supervision of the Committee. The Committee, to assure that Dwellings and other structures will be located so that the maximum view, privacy and breezes will be available, shall take into consideration the topography of each Lot and also the location of trees, vegetation, other aesthetic and environmental considerations, as well as the precise site and location of any other Dwellings or structures within the Development. Should the Committee elect to require specific setback lines, they shall be shown on the plat of the Lots or parcels to which these specific requirements apply. Even when specific setback lines are shown on the plat, the Committee may recommend a variance if it deems appropriate in order to protect some particular environmental or aesthetic consideration. In such a case, the variance must be submitted to the Board of Directors for approval.

Section 6, paragraph (d) is deleted and replaced with:

- (d) The Committee shall establish written architectural and aesthetic criteria to be used in reviewing all plans, specifications and details submitted for its approval. The criteria must be consistent with the Architectural Standards Handbook. In addition, the ASC may establish such administrative procedures and rules as it deems expedient to facilitate the administration of this Article.

Section 6, paragraph (e) is deleted and replaced with:

- (e) The Committee shall disapprove any plans, specifications or details submitted to it if, in the opinion of the ASC, (1) same are not in accordance with any of the provisions of this Master Declaration, the written criteria established by the ASC, or the general plan of the Development, or (2) the design or color scheme of the proposed structure(s) is not in harmony with the general surroundings of such Lot or parcel or with the adjacent structures, or (3) the plans and specifications submitted are incomplete, or (4) the Committee deems the plans, specifications or details, or any part thereof, to be contrary to the interests, welfare or rights of all or any part of the Development subject hereto, or the Owners thereof.

Section 6.

Add the following new paragraphs:

- (i) Right of Appeal. The Board of Directors delegates the responsibility and the authority to maintain the appearance of the community to the ASC. If, in the opinion of a member, the ASC makes an unfair or incorrect decision, the member may appeal to the Board of Directors, which may decide to over-rule or to affirm the decision of the ASC. The decision of the Board of Directors is final.
- (j) Waivers. Any waiver to the architectural standards must be first reviewed by the ASC. If recommended by the ASC, it must then be

submitted to the APPOA Board of Directors for final approval. The waiver is granted only upon approval of the Board.

Section 18 is deleted and replaced with:

Section 18 MOTOR VEHICLES and NOISE LEVEL:

Only legally registered motor vehicles, and electric golf carts with "lawn tires" may be used on Plantation property. All other vehicles are prohibited. All motor vehicles operated in the Development shall have quiet mufflers and have liability insurance. Motorcycles, motorbikes, motor scooters or mopeds may be used within Albemarle Plantation only for the purpose of travelling between the state highway and the owner's Lot or Dwelling.

For purposes of clarity: dirt bikes, go-karts, ATVs, or similar vehicles may not be operated within the Plantation.

Exceptions: carts, utility and other unapproved vehicles used by APPOA personnel. Also, the General Manager may authorize use of unapproved vehicles, at specific times and for specific purposes, in the interest of APPOA.

Further, no person shall operate any motor vehicle (including golf carts) in the Development unless s/he holds a valid driver's license.

No recreational vehicles, campers, boats, trailers, or commercial vehicles shall be parked in plain view within the Development.

IN WITNESS WHEREOF, this Amendment to the Restated Declaration has been signed and executed by the Secretary, Albemarle Plantation Property Owners Association, Inc. and adopted the word "SEAL" as its seal, the day and year first above written.

Albemarle Plantation Property Owners Association,
Inc. a North Carolina non-profit corporation

By: 
Name: ANTHONY R EDWARDS
Its: SECRETARY, APPOA BOARD OF DIRECTORS

STATE OF NORTH CAROLINA

COUNTY OF PERQUIMANS

I, **JACQUELINE SMITH FRIERSON**, a Notary Public of the County of Perquimans and State aforesaid, certify that **ANTHONY R. EDWARDS** personally came before me this day and acknowledged that he is **SECRETARY** of Albemarle Plantation Property Owners Association, Inc., a North Carolina Corporation, and that by authority duly given by the Board of Directors as the act of the Corporation, the foregoing instrument was signed in its name by its Secretary, sealed with its Corporate seal.

Witness my hand and official stamp or seal, this 22ND day of SEPTEMBER, 2015.

(NOTARY SEAL)
Jacqueline Smith Frierson
 Notary Public
 My Commission Expires: 2/16/2018

