

FILED IN HENDERSON COUNTY REGISTER OF DEEDS
OFFICE, NEDRA W. MOLES, REGISTER

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Prepared by and return to:
Scott H. Shelton
206 Third Avenue West
Hendersonville, NC 28739

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

**AMENDMENT TO DECLARATION OF COVENANTS
CONDITIONS AND RESTRICTIONS**

THIS AMENDMENT is made and entered into this the 31st day of July, 2007, by The Orchards, L.L.C. in its capacity as the Developer of The Orchards of Flat Rock (hereinafter "Developer") pursuant to the North Carolina Planned Community Act as set forth and contained in Chapter 47F of the North Carolina General Statutes.

WITNESSETH:

WHEREAS, Developer agreed to restrict all Lots and Common Areas in The Orchards of Flat Rock for the mutual benefit of all owners as set forth in that Declaration of Covenants, Conditions and Restrictions for the Orchards of Flat Rock at Deed Book 1268, Page 255, Henderson County Registry; and

WHEREAS, the Developer has Special Developer Rights during the Developer Control Period, and otherwise, as those rights are defined in Chapter 47F-1-103(28) of the Planned Community Act and as reserved in the Covenants, Conditions and Restrictions referred to above at Section XII, Paragraph 3, to modify, amend, change, vary or release any part of the Restrictions in that Declaration cited above, and Developer wishes to do so in order to clarify the status of the private roadways and regulate certain vehicle storage within the Orchards of Flat Rock;

NOW THEREFORE, pursuant to its Special Developer Rights cited above, Developer hereby amends the Restrictions pertaining to the roadways and storage of certain vehicles in the Orchards of Flat Rock as follows:

1. **Article VIII, Section 2 (Road Rights-of-Way) is amended to read, in its entirety, as follows:**
 - **Developer will construct roads to be substantially to state standards, however, road rights of way do not meet state standards. As such, said roadway may not be eligible for dedication as a public road by the North Carolina Department of Transportation for inclusion in the state highway system.**

All Lots within the Subdivision property are serviced by certain road rights-of-way described on plats as previously recorded and to be recorded. As such, all future Lot Owners, and their heirs, successors and assigns, covenant and agree that they shall be jointly responsible for the maintenance, upkeep, repair and service of such road and road rights of way through membership in the Homeowner's Association established herein.

2. Article IV, Section 7 (Parking) is amended to read, in its entirety, as follows:

No parking of unlicensed, uninspected or inoperable vehicles shall be allowed on the Property. No overnight parking of any motor vehicles shall be allowed on streets within the Property. Campers and boats may be parked in driveways within twenty-four hours before and after such time as they are used. Residents of dwelling units may wash motor vehicles in their driveways. In addition, no one shall store or keep a trail bike, motorized tri-wheel bike, tractor, truck, or other such motorized riding vehicle on the Property, except one pick-up truck and one or more operational automobiles and except as provided in the rules and regulations enacted by the Association. Homeowner is permitted to have a motorcycle(s) as long as it does not become a noise nuisance. The motorcycle(s) and trailer(if applicable) must be kept in garage at all times except for loading or unloading.

All other provisions in the Declaration of Covenants, Restrictions and Conditions for the Orchards of Flat Rock, as described above, which may be inconsistent with the above revision or which otherwise indicate or imply that the Subdivision roadways to be turned over to the State of North Carolina Department of Transportation for state maintenance are deemed forever waived and rescinded by the Developer.

IN WITNESS HEREOF, the Developer has hereunto set its hand and seal the day and year above first written.

THE ORCHARDS, LLC

By: [Signature]

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

I, Lisa G. Ross, a Notary Public of the County and State aforesaid, certify that Bruce Alexander, as Member/Manager of The Orchards, LLC, a Limited Liability Company, personally appeared before me this day and acknowledged the execution of the foregoing instrument on behalf of the company.

Witness my hand and official stamp or seal, this 31 day of July, 2007.



Lisa G. Ross
Notary Public

6/14/2007