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Wilson, NC
Lisa J. Stith Register of Deeds

BK 3003 PG 666 - 669

STATE OF NORTH CAROLINA

AMENDMENT TO DECLARATION OF
PROTECTIVE COVENANTS,
CONDITIONS, EASEMENTS AND
RESTRICTIONS FOR SOUTHPOINTE

WILSON COUNTY

THIS AMENDMENT to the DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR SOUTHPOINTE (the "Amendment") is made this 1st day of February, 2023 by the Board of Directors of the Southpointe Homeowners Association of Wilson, Inc., a North Carolina nonprofit corporation (the "Association") and Thomas P. Hopkins and Shon D. Hopkins being hereinafter referred to as "Owners).

WITNESSETH:

THAT WHEREAS, Southpointe Capital, Inc., a North Carolina corporation, in its role as Declarant caused to be recorded that certain Declaration of Protective Covenants, Conditions, Easements and Restrictions for Southpointe, in Book 2334, Page 645 of the Wilson County Registry, which was thereafter supplemented and amended (as amended and/or supplemented of record, collectively, the "Declaration"); and

WHEREAS, pursuant to Article XIV, Section 5 of the Declaration, the covenants and restrictions may be amended by the Board of Directors of the Association as necessary, in its opinion, to amend the Declaration to correct the obvious errors and omission therein; and

WHEREAS, the Board of Directors of the Association has determined, in its discretion, that it is in the best interest of the Association to amend Article VIII, Section 2, subsection (a) of the Declaration to correct an ambiguity and obvious scrivener's error and omission regarding the Lots identified and designated as Manor Lots; and

WHEREAS, Article VIII designates each Lot within the subdivision as either an Estate Lot or a Manor Lot and each Lot within the subdivision was given such a designation except for Lot 43; and

WHEREAS, Article VIII, Section 2, provides in part that for those Lots designated as a "Manor Lot" that certain restrictions shall apply as to square footage of the dwelling erected on such Lot and subsection (a) provides that any dwelling erected on a Manor Lot shall contain a minimum enclosed dwelling area of two thousand five hundred (2,500) square feet if located on Lots 1-25 and Lots 39-42; and

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 Wilson County Register of Deeds.

WHEREAS, the Lot Area Table shown on the plat map recorded on Book 37, Page 103 of the Wilson County Registry identifies Lot 40 as 1.33 acres and Lot 43 as 1.33 acres; and

WHEREAS, the same square footage restrictions applicable to Lots 39-42 should have also been made applicable to Lot 43; and

WHEREAS, all of the Directors of the Board have voted and unanimously approve the amendment as set forth below; and

WHEREAS, the Owners of Lot 43 have joined in consent to the amendment as set forth below; and

NOW, THEREFORE, the undersigned does hereby declare that the Declaration is amended as follows:

1. Article VIII, Section 2, subsection (a) of the Declaration is amended by adding the following bold underlined language and deleting the bold language that is struck as follows:

“Section 2. Manor Lot Restrictions. For those Lots designated on Exhibit C attached hereto and made a part hereof, or designated on any recorded plat as a “Manor Lot” or designated as a Manor Lot within a recorded amendment or supplemental declaration to this Declaration, the following restrictions shall apply as to square footage of the dwelling erected on such Lot and the setback lines:

(a) **Square Footage.** There are 2 Sections for Manor Lots. Any dwelling erected on a Manor Lot shall contain a minimum enclosed dwelling area of two thousand five hundred (2,500) square feet if located on Lots 1-25 and Lots 39-~~42-43~~. For Manor Lots located on Lots 26-29 and 35-38, two thousand eight hundred (2,800) square feet will be the required minimum. In addition thereto, and unless a variance is granted therefore as provided herein, all dwellings shall have an enclosed two car garage attached to the main dwelling. The term “enclosed dwelling area” as used in this Section 2 shall mean the total enclosed area within a dwelling subject to heating and cooling; provided however, that the term specifically does not include garages, terraces, open porches, decks, stoops and like areas regardless of heating or cooling. At the sole discretion of the Architectural Committee, a portion of the basement square footage may be considered part of the enclosed dwelling area.

2. The foregoing shall be effective from the date of the recording of this amendment in the Wilson County Registry.

3. Except as amended hereinabove, the Declaration is and shall remain unchanged and in full effect.

[Signature Pages Follow]

CERTIFICATION OF VALIDITY OF AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR SOUTHPOINTE

By authority of its Board of Directors, the undersigned President of Southpointe Homeowners Association of Wilson, Inc. hereby certifies that the foregoing instrument has been duly approved by at least sixty-seven percent of the Lot Owners within Southpointe who hold at least sixty seven percent of the votes in the Association, and is, therefore, a valid amendment to the existing Declaration of Protective Covenants, Conditions, Easements and Restrictions for Southpointe.

SOUTHPOINTE HOMEOWNERS ASSOCIATION OF WILSON, INC.

By: Tracy W. Anderson
President

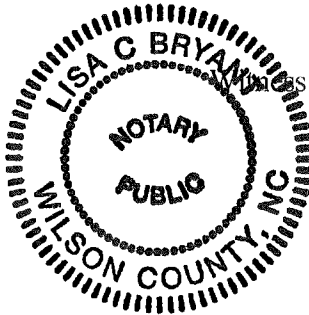
ATTEST:

M. E. Tyner
Secretary

STATE OF NORTH CAROLINA
COUNTY OF WILSON

ACKNOWLEDGMENT

I, Lisa C. Bryant, a Notary Public of the County and State aforesaid, certify that Tracy W. Anderson, personally came before me this day and acknowledged that he/she is Secretary of Southpointe Homeowners Association of Wilson, Inc. 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 Marshall E. Tyner as its Secretary/Assistant Secretary.



Witness my hand and official stamp or seal, this 1st day of February, 2023.

Lisa C. Bryant
Notary Public

Lisa C. Bryant
Printed Name

My commission expires: 5/25/24

Owners:

Thomas P. Hopkins (SEAL)
Thomas P. Hopkins

Shon D. Hopkins (SEAL)
Shon D. Hopkins

STATE OF NORTH CAROLINA

COUNTY OF WILSON

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Thomas P. Hopkins and Shon D. Hopkins

Witness my hand and official seal this 1st of February 2022, 2023

Lisa C. Bryant
Notary Public

My commission expires:

5/25/24

