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WILLIAM LEE KING, Henderson COUNTY, NC

**THIS DOCUMENT REGULATES OR PROHIBITS THE
DISPLAY OF POLITICAL SIGNS**

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

**AMENDMENT #2 TO RESTRICTIONS, RESERVATIONS AND CONDITIONS
FOR RIDGEVIEW AT SWEETWATER HILLS SUBDIVISION**

This Declaration of Amendment #2 to Restrictions, Reservations and Conditions for Ridgeview at Sweetwater Hills Subdivision is made this 11th day of April 2021, by the Ridgeview at Sweetwater Hills Homeowner's Association, Inc., a North Carolina nonprofit corporation. This Declaration shall pertain to, inure to the benefit of, and bind all present and future owners of property within Ridgeview at Sweetwater Hills Subdivision as shown on Plat Slides 5978A and 5978B, recorded in the Henderson County Registry. The list of all the owners of real property within Ridgeview at Sweetwater Hills Subdivision, for the purpose of indexing this document in the Office of the Register of Deeds of Henderson County as "Grantors", and as "Grantees", is attached hereto as Exhibit "A", and incorporated herein by reference.

Statement of Circumstances

A. Ridgeview SWH, LLC, a North Carolina limited liability company, subjected certain real property in Henderson County known as "Ridgeview at Sweetwater Hills Subdivision" (herein, "Ridgeview") to certain restrictive covenants by means of an instrument entitled "Restrictions, Reservations and Conditions for Ridgeview at Sweetwater Hills Subdivision", dated 31 May 2006, and recorded the same day in Book 1275, at Page 726, in the Henderson County, North Carolina Register of Deeds (herein, the "Original Declaration").

B. The Ridgeview at Sweetwater Hills Homeowners' Association, Inc., a North Carolina Nonprofit Corporation (herein, "the HOA"), an Association comprised of

members (herein, “the Members”) who are all of the owners of lots in Ridgeview as defined in the Original Declaration, is the transferee of certain rights, duties and obligations of Ridgeview SWH LLC by means of North Carolina Non-Warranty Deed, recorded in the Henderson County, North Carolina Register of Deeds at Book 1388, page 138. A list of all the owners of real property within Ridgeview is attached hereto as Exhibit “A”, and incorporated herein by reference. There are fifty-eight owners of lots within Ridgeview.

C. A provision in the North Carolina Planned Community Act, N. C. Gen. Stat. §47F-2117 provides for the amendment of the “declaration” setting out the terms or restrictions of a planned community, as does the Original Declaration.

D. The Ridgeview at Sweetwater Hills Homeowners’ Association, Inc., a North Carolina Nonprofit Corporation (herein, “the HOA”), an Association comprised of members (herein, “the Members”) who are all of the owners of lots in Ridgeview as defined in the Original Declaration, amended the restrictive covenants by means of an instrument entitled “Amendments to Restrictions, Reservations and Conditions for Ridgeview at Sweetwater Hills Subdivision” dated 23 September 2013, and recorded on 14 November 2013 in Book 1554, at Page 430, in the Henderson County, North Carolina Register of Deeds.

E. Under the terms of the Amendments above, affirmative action of “sixty-seven percent (67%) of the lot owners” in Ridgeview are required to amend the declaration, “provided that no such amendment shall be effective until placed in writing, executed by the requisite amount of lot owners and filed for registration in the Henderson County, North Carolina Registry.”

F. The Original Declaration contained the following Paragraph 13:

13. No business, noxious or offensive activity shall be carried on upon the property, nor shall anything be done which may be or become an annoyance or nuisance to the neighborhood. No billboard, outdoor advertising or other display signs shall be constructed, erected, used or placed upon the land, except signs relating to the sale of the property which sign shall be of a size and form generally used for such advertising, but not to exceed 10 square feet in size. All builders shall keep the area cleared of trash and debris during construction.

G. A greater than 67% majority of the owners of real property within Ridgeview voted after the Annual Meeting in December 2020 to amend the Original Declaration a second time by adding a provision to explicitly ban political signs.

H. A provision in the North Carolina Planned Community Act, N. C. Gen. Stat. §47F-3-121 (2) defines “political sign” as a sign that attempts to influence the outcome of an election, including supporting or opposing an issue on the election ballot.

NOW, THEREFORE, the Original Declaration is hereby amended as stated below:

1. Paragraph 13 of the Original Declaration is stricken, and a new Paragraph 13 is substituted therefore as follows:

13. Political signs, including banners, flags, etc., are specifically not allowed in Ridgeview. This includes display of a political sign by an association member on property owned exclusively by the member. This prohibition does not apply to the United States flag. “Political sign” is defined as a sign that attempts to influence the outcome of an election, including supporting or opposing an issue on the election ballot. No business, noxious or offensive activity shall be carried on upon the property, nor shall anything be done which may be or become an annoyance or nuisance to the neighborhood. No billboard, outdoor advertising or other display signs shall be constructed, erected, used or placed upon the land, except signs relating to the sale of the property which sign shall be of a size and form generally used for such advertising, but not to exceed 10 square feet in size. All builders shall keep the area cleared of trash and debris during construction.

2. Any provision in the Original Declaration inconsistent with the foregoing new Paragraph 13 is deemed stricken, and of no effect.

3. Except as modified hereby, the Original Declaration is republished, and remains in full force and effect.

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