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**STATE OF NORTH CAROLINA  
COUNTY OF PENDER**

**SECOND AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS  
AND RESTRICTIONS OF QUEENS GRANT RECREATION ASSN., INC.**

This Second Amendment to the Declaration of Covenants, Conditions and Restrictions of Queens Grant Recreation Assn., Inc. (hereinafter the "Amendment") is made as of this 4<sup>th</sup> day of May, 2019, by the Queens Grant Recreation Assn., Inc. (the "Association").

**RECITALS:**

**WHEREAS**, the Declaration of Covenants, Conditions and Restrictions for Queens Grant Recreation Association, Inc. was recorded in Book 617, Page 152, and a First Amendment was recorded in Book 4413, Page 250 of the Pender County Registry (said document as amended and supplemented is referred to herein as the "Declaration"). The capitalized terms set forth in this Amendment shall have the same meaning as set forth in the Declaration unless otherwise defined or the context otherwise prohibit; and

**WHEREAS**, pursuant to Article IX, Section 4 of the Declaration, the Declaration may be amended by vote of not less than two-thirds (2/3) of all members of the Association, in person or

✓ PAMELA STARNES

by proxy at a meeting duly held in accordance with the Association's Bylaws (the "Bylaws"); and

**WHEREAS**, N.C.G.S § 55A-7-08 provides that unless prohibited or limited by the articles of incorporation or bylaws and without regard to the requirements of G.S. 55A-7-04, any action that may be taken at any annual, regular, or special meeting of members may be taken without a meeting if the corporation delivers a written ballot to every member entitled to vote on the matter and approval by written ballot pursuant to this section shall be valid only when the number of votes cast by ballot equals or exceeds the quorum required to be present at a meeting authorizing the action, and the number of approvals equals or exceeds the number of votes that would be required to approve the matter at a meeting at which the same total number of votes were cast; and

**WHEREAS**, a written ballot containing the verbatim proposed Amendment to the Declaration was delivered to every member entitled to vote; and

**WHEREAS**, the Amendment set forth below was adopted by an affirmative vote of not less than two-thirds (2/3) of all the votes of the Members by ballot vote, with all ballots being submitted on or before May 4<sup>th</sup>, 2019, all in accordance with the Declaration, Bylaws and Articles of Incorporation, as applicable.

**WHEREAS**, the approval by the members and the Amendment has been and hereby is certified by the Secretary of the Association, and upon proper execution hereof, shall be presented for recordation in the public records of the Register of Deeds for Pender County, North Carolina.

**WHEREAS**, the President or Vice President of the Association has been duly authorized and empowered to execute this Amendment and to cause the same to be recorded in the Pender County Registry as the binding act of the Association, its Members and Board of Directors.

**NOW, THEREFORE**, in consideration of the recitals set forth above, and as the act and deed of the Association, its Owners and Board of Directors, the Declaration is hereby amended and modified as set forth below:

1. Section 10 shall be added to Article I as follows:

Section 10. **Disposal System**. Shall mean a wastewater collection system with pumps, wastewater treatment works, and/or disposal facilities.

2. Article XI shall be added as follows:

Section 1. **Disposal System**. The Disposal System and appurtenances thereto are part of the Common Area and shall be properly maintained and operated in conformity with the law and the provisions of the permit for construction, operation, repair and maintenance of the system and facilities. The Disposal System will receive the highest priority for expenditures by the Association except for Federal, State, and local taxes and insurance.

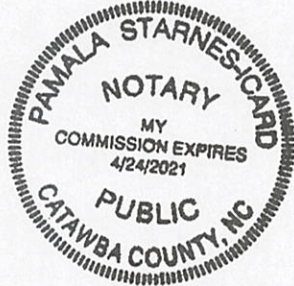
The Disposal System will be maintained out of the common expenses, and a fund shall be created out of the common expenses in order to assure that there will be funds readily available to repair, maintain or construct the Disposal System. The fund will be separate from the routine maintenance funds allocated for the facility and shall be part of the yearly budget. In the event the common expense allocation and separate fund are not adequate for the construction, repair and maintenance of the Disposal System, a special assessment will be made to cover such necessary costs. There shall be no limit on the amount of the special assessment, and the special assessment can be made as necessary at any time. The Association shall not enter into voluntary dissolution without first having transferred the Disposal System to some person, corporation, or other entity acceptable to and approved by the North Carolina Environmental Management Commission.

Except as amended hereby, all of the terms, covenants, promises, restrictions and provisions contained in the Declaration shall remain in full force and effect.

The undersigned officer certifies on behalf of the Association that this Amendment was duly adopted as aforesaid and that the Declaration is amended as set forth herein.

QUEENS GRANT RECREATION ASSN., INC.

By: [Signature]  
Printed Name: Kim Quinn, President  
Its: President



STATE OF NORTH CAROLINA  
COUNTY OF Catawba

I, Pamala Starnes Icard, a Notary Public of Catawba County, do hereby certify that Kim Quinn, President personally appeared before me this day and acknowledged that he is the President of Queens Grant Recreation Assn., Inc. and acknowledged the due execution of the foregoing instrument.

Witness my hand or official seal, this 9th day of May, 2019.  
[Signature]  
Notary Public

My Commission Expires: 4/24/2021

**Certification of Validity of Amendment to Declaration of Covenants, Conditions and Restrictions of Queens Grant Recreation Assn., Inc.**

At the direction of the President of Queens Grant Recreation Assn., Inc., and pursuant to Article IX, Section 4, of the Declaration of Covenants, Conditions and Restrictions of Queens Grant Recreation Assn., Inc. recorded in Book 617, Page 152 of the Pender County Registry, the undersigned Secretary of Queens Grant Recreation Assn., Inc. certifies that the foregoing Amendment has been duly proposed and approved by not less than 2/3rds of all the votes of the members of Queens Grant Recreation Assn., Inc., by ballots submitted on or before May 4th, 2019 and it is therefore a valid Amendment to the said Declaration. There were 109 eligible votes and 84 ballot votes were submitted in favor of said Amendment. Said Amendment is authorized, approved and shall be duly recorded in the office of Register of Deeds for Pender County, North Carolina.

QUEENS GRANT RECREATION ASSN., INC.

By: *Bonnie Moore*  
Printed Name: Bonnie Moore  
Its: Secretary

