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Lincoln County, North Carolina  
Danny R. Hester, Register of Deeds

Drawn by and return to:  
The Jonas Law Firm, PLLC  
PO Box 1594, Denver, NC 28037  
Filed Electronically

**FIRST AMENDMENT TO DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS FOR  
3 CHERRY WAY HOMEOWNERS ASSOCIATION**

Submitted electronically by "The Jonas Law Firm - Denver"  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Lincoln County Register of Deeds.

STATE OF NORTH CAROLINA

COUNTY OF LINCOLN

**FIRST AMENDMENT TO DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS FOR  
3 CHERRY WAY HOMEOWNERS ASSOCIATION**

THIS First Amendment and Supplement to the Declaration of Covenants, Conditions and Restrictions for 3 Cherry Way Homeowners Association is made and entered into on this 17th day of January 2020 by CHERRY ENTERPRISES, INC., A North Carolina Corporation, (hereinafter referred to as "Declarant");

WITNESSETH:

WHEREAS, Declarant executed that certain "Declaration of Covenants, Conditions, and Restrictions for 3 Cherry Way Homeowners Association" as recorded in Deed Book 2173, Page 351 in the Lincoln County Public Registry (hereinafter referred to as the "Declaration"), and

WHEREAS, Article XII, Section 12.04 of the Declaration provides that the Declaration may be amended by a written instrument signed by the owners of not less than sixty-seven percent (67%) of the Lots subject to the Declaration; and

WHEREAS, the Declarant comprises over sixty-seven percent (67%) of the lots affected by said declaration and

WHEREAS, the Declarant desires to amend the Declaration, and

WHEREAS, Section 3.02 Voting Rights, Paragraph 2 regarding Class B members, as set out in the above recited and recorded Declaration is deleted in its entirety and the following sentences are inserted in lieu thereof:

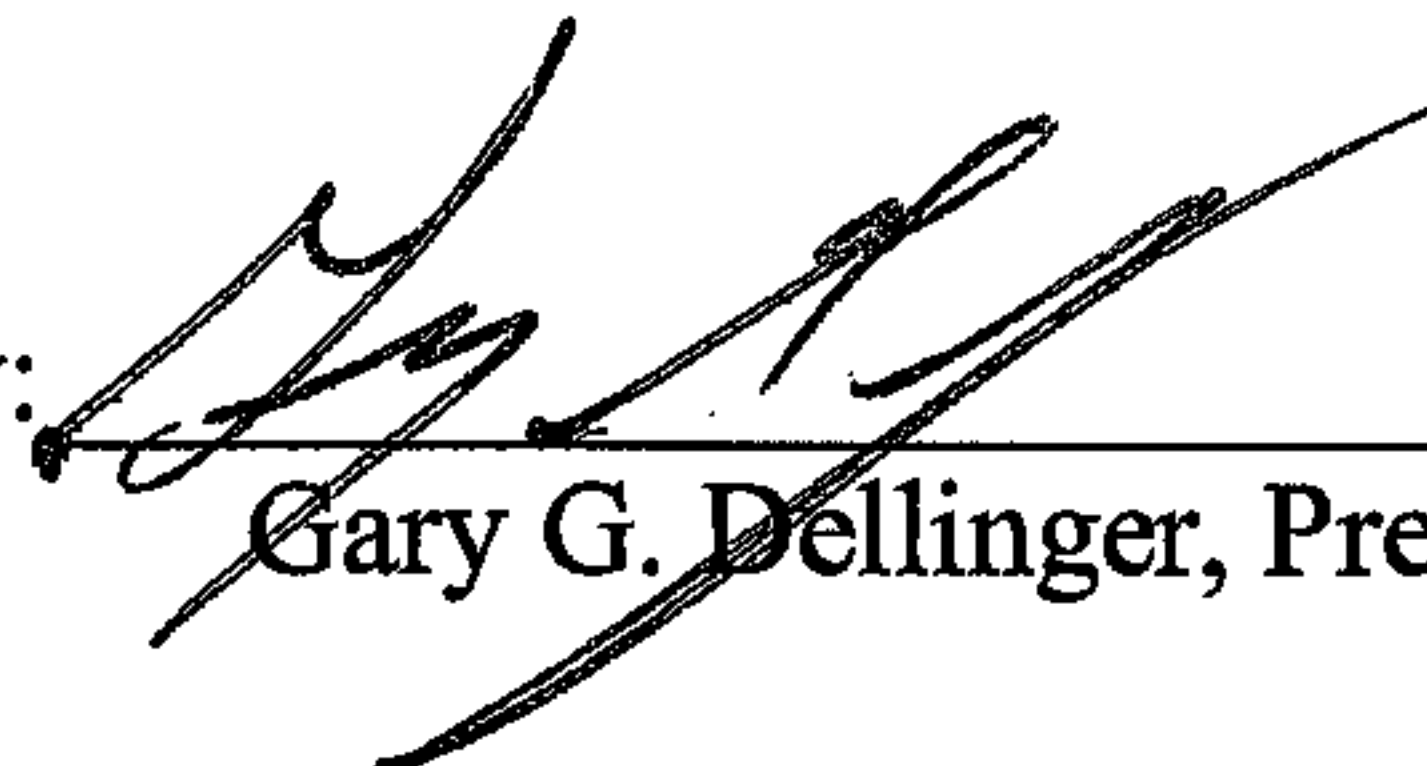
Class B members shall be the Declarant. The Class B member shall be entitled to vote fifty (50) votes for each lot owned. Class B membership shall cease and be converted to Class A membership at the earlier of four months after one hundred percent (100%) of the lots have been sold and conveyed by the Declarant to unrelated third parties, or February 4, 2025, provided however Declarant may at any earlier time elect to abolish Class B membership by delivery of written notice thereof to the Association.

THAT EXCEPT as herein amended, the remaining provisions of said Declaration shall remain in full force and effect.

In the event of a conflict between this Amendment and the Declaration, this Amendment shall control.

IN WITNESS WHEREOF, Declarant has executed this Declaration as of the day and year first above written.

**CHERRY ENTERPRISES, INC.,**  
a North Carolina Corporation

By:   
Gary G. Dellinger, President

**NOTARY ACKNOWLEDGEMENT**

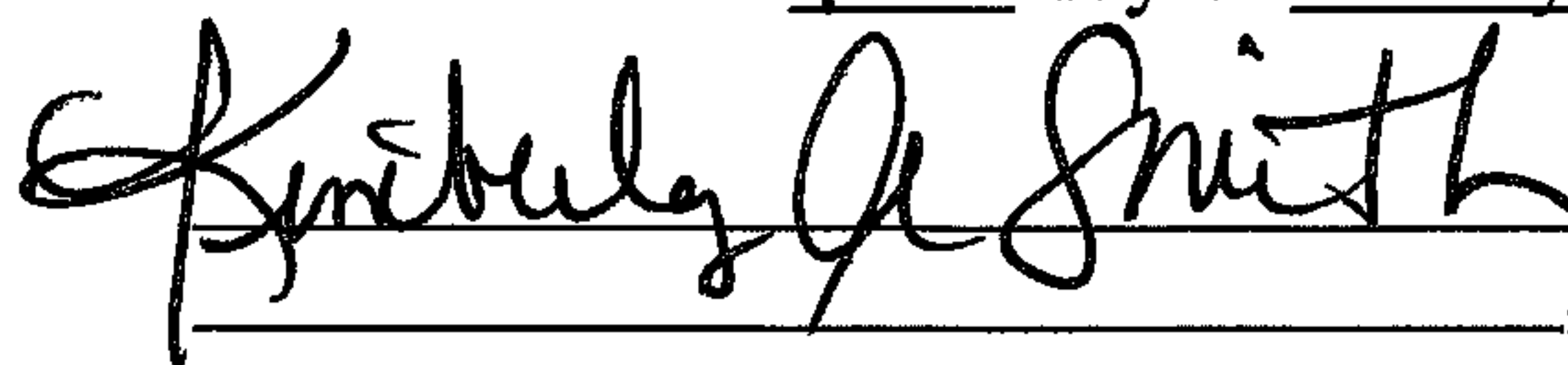
STATE OF NORTH CAROLINA

COUNTY OF Lincoln

I, Kimberly A Smith a Notary Public of County and State aforesaid, certify that Gary G. Dellinger personally came before me this day and acknowledged that he is President of Cherry Enterprises, Inc., a North Carolina Corporation, and that he as President being authorized to do so, executed the foregoing on behalf of the Corporation.

I certify that the following persons personally appeared before me this day, acknowledging to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Gary G. Dellinger, President.

Witness my hand and official seal this 17<sup>th</sup> day of January, 2020.

, Notary Public

STAMP/SEAL

Kimberly A. Smith  
Notary Public  
Iredell County, N.C.

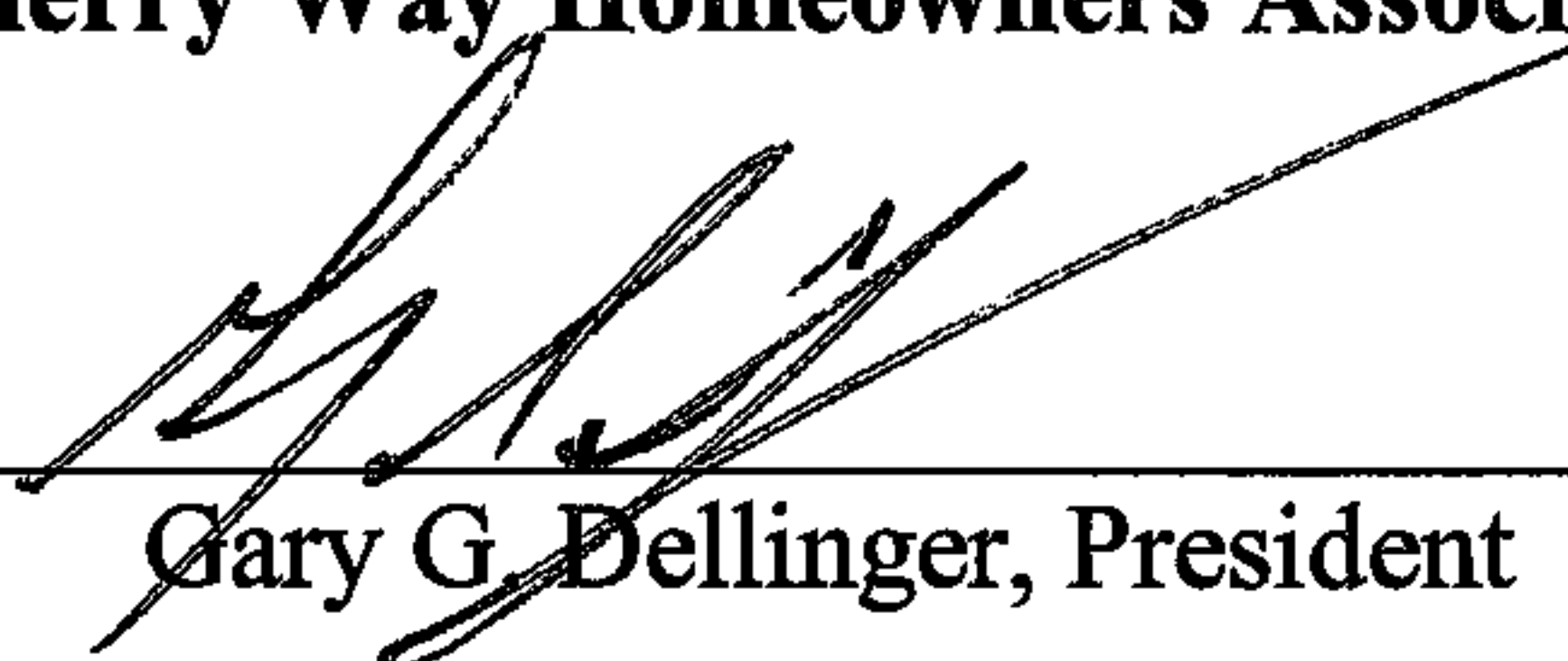
My commission expires: 11-27-21

CERTIFICATION OF VALIDITY

Cherry Enterprises, Inc. as the Declarant and Class B Member of the Association is entitled to 50 votes per lot. At the time of execution of The First Amendment to the Declaration of Covenants, Conditions, and Restrictions, for 3 Cherry Ways Homeowners Association, the Declarant, by more than Sixty-Seven percent (67%) of the votes allotted, approved the Amendment.

**IN WITNESS WHEREOF**, Declarant has executed this Declaration as of the day and year first above written.

**3 Cherry Way Homeowners Association, Inc.**

By:   
Gary G. Dellinger, President

**NOTARY ACKNOWLEDGEMENT**

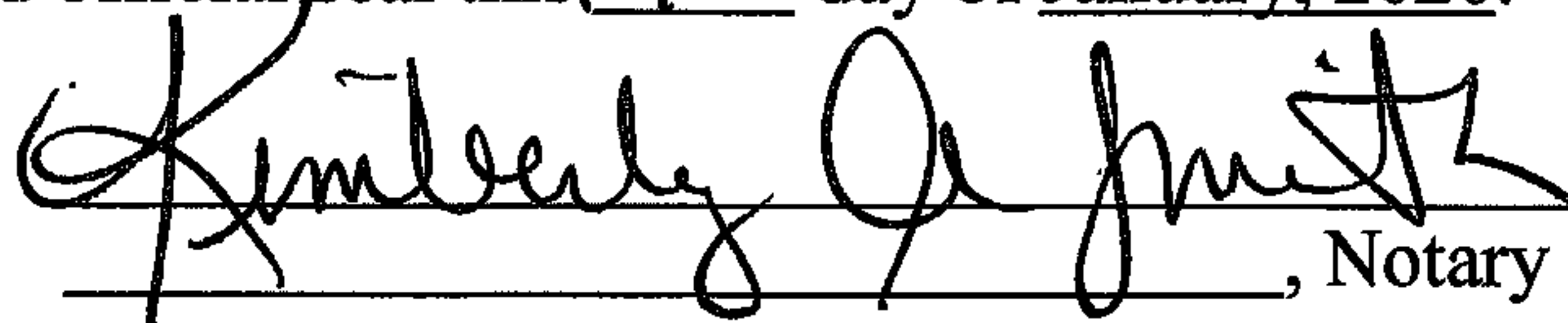
STATE OF NORTH CAROLINA

COUNTY OF Lincoln

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I certify that the following persons personally appeared before me this day, acknowledging to me that he voluntarily signed the foregoing document for the purpose stated therein and, in the capacity, indicated: Gary G. Dellinger, President.

Witness my hand and official seal this 17<sup>th</sup> day of January, 2020.

, Notary Public

STAMP/SEAL

Kimberly A. Smith  
Notary Public  
Iredell County, N.C.

My commission expires: 11-27-21