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Onslow County, NC
Rebecca L. Polard Reg. of Deeds
BK **3921** Pg **900-905**

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NORTH CAROLINA
ONSLow COUNTY

AMENDMENT TO MASTER
DECLARATION OF COVENANTS
AND RESTRICTIONS (SEMULTI PHASE)
THE LANDING AT FOLKSTONE PHASE VII

LOTS 368-391
(47F-1-101 et seq.)

THIS AMENDMENT TO MASTER DECLARATION OF RESTRICTIVE COVENANTS OF THE LANDING AT FOLKSTONE TOWNHOMES, made this the 23rd day of JANUARY, 2013, by ROSE PROPERTIES, LLC, a North Carolina Limited Liability Company ("Declarant") of Onslow County, North Carolina.

WHEREAS, the Declarant has heretofore caused to be recorded a Master Declaration of Restrictive Covenants in Book 3715, Page 202, Onslow County Registry; and

WHEREAS, the Master Declaration as above recorded and originally published expressly allowed additional tracts or parcels of land to be made subject to the terms and conditions of said Master Declaration; and

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WHEREAS, the Declarant has now completed certain improvements on that certain tract of land designated as **THE LANDING AT FOLKSTONE, PHASE VII**; and

WHEREAS, the Declarant is the owner of that certain tract or parcel of land designated as **THE LANDING AT FOLKSTONE, PHASE VII**, as shown on Exhibit A, attached hereto and by reference made a part hereof; and

WHEREAS, the Declarant will convey the property described in **THE LANDING AT FOLKSTONE, PHASE VII**, as shown on said Exhibit A subject to all those conditions, restrictions, reservations, liens and charges set forth in the Master Declaration, all of which is hereby incorporated by reference:

NOW THEREFORE, the Declarant does hereby publish and declare all of the property described below shall be held, conveyed, hypothecated, encumbered, used, occupied and improved subject to all the terms and conditions set forth in said Master Declaration, which is declared and agreed to in furtherance of the plan for the improvements of said property in the division thereof and shall be deemed to run with the land and shall be a burden and a benefit to Declarant, its successors and assigns, and any person acquiring or owning any interest in the real property improvements, their Grantees, successors, heirs, executors, administrators, devisees and assigns.

1. **DESCRIPTION OF PROPERTY:** Being all of that property as described on Exhibit A attached hereto and incorporated herein by this reference as if fully set forth.

2. **GENERAL RESTRICTIONS:** [Applicable to that property designated and set out in Exhibit A only:]

Section 1 shall be amended to read as follows: Allowable/Prohibited Structure (SF): No structure shall be erected, altered, placed or permitted to remain on any Lot other than a single, one family dwelling not to exceed three stories in height, which may include living quarters for one or more members of the owners' family or relative, and which may contain living quarters for occupancy by domestic servants of the lot occupant only, and provided that the same are constructed in line with general architectural design and construction standards used as the dwelling itself. The total square footage for any home must be 1100 square feet.

Paragraphs 8 and 8.1 shall not apply to the real property subject to this amendment.

3. **ASSESSMENTS:** Applicable to that property designated and set out in Exhibit A only:] Paragraph 7, Section 3 (a) shall be amended to read as follows:

Section 3. Determination of Amount of Assessment:

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(a) The initial minimum annual assessment shall be \$150.00 per year per lot for the 2012 and 2013 calendar years. The subsequent year assessments will be based upon a budget determined in part by the operating costs and reserve requirements of anticipated amenities which will become part of the common area of the subdivision and as such the initial minimum assessment does not represent subsequent year assessments to which each lot shall be subject. Assessments shall commence as to each lot beginning on the date of closing from the Declarant to an owner other than the Declarant. So long as Declarant Control exists, the Declarant shall pay no assessments but shall be responsible for any deficit in the operating budget.

3. STORMWATER PROVISIONS: : General Provisions: As to that property designated and set out in Exhibit A only: PARAGRAPH 8, SECTION 2(GENERAL RESTRICTIONS BOOK 3715, PAGE 202, as amended, shall not apply and the following shall apply to that property designated and set out in Exhibit A

(1) The following covenants are intended to ensure ongoing compliance with State Stormwater Management Permit Number SW8 120905, as issued by the Division of Water Quality under NCAC 2H.1000.

(2) The State of North Carolina is made a beneficiary of these covenants to the extent necessary to maintain compliance with the Stormwater Management Permit.

(3) These covenants are to run with the land and be binding on all persons and parties claiming under them.

(4) The covenants pertaining to stormwater may not be altered or rescinded without the express written consent of the State of North Carolina, Division of Water Quality.

(5) Alteration of the drainage as shown on the approved plan may not take place without the concurrence of the State of North Carolina, Division of Water Quality.

(6) any individual or entity found to be in non-compliance with the provisions of this permit or the requirements of the stormwater rules is subject to enforcement procedures as set forth in NCGS 143, Article 21.

(7) The maximum built-upon area per lot is as listed below. This allotted amount includes any built-upon area constructed within the lot property boundaries, and that portion of the right-of-way between the front lot line and the edge of the pavement. Built upon area includes, but is not limited to, structures, asphalt, concrete, gravel, brick, stone, slate, and coquina, but does not include raised, open wood decking, or the water surface of swimming pools.

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LOT #	MAX. BUA (sf)
301-316, 318-330, 335-377, 381-391 (SF)	3,650
317 SF	5,150
331-334, 378-380 (SF)	4,600
49, 209, 2, 10, 212 (MF)	7,500
47, 211, 217 (MF)	9,000
48, 50, 213, 215, 216 (MF)	10,750
51 MF	11,500
214 MF	13,000

(8) Filling in piping of any vegetative conveyances (ditches, swales, etc) associated with the development except for average driveway crossings, is strictly prohibited by any persons.

(9) Each lot will maintain a minimum 30-foot wide vegetated buffer between all impervious areas and surface waters.

(10) All roof drains shall terminate at least 30 feet from surface waters

3. INCORPORATION BY REFERENCE: All of the terms, conditions, provisions and rights reserved by the Declarant as set forth in the Master Declaration as recorded in Book 3715, Page 202, Onslow County Registry, are incorporated herein by reference.

IN WITNESS WHEREOF, as the above date, Grantor (whether person, corporation, limited liability company, general partnership, limited partnership, or other entity) has signed this instrument in the ordinary course of business, by the signature(s) below if its duly authorized representative(s), as the act of such entity.

ROSE PROPERTIES, LLC

By: 
DONALD FOSE, Manager

Onslow County
North Carolina

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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: DONALD FOSE

Date: 1-23-13

Mary K Dennis
(Official Signature of Notary)

My Commission Expires: 6-24-17



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EXHIBIT A TO AMENDMENT TO MASTER DECLARATION

BEING ALL OF THOSE LOTS AS SHOWN ON THAT PLAT ENTITLED "PLAT FOR THE
LANDING AT FOLKSTONE S/D, PHASE VII, AS RECORDED IN BOOK 65, PAGE 205,
ON SLOW COUNTY REGISTRY.

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