

FOR REGISTRATION
Willie L. Covington
REGISTER OF DEEDS
Durham County, NC
2013 OCT 30 12:23:24
BK: 7388 PG: 910-914
SEE INSTRUMENT
FEE: \$26.00
INSTRUMENT # 2013041511

SCEARNEL



2013041511

Prepared by G. Norman Acker, III
Return to Community Focus of N.C., PO Box 52395, Durham, NC 27717

DURHAM COUNTY

NORTH CAROLINA

**SECOND AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS OF BLENHEIM WOODS**

THIS SECOND AMENDMENT TO THE DECLARATION OF COVENANTS,
CONDITIONS, AND RESTRICTIONS OF BLENHEIM WOODS (this "Amendment") is made
as of October 30th, 2013 by the Blenheim Woods Community Association.

WITNESSETH:

WHEREAS the First Amendment to Declaration of Covenants, Conditions, and
Restrictions of Blenheim Woods, recorded in Book 6693 Page 624 of the Durham County
Registry (the "First Amendment") provides that the Declaration of Covenants Conditions and
Restrictions recorded in Book 5637 Page 514 of the Durham County Registry (the "Covenants")
may be amended by the Blenheim Woods Community Association (the "Association") upon an
affirmative vote or written agreement signed by at least sixty-seven percent (67%) of the Owners
in Blenheim Woods; and

WHEREAS Owners of at least sixty-seven percent (67%) of the Lots in Blenheim Woods have approved this Second Declaration of Covenants Conditions and Restrictions; and

WHEREAS the Association has determined that the amount of Annual Assessment as originally set in the Covenants was unreasonably low to cover the expenses of the Association; and

WHEREAS the Association desires to amend the base Annual Assessment to \$550 per year, beginning in 2014; and

WHEREAS the first restriction on use and occupancy, as contained in Article 13, Paragraph A of the Covenants provides that "No lot shall be used except for single family residential purposes" and

WHEREAS the Covenants also prohibit garages or outbuildings from being rented separately for remuneration; and

WHEREAS the Covenants also prohibit any activity that is an "unreasonable annoyance or nuisance to the other Lot Owners or the neighborhood" and

WHEREAS the Covenants contain a number of other restrictions that are intended to maintain the neighborhood's character as a single-family residential neighborhood; and

WHEREAS several homeowners have expressed concern about certain other homeowners renting their house for short periods of time (e.g. weekend rentals); and

WHEREAS the Board of Directors for the Association consider that weekend rentals are inconsistent with the restriction on the use of the lots solely for "single family residential purposes" and

WHEREAS the Association has the authority to promulgate reasonable rules and regulations respecting the use of the properties, but believes that it is in the best interest of the neighborhood for a decision about short-term rentals be decided by the property owners, rather than merely by the Board; and

WHEREAS the Association desires to make it explicit in the Covenants that short-term rentals are inconsistent with the use of the property solely for "single family residential purposes" and

WHEREAS the proposed Amendment set out below is consistent with the plan, intent and spirit of the original Covenants;

NOW THEREFORE, upon a unanimous decision of the Board of Directors of the Association, and by an affirmative vote of at least sixty seven percent (67%) of the Owners in Blenheim Woods, the Association hereby amends the Covenants as follows:

1. Amendment to Article 7

The Covenants shall be amended by replacing paragraph 2 of Section C of Article 7 with a new paragraph 2 of Section C of Article 7 as set forth below:

2. Beginning January 1, 2014, the maximum annual general assessment shall be \$550.00 (Five Hundred Fifty and 00/100 Dollars). From and after January 1, 2014, the maximum annual general assessment may be increased by an amount of up to 10% by the Board of Directors. An increase greater than 10% must be approved by a vote of two-thirds (2/3) of the Members who are voting in person or by a proxy at a meeting duly called for this purpose.

2. Amendment to Article 13

The Covenants shall be amended to add the following paragraph to Article 13 of the Covenants:

G. No short-term rentals shall be allowed, since they are inconsistent with the restriction of the use of the property for single family residential purposes. Short-term rentals shall be considered as rentals for a period of less than 6 months. Rentals for periods of six months or more shall be allowed, provided that the homeowner gives notice to the Association of the existence of the rental, the name and phone number of the tenant, and the term of the rental. The Association shall have the authority to set reasonable fines for violation of this provision, and to take any other action allowed under law to enforce it.

IN WITNESS WHEREOF, the Association has caused this instrument to be executed this 30th day of October, 2013.

BLENHEIM WOODS COMMUNITY ASSOCIATION

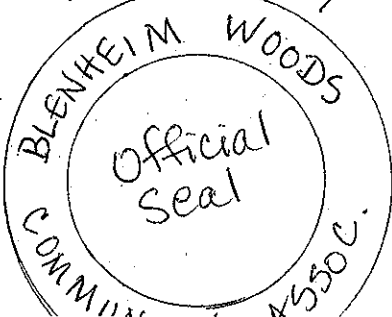
By: Margie Tippet
Margie Tippet, President

Attested to by: James R. Johnson
James R. Johnson, Secretary

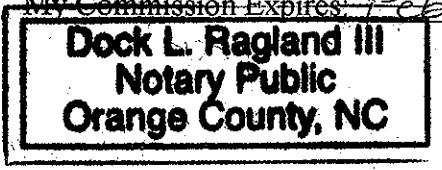
STATE OF NORTH CAROLINA
COUNTY OF ~~DURHAM~~ Orange

I hereby certify that Margie Tippet has appeared before me this day and attested to me that he/she is the President of Blenheim Woods Community Association and that James Johnson has appeared before me this day and attested to me that he/she is the Secretary of Blenheim Woods Community Association, and that they both have signed this document on this 30th day of October, 2013 and affixed the seal of the Association thereto.

Date: October 30, 2013



[Signature]
Notary Public
Print Name: Dock L. Ragland, III
My Commission Expires: February 6, 2017



ATTACHMENT A

CERTIFICATION OF VALIDITY OF AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS OF BLENHEIM WOODS

By authority of its Board of Directors, Blenheim Woods Community Association (the "Association") hereby certifies that the foregoing instrument has been duly approved by the owners of at least 75% percent of the votes of the members of the Association, and is, therefore, a valid amendment to the existing Covenants, Conditions, and Restrictions of Blenheim Woods.

This the 30th day of October, 2013

BLENHEIM WOODS COMMUNITY ASSOCIATION

By: Margie Pippett
Margie Pippett, President

Attested to by: James R. Johnson
James R. Johnson, Secretary

STATE OF NORTH CAROLINA
COUNTY OF ~~DURHAM~~ Orange

I hereby certify that Margie Pippett has appeared before me this day and attested to me that he/she is the President of Blenheim Woods Community Association and that James R. Johnson has appeared before me this day and attested to me that he/she is the Secretary of Blenheim Woods Community Association, and that they both have signed this document on this 30th day of October, 2013 and affixed the seal of the Association thereto.

Date: October 30, 2013

Dock L. Ragland III
Notary Public
Print Name: Dock L. Ragland, III
My Commission Expires: February 6, 2017

