

FOR REGISTRATION REGISTER OF DEEDS  
ELIZABETH T COOPER  
BURKE COUNTY NC  
2010 JUN 10 02 01 06 PM  
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INSTRUMENT # 2010004846

STATE OF NORTH CAROLINA

COUNTY OF BURKE

NINTH AMENDMENT TO DECLARATION  
OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
OF  
EAST SHORES

(Original Recording Book 771, Page 364, Burke County Registry)

THIS NINTH AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR EAST SHORES (this "Ninth Amendment") is made and entered into this 8<sup>th</sup> day of JUNE, 2010, by East Shores Owners' Association, Inc, a North Carolina corporation,

WITNESSETH:

WHEREAS, the East Shores Subdivision was originally developed by Crescent Resources, LLC, a Georgia Limited Liability Company (the "Declarant"), which has previously filed the Declaration of Covenants, Conditions and Restrictions – East Shores dated September 14, 1990, and recorded in Book 771, Page 364, Burke County Public Registry (the "Original Declaration"), and

WHEREAS, the Original Declaration has been amended and supplemented from time to time to add additional restrictions, and to bring additional phases of the East Shores subdivision under the governance of the Original Declaration, and

WHEREAS, Article XIV, Section 3 of the Original Declaration provides that the "covenants and restrictions of this Declaration may be amended at any time and from time to time by an agreement signed by Owners holding a majority of votes appurtenant to the Lots which are then subject to this Declaration, provided, however, that such amendment must be consented to by Declarant so long as Declarant is the owner of any Lot in the Development", and

WHEREAS, in recent months, there have been residential properties with the East Shores Subdivision which have been advertised for rent as short-term vacation rentals, and in some cases, have been marketed as multi-family vacation units; and

WHEREAS, the Purpose Statement of the Original Declaration provides that the "Declarant desires to create an exclusive residential community of single-family residences; and

WHEREAS, Article I, Section 11 provides that East Shores shall be a "single-family residential development"; and

WHEREAS, the East Shores Owners' Association, Inc has presented this Amendment for approval to each of the current Lot Owners in the East Shores Subdivision, Phases 1 through 6, and has obtained the signatures of at least two-thirds (2/3) of all votes entitled to be cast by Members of the Association consenting to said Amendment, and

WHEREAS, the Declarant no longer is the owner of any numbered Lot in the Development, and is therefore, not required to join in this Amendment, and

WHEREAS, the East Shores Owners' Association, Inc. desires to amend the Original Declaration for the purpose of requiring that any property that is rented within East Shores shall be rented as a single-family unit for a period of not less than three (3) months.

NOW, THEREFORE, by this NINTH AMENDMENT, the East Shores Owners' Association, Inc hereby amends the Original Declaration, and all subsequent amendments, as follows.

1. Article IX. Restrictions shall be amended by adding the following sections

Section 22. Limitations on the Rental of Property. No housing unit located within East Shores shall be marketed or leased as a vacation or short-term rental unit. The minimum rental contract required shall be a minimum of three (3) months

Section 23 Single-Family Residence All residences located in East Shores shall be used as single-family dwellings, and may not be leased or otherwise used for multi-family use

2. The above restriction shall apply to all phases of the East Shore development
3. All covenants, conditions, restrictions and easements established by and contained in the Original Declaration, and all amendments and supplements thereto, shall remain in full force and effect, as clarified by this Ninth Amendment.
4. This Ninth Amendment to the Declaration of Covenants, Conditions, and Restrictions for East Shores shall be effective as of the date of filing

**IN WITNESS WHEREOF**, East Shores Owners' Association, Inc., a North Carolina nonprofit corporation, has hereunto caused this instrument to be signed in their corporate name by the President of the corporation, and their seal to be hereunto affixed by authority of its Board of Directors, this the 8<sup>th</sup> day of JUNE, 2010.

## **EAST SHORES OWNERS' ASSOCIATION, INC.**

By Bruce J. Vergler  
Bruce J. Vergler, President

**NORTH CAROLINA, Burke County**

I, a Notary Public of the County and State aforesaid, certify that **Bruce J. Yergler** personally came before me this day and acknowledged that he is **President of East Shores Owners' Association, Inc.**, a North Carolina non-profit corporation, and that he as President, being authorized to do so, executed the foregoing on behalf of the Corporation. Witness my hand and official seal, this 8<sup>th</sup> day of JUNE, 2010.

(Seal)

Mark Fennell  
Notary Public

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ELIZABETH T COOPER  
REGISTER OF DEEDS, BURKE  
JUDICIAL BUILDING  
201 SOUTH GREEN STREET  
MORGANTON, NC 28655

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