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Instrument # 2017004834

FOR REGISTRATION REGISTER OF DEEDS
Stephanie A. Norman
Burke County, NC

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Instrument # 2017004834

PREPARED BY AND RETURN TO:

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STATE OF NORTH CAROLINA
COUNTY OF BURKE

**AMENDED AND RESTATED DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS OF
PARADISE HARBOR SUBDIVISION
PHASES 1, 2, 3, 4, 5, 6, 7, & 8 AND
EAST EXTENSION PHASES 1, 2, 3, & 4**

THIS AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF PARADISE HARBOR SUBDIVISION (the "Declaration") is made this 22nd day of May, 2017, by and between **Paradise Harbor, LLC**, a North Carolina limited liability company (hereinafter, the "Declarant"); and **Paradise Harbor Property Owners Association, Inc.**, a North Carolina nonprofit corporation (hereinafter, the "Association"), for itself and on behalf of each and every lot owner and member in Paradise Harbor Subdivision (hereinafter, the "Subdivision"); and any and all persons, firms, or corporations hereinafter acquiring any of the within described property or any of the property hereinafter made subject to this Declaration.

WITNESSETH:

WHEREAS, the Association and the Subdivision are governed by certain governing documents, including articles of incorporation of the Association (hereinafter, the "Original Articles"), declarations of covenants, conditions, and restrictions on record (including without limitation recorded documents found in (1) Deed Book 1379, Page 1, (2) Deed Book 1428, Page 931, (3) Deed Book 1479, Page 842, (4) Deed Book 1548, Page 785, (5) Deed Book 1803, Page

761, (6) Deed Book 1928, Page 936, (7) Deed Book 1991, Page 62, (8) Deed Book 1991, Page 75, and (9) Deed Book 2151, Page 719, all of the Burke County Registry) (hereinafter referred to, collectively or individually, as the "Original Covenants") and bylaws (hereinafter, the "Original Bylaws") (collectively, the Original Articles, Original Covenants, and Original Bylaws hereinafter referred to as the "Original Governing Documents"); and,

WHEREAS, Declarant is the original developer of the Subdivision; and,

WHEREAS, all of the parties hereto desire to amend the Original Covenants as set forth herein; and,

WHEREAS, all of the parties hereto desire to consolidate all of the Original Covenants, as amended as set forth herein, into a single set of new covenants, conditions, and restrictions for the Association and the Subdivision, hereby replacing all of the Original Covenants with a new uniform single set of governing documents as set forth herein, which shall amend and supersede the terms of the Original Covenants; and,

WHEREAS, more than sixty-seven percent (67%) of the members of the Association have voted to adopt the amended and restated Declaration as hereinafter set forth; and,

WHEREAS, the Subdivision consists of several phases, each of which is more particularly described by the following plats thereof recorded in the Burke County Registry, to which reference is hereby made for a more complete description:

Phase 1:	Plat Book 37, Page 165-181 (superseding Plat Book 25, Page 190-214)
Phase 2:	Plat Book 27, Page 17-27
Phase 3:	Plat Book 30, Page 75
Phase 4:	Plat Book 31, Page 203
Phase 5:	Plat Book 33, Page 23
Phase 6:	Plat Book 41, Page 170
Phase 7:	Plat Book 41, Page 168
Phase 8:	Plat Book 44, Page 13-24

East Extension Phases

Phase 1:	Plat Book 28, Page 179-195
Phase 2:	Plat Book 29, Page 285-293
Phase 3:	Plat Book 33, Page 289
Phase 4:	Plat Book 40, Page 39-57, and Plat Book 40, Page 297

; and,

WHEREAS, the lots in the Subdivision are so situated as to comprise a neighborhood unit and it is the intent and purpose of the Declarant to convey the aforesaid lots to persons who will erect thereon residences to be used for single family purposes, subject to the provisions hereinafter set forth; and,

WHEREAS, Declarant has agreed to establish a general plan of development as herein set out to restrict the use and occupancy of the property subject to the Declaration for the benefit and protection of the Subdivision, and each of the individual lot owners in the Subdivision and for the mutual protection, welfare and benefit of the present and future owners thereof; and,

WHEREAS, Declarant desires to provide for (1) the preservation of values of the Subdivision subject to the terms hereof, and (2) the preservation and maintenance of the Common Property and the Boat Slips established by the Original Covenants as well as in this Declaration.

NOW, THEREFORE, in accordance with the recitals which by this reference are made a substantive part hereof, Declarant declares that all of the property described in the Original Covenants (all of such real property so described and making up the Subdivision, and which is also all of that real property shown on those plats referenced in Article I, Section 18 below, hereinafter referred to as the "Property") as referenced above is made subject to the Declaration and its restrictions and shall be held, sold, and conveyed subject to the following easements, restrictions, covenants, and conditions, which are for the purpose of protecting the value and desirability of the Subdivision as it now exists and may hereafter be expanded, and that such easements, restrictions, covenants, and conditions shall burden and run with said Subdivision and be binding on all parties now or hereafter owning said Subdivision real property and their respective heirs, successors, and assigns, having any right, title or interest in the properties now or hereafter subjected to the terms hereof, or any part thereof, and shall inure to the benefit of each owner thereof and their respective heirs, successors, and assigns, and it is further acknowledged that the Subdivision, as is now constituted is a Planned Community subject to the terms of the Act (as hereinafter defined).

ARTICLE I DEFINITIONS

1. Act. "Act" shall mean the North Carolina Planned Community Act, Chapter 47F of the North Carolina General Statutes.
2. Articles. "Articles" shall mean the Articles of Incorporation of the Association and any amendments thereto.
3. Association. The "Association" shall mean and refer to Paradise Harbor Property Owners Association, Inc., a non-profit North Carolina corporation, its successors and assigns.
4. Board. "Board" or "Board of Directors" shall mean the Board of Directors of the Association.
5. Boat Slip. "Boat Slip" shall mean and refer to a boat slip constructed by Declarant on Lot 204 of the Subdivision.
6. Boat Slip Lot. "Boat Slip Lot" shall mean and refer to any Lot to which an exclusive right of use of a designated, appurtenant Boat Slip has been granted in an instrument recorded in

