

Prepared by and return to: Hope Derby Carmichael, P.O. Box 10669, Raleigh, NC 27605

STATE OF NORTH CAROLINA

AMENDMENT TO DECLARATION
OF CONDOMINIUM FOR
BRIGHTHURST/BISHOPS RIDGE
CONDOMINIUM

COUNTY OF WAKE

THIS AMENDMENT to the Declaration of Condominium for Brighthurst/Bishops Ridge Condominium is made this 16th day of September, 2015, by the members of the Brighthurst/Bishops Ridge Condominium Association, Inc. ("Association").

WITNESSETH:

WHEREAS, Martin Development Group, Inc., a North Carolina corporation, caused to be recorded a Declaration of Condominium for Brighthurst/Bishops Ridge Condominium in Book 3501, Page 01 in the Wake County Registry, which was thereafter supplemented (collectively, "Declaration"); and

WHEREAS, Article 20 of the Declaration provides that the Declaration may be amended by the vote of Unit Owners owning at least 75% of the Common Interest, cast in person or by proxy at a meeting duly held; and

WHEREAS, a vote by mail ballot pursuant to N.C. Gen. Stat. § 55A-7-08 was duly noticed and held, and Unit Owners owning 76.64% of the Common Interest voted to amend the Declaration as set forth below;

NOW, THEREFORE, the undersigned does hereby declare that the first paragraph of Article 18(a) of the Declaration of Condominium for Brighthurst/Bishops Ridge Condominium is amended as follows, by deleting the language that is struck through and adding the language that is in bold and underlined:

(a) In the event of damage to or destruction of any Building as a result of fire or other casualty to the extent of less than 2/3rds in value of the Building, or if the Property is not partitioned as provided in N.C. Gen. Stat. § 47A-25, the Board of Directors shall arrange for the prompt repair and restoration of the Building (including any damage to any Unit therein, but not including any decoration or coverings for walls, ceilings, or floors, or other furniture, furnishings, fixtures or equipment in such Unit, unless the subject insurance policy covers a portion or all of such loss to the Unit, in which event the Board shall repair or replace such damage to property), and the Board of Directors shall disburse the proceeds of all insurance policies to the contractors engaged in such repair and restoration in appropriate progress payments. ~~Any payment for repair and restoration in excess of the insurance proceeds shall constitute a Common Expense.~~ **In the event that the damage is to any portion of a Unit which a Unit Owner(s) is obligated to maintain, replace or repair, the Owner(s) shall be required to pay such portion of the costs of repair and restoration as may, by reason of the applicability of any deductibility provisions of such insurance, exceed the amount of the applicable insurance proceeds. Multiple Owners suffering damage to Units under a common insurance claim shall be responsible for payment of the deductible on a pro rata basis according to the total damage to each Unit.** Any reconstruction or repair shall be in accordance with the Plans attached hereto as Exhibit B. The determination of whether the damage or destruction “exceeds two-thirds (2/3)” the value of any Building for the purpose herein stated shall be determined by an appraisal of the value of such Building (excluding the land) as of the day immediately preceding the damage obtained by the Board of Directors from a licensed appraiser (who is a member of the American Institute of Real Estate Appraisers, the American Society of Appraisers, the Society of Real Estate Appraisers, or a comparable professional association of appraisers), when compared to the cost of repairs and restoration as determined by the Board of Directors.

Except as amended hereinabove, the remaining portions of the Declaration are and shall remain unchanged and in full effect. This amendment to the Declaration of Condominium for Brighthurst/Bishops Ridge Condominium shall be effective from the date of its recording in the Wake County Registry.


WHEREFORE, the President of the Association has hereunto affixed the corporate certification for the purpose of enacting the foregoing amendment.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

CERTIFICATION OF VALIDITY OF AMENDMENT TO
DECLARATION OF CONDOMINIUM FOR
BRIGHTHURST/BISHOPS RIDGE CONDOMINIUM

By authority of its Board of Directors, Brighthurst/Bishops Ridge Condominium Association, Inc. hereby certifies that the foregoing amendment has been duly approved by Unit Owners owning 76.64% of the Common Interest, as reflected on written ballots returned to the Association and maintained with the books and records of the Association, and is, therefore, a valid amendment to the existing Declaration of Condominium for Brighthurst/Bishops Ridge Condominium.

BRIGHTHURST/BISHOPS RIDGE
CONDOMINIUM ASSOCIATION, INC.

By: 
President

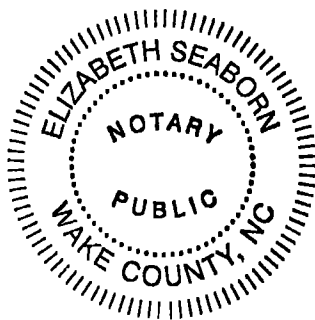
STATE OF NORTH CAROLINA

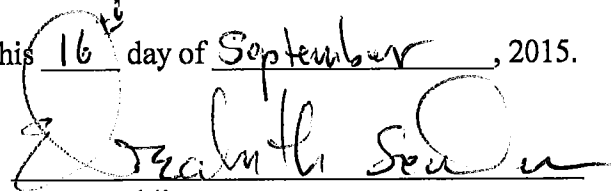
ACKNOWLEDGMENT

COUNTY OF WAKE

I, Elizabeth Seaborn a Notary Public of the County and State aforesaid, certify that Robert Havelly, of whose identity I have personal knowledge, personally appeared before me and acknowledged that s/he voluntarily executed the foregoing instrument for the purpose stated therein and in the capacity indicated and with full authority to do so.

Witness my hand and official stamp or seal, this 16th day of September, 2015.





Notary Public

Elizabeth Seaborn
Printed Name

My commission expires: November 3, 2019