

FOR REGISTRATION REGISTER OF DEEDS
ELIZABETH T COOPER
BURKE COUNTY, NC
2008 MAY 01 11:58.14 AM
BK 1760 PG.853-857 FEE:\$23.00

INSTRUMENT # 2008005591

Prepared by and Return after recording to.
Susan S. Barbour
McGuire, Wood & Bissette, PA
48 Patton Avenue, Asheville, NC 28801

**STATE OF NORTH CAROLINA
COUNTY OF BURKE**

**SUPPLEMENT TO THE DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS
FOR
THE SETTINGS OF LAKE RHODHISS**

This Supplement to the Declaration of Covenants, Conditions and Restrictions for The Settings of Lake Rhodhiss is made this 19 day of March, 2008 by The Settings of Lake Rhodhiss, LLC, A Georgia Limited Liability company ("Declarant").

WITNESSETH

WHEREAS, Declarant is the developer of The Settings of Lake Rhodhiss, a subdivision located in The Town of Valdese, Burke County, North Carolina, and

WHEREAS, Declarant, as the developer of The Settings of Lake Rhodhiss, recorded that certain Declaration of Covenants, Conditions, and Restrictions for The Settings of Lake Rhodhiss, on March 1, 2007 in Deed Book 1644, Page 1, of the Burke County, NC Registry (as may be amended from time to time, the "Declaration");

WHEREAS, Owner desires to submit the Phase IIA Property to the provisions of the Declaration to become a part of the Community of The Settings of Lake Rhodhiss, and

WHEREAS, pursuant to Article 2 and 7 of the Declaration, Declarant has the unilateral option, right and privilege to subject to the provisions of the Declaration and the jurisdiction of the Association, all or any portion of the Additional Property, by filing in the public records, an amendment or Supplemental Declaration annexing all or any portion of such property,

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WHEREAS, pursuant to Article 7 of the Declaration, such amendment to the Declaration or Supplemental Declaration shall not require the vote of the Members; and

WHEREAS, any such annexation shall be effective upon the filing for record of any such amendment or Supplemental Declaration, unless otherwise provided therein; and

WHEREAS, such amendment or Supplemental Declaration shall specify such specific use restrictions or other covenants, conditions and restrictions to be applicable to the annexed property as Declarant may, in its own discretion, determine, and

WHEREAS, Declarant wishes to exercise its option to submit to the provisions of the Declaration and the jurisdiction of the Association the Phase IIA Property more particularly described on Exhibit "A" attached hereto and by this reference made a part hereof ("Submitted Property"), and to thereby cause this Submitted Property to become part of the Community known as The Settings of Lake Rhodhiss; and

NOW THEREFORE, in consideration of the premises and of the benefits to be derived by the Declarant and accruing to the Property and Owners within The Settings of Lake Rhodhiss, the Declarant hereby amends the Declaration in the following respects for the purpose of submitting the Submitted Property to the Declaration and jurisdiction of the Association as follows

1 Declarant hereby declares that the Submitted Property is hereby subjected to all terms, provisions, covenants, restrictions, easements and conditions of the Declaration. The Submitted Property shall, from and after the date of recordation of this Amendment, be owned, held, transferred, sold, conveyed, used, occupied and mortgaged or otherwise encumbered subject to the provisions of the Declaration, and every grantee of every interest in the Submitted Property, by acceptance of a deed or other conveyance of such interest, whether or not such deed or other conveyance is expressly made subject to the provisions of the Declaration, and whether or not such grantee shall consent thereto in writing, shall take such interest subject to the provisions of the Declaration and shall be deemed to have consented to the same. From and after the filing of this Amendment in the Burke County, North Carolina Records, the "Community", as such term is defined by and described in the Declaration, shall include the Submitted Property, and the term "Lot" as used therein shall refer to and include the Lots located on the Submitted Property

2 Except as modified hereinabove, the Declaration shall remain in full force and effect and shall, from and after the effective date hereof, apply to the Submitted Property. The terms hereof shall be supplemental to the terms of the aforesaid Declaration and in the event of any inconsistency, the terms of the Declaration shall control. This Amendment shall be effective upon its filing for record in the Public Records of Burke County, North Carolina and shall be binding upon and inure to the benefit of all Owners of Lots in the Community and their respective heirs, executors, administrators, legal representatives, successors and assigns

IN WITNESS WHEREOF, Declarant has caused this instrument to be signed and sealed as of the date and year first above written.

SUBMITTED BY DECLARANT

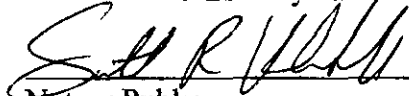
THE SETTINGS OF LAKE RHODHISS, LLC,
a Georgia limited liability company

By: 
Richard W. McWhorter, Manager

STATE OF GEORGIA
COUNTY OF Forsyth

I, a Notary Public, of Forsyth County, State of GEORGIA, certify that RICHARD W. McWHORTER personally appeared before me this day and being personally known by me and who acknowledged that he is Manager of THE SETTINGS OF LAKE RHODHISS, LLC., A Georgia limited liability company and further acknowledges the due execution of the foregoing instrument on behalf of and as the official act of the limited liability company

WITNESS my hand and notary seal at office, this 19th day of March, 2008.


Notary Public My Commission expires: 6-5-2010
Scott R. Vanderhoff
Print Name

(NOTARY SEAL)



EXHIBIT "A"

SUBMITTED PROPERTY

INCLUDING AND BEING all of that property shown as Phase II A of The Settings of Lake Rhodhiss and being more particularly shown and described on plats recorded in Plat Book 36, at Pages 38 through 43 the Burke County, NC Registry, reference to said plats being made for a more particular description of said Phase II A of The Settings of Lake Rhodhiss

TOGETHER WITH AND SUBJECT TO all easements, restrictions and rights of ways of record



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

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