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SWAIN COUNTY NC
DIANA WILLIAMSON KIRKLAND
REGISTER OF DEEDS
FILED Dec 16, 2016
AT 12:18:33 pm
BOOK 00445
START PAGE 0035
END PAGE 0036
INSTRUMENT # 02076
EXCISE TAX (None)

This Instrument Prepared by
And after recording return to:

Ronald Witkowski
12161 Ken Adams Way #209
Wellington, FL 33414

FOURTH AMENDMENT

THIS SECOND AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE FALLS ("DECLARATION") IS MADE THIS 7th DAY OF DECEMBER, 2016, by THE FALLS, LLC, A NORTH CAROLINA LIMITED LIABILITY COMPANY ("DEVELOPER")

Recitals

WHEREAS, the Declaration is recoded in Official Records Book 302, Pages 125-132 of the Public Records of Swain County, North Carolina; and

WHEREAS, Paragraph 15 of the Declaration permits the Developer to amend or modify the Declaration during the period of Developer Control, as provided in Paragraph 8 of the Declaration; and

WHEREAS, the Developer currently retains control as provided in Paragraph 8 of the Declaration, and pursuant to North Carolina General Statutes Section 47F-3-103(d); and

WHEREAS, as the Developer desires to amend the Declaration pursuant to the powers provided by the above-described provisions of the Declaration and North Carolina law;

NOW, THEREFORE, in consideration of the foregoing and by virtue of the authority granted to the Developer in the Declaration, the Declaration is hereby amended as follows:

1. Paragraph 5.A 2. is hereby deleted in its entirety and the following placed in its stead:
5.A 2. Any dwelling erected upon any lot shall contain not less than 1700 square feet, outside measurement, of enclosed and heated floor area, exclusive of open porches and garages.
2. Except as amended and modified herein, all other terms and conditions of the Declaration shall remain in full force and effect, according to its terms.

IN WITNESS HEREOF, this Amendment has been executed by the Developer on the day and year first above written.

WITNESSES

Valeri Garry
Nicholas J. Kufana

DEVELOPER

The Falls, LLC
By: *Michael Viti*
Its: Member/Manager

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 14th day of December, 2016, by *Ronald Witkowski, MBR/MBR* as Member/Manager of The Falls, LLC, a North Carolina limited liability company, who is ✓ personally known to me has produced as identification.



[Signature]
Notary Public, State of Florida at large