2010005877
MCDOWELL CO, NC FEE $23.00
PRESENTED & RECORDED:
12-29-2010 12:00:54 PM
JANE B MCGEE
REGISTER OF DEEDS
BY: LINDA C HARWOOD
DEPUTY REGISTER OF DEEDS
BK: CRP 1036
PG: 142-145

Prepared by and return: William H. Christy, 110 N. Dougherty St., Black Mountain, NC 28711

STATE OF NORTH CAROLINA
COUNTY OF MCDOWELL

TWELFTH AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

THIS TWELFTH AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is made this 29th day of December, 2010, by CRESTON PROPERTY OWNERS' ASSOCIATION, INC. ("Association"), a North Carolina corporation and CRESTON DEVELOPMENT, LLC, a North Carolina limited liability company ("Declarant").

W I T N E S S E T H:

WHEREAS, Declarant is the owner of certain property known as Creston located in Crooked Creek Township, McDowell County, North Carolina, which property appears of record in a deed recorded in Deed Book 719, Page 764, McDowell County Registry; and

WHEREAS, Declarant has caused Association to be incorporated under the laws of the State of North Carolina for the purpose of exercising certain functions as set forth in this and other related documents; and

WHEREAS, the properties are subject to those certain restrictions as set forth in that Declaration of Covenants, Conditions and Restrictions of Creston as set forth in Deed Book 719, Page 772, which was re-recorded in Book 785, Page 294, (hereafter "Original Declaration") and which was amended in Deed Book 734, Page 733, which amendment was re-recorded in Deed Book 785, Page 324 (hereafter "First Amendment to Declaration"), a second amendment in Book 806, Page 474 (hereafter "Second Amendment to Declaration"), a third amendment in Book 881, Page 683, a fourth amendment in Book 885, Page 379, and a fifth amendment recorded in Book 909, Page 28, which amendment was re-recorded in Book 910, Page 55, a sixth amendment recorded in Book 932, Page 569, a seventh amendment recorded in Book 954, Page 936, an eighth amendment recorded in Book 988, Page 40, a ninth amendment recorded in Book1011, Page 158, a tenth amendment recorded in Book 1011, Page 162, and an eleventh amendment recorded in Book 1034,

Page 31, all references to the McDowell County Registry; and

WHEREAS, pursuant to Article XI, Section 15 of the Declaration of Covenants, Conditions and Restrictions, the said declarations may be amended by written agreement of owners of sites to which sixty-seven (67%) percent of the votes in the association are allocated; and

WHEREAS, pursuant to the Bylaws of the Creston Property Owners Association, Inc., the annual meeting was held and a vote taken to amend the Covenants as stated below, and the Declarant has assented to such amendments, as is required. The Property Owners Association and Declarant desire to amend the Declaration of Covenants, Conditions and Restrictions of Creston as set forth below:

DECLARATION:

NOW THEREFORE, Declarant does hereby declare that Creston and any additional property as may be added to and subjected to this declaration, is held and shall be held, transferred, sold, conveyed, given, donated, leased, occupied and used subject to the following amendments to the conditions, and restrictions which are currently of record in the McDowell County Registry. The purpose of these amendments, like the original and amended Covenants, Conditions and Restrictions are for the purpose of protecting the value and desirability of the real property located in Creston, and these second amendments shall run with and be binding upon any parties having any right, title, or interest in and to the described properties or any part thereof, their legal representatives, heirs, successors, and assigns, and shall enure to the benefit of each owner of lots in Creston. The amendments made by this Twelfth Amendment are as follows:

Addition of Property. According to the Ninth Amendment to the Declaration of Covenants, Conditions and Restrictions as recorded in Book 1011, Page 158, McDowell County Registry, the Declarant has the right and has exercised its option to purchase additional property as reflected in the Memorandum of Option to Purchase as filed in Deed Book 859, Page 131, aforesaid registry. A deed of conveyance from Nada C. Carroll and husband, Charles H. Carroll, to Creston Development, LLC, has been recorded in Book 1036, Page 135, thereby adding an additional 44.77 acres to the development known as Creston, which acreage is reflected on a survey also of record in the McDowell County Registry in Book 19, Page 93.

This the date first set forth above.

CRESTON DEVELOPMENT, LLC:

BY: _____
JOHN T. NELSON, MANAGER

CRESTON PROPERTY OWNER'S ASSOCIATION, INC.

BY: _____
HOWARD J. BELFER, PRESIDENT

STATE OF NORTH CAROLINA
COUNTY OF Buncombe

Personally appeared before me this day, the said JOHN T. NELSON, known to me personally or who produced satisfactory evidence of his or her identity in the form of a drivers license, and who acknowledged that he or she voluntarily executed the foregoing instrument for the purposes stated therein and that he is Manager of CRESTON DEVELOPMENT, LLC a limited liability company, and that he as its Manager, being authorized to do so, executed the foregoing on behalf of the corporation.

This the 29th day of December, 2010.

_____
Notary Public DONNA L. FARR

My Commission Expires: 3-6-2013

DONNA L. FARR NOTARY PUBLIC BUNCOMBE CO., N.C.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

CRP 1036 145

Personally appeared before me this day, the said HOWARD BELFOR, known to me personally or who produced satisfactory evidence of his or her identity in the form of a drivers license, and who acknowledged that he or she voluntarily executed the foregoing instrument for the purposes stated therein and that he/she is President of CRESTON PROPERTY OWNERS ASSOCIATION, INC. a corporation, and that he/she as its President, being authorized to do so, executed the foregoing on behalf of the corporation.

This the 29th day of December, 2010.

Notary Public Amelia T. Ledford

My Commission Expires:

Amelia T. Ledford
Notary Public
McDowell County, NC
My Commission Expires: 03-18-2012

JANE B MCGEE
Register of Deeds

Mcdowell County
Register of Deeds

21 South Main Street, Suite A • Marion, NORTH CAROLINA 28752
Telephone 828-652-4727 • Fax 828-652-1537 • E-Mail jmcgeemcdowell@titlesearcher.com

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Filed For Registration: 12/29/2010 12:00:54 PM

Book: CRP 1036 Page: 142-145

Document No.: 2010005877

DECLARATION 4 PGS 23.00

Recorder: LINDA C HARWOOD

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State of North Carolina, County of McDowell

Filed for registration and Duly Recorded this 29TH day of DECEMBER 2010.

JANE B MCGEE, REGISTER OF DEEDS

Linda C. Harwood

By:_____
DEPUTY REGISTER OF DEEDS

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DO NOT REMOVE!

This certification sheet is a vital part of your recorded document. Please retain with original document and submit when re-recording.