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RECORDED:  
04-17-2018

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BY: CAROL HUGHLEY

DEPUTY



2018011515

NEW HANOVER COUNTY, NC

TAMMY THEUSCH BEASLEY

REGISTER OF DEEDS

NC FEE \$26.00

Prepared By & Return to:

Bonnie M. Braudway, Marshall, Williams & Gorham, LLP  
P.O. Drawer 2088, Wilmington, NC 28402

STATE OF NORTH CAROLINA  
COUNTY OF NEW HANOVER

**SIXTH AMENDMENT TO THE DECLARATION OF  
PEPPER TREE AT COVIL ESTATES HOA, INC.**

This Sixth Amendment to the Declaration of Pepper Tree at Covil Estates HOA, Inc. ("Amendment") is made and entered into as of this 10 day of April, 2018 by Pepper Tree at Covil Estates HOA, Inc. a North Carolina nonprofit corporation ("Association").

**WITNESSETH:**

A. The Association is the property owners' association charged with the responsibility for the operation of that certain real property known as "Pepper Tree at Covil Estates" located in New Hanover County, North Carolina, and described in a Declaration of Covenants, Conditions and Restrictions of Pepper Tree at Covil Estates recorded in Book 1809, Page 550, New Hanover County Register of Deeds ("Declaration"), and previously amended by instruments recorded in Book 1910, Page 598, Book 1940, Page 654, Book 2051, Page 821, Book 4313, Page 90, and Book 5430, Page 2456 New Hanover County Register of Deeds.

B. Said Declaration provides in Article XI, Section 5, that the Declaration can be amended by a vote of not less than two-thirds (2/3) of the Members, Lot/Unit Owners.

C. The amendment set forth below has been adopted by a vote of not less than two-thirds of the Members, Lot/Unit Owners and has otherwise

*Return To: Marshall, Williams & Gorham, L.L.P.*

been properly adopted and approved as required by the Bylaws and Articles of Incorporation, as applicable.

D: That the President of the Association has been duly authorized and empowered to execute this Amendment and to cause the same to be recorded in the New Hanover County Register of Deeds as the binding act of the Association, its Members, Lot/Unit Owners and Board of Directors.

Now therefore, in consideration of the recitals set forth above, and as the act and deed of the Association, its Members, Lot/Unit Owners and Board of Directors, the Declaration is hereby amended and modified as set forth below:

By deleting Article VII, Section 4(a) (Book 1809, Page 558), in its entirety and substituting in lieu thereof the following:

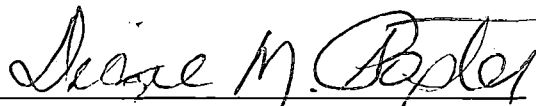
- (a) All yards, trees, shrubs, grass, and other landscaping on each lot in those areas which are outside of the front and side fences which face the roads, subject to the Pepper Tree Landscape Policy which is attached hereto as Exhibit A.

END OF AMENDMENTS

Except as amended, the Declaration, as may have been previously amended, shall remain in full force and effect.

The undersigned, being the President of Pepper Tree at Covil Estates HOA, Inc., does, by her execution hereof, certify that this Amendment was duly adopted by a vote of at least two-thirds (2/3) of the Members of the Association in person or by proxy, was duly adopted by affirmative vote of the Board of Directors, and that all the procedures, steps and requirements necessary to amend said Declaration have been complied with, the day and year first above written.

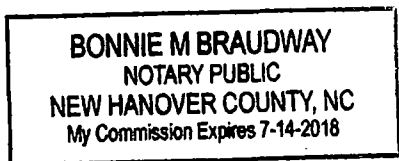
PEPPER TREE AT COVIL ESTATES HOA, INC.

By:   
Diane Poster, President

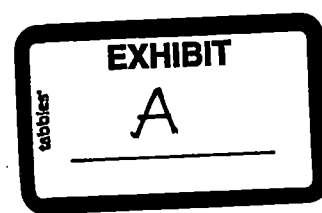
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STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

I, Bonnie M. Braudway, notary public, do hereby certify that Diane Poster, President of Pepper Tree at Covil Estates HOA, Inc., a North Carolina corporation, personally appeared before me this day and acknowledged the due execution of the foregoing Sixth Amendment to the Declaration of Pepper Tree at Covil Estates HOA, Inc. on behalf of said corporation.

Witness my hand and official seal this the 16 day of April, 2018.



[Signature]
Notary Public
My Commission expires: 7/14/18



Pepper Tree at Covil Estates Homeowners Association, Inc.

### Pepper Tree Landscape Policy

Adopted 05/21/14 (Draft Revision 11/29/17)

This policy outlines the responsibilities of both the HOA and the homeowner with regard to landscape maintenance and design.

#### HOA Responsibility:

- Hire Landscape Company for maintenance of private property\* and common land. Work includes periodic pruning of shrubs, cutting and edging of lawns, lawn treatment to include fertilization, weed and pest control and aeration, leaf removal and application of mulch and pine straw.
- Periodically review yards/gardens for dead or dying vegetation, lawn, shrubs and trees. Current homeowner responsible for removal and/or replacing vegetation, lawn, shrubs and trees.
- Responsible for utility beds, sign gardens, drainage ditches, and wetlands.
- Provide garden bed mulch/pine straw. See: Garden Bed Ground Cover Policy.
- Maintain No Prune\*\* and No Mulch\*\*\* lists.

## Homeowner Responsibility:

- Water lawns and gardens to insure healthy growth.
- Current homeowner is responsible for removal and/or replacing dead vegetation, lawn, shrubs and trees.
- Replace dead or damaged lawn areas with Bermuda sod or expand garden beds (with HOA approval).
- Trees on private land may be removed at the decision and expense of the homeowner. Tree stumps must be removed as well as surface roots. All debris must be removed from the site. Removed tree or shrub must be replaced. In the alternative, the remaining bed must be filled in with sod or treated as a garden bed with mulch and plantings (with HOA approval). It is advised not to plant trees next to the home, driveway or sidewalk as roots can cause damage.
- Garden beds may be expanded or reduced with the permission of the Landscape Committee with submission of the Landscape Approval Request Form. All Plantings and initial ground cover application (see: Garden Bed Ground Cover Policy) are at the expense of the homeowner. Beds must be laid out in a pattern/design which does not hamper the landscaper mower while cutting the grass.

*Definitions:*

- \* Private Property: Any lawn or garden beds outside the homeowner front and side fences which face the roads.
- \*\* Maintenance and repair is normal contract maintenance not including removal and replacement.
- \*\*\* No Prune List: If a homeowner wishes to provide their own pruning of trees and shrubs, they may place their home on this list.
- \*\*\*\* No Mulch List: If a homeowner wishes to provide their own mulch (at their expense), they may place their home on this list.

*Please note:* Requesting your home on the No Prune List and/or No Mulch List does not allow for a reduction in HOA monthly assessment.

TAMMY THEUSCH  
BEASLEY  
Register of Deeds

# New Hanover County Register of Deeds

320 CHESTNUT ST SUITE 102 • WILMINGTON, NORTH CAROLINA 28401  
Telephone 910-798-4530 • Fax 910-798-7716



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State of North Carolina, County of NEW HANOVER  
Filed For Registration: 04/17/2018 03:45:35 PM  
Book: RB 6134 Page: 2641-2647  
7 PGS \$26.00  
Real Property \$26.00  
Recorder: CAROL HUGHLEY  
Document No: 2018011515

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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.