



2024000634

MCDOWELL CO, NC FEE \$26.00

PRESENTED & RECORDED:

02-09-2024 03:22:08 PM

LYDIA TILLEY EFFLER

REGISTER OF DEEDS

BY: SARA GARDNER

DEPUTY REGISTER OF DEEDS

BK: CRP 1459

PG: 360-363

*Return to Swiss Village
POA*



2024000250

MITCHELL CO, NC FEE \$26.00

PRESENTED & RECORDED:

02-09-2024 02:05:41 PM

KATHY LAWS

REGISTER OF DEEDS

BY: PAM PITMAN

ASST

BK: RE 665

PG: 852-855

DOCUMENT TYPE:

RESTATED DECLARATION

3rd AMENDMENT

FOR SWISS VILLAGE POA

STATE OF NORTH CAROLINA

COUNTY OF MITCHELL

THIRD AMENDMENT TO THE BYLAWS, AS PART OF THE AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR SWISS VILLAGE POA, ATTACHED AS EXHIBIT "B".

This Third Amendment to the Bylaws, as part of the Amended an Restated Declaration of Covenants, Conditions and Restrictions for Swiss Village POA, attached as Exhibit "B" ("Bylaws") is made this the 9 day of, February, 2024 by the Swiss Village Property Owners Association, Inc., ("Association").

WITNESSETH

WHEREAS, Swiss Village POA, Inc. executed and recorded Covenants and Restrictions for the Development commonly known as Swiss Village located in Mitchell and McDowell Counties, North Carolina, which Covenants and Restrictions are recorded in Book 127, Page 69 of the Mitchell County Registry and Book 171, Page 163 at the McDowell County Registry, as amended by Amendment to Covenants and Restrictions recorded in Book 221, Page 544 of the McDowell County Registry (the "Original Declaration"); and

WHEREAS, the Association recorded an Amendment of Covenants and Restrictions at Book 424, Page 295, Mitchell County Registry and Book 842, Page 398 of the McDowell County Registry; and

WHEREAS, the Association recorded an amended and Restated Declaration of Covenants, Conditions and Restrictions for Swiss Village at Book 440 at Page 252 of the Mitchell County Registry and Book 876, Page 737 of the McDowell County Registry (the "Amended and Restated Declaration") which included as Exhibit "B", the Amended and Restated Bylaws for the Association; and

WHEREAS, the Association recorded the First Amendment to the Bylaws, as part of the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Swiss Village, Attached as Exhibit "B" at Book 537, Page 454, of the Mitchell County Registry and Book 1105, Page 369 of the McDowell County Registry; and

WHEREAS, Swiss Village is a planned community and is governed by the North Carolina Planned Community Act (NCGS 47F-1-101et seq.) (Planned Community Act"); and

WHEREAS, Article 12 of the Amended and Restated Bylaws for Swiss Village Property Owners Association provides that the Bylaws may be amended at any time and from time-to-time by affirmative vote, or written agreement of Owners holding sixty-seven percent (67%) of votes appurtenant to the Lots and Houses which are subject to the Bylaws; and

WHEREAS, the owners of at least sixty-seven percent (67%) of the property in Swiss Village have approved the attached Third Amendment to the Bylaws, attached as Exhibit "B" as part of the Amended and Restated Declaration of Covenants, Conditions and Restrictions in accordance with and as permitted by the act.

NOW, THEREFORE, the Association by and through its owner members amends the Bylaws by adding the following paragraph:

ARTICLE 15

NET EARNINGS PROVISION

No part of the net earnings of the Association shall inure to the benefit of or be distributable to, its members, directors, officers, or other private persons except that the Association shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of purposes set forth in the Articles of Incorporation of Swiss Village Property Owners Association. No substantial part of the activities of the Association shall be the carrying on of propaganda or otherwise attempting to influence legislation, and the Association shall not participate in or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in the opposition to any candidate for public office. Notwithstanding any other provisions of these articles, the Association shall not carry on any other activities not permitted to be carried on (a) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Code.

(Rest of Page left intentionally blank)

IN WITNESS WHEREOF, the undersigned officers of the Swiss Village Property Owners Association, Inc. hereby certify that the Attached Third Amendment to the Bylaws, as part of the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Swiss Village, attached as Exhibit "B" was duly adopted by the Association and its membership in accordance with and pursuant to the Bylaws, the Declaration of the Swiss Village Property Owners Association, Inc, and North Carolina law.

This 9 day of, February, 2024.

Swiss Village Property Owners, Inc.

By: Sandra Westlye
Sandra Westlye, President

Attest By: James Dougherty
James Dougherty, 1st Vice President

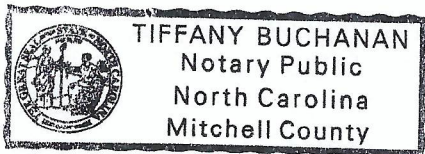
STATE OF NORTH CAROLINA

COUNTY OF Mitchell

I, Tiffany Buchanan, Notary Public for said County and State, certify that Sandra Westlye personally came before me this day and acknowledged she is the President of the Swiss Village Property Owners Association, Inc, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in name by its President, sealed with the corporate seal, and attested by herself as its President.

Witness my had and seal, this the 9th day of February, 2024.

Tiffany Buchanan



My commission expires:

10-03-2024