

Dear Bell Mountain Property Owners,

During a recent legal review of our Restrictive Covenants, the Association attorney stated there are no provisions for amending the Covenants prior to January 1, 2025 unless all of the lot owners agree to amend the Covenants. It is self-evident that achieving a 100% voter approval to make amendments to our Covenants is virtually impossible.

Currently, NC Statute Chapter 47F, NC Planned Community Act, applies to all NC communities created after January 1, 1999. The Bell Mountain Restrictive Covenants were created in 1997, well before creation of Chapter 47F. However, our Covenants are still subject to select key sections of Chapter 47F; unfortunately, none of these sections address Covenant changes. A copy of Chapter 47F has been placed on the Community Website, [bmpoa.nc.com](http://bmpoa.nc.com), for your review. Also, a copy of Chapter 55A, Non-Profit Corporations Act, which applies to our Bylaws has also been placed on the website.

Chapter 47F does state that “any Community created prior to January 1, 1999, may elect to make the provisions of this Chapter applicable to it by amending its declaration to provide that this Chapter shall apply to that planned Community.” We would only need 67% of allocated votes in the Association to become subject to all portions of this Chapter. Once we are fully subject to the provisions of Chapter 47F, then any future amendment changes could be approved by 67% of the BMPOA allocated votes.

The Board of Directors feels this is a critical decision for the future of the BMPOA and its ability to improve and grow. Please circle one of the two choices below and return this ballot in the stamped, self-addressed return envelope.

I/We, owner(s) of Lot(s) \_\_\_\_\_, AGREE or DISAGREE (please circle one choice) with amending the Community Restrictive Covenants to make the BMPOA subject to the provisions of Chapter 47F.

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(Signature)

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(Date)

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(Signature)

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(Date)