



Doc ID: 009724350013 Type: CRP
 Recorded: 04/05/2005 at 02:35:20 PM
 Fee Amt: \$50.00 Page 1 of 13
 Instr# 200500042266
 Gaston, NC
 Susan S. Lockridge Register of Deeds
 BK **4114** PG **392-404**

STATE OF NORTH CAROLINA
 COUNTY OF GASTON

*DRAWN BY & RETURN TO:
 GRIFFIN BRUNSW + P&ME, SUITE 907
 301 S. McDONELL ST. CHARLOTTE NC 28204*

SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR REFLECTION POINTE

THIS SECOND AMENDMENT TO DECLARATIONS, COVENANTS, CONDITIONS AND RESTRICTIONS FOR REFLECTION POINTE ("Second Amendment") is made or entered into this 25th day of March, 2004, by NORTH STAR INVESTORS II, LLC ("Declarant"), a North Carolina Limited Liability Company with offices in Charlotte, North Carolina and REFLECTION POINTE HOMEOWNERS ASSOCIATION, INC. (the "Association"), a North Carolina nonprofit corporation.

BACKGROUND STATEMENT

The undersigned Declarant desires to amend the Declarations, Covenants, Conditions and Restrictions for Reflection Pointe in accordance with Section 12.2 (a) of the Declarations, Covenants, Conditions and Restrictions for Reflection Pointe recorded in Deed Book 3843, Page 399 of the Gaston County Public Registry (the "Declaration").

AMENDMENT

- 1. The Declaration is amended as follows:

ARTICLE VII

Add a new Section 8.3 which is as follows:

Section 8.3 Construction, Operation and Maintenance of Sewer System. The North Carolina Department of Environmental and Natural Resources and the North Carolina Environmental Management Commission require that the construction, operation and

RECORDING FEE 50.00

maintenance of the waste water collection system for Reflection Pointe be in accordance with their rules and regulations. Attached hereto as Exhibit A is the Permit of the North Carolina Department of Environmental and Natural Resources to construct, operate and maintain the waste water collection system and attached hereto as Exhibit B is the Operational Agreement of the North Carolina Environmental Management Commission. The Owners (as defined in the Declaration) and the Association shall construct, operate and maintain the waste water collection facilities of Reflection Pointe in accordance with the Permit attached hereto as Exhibit A and the Operational Agreement attached hereto as Exhibit B

2. Except as amended herein, all of the other terms of the Declaration shall remain unchanged and are hereby approved, ratified and confirmed.

IN WITNESS WHEREOF, THE Declarant and the Association have executed this Second Amendment under seal as of the day and year first above written.

DECLARANT:

NORTH STAR INVESTORS II, LLC

By: *John A. Williams*
Title: Manager

ASSOCIATION:

REFLECTION POINTE HOMEOWNERS
ASSOCIATION, INC.

By: *Clara M. Williams*
Title: PRESIDENT

STATE OF NORTH CAROLINA

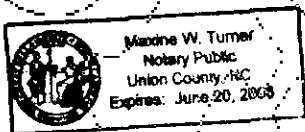
COUNTY OF Union

I, Maxine W. Turner, a Notary Public in and for the County and State aforesaid, do hereby certify that Rita A. Collins personally appeared before me this day and acknowledged that he/she is the Manager of North Star Investors II, LLC, a limited liability company, and that he/she as 55 years being authorized to do so, executed the foregoing on behalf of the limited liability company.

Witness my hand and official stamp or seal, this 25 day of March, 2005.

6-20-2008
(My commission expires)

Maxine W. Turner
(NOTARY PUBLIC)



STATE OF NORTH CAROLINA

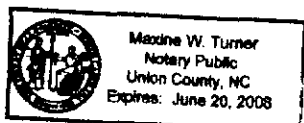
COUNTY OF Union

I, Maxine W. Turner, a Notary Public in and for the County and State aforesaid, do hereby certify that Amon McCormack, Jr. personally appeared before me this day and acknowledged that he/she is the President of Reflection Pointe Homeowners Association, Inc., and that he/she as President being authorized to do so, executed the foregoing on its behalf.

Witness my hand and official stamp or seal, this 25 day of March, 2005.

6-20-2008
(My commission expires)

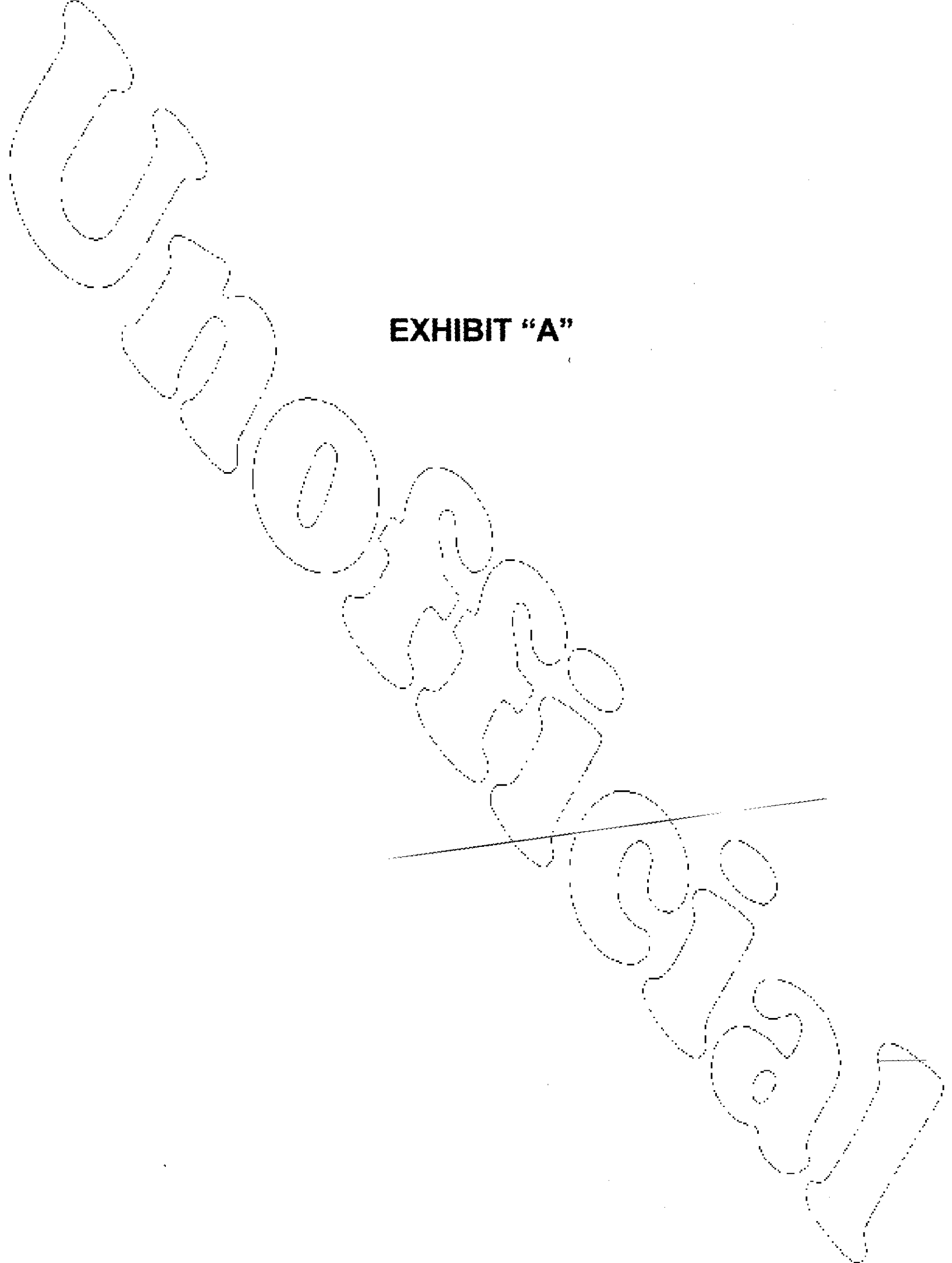
Maxine W. Turner
(NOTARY PUBLIC)



NORTH CAROLINA
GASTON COUNTY
THE CERTIFICATE OF: Maxine W. Turner
MP

IS CERTIFIED TO BE CORRECT.
SUSAN S. LOCKRIDGE, REGISTER OF DEEDS
BY: Donna Johnson, Clerk

EXHIBIT "A"



NORTH CAROLINA

ENVIRONMENTAL MANAGEMENT COMMISSION

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

RALEIGH

WASTEWATER COLLECTION PERMIT

In accordance with the provisions of Article 21 of Chapter 143, General Statutes of North Carolina as amended, and other applicable Laws, Rules, and Regulations

PERMISSION IS HEREBY GRANTED TO

NORTH STAR INVESTORS II LLC

Gaston County

FOR THE

construction and operation of a pressure sewer collection system consisting of 359 simplex pump stations (165 - Phase I; 87 - Phase II; 57 - Phase III; 56 - Phase IV) each rated between 0-40 GPM and each with on-site audible and visual high water alarms; approximately 5,525 linear feet of 1.5-inch pressure sewer; approximately 12,841 linear feet of 2-inch pressure sewer; approximately 523 linear feet of 2.5-inch pressure sewer; approximately 4,860 linear feet of 3-inch pressure sewer; and approximately 790 linear feet of 4-inch pressure sewer to serve Reflection Pointe Phase I - IV, and the discharge of 172,320 GPD of collected wastewater into the City of Belmont's existing sewerage system, pursuant to the applications received April 2, 2004 (Phase I & II) and May 26, 2004 (Phase III & IV), and subsequent additional information received by the Division, and in conformity with the project plans, specifications, and other supporting data subsequently filed and approved by the Department of Environment and Natural Resources and considered a part of this permit.

This permit shall be effective from the date of issuance until rescinded and shall be subject to the following specified conditions and limitations:

1. This permit shall become revocable unless the wastewater collection facilities are constructed in accordance with the conditions of this permit; 15A-NCAC 2H .0200; the Division of Water Quality's (Division) Gravity Sewer Minimum Design Criteria adopted February 12, 1996 as applicable; the Division's Minimum Design Criteria for the Fast-Track Permitting of Pump Stations and Force Mains adopted June 1, 2000 as applicable; and other supporting materials unless specifically mentioned herein.
2. This permit is effective only with respect to the nature and volume of wastes described in the application and other supporting data. **Any addition of pump stations above that permitted per section or wastewater flow requires a permit modification application with full technical review PRIOR to construction.**

3. The wastewater collection facilities shall be properly maintained and operated at all times. The Permittee shall maintain compliance with an individual system-wide collection system permit for the operation and maintenance of these facilities as required by 15A NCAC 2H .0227. If an individual permit is not required, the following performance criteria shall be met as provided in 15A NCAC 2H .0227:
 - a. The sewer system shall be effectively maintained and operated at all times to prevent discharge to land or surface waters, and any contravention of the groundwater standards in 15A NCAC 2L .0200 or the surface water standards in 15A NCAC 2B .0200.
 - b. A map of the sewer system shall be developed and shall be actively maintained.
 - c. An operation and maintenance plan shall be developed and implemented.
 - d. Pump stations that are not connected to a telemetry system shall be inspected every day (i.e. 365 days per year). Pump stations that are connected to a telemetry system shall be inspected at least once per week. This requirement does not apply to pump stations serving a single building associated with a properly permitted pressure sewer system.
 - e. High-priority sewer lines shall be inspected at least once per every six-month period of time.
 - f. A general observation of the entire sewer system shall be conducted at least once per year.
 - g. Inspection and maintenance records shall be maintained for a period of at least three years.
 - h. Overflows and bypasses shall be reported to the appropriate Division regional office in accordance with 15A NCAC 2B .0506(a), and public notice shall be provided as required by North Carolina General Statute § 143-219.1C.
4. The sewage and wastewater collected by this system shall be treated in the City of Belmont Wastewater Treatment Facility (NPGES Permit No. NC0021181) prior to being discharged into the receiving stream.
5. No flow shall be made tributary to the subject sewer system permitted herein until the downstream sewers (Permit No. WQ0024260) have been constructed and the engineer's certification has been received by the Division of Water Quality.
6. This permit is not transferable. In the event there is a desire for the facilities to change ownership, or there is a name change of the Permittee, a formal permit request must be submitted to the Division of Water Quality (Division) accompanied by documentation from the parties involved and other supporting materials as may be appropriate. The approval of this request will be considered on its merits and may or may not be approved.
7. Construction of the sewers, pump station(s) and force main shall be scheduled so as not to interrupt service by the existing utilities nor result in an overflow or bypass discharge of wastewater to the surface waters of the State.
8. Per 15A NCAC 2H .0220, upon completion of construction and prior to operation of these permitted facilities, the completed Engineering Certification form attached to this permit shall be submitted with the required supporting documents to the address provided on the form. A complete certification is one where the form is fully executed and the supporting documents are provided as applicable.

9. A copy of the approved plans and specifications shall be maintained on file by the Permittee for the life of the wastewater collection facilities.
10. Failure to abide by the conditions and limitations contained in this permit; 15A NCAC 2H .0200; the Division's Gravity Sewer Design Criteria adopted February 12, 1996 as applicable; the Division's Minimum Design Criteria for the Fast-Track Permitting of Pump Station and Force Mains adopted June 1, 2000 as applicable; and other supporting materials may subject the Permittee to an enforcement action by the Division, in accordance with North Carolina General Statutes §143-215.6A through §143-215.6C.
11. The issuance of this permit does not exempt the Permittee from complying with any and all statutes, rules, regulations, or ordinances that may be imposed by other government agencies (i.e., local, state, and federal) having jurisdiction, including but not limited to applicable river buffer rules in 15A NCAC 2B .0200, soil erosion and sedimentation control requirements in 15A NCAC Chapter 4 and under the Division's General Permit NCG010000, and any requirements pertaining to wetlands under 15A NCAC 2B .0200 and 15A NCAC 2H .0500.
12. The Permittee shall provide the following items for the pressure sewer system:
 - a. Pump on/off elevations located so that 2-8 pumping cycles may be achieved per hour in any centralized pump station serving more than one building.
 - b. A minimum of 180 gallons of storage capacity above the pump-on activation level to meet the greater of the Permittee response time for service or the longest non-catastrophic power outage of the previous three years for any simplex pump station serving a single family residence. If pump or system maintenance is contracted to a service provider, the contracted provider shall be prepared to respond to a service call within 9 hours.
 - c. An air relief valve located at all high points along the force main.
 - d. A screened vent for the wet well.
 - e. Fillets located in the wet well(s) at the intersection of the flooring and side walls.
 - f. Three feet of cover (minimum) over the force main or the use of ferrous material where three feet cannot be maintained.
 - g. Sufficient devices which will protect the pump station from vandals.
 - h. Flood protection if the pump station is located below the 100-year flood elevation.
 - i. Adherence with the following minimum separations:
 - (i) Storm sewers (vertical) 12 inches
 - (ii) Water mains (vertical-water over sewer) 18 inches or (horizontal) 10 feet
 - (iii) In benched trenches (vertical) 18 inches
 - (iv) Any private or public water supply source, including any WS-V waters or Class I or Class II impounded reservoirs used as a source of drinking water 100 feet
 - (v) Waters classified WS (other than WS-I), B, SA, ORW, HQW, or SB [from normal high water (or tide elevation)] 50 feet
 - (vi) Any other stream, lake or impoundment 10 feet
 - (vii) Any building foundation 5 feet
 - (viii) Any basement 10 feet
 - (ix) Top slope of embankment or cuts of 2 feet or more vertical height 10 feet
 - (x) Drainage systems
 - (I) Interceptor drains 5 feet
 - (II) Ground water lowering and surface drainage ditches 10 feet
 - (xi) Any swimming pool 10 feet

(xiii) Ferrous sewer pipe with joints equivalent to water main standards, shall be used where these minimum separations cannot be maintained. The minimum separation shall however not be less than 25 feet from a private well or 50 feet from a public water supply well;

13. In the event that the facilities fail to perform satisfactorily, including the creation of nuisance conditions, the Permittee shall take immediate corrective action, including those that may be required by this Division, such as the construction of additional or replacement wastewater collection facilities.

14. The septic tank and filter shall be inspected annually for solids content and pumped out as needed. Documentation for inspection and pumping must be maintained for a minimum of three years.

15. Noncompliance Notification:

The Permittee shall verbally report to a water quality staff member at the Mooresville Regional Office, telephone number (704) 663-1699, as soon as possible, but in no case more than 24 hours or on the next working day following the occurrence or first knowledge of the occurrence of either of the following:

- a. Any process unit failure, due to known or unknown reasons, that render the facility incapable of adequate wastewater transport such as mechanical or electrical failures of pumps, line blockage or breakage, etc.
- b. Any failure of a pumping station or sewer line resulting in a by-pass directly to receiving waters without treatment of all or any portion of the influent to such station or facility

Voice mail messages or faxed information is permissible but this shall not be considered as the initial verbal report. Overflows and spills occurring outside normal business hours may also be reported to the Division of Emergency Management at telephone number (800) 858-0368 or (919) 733-3300. Persons reporting any of the above occurrences shall file a spill report by completing Part I of Form CS-SSO (or the most current Division approved form), within five days following first knowledge of the occurrence. This report shall outline the actions taken or proposed to ensure that the problem does not recur. Per Condition 1(2), Part II of Form CS-SSO (or the most current Division approved form) can also be completed to show that the SSO was beyond control.

16. This permit shall become revocable unless the agreement between the North Star Investors II LLC and the City of Belmont for the collection and final treatment of wastewater is in full force and effect

17. The Operational Agreement between the Permittee and the Environmental Management Commission is incorporated herein by reference and is a condition of this Permit. Noncompliance with the terms of the Operational Agreement shall subject the Permittee to all sanctions provided by North Carolina General Statute 143-215.6A to 143-215.6C for violation of or failure to act in accordance with the terms and conditions of this Permit.

18. The Permittee shall maintain on hand for immediate installation a supply of spare, fully operational pump units of each type used in the pressure sewer system. The number of pumps on hand shall not be less than 10 percent of the number of installed units or one unit, whichever is greater.

19. Each pump station shall be clearly and conspicuously posted with the telephone number of the owner/operator of the pressure sewer system and instructions to call the number in the event of high water alarm activation.

20. The septic tanks utilized in this design shall be constructed in accordance with the Division of Environmental Management Onsite Wastewater Rules.

Permit issued this the 21st day of September, 2004

NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION



for Alan W. Klimek, P. E., Director
Division of Water Quality
By Authority of the Environmental Management Commission

Permit Number WQ0023793

Permit No: WQ0023793
September 21, 2004

System Description: a pressure sewer collection system consisting of 359 simplex pump stations (165 - Phase I; 81 - Phase II; 57 - Phase III; 56 - Phase IV) each rated between 0-40 GPM and each with on-site audible and visual high water alarms; approximately 5,525 linear feet of 1.5-inch pressure sewer; approximately 12,841 linear feet of 2-inch pressure sewer; approximately 523 linear feet of 2.5-inch pressure sewer; approximately 4,860 linear feet of 3-inch pressure sewer; and approximately 790 linear feet of 4-inch pressure sewer

Complete and submit this form to the permit issuing office as indicated below with the following:

- One copy of the project record drawings (plan & profile views of sewer lines) of the wastewater collection system extension
- Changes to the project should be clearly identified on the record drawings or in written summary form. Permit modifications are required for any changes resulting in non-compliance with this permit, regulations or minimum design criteria.

This project shall not be considered complete nor allowed to operate until this Engineer's Certification and all required supporting documentation have been received by the Division. Therefore, it is highly recommended that this certification be sent in a manner that provides proof of receipt by the Division.

ENGINEER'S CERTIFICATION

Partial Final

I, _____, as a duly registered Professional Engineer in the State of North Carolina, having been authorized to observe (periodically, weekly, full time) the construction of the subject project for the Permittee hereby state that, to the best of my abilities, due care and diligence was used in the observation of the construction such that the construction was observed to be built within substantial compliance of this permit, 15A NCAC 2H .0200; the Division of Water Quality's (Division) Gravity Sewer Minimum Design Criteria adopted February 12, 1996 as applicable; the Division's Minimum Design Criteria for the Fast-Track Permitting of Pump Stations and Force Mains adopted June 1, 2000 as applicable; and other supporting materials.

North Carolina Professional Engineer's seal, signature, and date:

SEND THIS FORM & SUPPORTING DOCUMENTATION
WITH REQUIRED ATTACHMENTS
TO THE FOLLOWING ADDRESS

K MARJE DOKLOVIC, PE
PRETREATMENT, EMERGENCY RESPONSE & COLLECTION SYSTEMS UNIT
1617 MAIL SERVICE CENTER
RALEIGH NC 27699-1617

The Permittee is responsible for tracking all partial certifications up until a final certification is received. Any wastewater flow made tributary to the wastewater collection system extension prior to completion of this Engineer's Certification shall be considered a violation of the permit and shall subject the Permittee to appropriate enforcement actions.

EXHIBIT "B"

UNCLASSIFIED

DEVELOPER'S OPERATIONAL AGREEMENT

This AGREEMENT made pursuant to G.S. 143-215.1 (d1) and entered into this 21ST day of SEPTEMBER 2004, by and between the North Carolina Environmental Management Commission, an agency of the State of North Carolina, hereinafter known as the COMMISSION; and North Star Investors II, LLC, a corporation/general partnership registered/licensed to do business in the State of North Carolina, hereinafter known as the DEVELOPER.

WITNESSETH:

1. The DEVELOPER is the owner of the certain lands lying in Gaston County, upon which it is erecting and will erect ~~dwelling units and other~~ improvements, said development to be known as Reflection Pointe (hereinafter the Development).
2. The DEVELOPER desires to construct a wastewater collection system with pumps, wastewater treatment works, and/or disposal facilities (hereinafter Disposal System) to provide sanitary sewage disposal to serve the Development on said lands.
3. The DEVELOPER has applied to the COMMISSION for the issuance of a permit pursuant to G.S. 143-215.1 to construct, maintain, and operate the Disposal System.
4. The DEVELOPER has created or shall create unit ownership in said dwellings units, other improvements and lands through filing of a Declaration of Unit Ownership (hereinafter Declaration), pursuant to Chapter 47C or 47F of the North Carolina General Statutes.
5. The DEVELOPER has caused to be formed or will cause to be formed at the time of filing of the Declaration, the (Reflection Pointe Owners' Association) (hereinafter Association), a non-profit corporation organized and existing under and by the virtue of the laws of the State of North Carolina, for the purpose, among others, of handling the property, affairs and business of the Development; of operating, maintaining, re-constructing and repairing the common elements of the lands and improvements subject to unit ownership, including the Disposal System; and of collecting dues and assessments to provide funds for such operation, maintenance, re-construction and repair.
6. The COMMISSION desires to assure that the Disposal System of the Development is properly constructed, maintained and operated in accordance with law and permit provisions in order to protect the quality of the waters of the State and the public interest therein.

NOW, THEREFORE, in consideration of the promises and the benefits to be derived by each of the parties hereto, the COMMISSION and DEVELOPER do hereby mutually agree as follows:

1. The DEVELOPER shall construct the Disposal System in accordance with the permit and plans and specifications hereafter issued and approved by the COMMISSION, and shall thereafter properly operate and maintain such systems and facilities in accordance with applicable permit provisions and law.
2. The DEVELOPER shall not transfer ownership and/or control of the Disposal System to the Association until construction has been completed in accordance with the permit and approved plans, and the staff of the Division of Water Quality has inspected and approved of the facilities. In order to change the name of the permit holder, the DEVELOPER must request that the permit be reissued to the Association. The request must include a copy of the Association Bylaws and Declaration.
3. The DEVELOPER shall not transfer, convey, assign or otherwise relinquish or release its responsibility for the operation and maintenance of its Disposal System until a permit has been reissued to the DEVELOPER's successor.

appurtenances thereto are part of the common elements and shall thereafter be properly maintained and operated in conformity with law and the provisions of the permit for construction, operation, repair, and maintenance of the system and facilities. The Declaration and Bylaws shall identify the entire wastewater treatment, collection and disposal system as a common element which will receive the highest priority for expenditures by the Association except for Federal, State, and local taxes and insurance.

5. The DEVELOPER shall provide in the Declaration and Association Bylaws that the Disposal System will be maintained out of the common expenses. In order to assure that there shall be funds readily available to repair, maintain or construct the Disposal System, beyond the routine operation and maintenance expenses, the Declaration and Association Bylaws shall provide that a fund be created out of the common expenses. Such fund shall be separate from the routine maintenance funds allocated for the facility and shall be part of the yearly budget.
6. In the event the common expense allocation and separate fund are not adequate for the construction, repair, and maintenance of the Disposal System, the Declaration and Association Bylaws shall provide for special assessments to cover such necessary costs. There shall be no limit on the amount of such assessments, and the Declaration and Bylaws shall provide that such special assessments can be made as necessary at any time.
7. If a wastewater collection system and wastewater treatment and/or disposal facility provided by any city, town, village, county, water and sewer authorities, or other unit of government shall hereinafter become available to serve the Development, the DEVELOPER shall take such action as is necessary to cause the existing and future wastewater of the Development to be accepted and discharged into said governmental system, and shall convey or transfer as much of the Disposal System and such necessary easements as the governmental unit may require as condition of accepting the Development's wastewater.
8. Recognizing that it would be contrary to the public interest and to the public health, safety and welfare for the Association to enter into voluntary dissolution without having made adequate provision for the continued proper maintenance, repair and operation of its Disposal System, the DEVELOPER shall provide in the Association Bylaws that the Association shall not enter into voluntary dissolution without first having transferred its said system and facilities to some person, corporation or other entity acceptable to and approved by the COMMISSION by the issuance of a permit.
9. The agreements set forth in numbered paragraphs 1, 2, 3, 4, 5, 6, 7, and 8 above shall be conditions of any permit issued by the COMMISSION to the DEVELOPER for the construction, maintenance, repair and operation of the Disposal System.
10. A copy of this agreement shall be filed at the Register of Deeds in the County(ies) where the Declaration is filed and in the offices of the Secretary of State of North Carolina with the Articles of Incorporation of the Association.

IN WITNESS WHEREOF, this agreement was executed in duplicate originals by the duly authorized representative of the parties hereto on the day and year written as indicated by each of the parties named below:

FOR THE ENVIRONMENTAL
MANAGEMENT COMMISSION

~~NORTH STAR INVESTORS II, LLC~~
~~Michael B. Reeve, PE~~
Name of DEVELOPER

Alan W. Klimek

By: *Michael B. Reeve*

Alan W. Klimek, P.E., Director
Division of Water Quality

(Signature) *Michael B. Reeve, Agent*

Michael B. Reeve, Agent
Print Name and Title

September 21 2004
(Date)

5/21/04
(Date)