
ROUGEMONT HOMEOWNERS ASSOCIATION, INC.

Declaration Ratifying the Covenants, Conditions and Restrictions for Rougemont Subdivision

Executed: September 29, 1993 | Filed: Mecklenburg County Registry
Book 7477, Pages 549–551

DOCUMENT SUMMARY

This instrument was executed by Rougemont Associates, a North Carolina general partnership, acting through William V. Roberts as Attorney-in-Fact.

Background: After the original Declarants' deed of trust was foreclosed in 1990 and the lots were conveyed to Southern National Bank and then to Rougemont Associates, a question arose as to whether the CCRs survived the foreclosure. This ratification document resolves that question.

Purpose: Rougemont Associates confirms and declares that all lots are and shall be held subject to the covenants, conditions, restrictions, and easements set forth in the original 1989 Declaration (as amended and supplemented through 1990). All provisions run with the land and are binding on all parties with any interest in the lots.

Architectural control rights: Rougemont Associates expressly reserved architectural control rights (identical to those originally granted to the ACC under Article III of the 1989 Declaration) for itself and its successors and assigns.

Exhibit A lists 30 lots ratified under this instrument (Lots 4, 6, 7, 8, 9, 12B, 13, 22–28, 30, 31, 33, 35, 36, 38–48, 47, 48, 51A), with corresponding tax parcel numbers.

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

**DECLARATION RATIFYING
DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS
FOR ROUGEMONT SUBDIVISION**

JUDITH A GIBSON REG OF DEEDS MECK NC
BK: 07477 PG: 0549/0551 #:0735 10.00
FILED FOR REGISTRATION 09/29/93 16:01

THIS DECLARATION RATIFYING DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR ROUGEMONT SUBDIVISION (the "Ratification") is made this 29th day of September, 1993, by ROUGEMONT ASSOCIATES, a North Carolina general partnership (hereinafter referred to as "Rougemont");

PRELIMINARY STATEMENT:

Rougemont is the owner of those certain residential building lots located in the Rougemont Subdivision in Mecklenburg County, North Carolina (the "Lots"), more particularly described on Exhibit A attached hereto and made a part hereof, having acquired such lots by deed of Southern National Bank of North Carolina, dated May 29, 1991 and recorded in Book 6539 at Page 216 in the Mecklenburg County Public Registry.

The Lots were subjected to certain covenants, conditions, restrictions and easements by that certain Declaration of Covenants, Conditions and Restrictions-Rougemont dated February 10, 1989, filed February 23, 1989 by Rice Development Corporation and Ayrshire Corporation, and recorded in Book 5972 at Page 580 in the Mecklenburg County Public Registry (the "Declaration"). The Declaration was amended by instrument dated February 6, 1990 and recorded in Book 6210 at Page 490 and was supplemented by instrument dated February 6, 1990 and recorded in Book 6210 at Page 494 in said Registry.

On or about June 5, 1990, James R. Bryant, III, Trustee, commenced a foreclosure proceeding in Mecklenburg County Superior Court (File No. 90-SP-945) and obtained an Order allowing the foreclosure of a Deed of Trust filed May 5, 1988 and recorded in Book 5757 at Page 701 in the Mecklenburg County Public Registry, which Deed of Trust was filed for registration prior in time to the recordation of the Declaration, as amended and supplemented. The Deed of Trust encumbered certain property in Mecklenburg County, North Carolina, including the Lots. The Notice of Trustee's Sale of Real Estate published in the foreclosure proceeding stated that the sale would be made subject to "all prior liens, unpaid taxes, restrictions and easements of record and assessments, if any." The sale of the property pursuant to the Order allowing the foreclosure was held on July 25, 1990 at which Southern National Bank of North Carolina ("Southern National") was the highest bidder. On August 15, 1990, the Trustee conveyed the property subject to the foreclosure, including the Lots, to Southern National by instrument recorded in Book 6334 at Page 1407 in said Registry. The Trustee's Deed also recited that the property was sold at the foreclosure sale "subject to prior liens, restrictions, easements, conveyances and releases." The subsequent deed from Southern National to Rougemont conveyed the Lots subject to "easements, conditions and restrictions of record."

The purpose of this instrument is to ratify and confirm the applicability of the Declaration to the Lots notwithstanding the foreclosure of the prior Deed of Trust in favor of Southern National in accordance with the intention of the parties that all of the Lots shall be in all respects subject to the terms and conditions of the Declaration, as amended and supplemented.

NOW, THEREFORE, Rougemont, for itself, its successors and assigns, does hereby ratify, confirm and declare that all of the Lots are and shall be held, transferred, sold, conveyed and occupied subject to the covenants, conditions, restrictions and easements set forth in the Declaration, as amended and supplemented, which covenants, conditions, restrictions and easements shall run with the Lots and be binding on all parties owning any right, title or interest therein and shall inure to the benefit of each owner thereof. The provisions of the Declaration, as amended and supplemented, are expressly incorporated into this instrument by reference as if fully set forth herein in as full and complete a manner as if Rougemont were the original

DRAWN BY AND MAIL TO:

Jerry Alan Reese
Weinstein & Sturges, P.A.
P. O. Box 32248
Charlotte, NC 28232-2248
(R. D. Box #27)

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Declarant of such covenants, conditions, restrictions and easements. In recording this instrument, Rougemont expressly reserves unto itself, its successors and assigns, rights of architectural control, builder approval and enforcement identical to those granted to the Architectural Control Committee to be appointed by Rice Development Corporation pursuant to Article III of the Declaration.

IN WITNESS WHEREOF, Rougemont has caused this instrument to be executed in its name by its duly authorized attorney-in-fact as of the day and year first above written.

ROUGEMONT ASSOCIATES

By: William V. Roberts [SEAL]
William V. Roberts, Attorney-in-Fact

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I, Patricia G. Davies, a Notary Public of the County and State aforesaid, certify that WILLIAM V. ROBERTS, attorney-in-fact for ROUGEMONT ASSOCIATES, a North Carolina general partnership, Grantor, personally appeared before me this day, and being by me duly sworn, says that he executed the foregoing and annexed instrument for and in behalf of the said ROUGEMONT ASSOCIATES, and that his authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged and recorded in Book 6581 at Page 747 in the office of the Register of Deeds in the County of Mecklenburg, State of North Carolina, on the 15th day of July, 1991, and that this instrument was executed under and by virtue of the authority given by said instrument granting him power of attorney.

I do further certify that the said WILLIAM V. ROBERTS, attorney-in-fact, acknowledged the due execution of the foregoing instrument for the purposes herein expressed for and in behalf of the said ROUGEMONT ASSOCIATES, a North Carolina general partnership.

WITNESS my hand and official stamp or seal, this 29th day of September, 1993.



Patricia G. Davies
Notary Public

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**EXHIBIT A
TO DECLARATION RATIFYING
DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR
ROUGEMONT ASSOCIATES**

Lot #	Section #	Map Book/Page	Tax Parcel #
4	1	22/872	223-241-20
6	1	22/872	223-241-22
7	2	23/530	223-241-23
8	2	23/530	223-241-24
9	2	23/530	223-241-25
12B	2	25/642	223-241-28
13	3	23/529	223-241-29
22	3	23/529	223-241-38
23	3	23/529	223-241-39
24	3	23/529	223-241-40
25	3	23/529	223-241-41
26	3	23/529	223-241-42
27	2	23/530	223-241-55
28	3	23/529	223-241-43
30	3	23/529	223-241-45
31	3	23/529	223-241-46
33	3	23/529	223-241-48
35	2	23/530	223-241-50
36	2	23/530	223-241-51
38	2	23/530	223-241-53
39	2	23/530	223-241-54
40	2	23/530	223-241-56
41	2	23/530	223-241-57
42	2	23/530	223-241-58
43	2	23/530	223-241-59
44	2	23/530	223-241-60
45	2	23/530	223-241-61
46	2	23/530	223-241-62
47	1	22/872	223-241-63
48	1	22/872	223-241-64
51A	1	23/663	223-241-67

TSSO 7/7/00

State of North Carolina, County of Mecklenburg

The foregoing certificate(s) of Patricia G. Davies

Notary(ies) Public is/are certified to be correct.

This 29th day of September, 1993

JUDITH A. GIBSON, REGISTER OF DEEDS

By: Ray H. Posey Deputy Register of Deeds