

**THIRD AMENDMENT TO
THE DECLARATION
OF COMMON INTEREST COMMUNITY
FOR
MCGINNIS POINT**

This Third Amendment to the Declaration of Common Interest Community for McGinnis Point (this "**Amendment**") is made as of this 9 day of May, 2019 by LGI HOMES – WEST VIRGINIA, LLC, a West Virginia limited liability company ("**Declarant**").

WHEREAS, by a Declaration of Common Interest Community Development, dated May 12, 2006, and recorded July 5, 2006, in the Office of the Clerk of the County Commission of Berkeley County, West Virginia in Deed Book 841, at Page 622, as amended by (i) that certain 1st Amendment to the Declaration of Common Interest Community, dated August 22, 2008, and of record in said Clerk's Office in Deed Book 909, at Page 40, and (ii) that certain Second Amendment to the Declaration of Common Interest Community for McGinnis Point, dated February 26, 2019, and of record in said Clerk's Office in Deed Book 1239, at Page 279 (collectively, the "**Declaration**"), The McGinnis Point Common Interest Community, a West Virginia Planned Community ("**McGinnis Point**"), was created and is subject to West Virginia's Uniform Common Interest Ownership Act at West Virginia Code § 36B-1-101, et. seq. (the "**Act**");

WHEREAS, Declarant, as successor-in-interest to the original declarant, desires to amend the Declaration as more particularly set forth herein.

NOW, THEREFORE, Declarant declares the Declaration is amended as follows:

1. **Recitals**. The above recitals are hereby incorporated into this Amendment as if fully set forth herein.

2. **Restriction on Fences**. Section 8.2(A)(12) of the Declaration is hereby deleted in its entirety, and is replaced with the following:

"12. Fences are allowed in the Common Interest Community once approval is given by the Architectural Review Committee. Requests for approval must first be submitted to the Architectural Review Committee. Only following approval from the Committee may installation commence."

3. **Restriction on Pools**. Section 8.2(A)(15) of the Declaration is hereby deleted in its entirety, and is replaced with the following:

"15. Pools, spas and hot tubs are permissible following compliance with all applicable zoning ordinances, if any, and upon written approval from the Architectural Review Committee. Requests for approval must first be submitted to the Architectural Review Committee. Only following approval from the Committee may installation commence."

[SIGNATURE PAGE TO THIRD AMENDMENT]

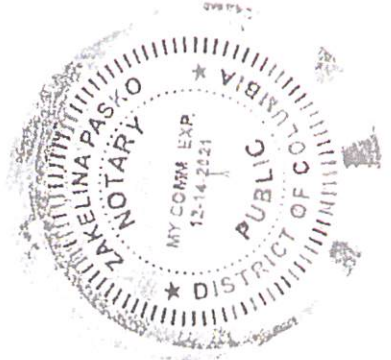
WITNESS the following signature and seal.

LGI HOMES – WEST VIRGINIA, LLC,
a West Virginia limited liability company

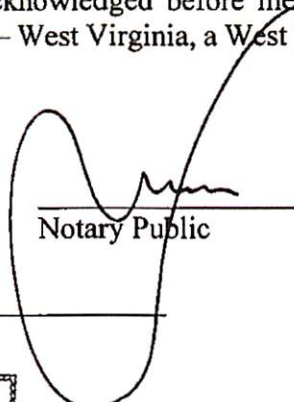
By: 
William Lee, Officer

ACKNOWLEDGMENT

DISTRICT OF COLUMBIA



The foregoing instrument was acknowledged before me this 9th day of May, 2019 by William Lee, as an officer of LGI Homes – West Virginia, a West Virginia limited liability company, as the act and deed of said company.



Notary Public

My commission expires: 12-14-21

[SEAL]

