


Doc ID: 002959370009 Type: CRP
Recorded: 08/26/2015 at 10:27:56 AM
Fee Amt: \$26.00 Page 1 of 9
Granville County, NC
Kathy M. Adcock Reg of Deeds
BK **1563** PG **630-638**

**FIRST AMENDMENT TO
AMENDED AND RESTATED DECLARATION OF
COVENANTS, CONDITIONS, RESTRICTIONS,
EASEMENTS, CHARGES AND LIENS FOR
MCFARLAND OAKS
(FORMERLY HAWLEY ESTATES)**

NORTH CAROLINA

GRANVILLE COUNTY

Prepared by & Return to:
Isabel Worthy Mattox
PO Box 946
Raleigh, NC 27602

THIS AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS, CHARGES AND LIENS FOR MCFARLAND OAKS (formerly HAWLEY ESTATES) is made on the 11th day of August, 2015, by MCFARLAND PROPERTIES, LLC, a North Carolina limited liability company, L. MYRTON GAINES (aka L. MYRTON GAINES II), LEE GAINES and AFFINITY FARMS, LLC, a Maryland limited liability company (collectively, the "Declarant").

WITNESSETH:

WHEREAS, this First Amendment To Amended And Restated Declaration Of Covenants, Conditions, Restrictions, Easements, Charges And Liens For McFarland Oaks (formerly Hawley Estates) (the "First Amendment", is made this 11th day of August, 2015 by the undersigned, being the owners of seventy-five (75) percent of the lots shown on plats recorded in Plat Book 39, Page 72 and Plat Book 40, Page 4, Granville County Registry (the "Subdivision"); and

WHEREAS, the lots have been developed or will be developed into a residential community known as Hawley Estates"; and

WHEREAS Declarant recorded an Amended and Restated Declaration of Covenants, Restrictions, Easements, Charges and Liens for Hawley Estates on April 8, 2010 in Book 1348, Page 619, Granville County Registry (the "Declaration"); and

WHEREAS, Declarant desires to amend the Declaration to change the name of the subdivision to "McFarland Oaks" (the "Subdivision"); and

NOW, THEREFORE, Declarant declares that the real property described in EXHIBIT A to this First Amendment shall be owned, held, transferred, sold, conveyed, mortgaged, used and occupied subject to the covenants, conditions, restrictions, easements, charges and liens set forth in this First Amendment, which amends the recorded Declaration as stated herein, which shall run with the real property and be binding on all parties owning any right, title or interest in said real property or any part thereof, their heirs, personal representatives, successors and assigns, and shall inure to the benefit of each owner thereof.

1. The name of the Subdivision is changed from "Hawley Estates" to "McFarland Oaks".
2. Section 4(a) of Article IX, Architectural Control, is hereby deleted in its entirety and replaced with the following:
 - (a) House Size. Unless and until changed by amendment of this Declaration, all Dwellings constructed on any Lot within the Subdivision must contain the minimum square footage (exclusive of basements, garages, porches and unfinished attics) set forth below:
 - (i) 1 story: 2200 square feet; and
 - (ii) 2 stories: 2,400 square feet

Except as modified herein, the Declaration remains unchanged and in full force and effect.

(Signatures on following pages)

IN WITNESS WHEREOF, Declarant has caused this instrument to be executed in its name by its duly authorized Manager, as of the date set forth in the notary acknowledgment below.

DECLARANT:

McFARLAND PROPERTIES, LLC

By:



Name: DAVID GAINES

Title: Owner Manager

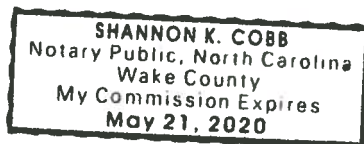
STATE OF NORTH CAROLINA
COUNTY OF WAKE

I certify that the following person(s) personally appeared before me this day and acknowledged to me that he voluntarily signed the foregoing document:

David Gaines

Date: 8-11-2015

(Stamp or Seal)



Shannon K. Cobb

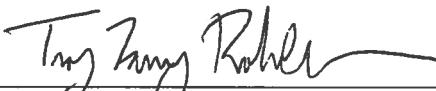
Signature of Notary

Printed Name: Shannon K. Cobb

My commission expires: 05-20-2020

Maryland

AFFINITY FARMS, LLC, a ~~North Carolina~~ limited liability company (SEAL)

By: 
Troy Larry Rohrbaugh
Title: OWNER / PARTNER

STATE OF New York
COUNTY OF New York

I certify that the following person(s) personally appeared before me this day and acknowledged to me that he voluntarily signed the foregoing document: Troy Larry Rohrbaugh.

Date: 08-13-2015

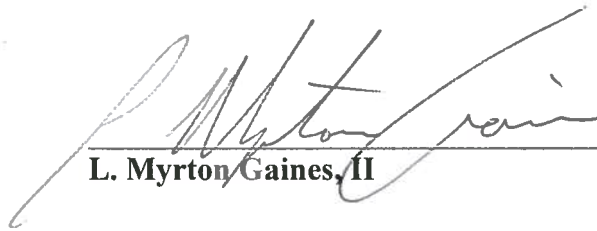
(Stamp or Seal)

CLAYTON COHEN
Notary Public, State of New York
No. 01CO6313042
My Commission Expires 10-14-2018


Signature of Notary

Printed Name: Clayton Cohen

My commission expires: 10-14-2018

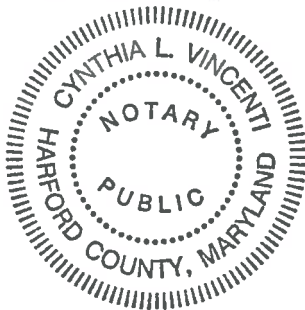

L. Myrton Gaines, II (SEAL)

STATE OF MARYLAND
COUNTY OF HARFORD

I certify that the following person(s) personally appeared before me this day and acknowledged to me that he voluntarily signed the foregoing document: L. Myrton Gaines, II.

Date: 8-11-15

(Stamp or Seal)



Cynthia L. Vincenti
Signature of Notary

Printed Name: Cynthia L. Vincenti

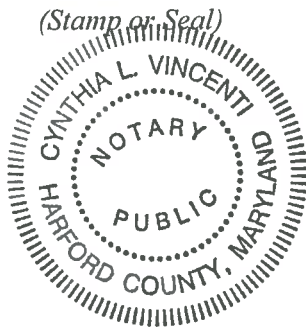
My commission expires: 08-20-18

Mr. Lee Gaines (SEAL)
Lee Gaines

STATE OF MARYLAND
COUNTY OF HARFORD

I certify that the following person(s) personally appeared before me this day and acknowledged to me that he voluntarily signed the foregoing document: Lee Gaines.

Date: 8-11-15



Cynthia L. Vincenti
Signature of Notary

Printed Name: Cynthia L. Vincenti

My commission expires: 08-20-18

EXHIBIT A

Lying and being in Granville County, North Carolina, and being more particularly described as follows:

EXHIBIT A

BEING all of the property more particularly described as follows, as shown on the Survey for David Gaines, dated July 27, 2006 and revised December 4, 2006, located in Fishing Creek Township, Granville County, North Carolina, and being more particularly described as follows:

TRACT 1: BEGINNING at a iron pipe located at the northeast corner of Tract 3 and the southeast corner of Tract 2 of the Property of The Willie Hawley Heirs as shown on that map recorded in Plat Book 11, page 155, Granville County Registry; running THENCE along the eastern line of said Tract 2, N 03° 33' 06" W 342.05 feet to an existing iron pipe; THENCE along the northern line of said Tract 2 S 83° 37' 10" W 637.51 feet to a new iron pipe set; THENCE along the eastern boundary of Tract 4 now or formerly owned by Frances J. Hawley, N 04° 35' 28" W 731.53 feet to an existing iron pipe; THENCE along the southern lines of various lots shown on the map recorded in Plat Book 10, Page 186, N 88° 32' 41" E 1105.46 feet to an existing iron pipe; THENCE along the common line of property now or formerly owned by Tony and Paula Archer N 88° 31' 24" E 100.01 feet to an existing iron pipe; THENCE cornering and running along the common line of the Archer property S 00° 08' 10" E 147.29 feet to an existing iron pipe; THENCE along the property now or formerly owned by McFarland Properties, LLC and Stephen and Carol Schandel S 00° 11' 25" E 949.88 feet to an existing iron pipe; THENCE cornering and running along the common line of property now or formerly owned by Danny and Cindy DeVoto S 82° 48' 51" W 352.62 feet to a cedar stake; THENCE cornering and running along the common line of the aforesaid Tract 3, N 15° 17' 25" W 555.57 feet to an existing iron pipe; BEING THE POINT AND PLACE OF BEGINNING, containing 25.708 acres more or less, identified as Tract 1 on the aforesaid plat.

BEING all of the property more particularly described as follows, as shown on the Survey for David Gaines, dated July 27, 2006 and revised September 5, 2006, located in Fishing Creek Township, Granville County, North Carolina, and being more particularly described as follows:

TRACT 2: BEGINNING at a iron pipe located at the northeast corner of Tract 3 and the southeast corner of Tract 2 of the Property of The Willie Hawley Heirs as shown on that map recorded in Plat Book 11, page 155, Granville County Registry; THENCE from said POINT AND PLACE OF BEGINNING, along the northern boundary of said Tract 3, S 83° 35' 46" W 637.51 feet to an existing iron pipe; THENCE cornering and running along the common line of the property now or formerly owned by Francis J. Hawley, N 03° 33' 15" W 342.31 feet to a new iron pipe set; THENCE cornering and running along the common line of property now or formerly owned by Jason Edwards and Samuel Cox N 83° 37' 10" E 637.51 feet to an existing iron pipe; THENCE cornering and continuing along the common line of the Edwards/Cox property S 03° 33' 06" E 342.05 feet to the POINT AND PLACE OF BEGINNING, containing 5.002 acres, more or less and being identified as Tract 2, owned by Jason Edwards on the aforesaid plat.

BEING all of the property more particularly described as follows, as shown on the Survey for David Gaines, dated July 27, 2006 and revised September 5, 2006, located in Fishing Creek Township, Granville County, North Carolina, and being more particularly described as follows:

TRACT 3: BEGINNING at a iron pipe located at the northeast corner of Tract 3 and the southeast corner of Tract 2 of the Property of The Willie Hawley Heirs as shown on that map recorded in Plat Book 11, page 155, Granville County Registry; THENCE from said POINT AND PLACE OF BEGINNING, with the common line of Tract 1, now or formerly owned by Jason C. Edwards and Samuel Cox, S 15° 17' 25" E 555.57 feet to a cedar stake; THENCE along the common line of property now or formerly owned by Danny and Cindy DeVoto and Jerry and Donna Rose, S 00° 05' 12" E 529.68 feet to an existing iron pipe; THENCE crossing the creek, S 00° 05' 12" E for a distance of 15.46 feet to an existing iron pipe in the southern bank of the creek; THENCE along the common line of the property now or formerly owned by William and Hazel Ramsey, S 00° 05' 12" E 571.67 feet to a new iron pipe set; THENCE cornering and running along the common line of property, now or formerly owned by the James Williams heirs, S 87° 56' 06" W 174.08 feet to an axle; THENCE continuing along the Williams property line, S 87° 20' 46" W 107.31 feet to a new iron pipe set; THENCE cornering and running along the eastern boundary of Tract 4, now or formerly owned by Frances Hawley, N 03° 35' 11" W 1614.53 feet to an existing iron pipe; THENCE cornering and running along the southern boundary of Tract 2 now or formerly owned by Jason Edwards, N 83° 35' 46" E 637.51 feet to the POINT AND PLACE OF BEGINNING, containing approximately 26.622 acres, more or less and being identified as Tract 3, owned by Estelle Hawley, as shown on the aforesaid plat.

BEING all of the property more particularly described as follows, as shown on the Survey for David Gaines, dated July 27, 2006 and revised September 5, 2006, located in Fishing Creek Township, Granville County, North Carolina, and being more particularly described as follows:

TRACT 4: BEGINNING at a iron pipe located at the northeast corner of Tract 3 and the southeast corner of Tract 2 of the Property of The Willie Hawley Heirs as shown on that map recorded in Plat Book 11, page 155, Granville County Registry; THENCE from said BEGINNING point S 83° 35' 45" W 637.51 feet to an iron pipe marking the TRUE POINT AND PLACE OF BEGINNING; THENCE from said TRUE POINT AND PLACE OF BEGINNING, S 03° 35' 11" E 1614.53 feet to a new iron pipe set; THENCE cornering and running along the common line of property now or formerly owned by the James Williams heirs, S 87° 20' 46" W 808.00 feet to a control corner marked by an axle; THENCE cornering and running along the common line of property now or formerly owned by Michelle and Mark Harris and Charles and Vivian Harris, N 03° 34' 40" W 2704.69 feet to an existing iron pipe; THENCE cornering and running along the common line of various lots in the Stone Ridge Subdivision, N 88° 32' 41" E 795.41 feet to an existing iron pipe; THENCE cornering and running along the common line of Tract 1 now or formerly owned by Jason Edwards and Samuel Cox S 04° 35' 28" E 731.53 feet to a new iron pipe set; THENCE along the common line of Tract 2 now or formerly owned by Jason C. Edwards, S 03° 33' 15" E 342.31 feet to an existing iron pipe, being the TRUE POINT AND PLACE OF BEGINNING, containing approximately 49.890 acres, more or less, identified as Tract 4, owned by Frances J. Hawley, on the aforesaid map.

TRACT 5: Being all of that certain 1.527 acre tract, designated as Tract 2 on plat and survey prepared by Charles E. Thompson, Jr., Professional Land Surveyor, dated May 19, 2006, of record in Plat Book 33, Page 197, Granville County Registry, to which plat reference is hereby made for a more particular description of same.

For further reference see Deed recorded in Book 558, page 153, Granville County Registry.

SAVE AND EXCEPT all of Lots 1 and 55 as shown on plat entitled "Final Plat For Hawley Estates, Phase 1, 9 Lots", prepared by Larry K. Allen, PLS, dated December 18, 2009, and recorded in Plat Book 38, Page 142, Granville County Registry, to which plat reference is hereby made for a more particular description of same.

SAVE AND EXCEPT all publicly dedicated or private streets, and all property which is or may become a Common Area or Common Areas under Section 8 in the Amended and Restated Declaration of Covenants recorded in Book 1348, Page 619, Granville County Registry, as amended from time to time, or as shown on the plat recorded in Plat Book 39, Page 72 and Plat Book 49, Page 4, Granville County Registry.