

NORTH CAROLINA

AMENDMENT TO PROTECTIVE COVENANTS
FLEMING FOREST SUBDIVISION

WAKE COUNTY

THIS AMENDMENT TO PROTECTIVE COVENANTS FOR FLEMING FOREST SUBDIVISION is made this 15th day of Dec 1999 by the undersigned, hereinafter called OWNERS:

WHEREAS, OWNERS are the owners of all of the lots in Fleming Forest Subdivision as shown on the map recorded in Map Book 1999, Page 116, Franklin County Registry; and

WHEREAS, By Protective Covenants recorded in Book 1154, Page 425, all of the lots in said subdivision were subjected to those Protective Covenants; and

WHEREAS, The Protective Covenants recorded in Book 1154, Page 425 state in Article V in part that no dwelling or other approved structure shall be located on any building site nearer to the edge of the pavement in front of the property than 100 feet.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Article V of the above referenced Protective Covenants, is hereby amended to read in part that no dwelling or other approved structure shall be located on any building site nearer to the edge of the pavement in front of the property than 65 feet.

In all other respects the Protective Covenants recorded in Book 1154, Page 425 shall remain in full force and effect.

In Witness Whereof, the undersigned have hereunto set their hands and seals on the day and year written above.

Mark E. Dowdy
MARK E. DOWDY
Toni B. Dowdy by Mark E. Dowdy
TONI B. DOWDY
D. Dennis Cyrus
D. DENNIS CYRUS
Starlette W. Cyrus By [Signature] P.O.A.
STARLETTE W. CYRUS

KIRTS CUSTOM HOMES, INC.

BY:

Car. C. Lu
PRESIDENT

CHADMOOR HOMES, INC.

BY:

Paul M. Zeb
PRESIDENT

SUMNER CONSTRUCTION, INC.

BY:

Bob Sumner
PRESIDENT

BANYAN ^{HOMES} INVESTMENTS, INC. ^{EXP}

BY:

E. P. O'Neil
PRESIDENT

CLEARWATER GROUP, INC.

BY:

T. A. O'Neil
PRESIDENT

GRANT, INC.

BY:

William O'Neil
PRESIDENT

BALDWIN HOMES, INC.

BY:

Bob Sumner
PRESIDENT

North Carolina

Wake County

I, a Notary Public of the County and State aforesaid, certify that MARK E. DOWDY and D. DENNIS CYRUS personally came before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal this the 15th day of Dec., 1999.

My Commission Expires: 8/3/2000

[Signature]
NOTARY PUBLIC



STATE OF NORTH CAROLINA

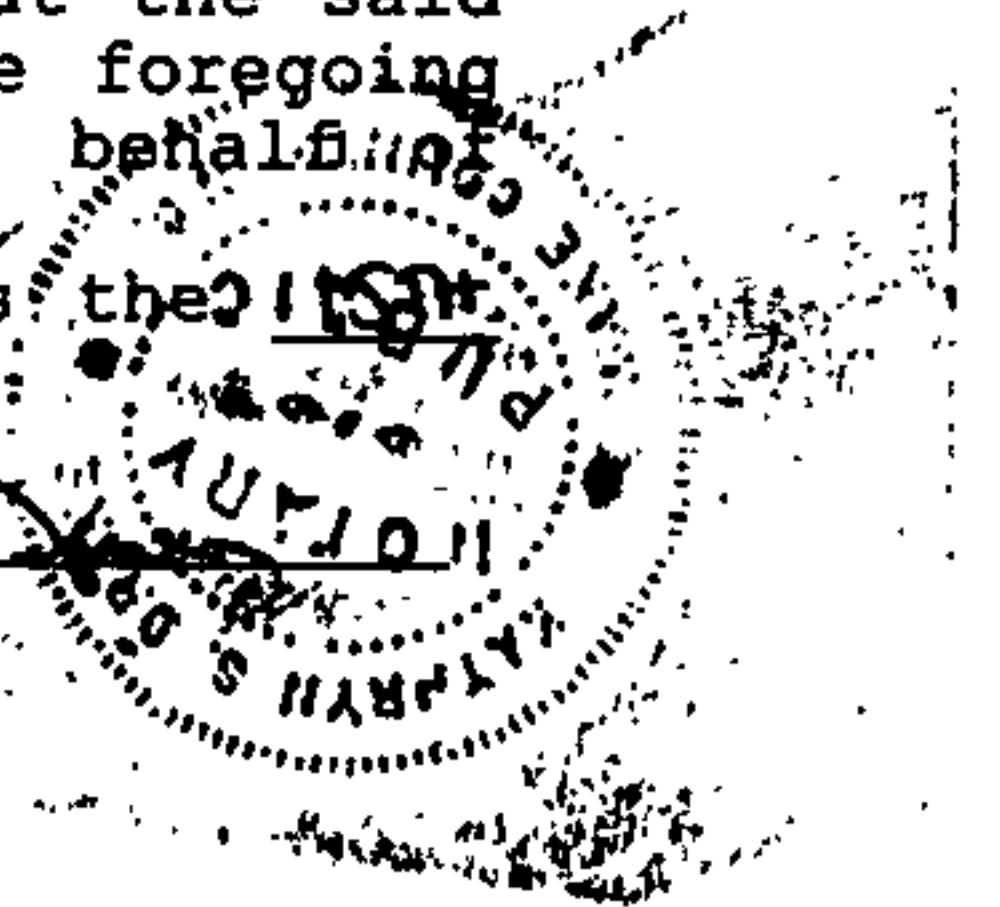
COUNTY OF WAKE

I, a Notary Public of the County and State aforesaid, certify that D. DENNIS CYRUS 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 STARLETTE W. CYRUS and that his authority to execute and acknowledge said instrument is contained in that certain instrument duly executed, acknowledged and recorded in the office of the Register of Deeds for Franklin County, North Carolina in Book 1057, Page 140, and that this instrument was executed under and by virtue of the authority given by said instrument granting him Power of Attorney; that the said D. DENNIS CYRUS acknowledged the due execution of the foregoing instrument for the purposes therein expressed and in behalf of STARLETTE W. CYRUS.

Witness my hand and official stamp or seal, this the 15th day of Dec., 1999.

My Commission Expires: 8/3/2000

[Signature]
Notary Public



STATE OF NORTH CAROLINA

COUNTY OF WAKE

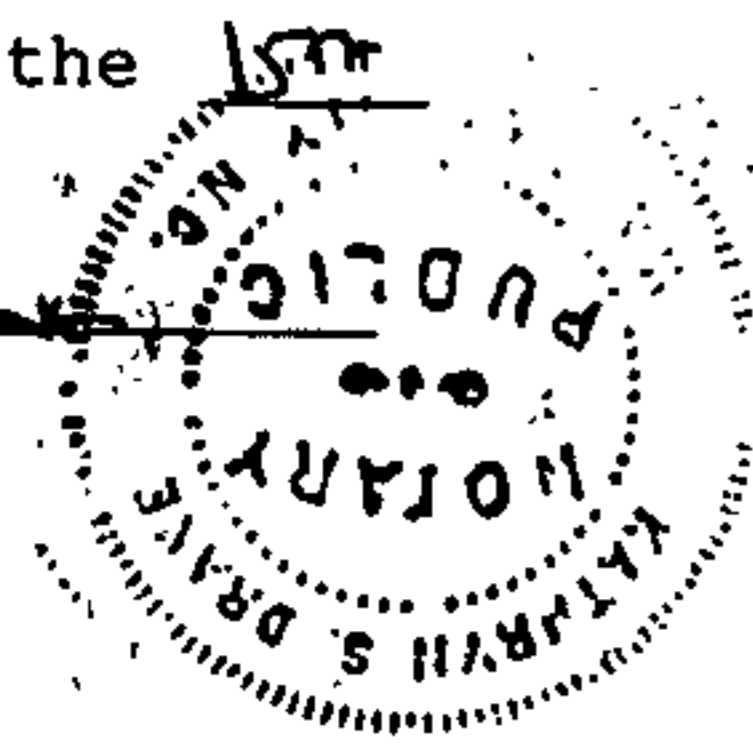
I, a Notary Public of the County and State aforesaid, certify that MARK E. DOWDY personally appeared before me this day and being by me duly sworn, says that he executed the foregoing and annexed instrument for and in behalf of TONI B. DOWDY and that his authority to execute and acknowledge said instrument is contained in that certain instrument duly executed, acknowledged and recorded in the office of the Register of Deeds for Franklin

County, North Carolina in Book 1065, Page 511, and that this instrument was executed under and by virtue of the authority given by said instrument granting him Power of Attorney; that the said MARK E. DOWDY acknowledged the due execution of the foregoing instrument for the purposes therein expressed and in behalf of TONI B. DOWDY.

Witness my hand and official stamp or seal, this the 15th day of Dec, 1999.

My Commission Expires: 8/31/2000

Kathryn S. Dray
Notary Public



NORTH CAROLINA

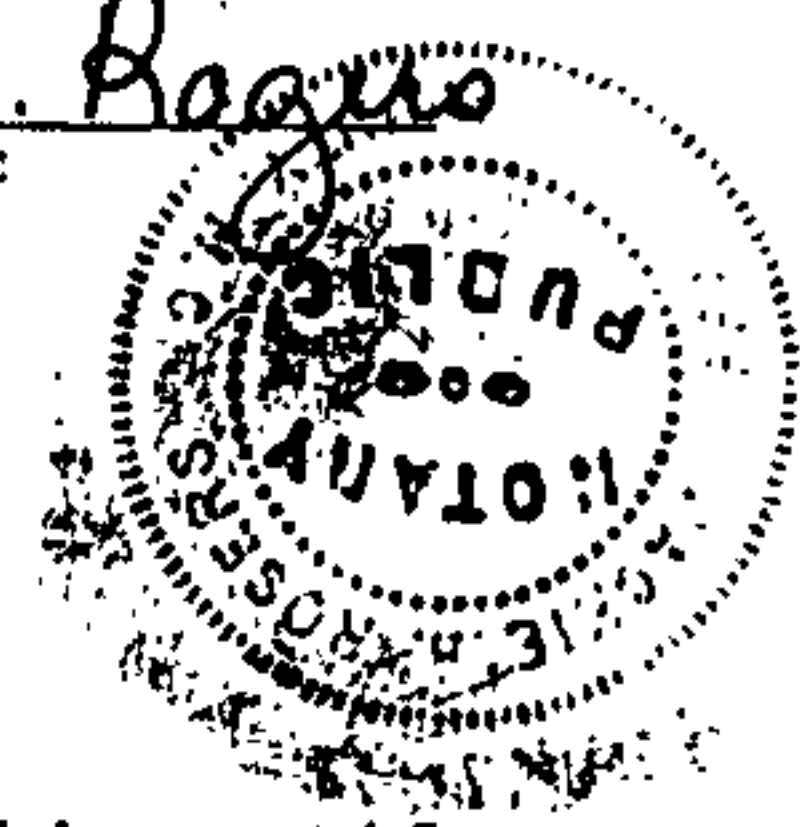
WAKE COUNTY

I, a Notary Public of the County and State aforesaid, certify that Darin Kirts personally came before me this day and acknowledged that he/she is PRESIDENT ~~Secretary~~ of KIRTS CUSTOM HOMES, INC. a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, ~~sealed with its corporate seal and attested by him/her as its Secretary.~~

Witness my hand and official stamp or seal, this the 20th day of December, 1999.

My Commission expires: 6-16-2003

Jackie B. Rogers
Notary Public



NORTH CAROLINA

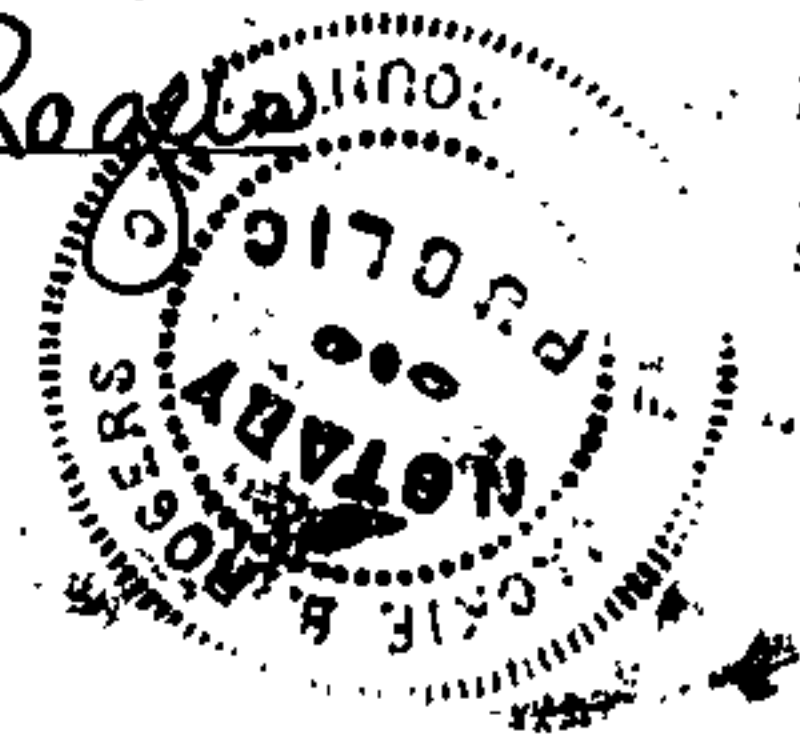
WAKE COUNTY

I, a Notary Public of the County and State aforesaid, certify that Samuel Fischel Jr. personally came before me this day and acknowledged that he/she is President ~~Secretary~~ of CHADMOOR HOMES, INC. a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, ~~sealed with its corporate seal and attested by him/her as its Secretary.~~

Witness my hand and official stamp or seal, this the 20th day of December, 1999.

My Commission expires: 6-16-2003

Jackie B. Rogers
Notary Public



NORTH CAROLINA

WAKE COUNTY

I, a Notary Public of the County and State aforesaid, certify that Bobby C. Sumner personally came before me this day and acknowledged that he/she is ~~Robert~~ Secretary of SUMNER CONSTRUCTION, INC. a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, ~~sealed with its corporate seal and attested by him/her as its Secretary.~~

Witness my hand and official stamp or seal, this the 20th day of December, 1999.

My Commission expires: 6-16-2003

Jackie B. Rogers
Notary Public



NORTH CAROLINA

WAKE COUNTY

I, a Notary Public of the County and State aforesaid, certify that Eugene Hahn personally came before me this day and acknowledged that he/she is ~~Robert~~ Secretary of BANYAN INVESTMENTS, INC. a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, ~~sealed with its corporate seal and attested by him/her as its Secretary.~~

Witness my hand and official stamp or seal, this the 20th day of December, 1999.

My Commission expires: 6-16-2003

Jackie B. Rogers
Notary Public



NORTH CAROLINA

WAKE COUNTY

I, a Notary Public of the County and State aforesaid, certify that Richard B. Glass personally came before me this day and acknowledged that he/she is ~~Robert~~ Secretary of CLEARWATER GROUP, INC. a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its _____ President, ~~sealed~~

with its ~~corporate seal and attested by him/her as its Secretary~~.
 Witness my hand and official stamp or seal, this the 28th
 day of December, 1999.

My Commission expires: 6-16-2003

Jackie B. Rogers
 Notary Public

NORTH CAROLINA

WAKE COUNTY

I, a Notary Public of the County and State aforesaid, certify that Charles Grant Jr. personally came before me this 20th day and acknowledged that he/~~she~~ is President Secretary of GRANT, INC. a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, ~~sealed with its corporate seal and attested by him/her as its Secretary~~.

Witness my hand and official stamp or seal, this the 20th day of December, 1999.

My Commission expires: 6-16-2003

Jackie B. Rogers
 Notary Public

NORTH CAROLINA

WAKE COUNTY

I, a Notary Public of the County and State aforesaid, certify that Billy Thomas personally came before me this 20th day and acknowledged that he/~~she~~ is President Secretary of BALDWIN HOMES, INC. a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, ~~sealed with its corporate seal and attested by him/her as its Secretary~~.

Witness my hand and official stamp or seal, this the 20th day of December, 1999.

My Commission expires: 6-16-2003

Jackie B. Rogers
 Notary Public

STATE OF NORTH CAROLINA, FRANKLIN COUNTY

The foregoing certificate(s) of Kathryn S. Drake and Jackie B. Rogers
 are _____ Notar(y) (ies) Public.

is/are certified to be correct.

This instrument was presented for registration this day and hour and duly recorded in the office of the Register of Deeds of Franklin County, N.C. in Book 1197, Page(s) 1023-1028
 This 28th day of December, A.D. 2000, at 11:45 o'clock A. M.

REGISTER OF DEEDS
Linda H. Stone Linda H. Stone

By: CANDICE COLEY
 Asst. Deputy Register of Deeds