

September \_\_, 2024

[add name/address]

Re: Amendment to Falls Reserve Phase 4 Covenants

Dear Falls Reserve Lot/Homeowner,

Welcome! For those of you already living in the neighborhood, I hope you are enjoying your beautiful new home. If at any time you see or notice anything in the neighborhood that needs to be addressed, please do not hesitate to reach out to me or Kristina Goodman at PPM (the management company for Falls Reserve).

I have enclosed for your information a copy of an amendment to the restrictive covenants for Phase 4 at Falls Reserve that we intend to file with the Wake County Register of Deeds. The purpose of the amendment is to provide notice to current and future owners that in certain emergency situations (e.g., drought), the utility company that provides water service to the Phase 4 Lots may impose water-use restrictions for **non-essential** water use, such as spray irrigation, in accordance with directives from the North Carolina Utilities Commission. We view this as a commonsense tool available to every utility company to protect its customers and water supply. There is no action necessary on your part. If you have any questions whatsoever, please feel free to reach out to me.

I look forward to meeting each of you at the next HOA meeting which will take place in the next few months.

Sincerely,

Andrew K. Sandman, Manager  
Falls Lake Developers, LLC

**FIRST AMENDMENT TO ANNEXATION DECLARATION  
SUBJECTING ADDITIONAL LAND IN FALLS RESERVE SUBDIVISION TO  
AMENDED AND RESTATED DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS AND TO CERTAIN ADDITIONAL  
COVENANTS, CONDITIONS AND RESTRICTIONS**

**PREPARED BY AND RETURN ORIGINAL TO:**  
**MICHAEL G. SANDMAN ATTORNEY AT LAW**  
7101 Creedmoor Road, Suite 142  
Raleigh, North Carolina 27613

**REFERENCE FOR THE INDEX:** Book 16710, Page 1955 and Book 19387, Page 2293

**STATE OF NORTH CAROLINA**  
**COUNTY OF WAKE**

THIS FIRST AMENDMENT TO ANNEXATION DECLARATION SUBJECTING ADDITIONAL LAND IN FALLS RESERVE SUBDIVISION TO AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND TO CERTAIN ADDITIONAL COVENANTS, CONDITIONS AND RESTRICTIONS is made this \_\_\_\_ day of \_\_\_\_\_, 2024, by FALLS LAKE DEVELOPERS, LLC, a North Carolina limited liability company ("Declarant").

**WITNESSETH:**

WHEREAS, Declarant has developed as a single-family subdivision certain real property located in Wake County, North Carolina, commonly known as "Falls Reserve Subdivision" (the "Subdivision");

WHEREAS, Declarant has subjected the Subdivision to that certain Amended and Restated Declaration of Covenants, Conditions and Restrictions for Falls Reserve Subdivision, recorded in Book 16710, Page 1955, Wake County Registry (the "Subdivision Covenants");

WHEREAS, Declarant has subjected Lots 73 through 88 comprising Phase 4 of the Subdivision (the "Phase 4 Lots") to the Subdivision Covenants pursuant to that certain Annexation Declaration Subjecting Additional Land in Falls Reserve Subdivision to Amended and Restated Declaration of Covenants, Conditions and Restrictions and to Certain Additional Covenants, Conditions and Restrictions recorded in Book 19387, Page 2293, Wake County Registry (the "Phase 4 Covenants");

WHEREAS, unless otherwise defined herein, capitalized terms shall have the same meaning set forth in the Subdivision Covenants and the Phase 4 Covenants;

WHEREAS, a regulated water service utility (the "Water Utility"), currently Old North State Water Company, Inc., is providing water utility service to the Phase 4 Lots from a water system (the "Phase 4 Water System") that has been approved by the North Carolina Department of Environmental Quality ("DEQ");

WHEREAS, the Phase 4 Water System has a pumping capacity for each of the Phase 4 Lots that exceeds DEQ's minimum domestic water system pumping capacity requirement;

WHEREAS, the State of North Carolina Utilities Commission (the "Utilities Commission") has issued an order in the Utilities Commission's Docket W-100 Sub 83 granting to the Water Utility a Certificate of Public Convenience and Necessity ("CPCN Order") to provide water utility service to the Phase 4 Lots;

WHEREAS, pursuant to the CPCN Order, the Water Utility may impose certain ongoing and/or recurring mandatory water-use restrictions for **non-essential** water use (e.g., spray irrigation), and Declarant desires to amend the Phase 4 Covenants for purposes of providing record notice of the Water Utility's right to impose such restrictions; and

WHEREAS, Declarant has the right to amend the Subdivision Covenants as set forth herein pursuant to Section 14.1 of the Subdivision Covenants.

NOW, THEREFORE, Declarant does hereby amend the Phase 4 Covenants to provide notice that the Water Utility serving the Phase 4 Lots may impose, pursuant to the Utilities Commission's directives, regulations, or orders, ongoing and recurring mandatory water-use restrictions for non-essential water use such as spray irrigation when and if necessary to ensure adequate quality and quantity of water to Phase 4 Lot owners for domestic use.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.]

IN WITNESS WHEREOF, the Declarant has caused this instrument to be executed under seal as of the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

FALLS LAKE DEVELOPERS, LLC

By: \_\_\_\_\_ (SEAL)  
Andrew K. Sandman, Manager

STATE OF NORTH CAROLINA

COUNTY OF WAKE

I, the undersigned Notary Public of the aforesaid County and State, do hereby certify that ANDREW K. SANDMAN, Manager of FALLS LAKE DEVELOPERS, LLC, a North Carolina limited liability company, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal or stamp, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_