

WAKE COUNTY, NC 496
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
07/01/2008 AT 15:55:06

BOOK:013164 PAGE:02160 - 02163

Prepared by and hold after recording for: Russell Law Group, PLLC #167

NORTH CAROLINA

WAKE COUNTY

**FIRST AMENDMENT TO THE
DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS
FOR KIRKWOOD PARK**

THIS AMENDMENT TO DECLARATION, made on the date hereinafter set forth by
FGW, LLC, the “Declarant”, Five Points Development, LLC and David L. and Cynthia A
Wagner.

WITNESSETH:

THAT WHEREAS, David L. and Cynthia A. Wagner are the owners of Lot 1, Kirkwood
Park Subdivision, as shown on plat thereof recorded in Book of Maps 2006, Page 481, Wake
County Registry; and

WHEREAS, Five Points Development, LLC is the owner of Lots 5 and 9, Kirkwood Park
Subdivision, as shown on said plat recorded in Book of Maps 2006, Page 481, Wake County
Registry; and

WHEREAS the Declarant is the owner of all other lots as shown on said plat recorded in
Book of Maps 2006, Page 481, Wake County Registry.

NOW, THEREFORE, the parties hereto desire to amend the Declaration of Covenants,
Conditions and Restrictions recorded in Book 11870, Page 185, as follows:

1. Article VI, Section 3 is hereby deleted in its entirety and a new Article VI, Section 3.

Maintenance of Yards shall read as follows: Each owner shall be responsible

for the maintenance of his lot and any landscaping or lot changes shall be subject to approval in

writing by the ACC as hereinafter provided.

In the event that the need for maintenance or repair of any portion of the Association Common Property is caused through the willful or negligent act of the Owner, his family, or guests, or invitees, the cost of such maintenance or repairs shall be added to and become a part of the assessment to which such lot is subject.

2. In Article XII, Section 8(c) of the Declaration, the following language shall be deleted in its entirety:

“Notwithstanding the foregoing, no amendment shall be effective unless approved by the City of Raleigh (so long as this is required by the City Code).”

and the following shall be substituted therefor:

“Notwithstanding the foregoing, no amendment affecting either provisions of this Declaration involving stormwater or the maintenance or operation of Stormwater Control Measures or any provisions of this Declaration required by the Raleigh City Code shall be effective unless approved by the City of Raleigh, as evidenced by the signature of the City’s Director of Public Works (or their deputy) or the City’s Director of Planning (or their deputy) on the recorded original or copy of the amendment.”

Except as herein amended, the Declaration shall remain in full force and effect.

This 23rd day of June, 2008.

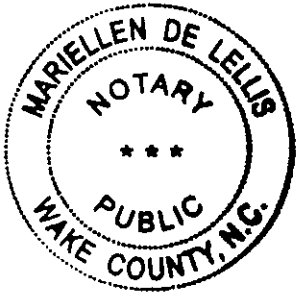
FGW, LLC
BY: [Signature] (SEAL)
Ronald C. Fowler, Member/Manager

NORTH CAROLINA
Wake COUNTY

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Ronald C. Fowler

Date: 6/23/08

[Signature]
Signature of Notary Public
Printed Name: Mariellen DeLellis
My Commission Expires: 4/8/2009



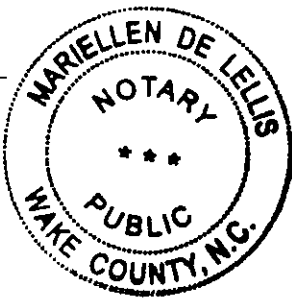
FIVE POINTS DEVELOPMENT, LLC

BY: [Signature] (SEAL)
Printed Name: Ronald C. Fowler
Title: member

NORTH CAROLINA
Wake COUNTY

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Member - Five Points Dev., LLC

Date: 6/23/08



[Signature]
Signature of Notary Public
Printed Name: Mariellen DeLellis
My Commission Expires: 4/8/2009

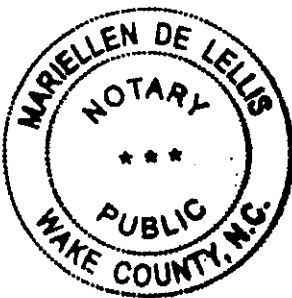
[Signature] (SEAL)
David L. Wagner

[Signature] (SEAL)
Cynthia A. Wagner

NORTH CAROLINA
Wake COUNTY

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: David L. and Cynthia A. Wagner

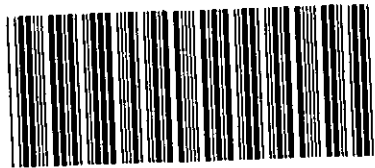
Date: 6/25/08



[Signature]
Signature of Notary Public
Printed Name: Mariellen DeLellis
My Commission Expires: 4/8/2009

REVIEWED AS TO FORM:

By: _____
Printed Name: _____
(Associate) (Deputy) City Attorney



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Yellow probate sheet is a vital part of your recorded document.
Please retain with original document and submit for rerecording.



Wake County Register of Deeds
Laura M. Riddick
Register of Deeds

This Customer Group
_____ # of Time Stamps Needed

This Document
_____ New Time Stamp
_____ # of Pages