

WAKE COUNTY, NC 188
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
03/25/2009 AT 13:01:10

BOOK:013449 PAGE:00181 - 00184

Prepared by and return to: Hope Derby Carmichael, P.O. Box 10669, Raleigh, NC 27605

STATE OF NORTH CAROLINA

COUNTY OF WAKE

AMENDMENT TO DECLARATION OF
COVENANTS AND RESTRICTIONS FOR
YARBOROUGH PARK TOWNHOMES

THIS AMENDMENT to the Declaration of Covenants, Conditions and Restrictions for Yarborough Park Townhomes, made this 25th day of March, 2009 by the owners of lots of Yarborough Park Townhomes (hereinafter, "Yarborough Park"),

WITNESSETH:

THAT WHEREAS, St. Mary's Associates, LLC ("the Declarant"), caused to be recorded a Declaration of Covenants, Conditions and Restrictions for Yarborough Park Townhomes in Book 12694, Page 2247 in the Wake County Registry, (hereinafter, "Declaration"); and

WHEREAS, Article XIV of the Declaration provides that such Declaration may be amended at this time by the approval of members of the Association owning at least ninety percent (90%) of the Lots in the subdivision. At this time, the Declarant owns 92.3 percent of the Lots in Yarborough Park Subdivision. This amendment shall become effective upon recordation of this amendment in the Wake County Registry; and

WHEREAS, Article XIV of the Declaration provides that such Declaration may be amended at this time by the approval of members of the Association owning at least ninety percent (90%) of the Lots in the subdivision, and without the approval of the City Attorney, so long as the amendment does not affect or modify any provisions which are required by the City Code.

NOW, THEREFORE, the undersigned do hereby declare that the Declaration of Covenants, Conditions and Restrictions for Yarborough Park Townhomes shall be amended as follows:

1. To amend Article I, Part B, Section 1 of the Declaration by deleting the third paragraph of that section in its entirety and inserting in lieu thereof the following (new language appears in bold type):

"And further, that impervious areas for common area: drives, parking, open space and sidewalks, **including the front steps leading to each townhome** shall not exceed 51,166 square feet."

2. The undersigned does hereby certify that this amendment does not affect or modify any provisions of the Declaration which are required by the City Code, in that the amendment is recorded for the purpose of correcting a typographical omission which will make the Declaration consistent with the approved Subdivision Plan for Yarborough Park.

3. This amendment shall be effective upon recordation in the Office of the Wake County Registry.

4. Except as amended hereinabove, the remaining portions of the Declaration as originally recorded are hereby restated and reacknowledged.

WHEREFORE, the Declarant and President of the Yarborough Park Homeowners Association, Inc. have hereunto affixed the required certification and signatures for the purpose of enacting the foregoing amendment.

CERTIFICATION OF VALIDITY OF AMENDMENT TO COVENANTS AND RESTRICTIONS
OF YARBOROUGH PARK TOWNHOMES

By authority of its Board of Directors, the undersigned hereby certifies that the foregoing instrument has been duly approved by the assent of not less than ninety percent (90%) of the owners of Lots in Yarborough Park Subdivision and is, therefore, a valid amendment to the existing Declaration of Covenants, Conditions and Restrictions for Yarborough Park Townhomes, pursuant to the requirements of Article XIV of the Declaration.

YARBOROUGH PARK
HOMEOWNERS ASSOCIATION, INC.

By: A. Settle Dockery, III
President

STATE OF NORTH CAROLINA

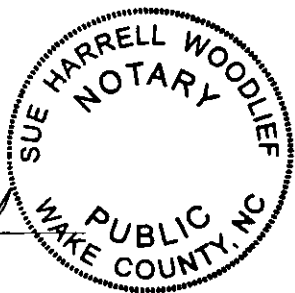
ACKNOWLEDGMENT

COUNTY OF WAKE

I, Sue Harrell Woodleaf a Notary Public of the County and State aforesaid, certify that A. Settle Dockery, III, personally came before me this day and acknowledged that he is President of Yarborough Park Homeowners Association, Inc., a North Carolina non-profit corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by him for the purposes therein stated.

Witness my hand and official stamp or seal, this 25th day of March, 2009.

Sue Harrell Woodleaf
Notary Public



My commission expires: 11-23-13

IN WITNESS WHEREOF, the Declarant has executed this Amendment to Declaration of Covenants, Conditions and Restrictions for Yarborough Place Townhomes this the 25th day of March, 2009.

ST. MARY’S ASSOCIATES, LLC,
a North Carolina limited liability company

A. Settle Dockery III
By: A. Settle Dockery, III, Member Manager

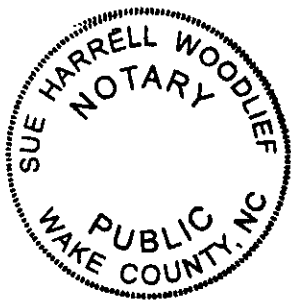
NORTH CAROLINA
COUNTY OF WAKE

GRANTOR ACKNOWLEDGEMENT

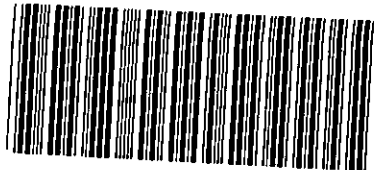
I, Sue Harrell Woodlief, a Notary Public of the County and State aforesaid, certify that A. Settle Dockery, III, of whom I have personal knowledge, came before me this day and acknowledged that he is a Manager of St. Mary’s Associates, LLC, a North Carolina limited liability company, and that he, as Manager, being authorized to do so, voluntarily executed the foregoing instrument on behalf of said company in his capacity as Manager of said limited liability company.

WITNESS my hand and official seal, this the 25th day of March, 2009.

(SEAL-STAMP)



Sue Harrell Woodlief
Notary Public
Name: Sue Harrell Woodlief
My Commission expires: 11-23-13



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Please retain with original document and submit for rerecording.**



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

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JMB
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