

Wake County, NC 328
Laura M Riddick, Register Of Deeds

Presented & Recorded 09/10/2001 12:47:11

Book : 009071 Page : 02080 - 02083

Upon recording return to:
David N. Dorrough, Jr.
DOROUGH & DOROUGH, LLC
125 Clairemont Avenue
Decatur, Georgia 30030
(404) 687-9977

Cross Reference: Book 8705
Page 1098

AMENDMENT STRIKING DECLARATION OF PROTECTIVE COVENANTS
FOR **CHASTAIN** OF RALEIGH AND SUBSTITUTING AMENDED AND RESTATED
DECLARATION OF PROTECTIVE COVENANTS FOR CHASTAIN OF RALEIGH

THIS AMENDMENT is made as of the 5th day of September, 2001, by **COLONY HOMES, L.L.C.**, a Georgia limited liability company (hereinafter referred to as "Declarant").

W I T N E S S E T H:

WHEREAS, Declarant executed that certain Declaration of Protective Covenants for Chastain of Raleigh which was recorded in Book 8705, page 1098, *et seq.*, in the Wake County Public Registry (the "Original Declaration"); and

WHEREAS, pursuant to §47F-2-117 of the North Carolina Planned Community Act, the declaration may be amended by the affirmative vote or written agreement signed by the lot owners of lots to which at least sixty-seven percent (67%) of the votes in the association are allocated;

WHEREAS, Declarant is the owner of more than sixty-seven percent (67%) of all of the lots encumbered by the Original Declaration, being all that tract or parcel of land lying and being in St. Mary's Township, Wake County, North Carolina as more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference (the "Property");

WHEREAS, Declarant as the owner of the required percentage of the Property desires to strike the Original Declaration in its entirety and substitute therefor that certain Amended and Restated Declaration of Protective Covenants for Chastain of Raleigh executed by Declarant on

EXHIBIT "A"
Property Description

BEING all of that tract of land as described in that certain survey thereof as shown on that plat entitled "RECOMBINATION SURVEY FOR C + Z OF RALEIGH LLC, A NORTH CAROLINA LIMITED LIABILITY COMPANY, AND DAVID L. & ELSIE M. EDWARDS - NEW TRACT 3, NEW TRACT 6, NEW TRACTS A&B, NEW LOT 5 - ST. MARY'S TOWNSHIP, WAKE COUNTY, NORTH CAROLINA", dated February 25, 2000, prepared by Elingburg Land Survey Co., P.A., and recorded in Book of Maps 2000 at Page 888, Wake County Public Registry.

even date herewith (the "Amended and Restated Declaration"), which Amended and Restated Declaration is recorded contemporaneously with this Amendment.

NOW, THEREFORE, the Original Declaration is hereby stricken in its entirety such that, from and after the date this Amendment and the Amended and Restated Declaration are recorded, the property submitted thereto shall be owned, held, transferred, sold, conveyed, used, occupied, mortgaged or otherwise encumbered subject to all of the terms, provisions, covenants, and restrictions contained in the Original Declaration as amended by the Amended and Restated Declaration, all of which shall run with the title to the property subjected to the Amended and Restated Declaration and shall be binding upon all persons having any right, title or interest in such property, their respective heirs, legal representatives, successors, successors-in-title, and assigns.

IN WITNESS WHEREOF, the Declarant has caused this Amendment to be executed under seal the day and year first above written.

DECLARANT:

COLONY HOMES, L.L.C., a Georgia limited liability company

By: [Signature] (SEAL)
Ron Peiffer, Manager

NORTH CAROLINA

Harnett

WAKE COUNTY

I, a Notary Public of the County and State aforesaid, certify that Ron Peiffer personally appeared before me this day and acknowledges that he is the Manager of COLONY HOMES, LLC, a Georgia limited liability company, and that by authority duly given and as the act of the company, the foregoing instrument was signed in its name by its Manager.

Witness my hand and official stamp or seal, this 5th day of September, 2001.



[Signature]
Notary Public

My Commission Expires: July 30, 2002