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WAKE COUNTY

NORTH CAROLINA

**THIRD AMENDMENT TO THE DECLARATION
OF COVENANTS, CONDITIONS AND
RESTRICTIONS OF MORNINGTON ESTATES
HOME OWNERS ASSOCIATION, INC.
(AKA MORNINGTON SUBDIVISION)**

This AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF MORNINGTON ESTATES HOME OWNERS ASSOCIATION, INC. is made this 14 day of December 2021, by 5908-5909 Rock Service Station Rd, LLC, a North Carolina limited liability company ("Declarant").

WITNESSETH:

WHEREAS, the Declarant subjected MORNINGTON ESTATES (the "Property") to the Declaration of Covenants, Conditions and Restrictions for Mornington Estates Home Owners Association, Inc. recorded in Deed Book 16673, Page 377 and re-recorded in Book 16715, Page 2167 of the Wake County Registry (the "Declaration") and amendments to the same (collectively, including the Declaration, the "Declaration"), including but not limited to those listed as follows:

- a) Book of 16673, Page 377
- b) Book 16715, Page 2167
- c) Book 17694, Page 2734
- d) Book 17725, Page 1075
- e) Book 17945, Page 2614
- f) Book 18755, Page 1006

WHEREAS, the Declaration applies to and runs with the land described in the Map Books of the Wake County Register of Deeds, including but not limited to the following:

- a) BM 2017, Pages 126-128
- b) BM 2019, Pages 2203-2205
- c) BM 2020, Pages 108-110
- d) BM 2020, Page 482
- e) BM 2021, Page 278-281
- f) BM 2021, Page 1636
- g) BM 2021, Page 1726-1727

WHEREAS, the Declaration provides in Article XIII, Section 3 that "during any period in which a two class voting structure is in effect, Declarant may amend this Declaration without the approval of any other Member provided, the amendment does not materially alter or change any Owner's right to use and enjoyment of such Owner's Lot or of the Common Area as set forth in this Declaration and the amendment does not adversely affect the title to any Lot"; and

WHEREAS, this Amendment is not intended to alter or change any Owner's right to the use and enjoyment of such Owner's Lot or Common Area as set forth in the Declaration nor does the Declarant assert any adverse claim on title;

NOW THEREFORE, the Declaration for Mornington Estates is hereby amended by Declarant by:

1. Article VIII Use Restrictions, Sections 3(b) is amended to read as follows:

3. Animals.

b. Those Lots located in Phase 2 and 3 of the Subdivision as recorded in Book of Maps 2019, Page 2203-2205 and Book of Maps 2021, Page 278-281, shall be allowed to maintain no more than five (5) chickens on their Lot. No roosters shall be allowed. All chickens must be kept enclosed within a fenced rear yard at all times. No chicken coop/house shall be constructed, placed or altered on any Lot unless located within a rear fenced yard and plans and specifications for such structure have been approved by the ACC as provided in Article VI of the Declaration. In no case shall more than one (1) chicken coop/house be approved.

All other terms and conditions contained in the Declaration or amendments to the Declaration shall remain unchanged.

5908-5909 Rock Service Station Rd, LLC

By: _____

Printed Name: _____

Title: Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, a Notary Public of the County and State aforesaid, certify that DONALD DENHAM personally came before me this day and acknowledged that he/she is the Manager of 5908-5909 Rock Service Station Rd, LLC, and North Carolina limited liability company, and that that he/she, Manager, being authorized to do so, executed the foregoing in the capacity indicated.

WITNESS my hand and official stamp or seal, this 14 day of DEC, 2021.



Amanullah A. Rehman
Notary Public

AMANULLAH A. REHMAN
Printed Name

My commission expires: 07/26/2022