

Prepared by & return to: Moore & Alphin, PLLC, 3733 National Drive, Suite 100, Raleigh, NC 27612 (BG) 

STATE OF NORTH CAROLINA
WAKE COUNTY

**FIRST AMENDMENT TO THE
DECLARATION OF COVENANTS,
CONDITIONS, AND RESTRICTIONS
FOR BROOK MEADOW**

THIS FIRST AMENDMENT to the Declaration of Covenants, Conditions, and Restrictions for Brook Meadow (this "Amendment") is made as of the day it is signed, by **Elm Street Builders, LLC** (the "Declarant").

WHEREAS, Declarant has previously recorded that certain Declaration of Covenants, Conditions, and Restrictions for Brook Meadow in Book 17355, Page 2131 in the Wake County Registry (such instrument referred to herein as the "Declaration");

WHEREAS, Declarant is the owner of Lot 12, Book Meadow, as shown on the maps recorded in Book of Maps 2019, Pages 369-372, Wake County Registry (hereinafter "Lot 12") and

WHEREAS, pursuant to the power granted in Article XI, Section 1 and 3 of the Declaration, so long as Declarant owns any property which is the subject of the Declaration, Declarant may unilaterally, and in its sole discretion, amend the Declaration for any purpose.

NOW, THEREFORE, it is agreed and declared that the Declaration is amended as follows:

1. Removal of Lot 12 from the Declaration:

Lot 12 shall no longer subjected to the Declaration and shall no longer be subject to the provisions, liens charges, easements, covenants, and restrictions as set forth in the Declaration.

2. Defined Terms; Recitals. All capitalized terms used herein, unless otherwise defined herein, shall have the meanings set forth in the Declaration.

3. Effect of Amendment. The Declaration is hereby modified to the extent set forth herein, but only to the extent set forth herein. All provisions of the Declaration not modified by this Amendment shall remain in full force and effect in accordance with their original terms as set forth in the Declaration. In the event of any conflict or ambiguity between the terms of the Declaration and the terms of this Amendment, the terms of this Amendment shall control.

(The remainder of this page is intentionally blank.)

IN WITNESS WHEREOF, Declarant has caused this Amendment to be executed in legal and binding form, on the date indicated in the acknowledgement of such signature.

DECLARANT:

ELM STREET BUILDERS, LLC

By: _____

Christopher R. Weir, Member/Manager

State of North Carolina - County of Wake

I certify that the following person(s) personally appeared before me this day and acknowledged to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: **Christopher R. Weir**

Date: _____

4/22/2020

[Official Seal]

Curtis K. Thompson Notary Public
(Print Name)

My Commission Expires: _____

