

BK012570PG00481

WAKE COUNTY, NC 482
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
05/29/2007 AT 13:59:13

BOOK:012570 PAGE:00481 - 00486

Prepared By and Return To:
William E. Creech, Esq.
Parker Poe Adams & Bernstein LLP
P.O. Box 389, Raleigh, NC 27602-0389

**FIRST AMENDMENT
TO
DECLARATION OF PROTECTIVE COVENANTS AND EASEMENTS
FOR WOODCREEK**

THIS FIRST AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS AND EASEMENTS FOR WOODCREEK (this "First Amendment") is made and entered into as of the 24 day of May, 2007, is made by and between **HOLLY SPRINGS RESIDENTIAL PROPERTIES, LLC**, a North Carolina limited liability company ("Declarant"), **JOHN WIELAND HOMES AND NEIGHBORHOODS OF THE CAROLINAS, INC.**, a Georgia corporation ("Approved Developer"), and **WOODCREEK NEIGHBORHOOD ASSOCIATION, INC.**, a North Carolina corporation (the "Neighborhood Association").

RECITALS:

WHEREAS, Declarant, Approved Developer and the Neighborhood Association are parties to that certain Declaration of Protective Covenants and Easements for Woodcreek, dated March 20, 2007, recorded March 20, 2007, in Book 12453, Page 786, and re-recorded March 22, 2007, in Book 12456, Page 852, Wake County, North Carolina Register of Deeds (collectively, the "Declaration"), regarding certain real property located in Wake County, North Carolina, as more particularly described in the Declaration; and

WHEREAS, Declarant, Approved Developer and the Neighborhood Association desire to amend the terms of the Declaration.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the mutual receipt and legal sufficiency of which are hereby acknowledged, it is hereby agreed as follows:

1. **Recitals.** The foregoing recitals are incorporated herein by this reference as if fully set forth at this point in the text of this First Amendment.

2. **Integration.** The recitals and following terms and conditions shall constitute part of the Declaration and be incorporated therein by reference.

3. **Progress Energy Emergency Towing Provision.** Article VI, Section 4. Vehicles/Parking, of the Declaration is amended to add the following sentence at the end of Article VI, Section 4:

"Notice is given that vehicles, trailers, and other obstructions parked or otherwise located on the as yet unnamed road (the "Road"), which Road will intersect Lockley Road approximately ~~335'~~^{335'} west of the intersection of Lockley Road and Sunset Lake Road and which Road extends south therefrom to the substation of the Carolina Power & Light Company, a North Carolina public service corporation d/b/a Progress Energy Carolinas, Inc. ("Progress Energy"), are subject to the rights of Progress Energy, if any, to tow or otherwise remove such obstructions in the event that such towing or removal is necessary for Progress Energy's equipment to access the Progress Energy's substation located at the end of the Road in an emergency."

4. **Ratification.** The terms of the Declaration, except as expressly modified hereby, shall remain unchanged and in full force and effect.

5. **Governing Law/Successors.** This First Amendment shall be governed and construed according to the laws of the State of North Carolina and shall bind and inure to the benefit of the successors and assigns of the undersigned.

6. **Defined Terms.** Each capitalized term used in this First Amendment shall have the same meaning ascribed to it in the Declaration, unless specifically defined in this First Amendment.

7. **Counterparts.** This First Amendment may be executed in several counterparts and shall be valid and binding with the same force and effect as if all parties executed the same First Amendment.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

[SIGNATURE PAGES TO FOLLOW]

IN WITNESS WHEREOF, the undersigned have caused this First Amendment to be executed under seal by their duly authorized officer(s) as of the day and year first above written.

DECLARANT:

HOLLY SPRINGS RESIDENTIAL
PROPERTIES, LLC, a North Carolina limited
liability company

By: Timothy R. Smith [SEAL]
Timothy R. Smith, Manager

STATE OF NORTH CAROLINA

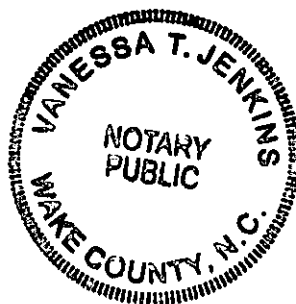
COUNTY OF WAKE

I, Vanessa T. Jenkins, a Notary Public, do hereby certify that Timothy R. Smith personally came before me this day and acknowledged that (s)he is the Manager of HOLLY SPRINGS RESIDENTIAL PROPERTIES LLC, a North Carolina limited liability company, and that he, as Manager, being authorized to do so, voluntarily executed the foregoing on behalf of the company for the purposes stated therein.

WITNESS my hand and official stamp or seal this 24 day of May, 2007.
Vanessa T. Jenkins
Notary Public

My Commission Expires: Feb 2018

[NOTARIAL SEAL]



APPROVED DEVELOPER:

JOHN WIELAND HOMES AND
NEIGHBORHOODS OF THE CAROLINAS,
INC., a Georgia corporation

By: Justin F. Patsey

Print Name: Justin F. PATSEY

Title: vice-president

STATE OF North Carolina

COUNTY OF Wake

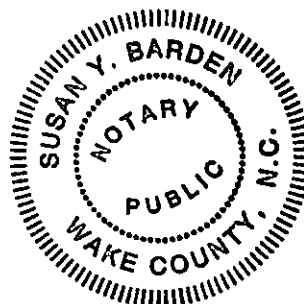
I, Susan Y. Barden, a Notary Public of the County and State aforesaid, certify that Justin F. Patsey, either being personally known to me or proven by satisfactory evidence (said evidence being NC Drivers License), personally appeared before me this day and acknowledged that (s)he is the Vice President of JOHN WIELAND HOMES AND NEIGHBORHOODS OF THE CAROLINAS, INC., a Georgia corporation, and that (s)he, as Vice President, being authorized to do so, voluntarily executed the foregoing on behalf of the company for the purposes stated therein.

WITNESS my hand and official stamp or seal this 24 day of May, 2007.

Susan Y. Barden
Notary Public

My Commission Expires: 9.12.09

[NOTARIAL SEAL]



NEIGHBORHOOD ASSOCIATION:

WOODCREEK NEIGHBORHOOD
ASSOCIATION, INC., a North Carolina
nonprofit corporation

By: Timothy R. Smith
Timothy R. Smith, President

[CORPORATE SEAL]

STATE OF NORTH CAROLINA

COUNTY OF WAKE

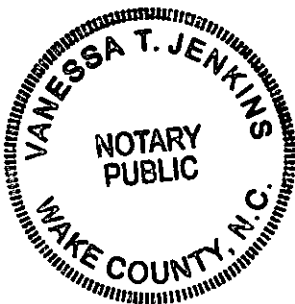
I, Vanessa T. Jenkins, a Notary Public, do hereby certify that Timothy R. Smith personally came before me this day and acknowledged that (s)he is the President of WOODCREEK NEIGHBORHOOD ASSOCIATION, INC., a North Carolina nonprofit corporation, and that he, as President, being authorized to do so, voluntarily executed the foregoing on behalf of the corporation for the purposes stated therein.

WITNESS my hand and official stamp or seal this 24 day of May, 2007.

Vanessa T. Jenkins
Notary Public

My Commission Expires: 1-21-2008

[NOTARIAL SEAL]





BOOK:012570 PAGE:00481 - 00486

**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

_____ *6* New Time Stamp
_____ # of Pages