

WAKE COUNTY, NC 123
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
07/20/2004 AT 10:24:25

BOOK:010928 PAGE:01751 - 01755

PREPARED BY AND RETURN TO:

Jonathan F. Young, Esq.
John Wieland Homes and Neighborhoods, Inc.
1950 Sullivan Road
Atlanta, GA 30337

INDEX Grantor Index Under:

John Wieland Homes and Neighborhoods of
North Carolina, Inc., n/k/a John Wieland
Homes and Neighborhoods of the Carolinas,
Inc.

CROSS-REFERENCE to Declaration:
Book 8387, Page 1899

**SUPPLEMENTARY DECLARATION AND AMENDMENT TO
DECLARATION OF PROTECTIVE COVENANTS FOR WINDERMERE**

This Supplementary Declaration and Amendment is made this 14th day of JULY, 2004, by JOHN WIELAND HOMES AND NEIGHBORHOODS OF THE CAROLINAS, INC. f/k/a JOHN WIELAND HOMES AND NEIGHBORHOODS OF NORTH CAROLINA, INC. f/k/a JOHN WIELAND HOMES OF NORTH CAROLINA, INC., a Georgia corporation (hereinafter referred to as "Declarant").

BACKGROUND STATEMENT

On August 4, 1999, Declarant executed that certain Declaration of Protective Covenants for Windermere which was recorded on August 12, 1999 in Book 8387, Page 1956, et seq., Wake County, North Carolina land records (hereinafter, as supplemented and/or amended from time to time, the "Declaration"). Pursuant to Article IX, Section 1(a) thereof, the Declarant has the unilateral right, until fifteen (15) years after the recording of the Declaration, to subject all or a portion of the real property described on Exhibit "C" thereof to the provisions of the Declaration.

The Declaration also provides in Article IX, Section 1(a) thereof that as long as covenants applicable to the real property previously subjected to the Declaration are not changed and as long as rights of then Owners (as defined in the Declaration) are not adversely affected, the Declarant may unilaterally amend the Declaration to reflect the different character of any such annexed or subjected real property.

Declarant now desires to subject to the provisions of the Declaration a portion of the real property described on Exhibit "C" to the Declaration. Declarant is the owner of the real property

described in Exhibit "A" attached hereto ("Property").

Declarant also desires to amend the Declaration relating to the Property in order to reflect the different character of the Property. Such amendment will not change covenants applicable to real property previously subjected to the Declaration and will not adversely affect rights of then Owners.

NOW THEREFORE, pursuant to the powers retained by Declarant under Article IX, Section 1(a) of the Declaration, and in accordance with the provisions of that section, Declarant hereby subjects the Property to the provisions of the Declaration. The Property shall be sold, transferred, used, conveyed, occupied and mortgaged or otherwise encumbered pursuant to the provisions of the Declaration, all of which shall run with the title of the Property and shall be binding upon all persons having any right, title or any interest in the Property, their respective heirs, legal representatives, successors, successors-in-title and assigns.

FURTHER, pursuant to the powers of the Declarant under Article IX, Section 1(a) of the Declaration, and in accordance with the provisions of that section, Declarant hereby amends the Declaration as follows:

By adding the following as part of Article IV of the Declaration:

The Property has its own separate entrance and entry features and landscaping is required along the sewer easement on the Property. Thus, any expenses incurred by the Windermere Neighborhood Association, Inc. ("Association") in maintaining, operating, replacing and insuring such entrance, entry features and landscaping will benefit only the Lots (as defined in the Declaration) within the Property. Therefore, pursuant to Article IV, Section 8 of the Declaration, the Owners of Lots within the Property may be subject to a specific assessment imposed by the Board of Directors of the Association ("Board"), in its sole discretion, to cover the costs incurred by the Association in maintaining, operating, replacing, and insuring such entrance, entry features and landscaping. This will be in addition to the regular annual assessments and any other assessments levied by the Board. Any such specific assessments imposed by the Board shall be paid in equal annual installments to the Association, unless otherwise determined by the Board.

[continued on next page]

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

ATTEST:

Andrea Lostrand
Assistant Secretary

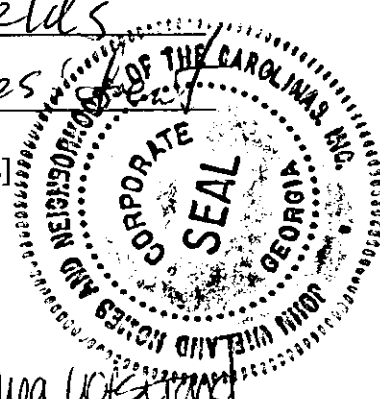
JOHN WIELAND HOMES AND
NEIGHBORHOODS OF THE CAROLINAS,
INC., f/k/a JOHN WIELAND HOMES AND
NEIGHBORHOODS OF NORTH
CAROLINA, INC., f/k/a JOHN WIELAND
HOMES OF NORTH CAROLINA, INC., a
Georgia corporation

By: Dan Fields

Print Name: Dan Fields

Title: Vice President

[CORPORATE SEAL]



STATE OF NORTH CAROLINA

COUNTY OF WAKE

I, Maria Mollise, a Notary Public, do hereby certify that Andrea Lostrand personally came before me this day and acknowledged that (s)he is Assistant Secretary of JOHN WIELAND HOMES AND NEIGHBORHOODS OF THE CAROLINAS, INC., f/k/a John Wieland Homes and Neighborhoods of North Carolina, Inc., f/k/a John Wieland Homes of North Carolina, Inc., a Georgia corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Vice President, sealed with its corporate seal and attested by Andrea Lostrand as its Assistant Secretary.

WITNESS my hand and official stamp or seal this 14th day of JULY, 2004
Maria Mollise
Notary Public

My Commission Expires: _____

[NOTARIAL SEAL]

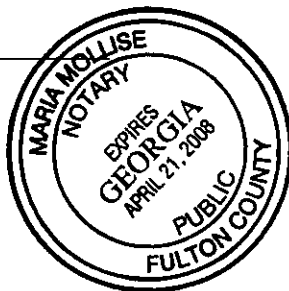


EXHIBIT "A"

Description of Property Annexed

ALL THAT TRACT OR PARCEL OF LAND lying and being in Holly Springs Township, Wake County, North Carolina, containing approximately 8.69 acres and being known as The Enclave at Windermere, as shown on that certain Plat of Subdivision, dated May 24, 2004, prepared by Withers & Ravenel, bearing the seal of North Carolina Professional Land Surveyor No. L-3639, Michael E. Dickerson, which plat was recorded on June 15, 2004, in Book of Maps 2004, Page 1043, in the Office of the Register of Deeds of Wake County, North Carolina.

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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

North Carolina – Wake County

The foregoing certificate___ of Maria Mollise

_____ Notary(ies) Public is (are) certified to be correct. This instrument and this certificate are duly registered at the date and time and in the book and page shown on the first page hereof.

Laura M. Riddick, Register of Deeds

By: Carla N. Brown
Assistant/Deputy Register of Deeds

This Customer Group
_____ # of Time Stamps Needed

This Document
_____ New Time Stamp
5 # of Pages