

PREPARED BY: J Kenneth Edwards
HOLD FOR: J Kenneth Edwards, #58

Wake County, NC 48
Laura M Riddick, Register Of Deeds
Presented & Recorded 02/01/2002 09:06:16
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STATE OF NORTH CAROLINA
COUNTY OF WAKE

**FIRST AMENDMENT TO DECLARATION OF COVENANTS
CONDITIONS AND RESTRICTIONS FOR
MAISONS EN MER TOWNHOMES**

THIS FIRST AMENDMENT TO DECLARATION, made on the date hereinafter set forth by Six Forks Townhomes Association, LLC, a North Carolina limited liability company, Meadows & Bradford Properties, LLC, a North Carolina limited liability company, and C. Daniel Overholser, a citizen and resident of Wake County, hereinafter collectively referred to as the "Declarants";

W I T N E S S E T H:

WHEREAS, the Declarants are all the owners of certain property containing 8.465 acres more or less in the City of Raleigh, Wake County, North Carolina, which is more particularly described as Maisons en Mer as the same is reflected in Book of Maps 2001, Page 1044, Wake County Registry;

AND WHEREAS, the Property has previously been subjected to certain easements, covenants and restrictions upon all of the Properties pursuant to a Declaration of Covenants, Conditions and Restrictions ("Declaration") recorded in Book 8871, Page 770 Wake County Registry;

AND WHEREAS, Declarants wish to amend and modify certain provisions of the above referenced Declaration in accordance with Article XIII, Sections 7-8 of the Declaration;

NOW, THEREFORE, Declarants hereby declares that the Declaration shall hereby be amended as follows.

Article I, Definitions, shall be modified as follows

**ARTICLE I
DEFINITIONS**

Section 9. "Declarant Control Period" is defined as the period of time beginning at the time of recording of this Declaration in the Registry and ending on the first to occur of the following:

- (i) At 5:00 p.m. on the date that is seven (7) years following the date of recordation of this Declaration in the Registry;

- (ii) The date on which the Declarant or Builder Purchaser transfers the last remaining dwelling unit to third party purchasers who intend to occupy the dwelling unit or own the dwelling unit as investment property; or
- (iii) The date specified by the Declarant in a written notice to the Association.

Section 12. "Lot in Use" shall mean and refer to any lot on which a dwelling unit has been constructed and transferred from the builder of said dwelling unit to a third party purchaser or a dwelling unit still owned by the builder of said dwelling unit that is being occupied by a tenant or has been previously occupied as a dwelling unit by a tenant. It is the intention of the Declaration that the initial Declarant and the builder of a dwelling unit not be subject to the payment of Association Dues. In the event of a dispute, the ruling of the ACC shall be binding. In addition to the foregoing, a Lot may become a Lot in Use by contractual agreement between the Declarant and the Owner of such lot.

Section 17. "Builder Purchaser" shall mean and refer to any entity or individual to whom the Declarant transfers unimproved lots for the purpose of the construction of a dwelling unit. The initial Builder Purchaser shall be Meadows and Bradford Properties, LLC.

Article IV, Voting Rights, shall be modified as follows:

ARTICLE IV VOTING RIGHTS

Section 1. Classes of Voting Membership. The Association shall have two classes of voting membership and fractional voting shall not be permitted.

Class A. Class A members shall be all those Owners as defined in Article III with the exception of the Declarant and Builder Purchaser. Upon the expiration of the Declarant Control Period as defined in Article I, Class A members shall be entitled to one vote for each Lot in which they hold the interest required for membership by Article III. When more than one person holds such interest in any Lot, all such persons shall be members. The vote for such Lot shall be exercised as they among themselves determine, but in no event shall more than one vote be cast with respect to any Lot.

Class B. The Class B members shall be the Declarant and Builder Purchaser. The Class B members shall be entitled to three (3) votes for each Lot in which it holds the interest required for membership by Article III, provided, that the Class B membership shall cease and be converted to Class A membership at the expiration of the Declarant Control Period as defined in Article I.

Except as expressly modified above, the Declaration shall otherwise remain in full force and effect.

IN WITNESS WHEREOF, the undersigned, being all the Owners herein, have executed this instrument this the 29th day of January, 2002.

SIX FORKS TOWNHOMES ASSOCIATION, LLC

By: Patricia H. Cross
As its: Manager

MEADOWS & BRADFORD PROPERTIES, LLC

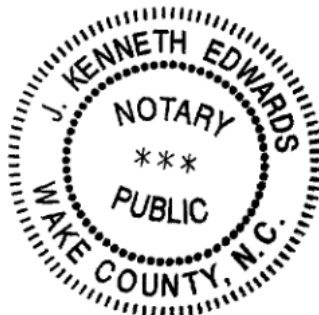
By: [Signature]
As its: Manager

C. Daniel Overholser
C. Daniel Overholser

NORTH CAROLINA
WAKE COUNTY

I, J. Kenneth Edwards a Notary Public of the County and State aforesaid, certify that Patricia H. Cross, personally came before me this day and acknowledged that he is a Manager of Six Forks Townhomes Association, LLC, a North Carolina 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 him as its Manager

WITNESS my hand and notarial stamp or seal, this 29th day of January, 2002.

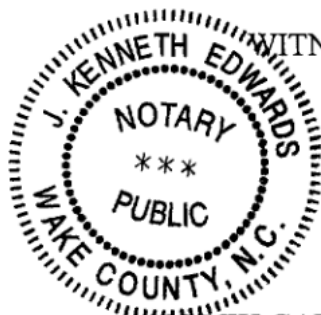


J. Kenneth Edwards
NOTARY PUBLIC

My Commission Expires: 1-11-06

NORTH CAROLINA
WAKE COUNTY

I, J. Kenneth Edwards a Notary Public of the County and State aforesaid, certify that Dwayne Meadows, personally came before me this day and acknowledged that he is a Manager of Meadows & Bradford Properties, LLC, a North Carolina 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 him as its Manager

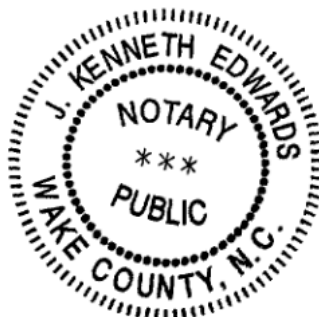


WITNESS my hand and notarial stamp or seal, this 29th day of January, 2008

J. Kenneth Edwards
NOTARY PUBLIC
My Commission Expires: 1-11-06

NORTH CAROLINA
WAKE COUNTY

I, J. Kenneth Edwards a Notary Public of the County and State aforesaid, certify that C. Daniel Overholser, personally came before me this day and acknowledged that the foregoing instrument was signed by him.



WITNESS my hand and notarial stamp or seal, this 29th day of January, 2008

J. Kenneth Edwards
NOTARY PUBLIC
My Commission Expires: 1-11-06

CERTIFICATION OF VALIDITY OF AMENDMENT TO COVENANTS, CONDITIONS AND
RESTRICTIONS OF MAISONS EN MER TOWNHOME
HOMEOWNERS ASSOCIATION, INC.

By authority of its Board of Directors, Maisons en Mer Townhome Homeowners Association, Inc., hereby certifies that the foregoing instrument has been executed by the owners of 100 percent of the Lots of Maisons en Mer and is, therefore, a valid amendment to the existing Covenants, Conditions and Restrictions of Maisons en Mer.

MAISONS EN MER TOWNHOME
HOMEOWNERS ASSOCIATION, INC.

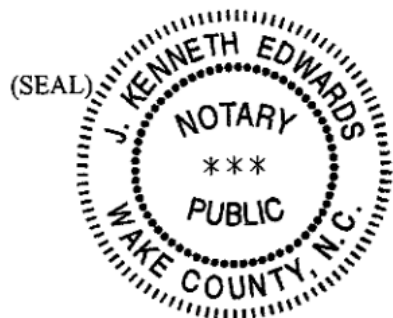
By: *Patricia H. Cross*
As its: President

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, J. Kenneth Edwards, Notary Public, certify that Patricia H. Cross personally came before me this day and acknowledged that (s)he is President of Maisons En Mer Townhome Homeowners Association, Inc., a corporation, and that being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official seal, this the 29th day of January, 2002.

My commission expires: 1-11-06



J. Kenneth Edwards
Notary Public

Laura M. Riddick
Register of Deeds
Wake County, NC



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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 5 of J Kenneth Edwards

____ 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: Janel Morgan
Assistant/Deputy Register of Deeds
Deputy

This Customer Group
_____ # of Time Stamps Needed

This Document
_____ New Time Stamp
_____ # of Pages