

WAKE COUNTY, NC 125
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
04/24/2014 AT 12:32:54

BOOK:015638 PAGE:02371 - 02386

Return to: Nathan G. Zaleski
Boxley, Bolton, Garber, & Haywood, LLP
227 West Martin Street
Raleigh, North Carolina 27601

Prepared without title examination or
opinion

AMENDMENT TO DECLARATION OF COVENANTS FOR GRAEDON SUBDIVISION

This Amendment to Declaration of Covenants for Graedon Subdivision (the "Amendment") is made this 21st day of April 2014, by and between the lot owners of Graedon Subdivision.

WITNESSETH:

WHEREAS, Bond Building Ltd. (the "Declarant") recorded a Declaration of Covenants for Graedon Subdivision dated August 4, 2006 in Deed Book 12104, Page 493, Wake County Registry (the "Declaration");

WHEREAS, pursuant to Article XIV of the Declaration, the Declaration may be amended by a majority of the owners of the lots;

WHEREAS, the owners of all the lots in Graedon Subdivision are as follows:

<u>Lot Number</u>	<u>Lot Owner</u>
Lot 1	John Lemire and Caroline Lemire
Lot 1A	Clarence B. Ridout
Lot 2	James C. Davis and Debra Davis
Lot 2A	John R. Owens and Stephanie D. Owens
Lot 3	Telly Smith and Celeste Smith
Lot 3A	Jay B. Kresch and Debra Kresch

WHEREAS, it is the agreement and intent of at least a majority of the lot owners to amend the Declaration to reduce certain building restriction lines to 15 feet, as stated herein;

WHEREAS, pursuant to the Declaration, Graedon Subdivision Home Owners Association, which is duly organized under North Carolina law as Graedon Homeowners Association, Inc., is the Home Owners Association for Graedon Subdivision (the "Association");

WHEREAS, the Association acknowledges this Amendment to evidence the validity of this Amendment and its consent and agreement hereto;

NOW THEREFORE, the Declaration is hereby amended as follows:

- 1. Article II of the Declaration is amended and restated as follows:

ARTICLE II

LAND USE. BUILDING TYPE AND CONSTRUCTION. No lot shall be used except for residential purposes, except that nothing herein shall preclude the use of any lot for a recreational area for the individual lot owners as a group. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family dwelling. No one or one and a half story dwelling shall be permitted on any lot unless such dwelling has a finished living area exclusive of basement, porches, garages, and storage area of not less than 2300 square feet. No dwelling with two or more stories shall be permitted on any lot unless such swelling has finished living area exclusive of basement, porches, garages, and storage area of not less than 2300 square feet. All driveways must be blacktop, concrete or brick.

No outbuilding or storage building excluding those which are incidental to residential use, shall be permitted on any lot. All dwellings, related outbuilding, improvements, fences and walls shall be constructed of material of good grade, quality and appearance; and all construction shall be performed in a good and workmanlike manner. Further, no concrete blocks used in any such construction shall be left exposed above finished ground elevation. No out building or storage building shall be located on any lot nearer to the front line than 100 feet or nearer to a side or rear property line than 15 feet.

No building, fence, swimming pool, or any other structure shall be erected, placed, or altered on any premises in said development until the building plans, specification, and plot showing the located of such improvements, have been approved in writing as to conformity and harmony of external design with existing improvements in the development, and as to location of the improvements with respect to topography and finished ground elevation by Declarant or its assigns. In the event Declarant fails to approve or disapprove such design or location within sixty days after said plans and specifications

have been submitted to it, or in any event, if not suit to enjoin the erection of such improvements or the make of such alterations has been commenced prior to the completion thereof, such approval will not be required and this covenant will be deemed to have been fully complied with.

No lot shall be re-combined without the express permission of the declarant or approval from a majority of the home owners. In the event that a lot is re-combined, no lot that is less than 1.5 acres in size shall be allowed.

2. Article III of the Declaration is amended and restated as follows:

ARTICLE III

BUILDING LOCATION. No building shall be located on any lot nearer to the front line than 30 feet. No building or garage shall be located nearer than 15 feet from an interior lot line. For the purpose of this covenant, eaves, steps, chimneys and stoops shall not be considered a part of a building; provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot. Declarant reserves the right to waive in writing any minor violation of this Article of the Declaration and for purposes hereof, any violation which does not exceed ten percent (10%) shall be considered a minor violation.

3. This Amendment may be signed in counterparts that, when assembled, shall constitute the final, valid, and duly adopted Amendment.

4. Except as stated herein, the Declaration remains unmodified and in full force and effect.

[SIGNATURE PAGES TO FOLLOW]

CERTIFICATION OF AMENDMENT

Graedon Homeowners Association, Inc. hereby certifies that the foregoing Amendment has been duly approved by at least a majority of the votes in the Association and is a valid amendment to the Declaration.

GRAEDON HOMEOWNERS ASSOCIATION, INC.

By: John R Owens
John R. Owens, President

City/County: Wake
State: NC

I, John Flynt, a notary public for the jurisdiction aforesaid do hereby certify that John R. Owens, President of Graedon Homeowners Association, Inc. personally appeared before me and acknowledged that he is President of Graedon Homeowners Association, Inc. and that by authority duly given and as the act of the Association, the foregoing Amendment to Declaration of Covenants for Graedon Subdivision was signed in his name as President.

Witness my hand and official stamp this 21 day of April, 2014.

(Official Seal)



[Signature]
(Official Signature of Notary)

My Commission Expires: 8/31/2014

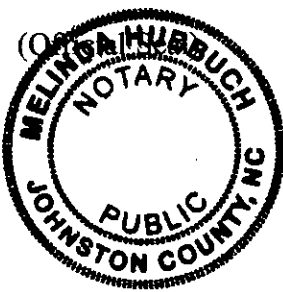
John Lemire
John Lemire

2/1/14
Date

City/County: Wake
State: North Carolina

I, Melinda Hubbuck, a notary public for the jurisdiction aforesaid do hereby certify that appeared John Lemire before me and acknowledged his signature to this Amendment to Declaration of Covenants for Graedon Subdivision.

Witness my hand and official stamp this 1st day of February, 2014.



[Signature]
(Official Signature of Notary)

My Commission Expires: April 16 2017

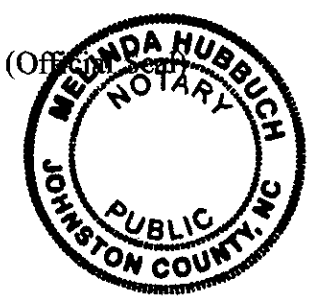
Caroline Lemire
Caroline Lemire

2/1/14
Date

City/County: Wake
State: North Carolina

I, Melinda Hubbuch, a notary public for the jurisdiction aforesaid do hereby certify that Caroline Lemire appeared before me and acknowledged her signature to this Amendment to Declaration of Covenants for Graedon Subdivision.

Witness my hand and official stamp this 1st day of February, 2014.



[Signature]
(Official Signature of Notary)

My Commission Expires: April 16 2017

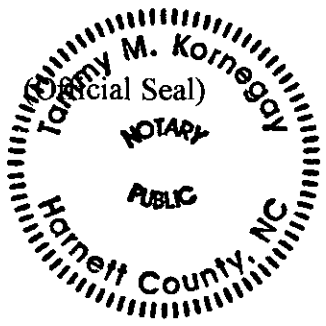
Clarence B. Ridout
Clarence B. Ridout

2/3/14
Date

City/County: Wake
State: North Carolina

I, Tammy M. Kornegay, a notary public for the jurisdiction aforesaid do hereby certify that Clarence B. Ridout appeared before me and acknowledged his signature to this Amendment to Declaration of Covenants for Graedon Subdivision.

Witness my hand and official stamp this 3rd day of February, 2014.



Tammy M. Kornegay
(Official Signature of Notary)

My Commission Expires: My Commission Expires January 26, 2015.

James C. Davis
James C. Davis

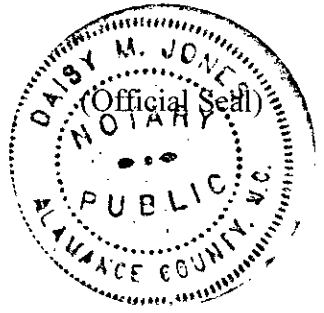
1/31/2014
Date

City/County: Alamance

State: North Carolina

I, Daisy M. Jones, a notary public for the jurisdiction aforesaid do hereby certify that James C. Davis appeared before me and acknowledged his signature to this Amendment to Declaration of Covenants for Graedon Subdivision.

Witness my hand and official stamp this 31st day of January, 2014.



Daisy M. Jones
(Official Signature of Notary)

My Commission Expires: 3-15-2015

Debra L Davis
Debra Davis

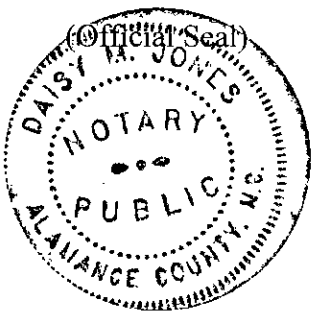
1-31-14
Date

City/County: Alamance

State: North Carolina

I, Daisy M. Jones, a notary public for the jurisdiction aforesaid do hereby certify that Debra Davis appeared before me and acknowledged her signature to this Amendment to Declaration of Covenants for Graedon Subdivision.

Witness my hand and official stamp this 31st day of January, 2014.



Daisy M. Jones
(Official Signature of Notary)

My Commission Expires: 3-15-2015

John R Owens
John R. Owens

1 FEB 14
Date

City/County: Apex / Wake
State: NC

I, Joseph W. Randall, a notary public for the jurisdiction aforesaid do hereby certify that John R. Owens appeared before me and acknowledged his signature to this Amendment to Declaration of Covenants for Graedon Subdivision.

Witness my hand and official stamp this 1st day of February, 2014.



[Signature]
(Official Signature of Notary)

My Commission Expires: 1-26-16

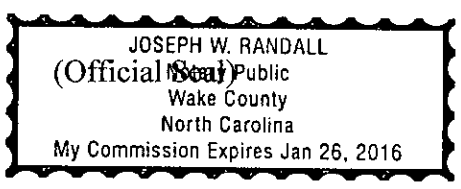
Stephanie D. Owens
Stephanie D. Owens

02-01-2014
Date

City/County: Apex / Wake
State: NC

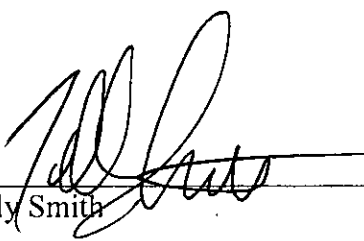
I, Joseph W. Randall, a notary public for the jurisdiction aforesaid do hereby certify that Stephanie D. Owens appeared before me and acknowledged her signature to this Amendment to Declaration of Covenants for Graedon Subdivision.

Witness my hand and official stamp this 1st day of February, 2014.



[Signature]
(Official Signature of Notary)

My Commission Expires: 1-26-16


Telly Smith

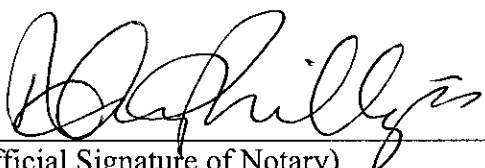
2/3/14
Date

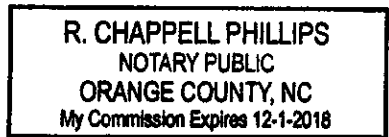
City/County: Raleigh, Wake County
State: North Carolina

I, R. Chappell Phillips, a notary public for the jurisdiction aforesaid do hereby certify that Telly Smith appeared before me and acknowledged his signature to this Amendment to Declaration of Covenants for Graedon Subdivision.

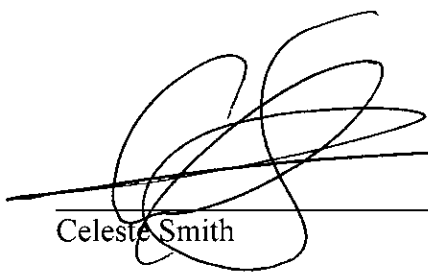
Witness my hand and official stamp this 3rd day of February, 2014.

(Official Seal)


(Official Signature of Notary)



My Commission Expires: 12-1-2018



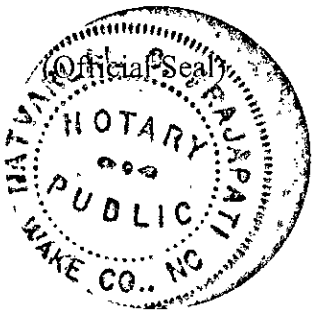
Celeste Smith

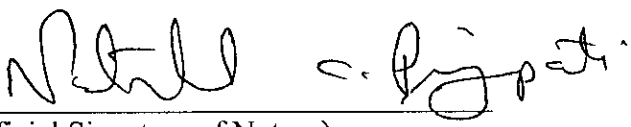
2-3-14
Date

City/County: CARY / Wake
State: North Carolina

I, NATVARLAL C. PRAJAPATI, a notary public for the jurisdiction aforesaid do hereby certify that Celeste Smith appeared before me and acknowledged her signature to this Amendment to Declaration of Covenants for Graedon Subdivision.

Witness my hand and official stamp this 3rd day of February, 2014.





(Official Signature of Notary)

My Commission Expires: Oct. 29, 2015

Jay B Kresch
Jay B. Kresch

2/1/2014
Date

City/County: Apex Wake
State: NC

I, Melissa D. Justice, a notary public for the jurisdiction aforesaid do hereby certify that Jay B. Kresch appeared before me and acknowledged his signature to this Amendment to Declaration of Covenants for Graedon Subdivision.

Witness my hand and official stamp this 1 day of February, 2014.

(Official Seal)

Melissa D Justice
(Official Signature of Notary)
Melissa D. Justice
My Commission Expires: 9/15/2016

MELISSA D JUSTICE
Notary Public
Wake Co., North Carolina
My Commission Expires Sept. 15, 2016

Debra Kresch
Debra Kresch

January 31, 2014
Date

City/County: Apex/Wake
State: NC

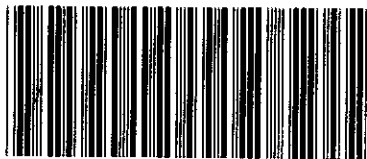
I, Kevin J. Bevelacqua, a notary public for the jurisdiction aforesaid do hereby certify that Debra Kresch appeared before me and acknowledged her signature to this Amendment to Declaration of Covenants for Graedon Subdivision.

Witness my hand and official stamp this 31 day of January, 2014.



[Signature]
(Official Signature of Notary)

My Commission Expires: 4/27/15



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Please retain yellow trailer page

It is part of the recorded document and must be submitted with the original for re-recording.

Laura M. Riddick
Register of Deeds
Wake County Justice Center
300 South Salisbury Street, Suite 1700
Raleigh, NC 27601

- ☐ New Time Stamp
- ☐ \$25 Non-Standard Fee
- ☐ Additional Document Fee
- ☐ Additional Reference Fee

This Customer Group

____ # of Time Stamps Needed

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16 # of Pages

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