

BOOK 3506 PAGE 177

Prepared by Ann Happel

Mail after recording to Ann Happel P. O. Box 3843, Durham, NC 27702

PRESENTED
FOR
REGISTRATION

JUN 28 2 36 PM '85

KENNETH C. WILKINS
REGISTER OF DEEDS
WAKE COUNTY, NC

THIRD AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS
FOR HUNTERS CREEK TOWNHOUSES

This Third Amendment to Declaration of Covenants, Conditions, and Restrictions for Hunters Creek Townhouses ("Third Amendment") executed this the 28th day of June, 1985, by The Whistler Corporation ("Declarant").

W I T N E S S E T H:

WHEREAS, Declarant recorded that certain Declaration of Covenants, Conditions, and Restrictions for Hunters Creek Townhouses on December 22, 1981, in Book 2983 at Page 857, Wake County Registry, and that certain First Amendment to Declaration of Covenants, Conditions, and Restrictions for Hunters Creek Townhouses on December 13, 1982, in Book 3070 at Page 761, Wake County Registry, re-recorded said First Amendment on January 12, 1983, in Book 3079 at Page 521, and that certain Second Amendment on February 15, 1984, in Book 3240 at Page 80, Wake County Registry; and

WHEREAS, the Declarant desires to annex additional property within the area described in the metes and bounds description attached to the Declaration of Covenants, Conditions, and Restrictions as Schedule A pursuant to Article X, Section 4(b) of said Declaration of Covenants, Conditions, and Restrictions.

NOW, THEREFORE, in consideration of the premises, the sum of \$10 in hand paid and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Declarant does hereby make and declare the following Third Amendment to the Declaration of Covenants, Conditions, and Restrictions for Hunters Creek Townhouses:

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1. The Declarant is the owner of certain property in Raleigh, County of Wake, State of North Carolina, which is more particularly described as:

All of that certain land shown on of the plat and survey entitled Hunters Creek Townhomes Section Two, as prepared by Rivers & Associates, Inc., dated March 20, 1985 and recorded in Book of Maps 1985 at Page 587, Wake County Registry, to said plat and survey reference is hereby made for a more particular description of same.

Declarant hereby declares that all the property described above shall be annexed to the property subject to the Declaration of Covenants, Conditions, and Restrictions, the First Amendment, the re-recorded First Amendment and the Second Amendment, and shall be held, sold, and conveyed subject to all of the easements, restrictions, covenants, and conditions therein contained, which shall run with the real property and be binding on all parties having any right, title, and interest in the above-described properties or any part thereof, their heirs, successors, and assigns, and shall inure to the benefit of each owner thereof.

2. The common area to be owned by Hunters Creek Townhouse Homeowners Association, Inc., for the common use and enjoyment of the owners at the time of the conveyance of the first lot shown on the recorded plat referenced to above shall be as follows:

All that land shown and designated as "common area" as shown on the plat entitled Hunters Creek Townhomes, Section Two as prepared by Rivers & Associates, Inc., dated March 20, 1985 and recorded in Book of Maps 1985 at Page 587, Wake County Registry, to said plat and survey reference is hereby made for a more particular description of same.

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3. The Declarant executes this Third Amendment pursuant to the provisions of Article X, Section 4(b) of the Declaration of Covenants, Conditions, and Restrictions for Hunters Creek Townhouses. Central Atlantic Mortgage & Investment Company, Inc., Trustee, and First American Savings Bank, F.S.B., Beneficiary, join in the execution of this Third Amendment for the purpose of subordinating that certain Deed of Trust executed by Whistler Corporation to Central Atlantic Mortgage & Investment Company, Inc., Trustee for First American Savings Bank, F.S.B. dated January 16, 1985 and recorded on January 16, 1985 at 12:33 p.m., in Book 3416 at Page 502, Wake County Registry, to the provisions of this Third Amendment. The Secretary of Housing and Urban Development, acting by and through the Federal Housing Commission, joins in the execution of this document for the purpose of indicating his approval as required by Article X, Section 5, of the Declaration of Covenants, Conditions, and Restrictions. The Raleigh City Attorney joins in the execution of this document for the purpose of indicating his approval as required by Article X, Section 3, of the Declaration of Covenants, Conditions, and Restrictions.

IN WITNESS WHEREOF, the parties referred to above have caused this Third Amendment to be executed and sealed on the day and year first above written.

ATTEST:

Michael M. Mural
Secretary

[Corporate Seal]

THE WHISTLER CORPORATION, DECLARANT

By: *Mark E. Hight*

Title: *President*

ATTEST:

Ellen P. Hamrick
Secretary

[Corporate Seal]

CENTRAL ATLANTIC MORTGAGE & INVESTMENT COMPANY, INC.,
TRUSTEE

By: *Libbey Rye*

President

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FIRST AMERICAN SAVINGS BANK, F.S.B.

ATTEST:

James D. Milroy
Secretary

[Corporate Seal]

By: John M. Blasing
Vice President

Donald D. Lunn (SEAL)
Raleigh City Attorney

J. T. Markham (SEAL)
Secretary of Housing and Urban
Development acting by and through
the Federal Housing Commission

NORTH CAROLINA

DURHAM COUNTY

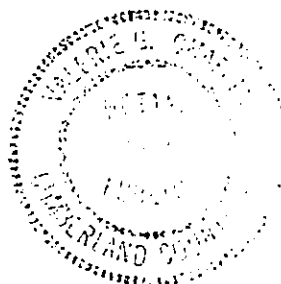
I, Valerie G. Chaffin, a Notary Public of said state and
county certify that Michael Murad personally appeared before me
this day and acknowledged that he is Secretary of The Whistler Corporation,
Declarant, and that by authority duly given and as the act of the corporation,
the foregoing Third Amendment to Declaration of Covenants, Conditions, and
Restrictions for Hunters Creek Townhouses was signed in its name by its
President, sealed with its corporate seal, and attested by himself as
its Secretary.

Witness my hand and notarial seal this the 28th day of June, 1985.

Valerie G. Chaffin
Notary Public

My Commission Expires:

August 1, 1987



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NORTH CAROLINA

GUILFORD COUNTY

I, Barbara J. Marrs, a Notary Public of said state and county certify that Ellen P Hamrick personally appeared before me this day and acknowledged that she is Secretary of Central Atlantic Mortgage & Investment Company, Inc., Trustee, and that by authority duly given and as the act of the corporation, the foregoing Third Amendment to Declaration of Covenants, Conditions, and Restrictions for Hunters Creek Townshouses was signed in its name by its Vice-President, sealed with its corporate seal, and attested by himself as its Secretary.

Witness my hand and notarial seal this the 28th day of May, 1985.

My Commission Expires:

12/16/89

Barbara J. Marrs
Notary Public

NORTH CAROLINA

GUILFORD COUNTY

I, Barbara J. Marrs, a Notary Public of said state and county certify that SUSAN D. WELBY personally appeared before me this day and acknowledged that she is Secretary of First American Savings Bank, F.S.B. and that by authority duly given and as the act of the corporation, the foregoing Third Amendment to Declaration of Covenants, Conditions, and Restrictions for Hunters Creek Townshouses was signed in its name by its VICE-PRESIDENT, sealed with its corporate seal, and attested by herself as its Secretary.

5/20/85

Barbara J. Marrs
Notary Public

My Commission Expires:

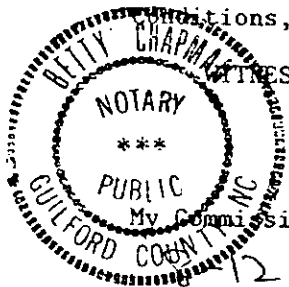
2/16/89

NORTH CAROLINA

GUILFORD COUNTY

I, Betty Chapman, a Notary Public of said County and State do hereby certify that P. J. Marklew, Secretary of Housing and Urban Development acting by and through the Federal Housing Commission, personally appeared before me this day and acknowledged the due execution of the foregoing Third Amendment to Declaration of Covenants, Conditions, and Restrictions for Hunters Creek Townhouses.

WITNESS my hand and notarial seal, this the 23rd day of May, 1985.



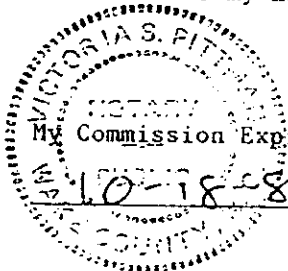
Betty Chapman
Notary Public

NORTH CAROLINA

WAKE COUNTY

I, Victoria S. Pittman (Sain) a Notary Public of said County and State do hereby certify that Thomas A. McCormick, Jr Raleigh City Attorney, personally appeared before me this day and acknowledged the due execution of the foregoing Third Amendment to Declaration of Covenants, Conditions, and Restrictions for Hunters Creek Townhouses.

WITNESS my hand and notarial seal, this the 3 day of May, 1985.



Victoria S. Pittman (Sain)
Notary Public

NORTH CAROLINA — WAKE COUNTY

The foregoing certificate of Betty Chapman
Victoria S. Pittman (Sain)
Victoria S. Pittman (Sain)

Notary 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.

KENNETH C. WILKINS, Register of Deeds

Kenneth C. Wilkins
Register of Deeds