

WAKE COUNTY, NC 543
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
04/20/2005 AT 15:25:18

BOOK:011320 PAGE:00040 - 00042

STATE OF NORTH CAROLINA
COUNTY OF ~~MECKLENBURG~~ ^{WAKE}

**FIRST AMENDMENT TO THE
DECLARATION OF COVENANTS
AND RESTRICTIONS FOR GATEWAY
TOWNHOMES AT BRIER CREEK**

THIS FIRST AMENDMENT to the Declaration of Covenants and Restrictions for Gateway Townhomes at Brier Creek, is made as of this 8 day of April, 2005 by GATEWAY HOMES, LLC ("Declarant"), declarant under the Declaration of Covenants and Restrictions for Gateway Townhomes at Brier Creek recorded in Book 10934 at Page 2659 and supplemented in Book 11320 Page 36 in the Wake County Public Registry ("Declaration").

WITNESSETH:

WHEREAS, Article X of the Declaration provides that the Declaration may be amended upon approval of (a) those members who own no fewer than sixty-seven percent (67%) of the Lots, and (b) the Declarant, if the Declarant shall then own any Lot;

WHEREAS, Declarant currently owns no less than sixty-seven (67%) of the Lots subject to the Declaration;

WHEREAS, Declarant wishes to amend the Declaration with regards to the easement rights affecting the Lots;

NOW, THEREFORE, the Declarant hereby declares that the Declaration is hereby amended as follows:

DRAWN BY AND MAIL TO:

Louise Fisher Harmon, Esq.
Horack Talley Pharr & Lowndes, P.A.
301 South College Street, Ste. 2600
Charlotte, North Carolina 28202-6038

1. Article II, Section 7(a) of the Declaration is hereby amended in its entirety to read as follows: "Each Lot shall be subject to all easements which are shown and depicted on the Plat as affecting and burdening such Lot, all easements of record and any and all blanket easements necessary for electric, cable, telephone and gas utilities, as well as for water and sewer services;"

2. Except as amended hereby, the Declaration shall remain in full force and effect pursuant to its terms.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed as of the day and year first above written.

GATEWAY HOMES, LLC

By: *Doug L* (SEAL)
Doug Levin, Manager

STATE OF NORTH CAROLINA

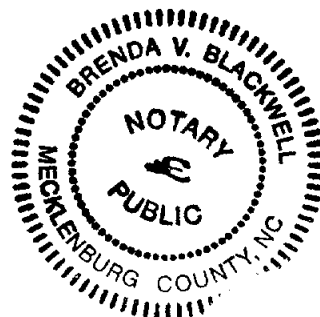
COUNTY OF MECKLENBURG

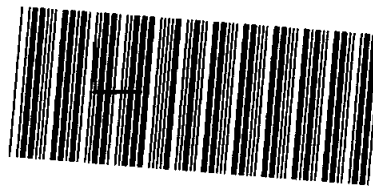
I, Brenda V. Blackwell, a Notary Public in and for the County and State aforesaid, do hereby certify that on this 8th day of April, 2005, Doug Levin personally appeared before me and, being by me duly sworn, said that he is a manager of Gateway Homes, LLC, a North Carolina limited liability company, that the statements contained in the foregoing instrument are true, and he acknowledged said instrument to be the duly authorized act and deed of said company.

WITNESS my hand and notarial stamp or seal.

Brenda V. Blackwell
NOTARY PUBLIC

My Commission Expires: November 16, 2009





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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 Brenda V. Blackwell

_____ 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:
Assistant/Deputy Register of Deeds

This Customer Group
_____ # of Time Stamps Needed

This Document
_____ New Time Stamp
3 # of Pages