

WAKE COUNTY, NC 542
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
04/20/2005 AT 15:25:18

BOOK:011320 PAGE:00036 - 00039

**SUPPLEMENTARY DECLARATION OF COVENANTS
AND RESTRICTIONS FOR
GATEWAY TOWNHOMES AT BRIER CREEK**

THIS SUPPLEMENTARY DECLARATION, made as of this 8th day of April, 2005, by GATEWAY HOMES, LLC, a North Carolina limited liability company (referred to in this instrument as "Declarant").

WHEREAS, Declarant is the only owner of that property described as Tract 3, Lot 29 of Brier Creek as shown on a map recorded in Map Book 2004 at Page 2143-2144 in the Wake County Public Registry and as more particularly described on Exhibit "A" attached hereto (hereinafter referred to as "Phase 2 Property"); and

WHEREAS, the DECLARATION OF COVENANTS AND RESTRICTIONS FOR GATEWAY TOWNHOMES AT BRIER CREEK was recorded on July 23, 2004 in Book 10934 at Page 2659 in the Wake County Public Registry (hereinafter referred to as the "Declaration"); and

WHEREAS, Article II, Section 2 of the Declaration provides that "Declarant may, subject to the regulations of the City of Raleigh, at any time, and from time to time, prior to December 31, 2010, subject Lots and Common Area on Additional Property to the Act and the terms, provisions, liens, charges, easements, covenants and restrictions of this Declaration applicable to Lots"; and

WHEREAS, Declarant desires to incorporate the aforesaid Phase 2 Property within the property subject to the aforesaid Declaration; and

Drawn by and mail to:
Louise Fisher Harmon
Horack, Talley, Pharr & Lowndes, P.A. (Box 194)
2600 One Wachovia Center
301 S. College Street
Charlotte, NC 28202-6038

NOW, THEREFORE, pursuant to the provisions of the aforesaid Declaration, Declarant does hereby subject the Phase 2 Property to the Declaration, to the end that the Phase 2 Property shall be within the scheme of said Declaration and to the further end that all present and future owners of the Phase 2 Property shall be subject to the terms and conditions of the aforesaid Declaration and shall have the rights and privileges therein set out.

IN WITNESS WHEREOF, Declarant has caused this Supplementary Declaration to be executed as of the day and year first above written.

GATEWAY HOMES, LLC,
a North Carolina limited liability company

By: Doug Levin
Doug Levin, Manager

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I, Brenda V. Blackwell, a Notary Public for said County and State, certify that Doug Levin personally came before me this day and acknowledged that he is Manager of Gateway Homes, LLC, a North Carolina limited liability company, and the he, as Manager, and being authorized to do so, executed the foregoing on behalf of the company.

WITNESS, my hand and official seal this 8th day of April, 2005.

Brenda V. Blackwell
Notary Public

My Commission Expires: November 16, 2009

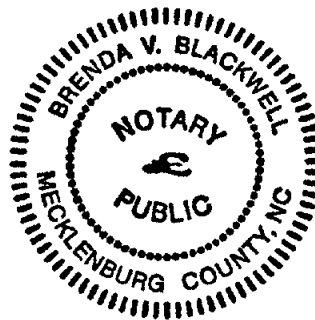
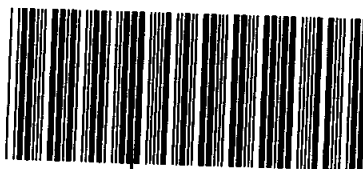


EXHIBIT "A"

PROPERTY DESCRIPTION: BRIER CREEK TRACT 3 LOT 29

Commencing at a PK Nail in the centerline point of intersection of Globe Road and Brier Creek Parkway, thence North $20^{\circ}18'32''$ East, a distance of 934.33 feet to an existing iron pipe at the POINT OF BEGINNING; thence North $42^{\circ}42'59''$ West, a distance of 0.87 feet to a point; thence along the arc of a simple curve to the right with a radius of 1,211.23 feet, an arc length of 260.37 feet, having a chord bearing of North $36^{\circ}33'30''$ West, a distance of 259.87 feet to a point, thence along the arc of a simple curve to the right with a radius of 679.89 feet, an arc length of 228.99 feet, having a chord bearing of North $20^{\circ}45'04''$ West, a distance of 227.91 feet to a point; thence North $10^{\circ}45'26''$ West, a distance of 128.05 feet to a point; thence North $85^{\circ}27'38''$ West, a distance of 19.21 feet to a point; thence North $05^{\circ}26'07''$ West, a distance of 546.74 feet to a point; thence North $05^{\circ}21'10''$ West, a distance of 73.06 feet to a point; thence North $11^{\circ}06'31''$ West, a distance of 208.77 feet to a point; thence South $49^{\circ}03'47''$ East, a distance of 343.59 feet to an existing iron pipe; thence South $53^{\circ}03'05''$ East, a distance of 415.67 feet to an existing iron pipe; thence South $69^{\circ}21'36''$ East, a distance of 292.52 feet to an existing iron pipe; thence South $81^{\circ}08'15''$ East, a distance of 234.47 feet to a point; thence along the arc of a simple curve to the left with a radius of 330.00 feet, an arc length of 325.95 feet, having a chord bearing of South $05^{\circ}24'21''$ West, a distance of 312.86 feet to a point; thence South $22^{\circ}53'27''$ East, a distance of 196.33 feet to a point; thence South $67^{\circ}07'30''$ West, a distance of 171.76 feet to a point; thence North $22^{\circ}52'30''$ West, a distance of 123.43 feet to a point; thence South $67^{\circ}00'44''$ West, a distance of 38.49 feet to a point; thence South $59^{\circ}39'43''$ West, a distance of 163.66 feet to a point; thence North $35^{\circ}41'54''$ West, a distance of 102.18 feet to a point; thence South $47^{\circ}17'00''$ West, a distance of 157.23 feet to a point; thence North $81^{\circ}33'29''$ West, a distance of 35.27 feet to a point; thence North $36^{\circ}27'11''$ West, a distance of 46.49 feet to a point; thence South $53^{\circ}32'49''$ West, a distance of 42.23 feet to a point; thence South $47^{\circ}17'00''$ West, a distance of 171.13 feet to an existing iron pipe; thence South $41^{\circ}11'54''$ East, a distance of 77.36 feet to a point; thence South $47^{\circ}17'00''$ West, a distance of 50.00 feet to an existing iron pipe at the POINT OF BEGINNING, being all of Tract 3 Lot 29, Book of Maps 2004 Pages 2143-2144, and containing 16.99 acres, more or less.



BOOK:011320 PAGE:00036 - 00039

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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: Vernon S. Pearson
Assistant/Deputy Register of Deeds

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