

FIRST AMENDMENT TO DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR
TUPPER PLACE SUBDIVISION

WAKE COUNTY, NC 722
Laura H Riddick, Register Of Deeds
Presented & Recorded 07/25/2002 16:51:46
Book : 009509 Page : 00422 - 00438

This FIRST AMENDMENT TO DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR TUPPER PLACE SUBDIVISION ("First
Amendment") made and entered into the 5th day of June, 2002 by SHAW DEVELOPMENT
CORPORATION; the LOT OWNERS executing this First Amendment as hereinafter identified;
and, those Trustees and Lenders executing this First Amendment and hereinafter identified.

WITNESSETH:

WHEREAS, Shaw Development Corporation caused to be prepared the
Declaration of Covenants, Conditions and Restrictions for Tupper Place Subdivision which is
recorded in Book 8274, at Page 764 in the office of the Register of Deeds of Wake County (the
"Declaration"); and,

WHEREAS, the Declaration sets forth the procedure for amendments in
Article XIII, Section 3; and,

WHEREAS, Shaw Development Corporation and the Lot Owners executing this
First Amendment constitute, collectively, at least ninety percent (90%) of the Lot Owners, and
desire to amend the Declaration as hereinafter set forth.

NOW, THEREFORE, Shaw Development Corporation and the undersigned Lot
Owners, together with the Trustees and Lenders executing this First Amendment, declare that the
Declaration shall be amended as follows:

1. Section 14 of Article I is amended to read as follows:

Section 14. "Property" shall mean and refer to that certain real
property shown and designated on the map entitled "TUPPER
PLACE SUBDIVISION," recorded in Book of Maps 1999, at
Page 450, and the revision thereof as shown on the map entitled
"TUPPER PLACE SUBDIVISION RECOMBINATION MAP,"
recorded in Book of Maps 1999, at Page 1428 in the office of the
Register of Deeds of Wake County, and any such additions thereto
as may be hereafter brought within the jurisdiction of the
Association.

PREPARED BY: WARD! SMITH, P.A.
HOLD FOR AARON D. GARRETT, ATTORNEY (BOOK 67)

2. Section 3(a) of Article IV shall be amended to read as follows:

(a) Initial Maximum Assessment. The maximum annual assessment until December 31, 2000 shall not exceed \$100.00 per Living Unit, and shall thereafter be subject to increase as hereinafter set forth.

3. Section 3(e) of Article IV is amended to read as follows:

(e) The Board of Directors may fix the annual assessments at an amount not in excess of the annual assessment for the preceding year.

4. The first two sentences of Section 3, Article V are deleted, and the new first sentence shall be added to read as follows:

Section 3. Natural Buffer Areas. All Natural Buffer Areas located within the boundaries of Lots and as shown on the recorded maps of the Property shall be maintained by the Lot Owner of said Lot.

5. A new second sentence shall be inserted in Article VI to read as follows:

The architectural committee representatives appointed by the Board shall be members of the Board.

6. Section 9 of Article XIII shall be amended to correct the reference to Article I stated therein to Section 5(H).

7. EXHIBIT "A" to the Declaration shall be amended by adding the following:

Lots 1-18 shown on the map entitled "TUPPER PLACE SUBDIVISION RECOMBINATION MAP" recorded in Book of Maps 1999, at Page 1428.

8. The Declaration is further hereby amended by deleting the words or phrase "Common Area" and substituting the words or phrase "Common Element(s)" wherever the former appears in the Declaration.

Except as specifically amended by this First Amendment, all other terms, conditions, obligations, covenants, restrictions and provisions of the Declaration shall remain in full force and effect.

IN TESTIMONY WHEREOF the parties executing this First Amendment have caused it so to be executed in such form as to be legal and binding, with authority first duly given, effective the day and year first above written.

SHAW DEVELOPMENT CORPORATION

By: Harold H. Webb
Harold H. Webb, President

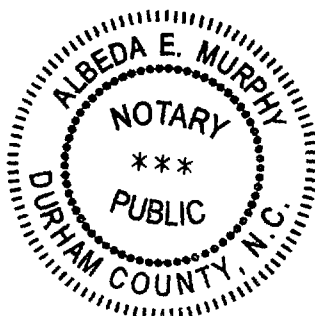
STATE OF NORTH CAROLINA
COUNTY OF ~~WAKE~~ DURHAM

I, Albeda E. Murphy, a Notary Public in and for said County and State, do hereby certify that HAROLD H. WEBB personally appeared before me this day and acknowledged that he is President of SHAW DEVELOPMENT CORPORATION, a corporation, and that he, as President being authorized to do so, executed the foregoing on behalf of the corporation.

WITNESS my hand and official seal, this the 24th day of June, 2002.

Albeda E. Murphy
Notary Public

My Commission Expires:
12.11.05



LOT OWNER - LOT 1

Quida J. Exum

(SEAL)

STATE OF NORTH CAROLINA
COUNTY OF Wake

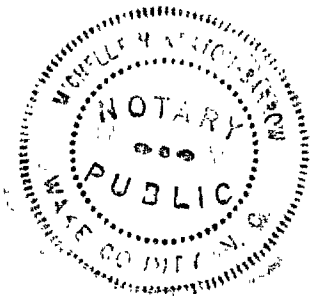
I, Michelle Harriet Keaton-Barrow, a Notary Public in and for
said County and State, do hereby certify that QUIDA J. EXUM personally appeared before me
this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this the 5th day of July,
2002.

Michelle Harriet Keaton-Barrow
Notary Public

My Commission Expires:

09/23/03



LOT 6

TRUSTEE

Kevin H. Dail (SEAL)
Kevin H. Dail, Trustee

LENDER

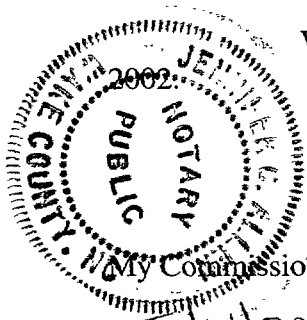
BANK OF AMERICA, N.A.

By: [Signature]
Sgt. Vice Pres.
(TITLE - AUTHORIZED OFFICER)

STATE OF NORTH CAROLINA
COUNTY OF Wake

I, Jennifer C. Allen, a Notary Public in and for
said County and State, do hereby certify that KEVIN H. DAIL, Trustee, personally appeared
before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this the 23 day of July,



My Commission Expires:

8/14/2005

Jennifer C. Allen
Notary Public

STATE OF NORTH CAROLINA
COUNTY OF WAKE

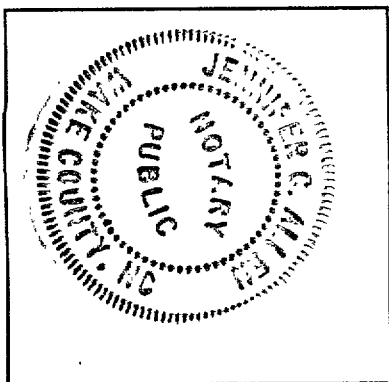
I, JENNIFER C. ALLEN, a Notary Public in and
for said County and State, do hereby certify that BRUCE SHARP personally
appeared before me this day and acknowledged that he is CEO President of BANK OF
AMERICA, N.A. and that he, as CEO President being authorized to do so, executed the
foregoing on behalf of the corporation.

WITNESS my hand and official seal, this the 23 day of July, 2002.

Jennifer C. Allen
Notary Public

My Commission Expires:

8/14/2005



Notary seal or stamp must appear within above box.

730098-7272

WLMMAIN\ShawSubT.WPD

LOT OWNER - LOT 6

J. Vincent Terry (SEAL)
J. Vincent Terry

Faye V. Terry (SEAL)
Faye V. Terry

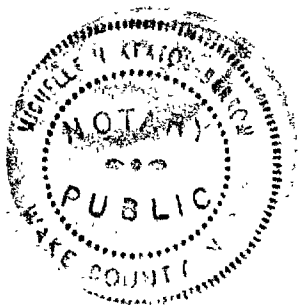
STATE OF NORTH CAROLINA
COUNTY OF Wake

I, Michelle Harriet Keaton-Barrow, a Notary Public in and for
said County and State, do hereby certify that J. VINCENT TERRY and FAYE V. TERRY
personally appeared before me this day and acknowledged the due execution of the foregoing
instrument.

WITNESS my hand and notarial seal, this the 5th day of July,
2002.

Michelle Harriet Keaton-Barrow
Notary Public

My Commission Expires:
09/23/03



LOT OWNERS - LOT 7

Leonard Farrar (SEAL)
Leonard Farrar

Kay F. Farrar (SEAL)
Kay F. Farrar

STATE OF NORTH CAROLINA
COUNTY OF Wake

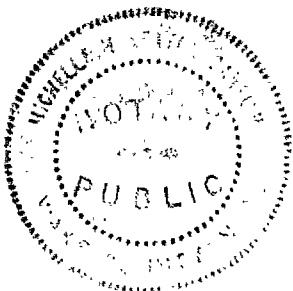
I, Michelle Harriet Keaton - Barrow, a Notary Public in and for
said County and State, do hereby certify that LEONARD FARRAR and KAY F. FARRAR
personally appeared before me this day and acknowledged the due execution of the foregoing
instrument.

WITNESS my hand and notarial seal, this the 5th day of July,
2002.

Michelle Harriet Keaton - Barrow
Notary Public

My Commission Expires:

09/23/03



LOT 7

TRUSTEE

William A. Mardf (SEAL)
~~W. S. Tucker, Trustee~~
Substitute Trustee

LENDER

MECHANICS AND FARMERS BANK

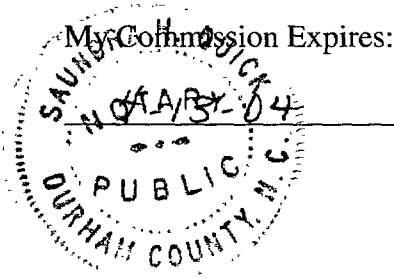
By: W. Donald Hanning
Senior Vice President
(TITLE - AUTHORIZED OFFICER)

STATE OF NORTH CAROLINA
COUNTY OF Durham

I, Sandra H. Quick, a Notary Public in and for
said County and State, do hereby certify that ~~W. S. TUCKER, Trustee~~
William A. Mardf, Sr. personally appeared
before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this the 23rd day of July,
2002.

Sandra H. Quick
Notary Public

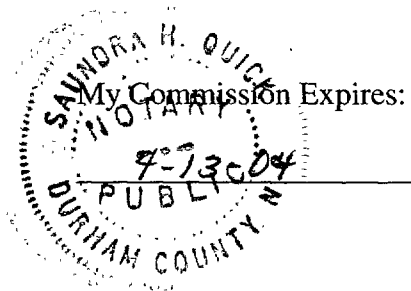


STATE OF NORTH CAROLINA
COUNTY OF Durham

I, Saundra H. Quick, a Notary Public in and
for said County and State, do hereby certify that W. Donald Harrington personally
appeared before me this day and acknowledged that he is Sr. Vice Pres. (Title - Authorized
Officer) of MECHANICS AND FARMERS BANK, a corporation, and that he, as Sr. Vice Pres.
(Title - Authorized Officer) being authorized to do so, executed the foregoing on behalf of the
corporation.

WITNESS my hand and official seal, this the 23rd day of July,
2002.

Saundra H. Quick
Notary Public



LOT OWNER - LOT 8

Bryant A Bradshaw (SEAL)
Bryant Bradshaw

Judith Bradshaw (SEAL)
Judith Bradshaw

STATE OF NORTH CAROLINA
COUNTY OF Wake

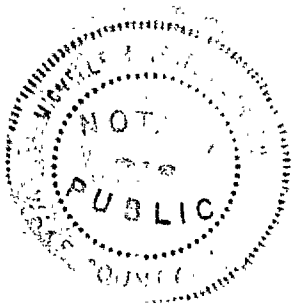
I, Michelle Harriet Keaton-Barrow a Notary Public in and for
said County and State, do hereby certify that BRYANT BRADSHAW and JUDITH
BRADSHAW personally appeared before me this day and acknowledged the due execution of
the foregoing instrument.

WITNESS my hand and notarial seal, this the 5th day of July,
2002.

Michelle Harriet Keaton-Barrow
Notary Public

My Commission Expires:

09/23/03



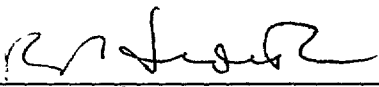
LOT 8

TRUSTEE

_____(SEAL)
John H. Harris, Trustee

LENDER

GUARANTY RESIDENTIAL LENDING, INC.

By: 
SR-VP,
(TITLE - AUTHORIZED OFFICER)

STATE OF NORTH CAROLINA
COUNTY OF _____

I, _____, a Notary Public in and for
said County and State, do hereby certify that JOHN H. HARRIS, Trustee, personally appeared
before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this the _____ day of _____,
2002.

Notary Public

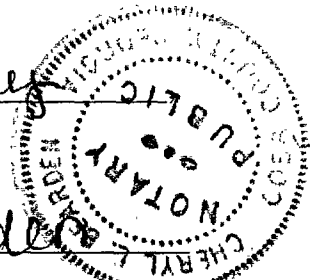
My Commission Expires:

STATE OF GEORGIA
NORTH CAROLINA
COUNTY OF Cobb

I, Cheryl L. Bearden, a Notary Public in and
for said County and State, do hereby certify that Rick D. Scott, Sr. personally
appeared before me this day and acknowledged that he is Sr. VP (Title - Authorized
Officer) of GUARANTY RESIDENTIAL LENDING, INC., a corporation, and that he, as
Sr. VP (Title - Authorized Officer) being authorized to do so, executed the foregoing on
behalf of the corporation.

WITNESS my hand and official seal, this the 18th day of July
2002.

Cheryl L. Bearden
Notary Public



Notary Public, Cobb County, Georgia
My Commission Expires Sept. 22, 2002

My Commission Expires:
9/22/02

LOT OWNER - LOT 18

Tyrone L. Williams (SEAL)
Tyrone L. Williams

Jonnita Baker Williams (SEAL)
Jonnita Baker Williams

STATE OF NORTH CAROLINA
COUNTY OF Wake

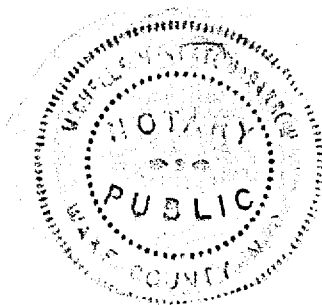
I, Michelle Harriet Keaton-Barrow, a Notary Public in and for said County and State, do hereby certify that TYRONE L. WILLIAMS and JONNITA BAKER WILLIAMS personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this the 5th day of July, 2002.

Michelle Harriet Keaton-Barrow
Notary Public

My Commission Expires:

09/23/03



LOT 18

TRUSTEE

 (SEAL)
Daniel T. Barker, Trustee

LENDER

ABN AMRO MORTGAGE GROUP, INC.

By: _____

(TITLE - AUTHORIZED OFFICER)

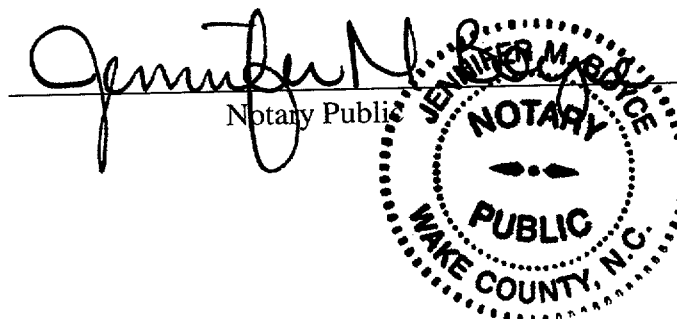
STATE OF NORTH CAROLINA
COUNTY OF Wake

I, Jennifer M. Boyce, a Notary Public in and for
said County and State, do hereby certify that DANIEL T. BARKER, Trustee, personally
appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this the 22nd day of July,
2002.

My Commission Expires:

1/29/06



STATE OF NORTH CAROLINA
COUNTY OF _____

I, _____, a Notary Public in and
for said County and State, do hereby certify that _____ personally
appeared before me this day and acknowledged that he is _____ (Title - Authorized
Officer) of ABN AMRO MORTGAGE GROUP, INC., a corporation, and that he, as
_____ (Title - Authorized Officer) being authorized to do so, executed the foregoing on
behalf of the corporation.

WITNESS my hand and official seal, this the _____ day of _____,
2002.

Notary Public

My Commission Expires:

Laura M Riddick
Register of Deeds
Wake County, NC



Book : 009509 Page : 00422 - 00430

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 S of Michelle M. Keaton-Barron
Sandra H. Quirk Jennifer C. Allen
Cheryl L. Bearden Albedia E. Murphy
Jennifer M. Byce

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: Jennifer C. Barron
Assistant/Deputy Register of Deeds

This Customer Group
2 # of Time Stamps Needed

This Document
17 New Time Stamp
of Pages