

WAKE COUNTY, NC 343
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
12/15/2008 AT 16:00:20

BOOK:013323 PAGE:00613 - 00617

PREPARED BY: STEPHEN D. LOWRY, 8358-104 SIX FORKS RD., RALEIGH, NC 276115
RETURN TO: STEPHEN D. LOWRY, BOX 115

NORTH CAROLINA

WAKE COUNTY

THIRD AMENDMENT TO DECLARATION OF COVENANTS,
CONDITIONS, AND RESTRICTIONS FOR THE
KENWOOD RESERVE HOMEOWNERS ASSOCIATION, INC.
AND FOR THE KENWOOD RESERVE SUBDIVISION

THIS THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS,
AND RESTRICTIONS FOR THE KENWOOD RESERVE HOMEOWNERS ASSOCIATION,
INC. AND FOR THE KENWOOD RESERVE SUBDIVISION, is made and entered into this
15th day of DECEMBER, 2008 by Teague-Hankins Development, Corp., a North
Carolina corporation (hereinafter referred to as the "Declarant").

WITNESSETH:

WHEREAS, Declarant has heretofore filed that certain instrument entitled
"DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR THE
KENWOOD RESERVE HOMEOWNERS ASSOCIATION, INC. AND FOR THE KENWOOD
RESERVE SUBDIVISION," said instrument being recorded on the 16th day of March, 2004 in
Book 10714, Page 1396, and re-recorded on March 25, 2004 in Book 10728, Page 1147, and
amended by First Amendment thereto recorded in Book 11630, Page 2004, and by a Second
Amendment thereto recorded in Book 13165, Page 2771, all of the Wake County Registry (said
instrument, as amended, being hereafter referred to as the "Declaration"); and

WHEREAS, Paragraph A of Article XII of the Declaration provides in part that "For so
long as the Declarant, its successors and/or assigns, shall own any 'Declarant's Property,'
Declarant, its successors and/or assigns, shall have the right to revoke and/or amend any of the
terms and conditions of the Declaration, so long as such revocation and/or amendment is not in
violation of the ordinances of the County of Wake, North Carolina. Any such amendment or

revocation shall be effective when duly recorded in the Office of the Register of Deeds of the County of Wake, North Carolina”; and

WHEREAS, the Declarant still owns “Declarant’s Property” in the Kenwood Reserve Subdivision and desires to make amendments to the Declaration pursuant to the authority set forth in Paragraph A of Article XII of the Declaration.

NOW, THEREFORE, Declarant hereby amends that certain instrument entitled “DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR THE KENWOOD RESERVE HOMEOWNERS ASSOCIATION, INC. AND FOR THE KENWOOD RESERVE SUBDIVISION” recorded in Book 10714, Page 1396, and re-recorded in Book 10728, Page 1147, and amended in Book 11630 Page 2004, and in Book 13165, Page 2771, all of the Wake County Registry, as follows:

1. Subparagraph 4 of Paragraph A of Article VIII, which commences on page 13 of the Declaration, is hereby amended by adding the following at the end thereof:

“Notwithstanding the foregoing, in view of the topography and layout of Lot 30, Phase 2 of the Subdivision, as described in Book of Maps 2006, Pages 1630-1632 (“Lot 30”), the Lot 30 Owner (defined below) shall be permitted to breed Dachshunds on Lot 30 under the following terms and conditions: (i) the Lot 30 Owner shall keep no more than five dachshunds over the age of four months old on Lot 30 at any time; (ii) the Lot 30 Owner shall usually have no more than one litter of Dachshund puppies per year, and in no event more than two litters of Dachshund puppies in any one year; (iii) the provisions regarding habitual barking, howling, yelping, or otherwise noisy pets shall apply to the Lot 30 Owner, as well as any provisions in this Declaration preventing noxious or offensive activities; and (iv) the right to breed Dachshunds for commercial purposes shall be limited to the Lot 30 Owner. For purposes hereof, the term Lot 30 Owner shall mean the Owner acquiring title to Lot 30 directly from the Developer, and not from any subsequent Owner.”

2. Except as herein amended, all the remaining terms and provisions of the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, the Declarant has executed this Third Amendment the day and year first above written.

TEAGUE-HANKINS DEVELOPMENT CORP.,
a North Carolina corporation

By: 
Thomas C. Hankins, President

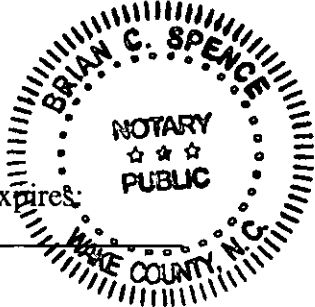
NORTH CAROLINA

WAKE COUNTY

I, the undersigned Notary Public of the County and State aforesaid, hereby certify that Thomas C. Hankins personally appeared before me this day and acknowledged that he is President of Teague-Hankins Development Corp., a North Carolina corporation, and that by authority duly given and as the act of said corporation, the foregoing instrument was signed in its name by him as its President, as of the day and year first above written.

WITNESS my hand and official stamp or seal this 15th day of DECEMBER, 2008.

My commission expires: _____



Notary Public
BRIAN C. SPENCE - NOTARY PUBLIC
MY COMMISSION EXPIRES 10/28/2013

CONSENTED AND AGREED TO

The undersigned SunTrust Bank, a banking corporation, successor in interest to Central Carolina Bank, a Division of National Bank of Commerce (hereinafter referred to as the "Bank"), and Southland Associates, Inc., Trustee, hereby each acknowledge each and every term and provision of the foregoing THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR THE KENWOOD RESERVE HOMEOWNERS ASSOCIATION, INC. AND FOR THE KENWOOD RESERVE SUBDIVISION; and each agrees that the lien of the Bank's first Deed of Trust on the Property described in Exhibit A attached to the Deed of Trust recorded in Book 9589, Page 709, Wake County Registry, shall be and is hereby subordinated to all the terms and provisions of the foregoing THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR THE KENWOOD RESERVE HOMEOWNERS ASSOCIATION, INC. AND FOR THE KENWOOD RESERVE SUBDIVISION.

IN WITNESS WHEREOF, the Trustee and the Bank have caused this instrument to be executed in their corporate names by their duly authorized officers and their corporate seals to be hereunto affixed by authority of their Board of Directors, this the 12th day of December, 2008.

SOUTHLAND ASSOCIATES, INC., a
North Carolina Corporation, Trustee
By: Wayne Bentley
VICE, President

SUNTRUST BANK, a
banking corporation
By: Jan C. Woodard
Vice President

NORTH CAROLINA

WAKE COUNTY

I, the undersigned, Notary Public of the County and State aforesaid, do hereby certify that Wayne Gentry personally came before me this day and acknowledged that he/she is vice President of Southland Associates, Inc., a North Carolina corporation, and that by authority given and as the act of said corporation, the foregoing instrument was signed in its name by him/her in the capacity so indicated, as of the day and year first above written.

WITNESS my hand and official seal, this the 12 day of December, 2008.

Faith M Minard
Notary Public

My commission expires:
Oct 30, 2010



NORTH CAROLINA

WAKE COUNTY

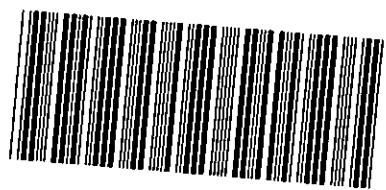
I, the undersigned, Notary Public of the County and State aforesaid, do hereby certify that JASON WOODARD personally came before me this day and acknowledged that he/she is vice President of SunTrust Bank, a banking corporation, and that by authority given and as the act of said corporation, the foregoing instrument was signed in its name by him/her in the capacity so indicated, as of the day and year first above written.

WITNESS my hand and official seal, this the 12 day of December, 2008.

Faith M Minard
Notary Public

My commission expires:
Oct 30, 2010





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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

This Customer Group
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