

BK011630PG02004

WAKE COUNTY, NC 1028
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
10/12/2005 AT 14:30:31

BOOK:011630 PAGE:02004 - 02007

PREPARED BY AND MAIL TO: AARON D. GARRETT, ATTORNEY AT LAW,
276 West Millbrook Road, Raleigh, NC 27609

STATE OF NORTH CAROLINA	FIRST AMENDMENT TO DECLARATION
COUNTY OF WAKE	OF COVENANTS, CONDITIONS AND
	RESTRICTIONS FOR THE KENWOOD RESERVE
	HOMEOWNERS ASSOCIATION, INC. AND FOR
	THE KENWOOD RESERVE SUBDIVISION

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND CONDITIONS FOR THE KENWOOD RESERVE HOMEOWNERS ASSOCIATION, INC. AND FOR THE KENWOOD SUBDIVISION, made and entered into this 21st day of September, 2005 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 corrected and re-recorded on the 25th day of March, 2004 in Book 10728, Page 1147, all of the Wake County Registry, North Carolina (said instrument and all amendments and corrections thereto being hereinafter referred to collectively 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 provisions 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

BK011630PG02005

in paragraph A of Article XII of the Declaration and such amendments are not in violation of any of the ordinances of the County of Wake, North Carolina.

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 on the 16th day of March, 2004 in Book 10714, Page 1396, and corrected and re-recorded on the 25th day of March, 2004 in Book 10728, Page 1147, all of the Wake County Registry, North Carolina, as follows:

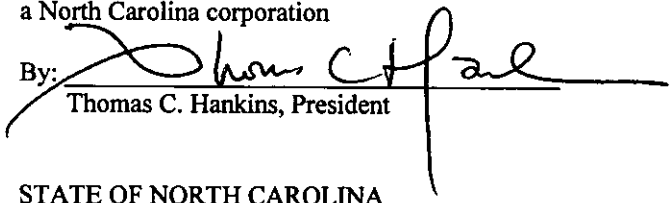
1. Paragraph D of ARTICLE IX of the Declaration is amended by removing the words "Carolina Power and Light Company" wherever said words appear in said Paragraph D and replacing said words with the words "Wake Electric Membership Corporation".

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

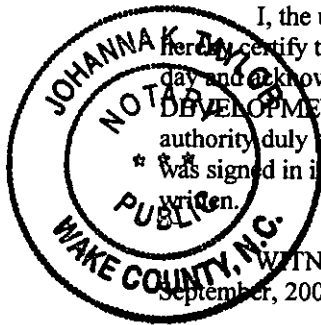
IN WITNESS WHEREOF, the Declarant has executed this First Amendment the day and year first above written.

TEAGUE-HANKINS DEVELOPMENT, CORP.,
a North Carolina corporation

By:


Thomas C. Hankins, President

STATE OF NORTH CAROLINA
COUNTY OF WAKE



I, the undersigned Notary Public of the County and State aforesaid, hereby certify that THOMAS C. HANKINS personally came before me this day and acknowledged that he is the President of TEAGUE-HANKINS DEVELOPMENT, CORP., a North Carolina corporation, and that 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 say and year first above written.

WITNESS my hand and official stamp or seal. this 27th day of September, 2005.


Notary Public

My commission expires: 11/05/2005

CONSENTED AND AGREED TO:

The undersigned SunTrust Bank, a North Carolina 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., a North Carolina corporation, Trustee, hereby each acknowledge each and every term and provision of the foregoing FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND CONDITIONS FOR THE KENWOOD RESERVE HOMEOWNERS ASSOCIATION, INC. AND FOR THE KENWOOD RESERVE SUBDIVISION recorded on the 16th day of March, 2004 in Book 10714, Page 1396, and corrected and re-recorded on the 25th day of March, 2004 in Book 10728, Page 1147, all of the Wake County Registry, North Carolina (said instrument and all amendments and corrections thereto being hereinafter referred to collectively as the "First Amendment"); 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, North Carolina, shall be and is hereby subordinated to all the terms and provisions of the foregoing First Amendment.

IN WITNESS WHEREOF, the Trustee and the Bank has caused this instrument to be signed in each of their corporate names by their duly authorized officers and its corporate seal to be hereunto affixed by authority of its Boards of Directors, this the 29th day of September, 2005.

SUNTRUST BANK, a North
Carolina banking corporation

BY: [Signature]
SENE President

NORTH CAROLINA
Wake COUNTY

SOUTHLAND ASSOCIATES, INC.,
a North Carolina corporation, Trustee

BY: [Signature]
VICE President

I, the undersigned, a Notary Public for the County and State aforesaid, hereby certify that John F. Sank II personally came before me this day and acknowledged that he/she is SENE President of SUNTRUST BANK, a North Carolina banking corporation, and that by authority duly given and as the act of said corporation, the foregoing instrument was signed in its name by him/her as its SENE President, as of the say and year first above written.

WITNESS my hand and official seal, this the 29 day of Sept, 2005.

[Signature]
Notary Public
My commission expires: 04-14-2009

NORTH CAROLINA
Wake COUNTY

I, the undersigned, a Notary Public for the County and State aforesaid, hereby certify that Emily Vogler personally came before me this day and acknowledged that he/she is VICE President of SOUTHLAND ASSOCIATES, INC., a North Carolina corporation, Trustee, and that by authority duly given and as the act of said corporation, the foregoing instrument was signed in its name by him/her as its VICE President, as of the say and year first above written. WITNESS my hand and official seal, this the 27 day of Sept, 2005.

[Signature]
Notary Public
My commission expires: 04-14-2009

BOOK:011630 PAGE:02004 - 02007



WAKE
COUNTY
NORTH CAROLINA

North Carolina – Wake County

The foregoing certificate____ of _____

Laura M. Riddick, Register of Deeds

This Customer Group
_____ # of Time Stamps Needed

This Document

4 New Time Stamp

1 # of Pages