

WAKE COUNTY, NC 176
LAURA M RIDDICK
REGISTER OF DEEDS
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03/30/2015 14:06:26

BOOK:015964 PAGE:00453 - 00462

Prepared by: James S. Adcock III
Cumalander Adcock, LLP
Hold: Box 51

WAKE COUNTY

NORTH CAROLINA

**AMENDMENT OF PROTECTIVE COVENANTS
OF BEAVER CREEK RECORDED IN
DEED BOOK 3470, PAGE 847**

THIS AMENDMENT OF PROTECTIVE COVENANTS (hereinafter the "Amendment"), made this 29th day of MARCH, 2015, by Ronald S. Padget, Linda W. Padget, Todd D. Davidson, Tanya L. Adderson-Davidson, Robert A. Rossi, Amy M. Rossi, David G. Cronk, Constance W. Cronk, Christopher Joyce, Cheryl Joyce, Stephen P. Madritch, Jill K. Madritch, David W. Rudder, Urtney H. Rudder, Kendall R. Hiles, Susan K. Hiles, Stephen M. Beaulieu, Gail N. Beaulieu, Craig A. Wilkins, Cynthia G. Wilkins, Stephen A. Searce, Kristina M. Crow, The Revocable Living Trust of Gene & Sharon Fornaro, Larry D. Coats, Suzanne B. Coats, David G. Ball, Lynda P. Ball, Michael R. Stancill, and Cindy A. Stancill (hereinafter referred to collectively as the "Owners").

WITNESSETH:

WHEREAS, Owners are the owners in fee simple of certain real property, situated in or near White Oak Township, County of Wake, and State of North Carolina, more particularly described as follows:

"BEING all of Lots 1,2,3,6,7,8,9,10,11,12,13,14,15,16, and 17 as shown on that map recorded at Book of Maps 1985, Page 450, Wake County Registry, reference to which is made for greater certainty of description."

(hereinafter the "Property"); and

WHEREAS, on April 23, 1985, Apex Land Partners, a North Carolina General Partnership, predecessors in title to the Property, recorded those "Protective Covenants Beaver

Creek” at Deed Book 3470, Page 847, Wake County Registry (hereinafter the “Covenants”) subjecting the Property to the covenants and restrictions set forth therein; and

WHEREAS, Article 16 of the Covenants states:

“These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of twenty years from the date these covenants are recorded, after which time these covenants shall be automatically extended for successive periods of ten years unless an instrument signed by a majority of the then owners of the Building Lots has been recorded, agreeing to change said covenants in whole or in part.”; and

WHEREAS, on April 23, 2005 the first automatic ten year renewal period commenced and will expire on April 23, 2015 and on that date a second ten year automatic renewal period is set to commence; and

WHEREAS, Owners are desirous of amending said Covenants due to changes in the community, surrounding area, and other circumstances to be effective on April 23, 2015 (the expiration date of the first ten year automatic renewal period); and

WHEREAS, the owners of record as of the time of this Amendment are as follows:

Ronald S. Padget and Linda W. Padget	(Lot 1)
Todd D. Davidson and Tanya L. Adderson-Davidson	(Lot 2)
Robert A. Rossi and Amy M. Rossi	(Lot 3)
David G. Cronk and Constance W. Cronk	(Lot 6)
Christopher Joyce and Cheryl Joyce	(Lot 7)
Stephen P. Madritch and Jill K. Madritch	(Lot 8)
David W. Rudder and Urtney H. Rudder	(Lot 9)
Kendall R. Hiles and Susan K. Hiles	(Lot 10)
Stephen M. Beaulieu and Gail N. Beaulieu	(Lot 11)
Craig A. Wilkins and Cynthia G. Wilkins	(Lot 12)
Stephen A. Searce and Kristina M. Crow	(Lot 13)
The Revocable Living Trust of Gene & Sharon Fornaro	(Lot 14)
Larry D. Coats and Suzanne B. Coats	(Lot 15)
David G. Ball and Lynda P. Ball	(Lot 16)
Michael R. Stancill and Cindy A. Stancill	(Lot 17); and

WHEREAS, the Covenants require a majority vote of the owners of the Building Lots to change said Covenants in whole or in part; and

WHEREAS, a total of 18 owners have agreed to execute this Amendment and this comprises a number greater than the required majority of owners under the Covenants.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, Owners hereby agree as follows:

- 1. Lot 6 is hereby released from the Covenants effective April 23, 2015, and said Covenants shall have no further force or effect on said Lot 6.
- 2. Lots 4, 5, and 6 of Book of Maps 1985, Page 450 are hereby released from any covenants or equitable servitudes that may be implied from a uniform scheme of development or otherwise under law or equity, even though the Covenants excluded said Lots 4 and 5. This Amendment shall affirmatively terminate any purported uniform scheme of development and or other implied covenants and or equitable servitudes as applicable to Lots 4, 5, and 6 and lot owners are hereby estopped from asserting any such claims.
- 3. This Amendment shall be binding on all of the Property, regardless of whether a respective lot owner joined in this Amendment, and shall run with the land and be binding on all owners of the Property, their successors, executors, personal representatives, heirs, devisees, and or assigns.

IN WITNESS WHEREOF, Owners hereby execute this Amendment on the day and year first above written.

David G. Bace
Name:

Christoph P. Joy
Name:

Robert A. Rossi
Name:

Amey G. B.
Name:

Laurel R. Pugh
Name:

Kristina M. Gou
Name:

JFA
Name:

Craig Wilkins
Name:

W. L. Gunk
Name:

Lynda P. Ball
Name:

Cheryl J. Joyce
Name:

Amy M. Pami
Name:

Todd D. Danah
Name:

Sam K. R.
Name:

Stephen L. Pearce
Name:

James
Name:

Cynthia Wickens
Name:

Conotana W. Cronk
Name:

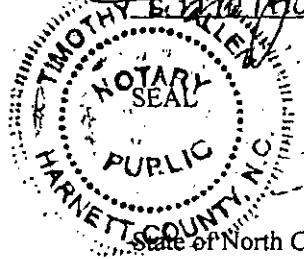
State of North Carolina
County of Wake

I, the undersigned Notary Public of the County and State aforesaid, certify that DAVID G. BALL personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 29th day of MARCH, 2015.

Timothy S. Allen
Timothy S. Allen

, Notary Public

My Commission Expires: 12/11/2016



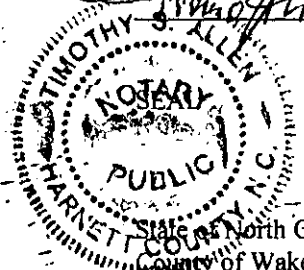
State of North Carolina
County of Wake

I, the undersigned Notary Public of the County and State aforesaid, certify that Lynnda R. Ball personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 29th day of MARCH, 2015.

Timothy S. Allen
Timothy S. Allen

, Notary Public

My Commission Expires: 12/11/2016



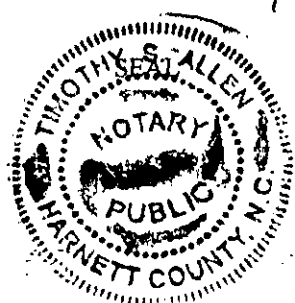
State of North Carolina
County of Wake

I, the undersigned Notary Public of the County and State aforesaid, certify that Christopher P. Joyce personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 29th day of MARCH, 2015.

Timothy S. Allen
Timothy S. Allen

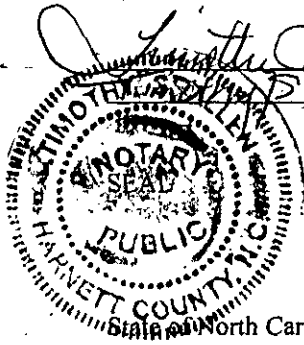
, Notary Public

My Commission Expires: 12/11/2016



State of North Carolina
County of Wake

I, the undersigned Notary Public of the County and State aforesaid, certify that Cheryl J. Joyce personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 29th day of MARCH, 2015.

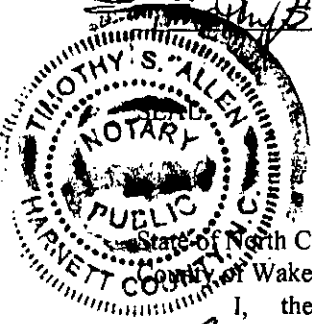


Timothy S. Allen, Notary Public

My Commission Expires: 12/11/2016

State of North Carolina
County of Wake

I, the undersigned Notary Public of the County and State aforesaid, certify that Robert A. Rossi personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 29th day of MARCH, 2015.

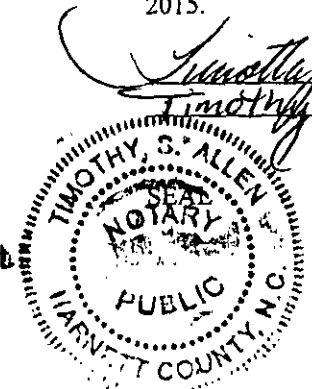


Timothy S. Allen, Notary Public

My Commission Expires: 12/11/2016

State of North Carolina
County of Wake

I, the undersigned Notary Public of the County and State aforesaid, certify that Amy M. Rossi personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 29th day of MARCH, 2015.

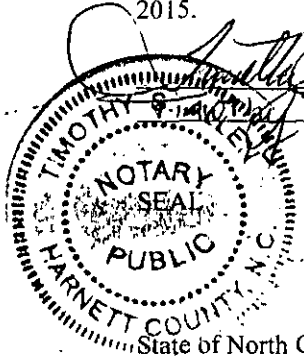


Timothy S. Allen, Notary Public

My Commission Expires: 12/11/2016

State of North Carolina
County of Wake

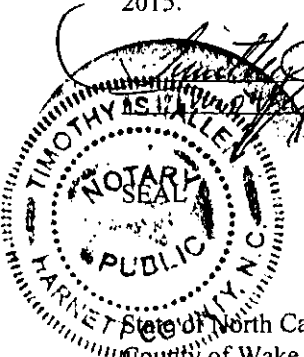
I, the undersigned Notary Public of the County and State aforesaid, certify that
Lanya L. Adderson-Davidson
personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the
purposes therein expressed. Witness my hand and Notarial stamp or seal this 29th day of MARCH,
2015.



Timothy S. Allen, Notary Public My Commission Expires: 12/11/2016

State of North Carolina
County of Wake

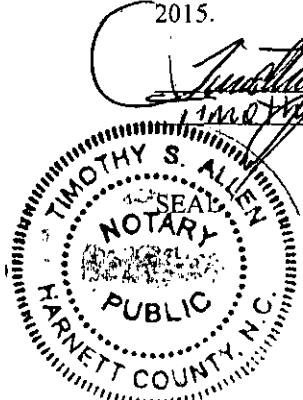
I, the undersigned Notary Public of the County and State aforesaid, certify that
Todd D. Davidson
personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the
purposes therein expressed. Witness my hand and Notarial stamp or seal this 29th day of March,
2015.



Timothy S. Allen, Notary Public My Commission Expires: 12/11/2016

State of North Carolina
County of Wake

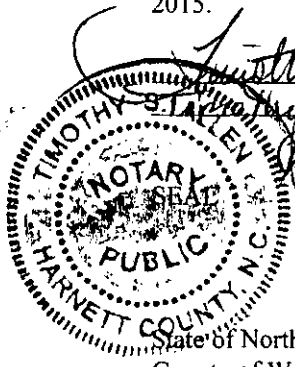
I, the undersigned Notary Public of the County and State aforesaid, certify that
Kendall R. Hiles
personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the
purposes therein expressed. Witness my hand and Notarial stamp or seal this 29th day of March,
2015.



Timothy S. Allen, Notary Public My Commission Expires: 12/11/2016

State of North Carolina
County of Wake

I, the undersigned, Notary Public of the County and State aforesaid, certify that Cynthia G. Wilkins personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 29th day of MARCH, 2015.

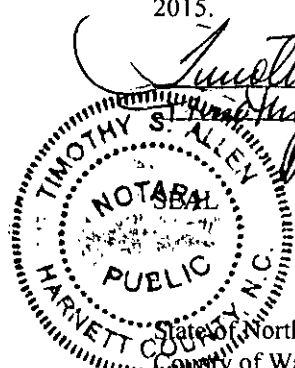


Timothy S. Allen, Notary Public

My Commission Expires: 12/11/2016

State of North Carolina
County of Wake

I, the undersigned, Notary Public of the County and State aforesaid, certify that Craig A. Wilkins personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 29th day of MARCH, 2015.

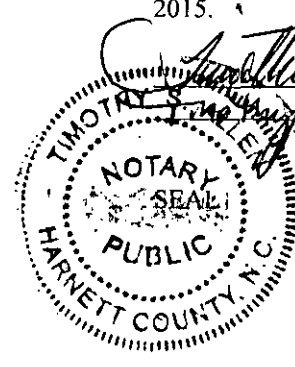


Timothy S. Allen, Notary Public

My Commission Expires: 12/11/2016

State of North Carolina
County of Wake

I, the undersigned, Notary Public of the County and State aforesaid, certify that Bill K. Madritch personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 29th day of MARCH, 2015.

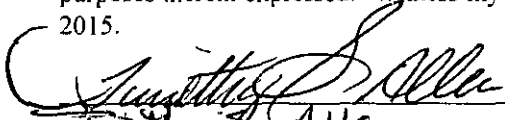


Timothy S. Allen, Notary Public

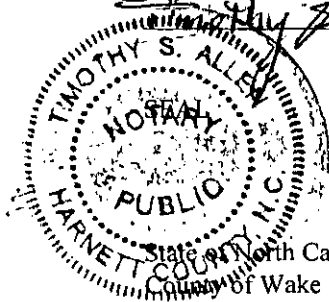
My Commission Expires: 12/11/2016

State of North Carolina
County of Wake

I, the undersigned Notary Public of the County and State aforesaid, certify that
Susan K. Hiles
personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 29th day of MARCH, 2015.

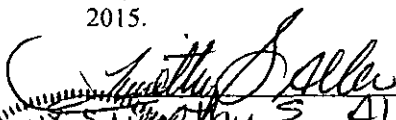

Timothy S. Allen, Notary Public

My Commission Expires: 12/11/2016

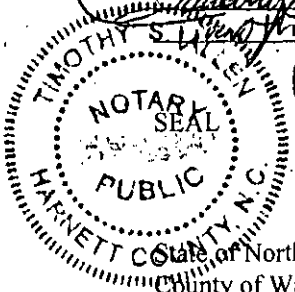


State of North Carolina
County of Wake

I, the undersigned Notary Public of the County and State aforesaid, certify that
Kristina M. Crow
personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 29th day of MARCH, 2015.

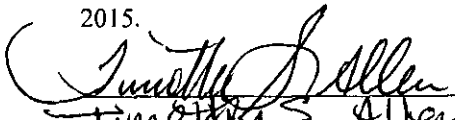

Timothy S. Allen, Notary Public

My Commission Expires: 12/11/2016

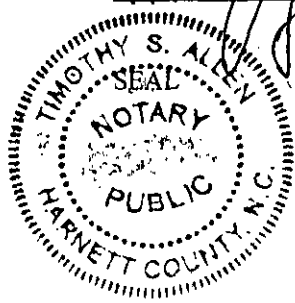


State of North Carolina
County of Wake

I, the undersigned Notary Public of the County and State aforesaid, certify that
Stephen E. Madritch
personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 29th day of MARCH, 2015.


Timothy S. Allen, Notary Public

My Commission Expires: 12/11/2016

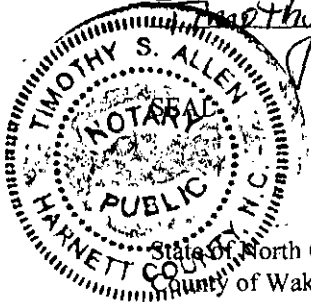


State of North Carolina
County of Wake

I, the undersigned Notary Public of the County and State aforesaid, certify that Stephen A. Seacrest personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 29th day of MARCH, 2015.

Timothy S. Allen
Timothy S. Allen, Notary Public

My Commission Expires: 12/11/2016

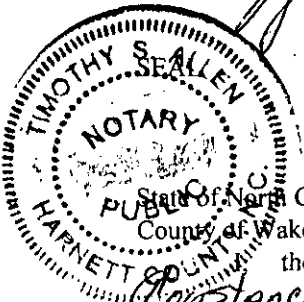


State of North Carolina
County of Wake

I, the undersigned Notary Public of the County and State aforesaid, certify that DAVID G. CRONK personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 29th day of MARCH, 2015.

Timothy S. Allen
Timothy S. Allen, Notary Public

My Commission Expires: 12/11/2016

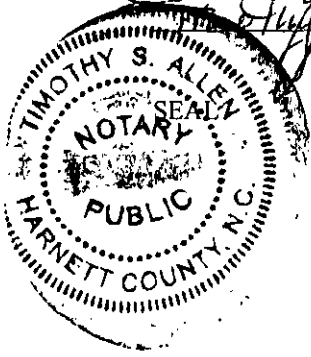


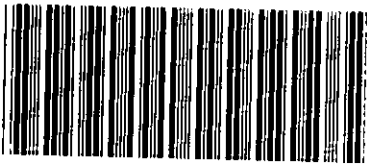
State of North Carolina
County of Wake

I, the undersigned Notary Public of the County and State aforesaid, certify that CHRISTANCE W. CRONK personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 29th day of MARCH, 2015.

Timothy S. Allen
Timothy S. Allen, Notary Public

My Commission Expires: 12/11/2016





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Laura M. Riddick
Register of Deeds
Wake County Justice Center
300 South Salisbury Street, Suite 1700
Raleigh, NC 27601

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