

PREPARED BY & HOLD FOR : WM JOSLIN, ATTY

BOOK 2946 PAGE 910

PRESENTED
FOR
REGISTRATION

JUL 30 10 54 AM '81

R.B. MCKENZIE, JR.
REGISTER OF DEEDS
WAKE COUNTY, N.C.

STATE OF NORTH CAROLINA

FIRST AMENDMENT TO BENT
CREEK TOWNHOUSES DECLAR-
ATION OF COVENANTS, CON-
DITIONS & RESTRICTIONS.

COUNTY OF WAKE

THIS FIRST AMENDMENT to the Bent Creek Townhouse Declara-
tion, made on the date hereinafter set forth, by B & P Associates,
a limited partnership organized under the laws of North Carolina,
hereinafter referred to as "Declarant";

W I T N E S S E T H:

WHEREAS, Declarant has previously executed and recorded the
Bent Creek Townhouses Declaration, the same having been recorded
on December 5, 1980 in Book 2884, pages 642 through 654, Wake
County Registry; and

WHEREAS, Declarant reserved the right to amend said Declara-
tion and now desires to amend the same as follows:

1. Article II, Section 1, paragraph (c) as it appears in
Book 2884, page 644, Wake County Registry is deleted, and is re-
placed by the following:

"(c) The right of the Association to dedicate or trans-
fer all or any part of the Common Area to any public
agency, authority, or utility for such purposes and sub-
ject to such conditions as may be agreed by the members.
No such dedication or transfer shall be effective unless
an instrument agreeing to such dedication or transfer
signed by two-thirds (2/3) of each class of members has
been recorded. Upon dedication of any such areas, the
Association shall give notice to the Planning Department
of the City of Raleigh."

2. Article III, Section 1 as it appears in Book 2884, page
645, Wake County Registry, is deleted, and replaced by the follow-
ing:

"Section 1. Every owner of a lot which is subject to
assessment shall be a member of the Association. Mem-
bership shall be appurtenant to and may not be separated
from ownership of any lot which is subject to assessment."

3. Article IV, Section 2, as the same appears in Book 2884, page 646, Wake County Registry, is hereby amended by adding a period after the word "necessary" on the last line of said paragraph and by deleting the following words at the end of said paragraph "and such other needs arise."

4. Article IV, Section 3(a) and (b) as the same appears in Book 2884, page 647, Wake County Registry, is hereby deleted and replaced by the following:

"(a) From and after January 1 of the year following the conveyance of the first lot to an Owner, the maximum annual assessment may be increased each year not more than twelve (12) per cent above the maximum assessment for the previous year without a vote of the membership.

(b) From and after January 1 of the first year immediately following the conveyance of the first lot to an Owner, the maximum annual assessment may be increased above twelve (12%) per cent over the amount of the previous year's assessment by a vote of two-thirds (2/3) of each class of members who are voting in person or by proxy, at a meeting duly called for this purpose."

5. Article IV, Section 7, as the same appears in Book 2884, page 648, Wake County Registry, is hereby amended by adding the following sentence at the end of said paragraph:

"A properly executed certificate of the Association as to the status of assessments on a lot is binding upon the Association as of the date of its issuance."

6. Article VII, Section 1 of the Declaration as it appears in Book 2884, page 651, Wake County Registry is hereby renumbered as Article VII, Section 2.

7. Article VII, Section 2 of the Declaration as appears in Book 2884, page 651, Wake County Registry, is hereby deleted and is renumbered and replaced by the following:

"Section 1. If within five (5) years of the date of incorporation of this Association, the Declarant should

-3-

develop additional land within the boundaries shown on the master plan of Bent Creek Townhouses heretofore submitted to the City of Raleigh Planning Department, and contained in the deed from C. L. Benson, et. al. to B & P Associates, dated August 29, 1980, and recorded in Book 2856, page 124, Wake County Registry, such land may be annexed by the Declarant without the consent of the members, provided that the City of Raleigh Planning Department and the FHA or the VA determine that the Annexation is in accord with the general plan heretofore approved by them.

8. The second paragraph of Article X entitled "Easements" is hereby deleted and is replaced by the following:

"The common area and all individual lots shall be subject to easements for the encroachment of initial improvements constructed on adjacent lots by the Declarant to the extent that such initial improvements actually encroach, including, but not limited to, such items as overhanging eaves, gutters, downspouts, walls and chimneys."

EXCEPT as hereinabove amended, said Declaration is hereby ratified and confirmed.

IN WITNESS WHEREOF, the undersigned being the original Declarant, and also the Declarant of the First Amendment to the Bent Creek Townhouses Declaration, has caused this instrument to be executed by its General Partners, all on this the 28 day of July, 1981.

B & P ASSOCIATES, A Limited Partnership

BY: C. L. Benson
GENERAL PARTNER

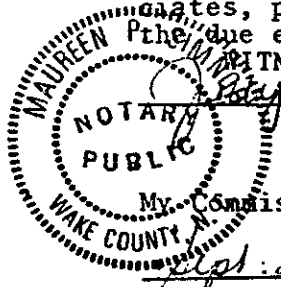
BY: [Signature]
GENERAL PARTNER

NORTH CAROLINA
WAKE COUNTY

I, the undersigned Notary Public, do hereby certify that C. L. Benson, General Partner of B & P Associates, personally appeared before me this day and acknowledged the due execution of the foregoing instrument. I witnessed my hand and notarial seal this the 28 day of July, 1981.

Maureen P. Simon
NOTARY PUBLIC

My Commission Expires: Sept. 26, 1984

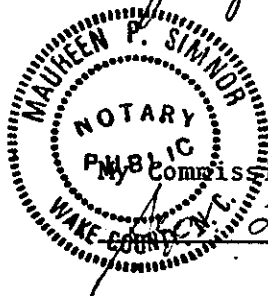


-4-

NORTH CAROLINA
WAKE COUNTY

I, the undersigned Notary Public, do hereby certify that
Louis E. Poole, General Partner of B & P
ASSOCIATES, personally appeared before me this day and acknow-
ledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal this 28 day of
July, 1981.



Maurice P. Simnor
NOTARY PUBLIC

My Commission Expires:
Sept. 26, 1984

NORTH CAROLINA - WAKE COUNTY
The foregoing certificate

Maurice P. Simnor

Notar(y) 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.

R. B. McKENZIE, JR., Register of Deeds

Wm. B. Peoples
Deputy Register of Deeds