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NORTH CAROLINA,
WAKE COUNTY.

88 SEP 29 10:00
DECLARATION AND AGREEMENT

REGISTERED
WAKE COUNTY

BK4357PG0076

THIS DECLARATION, Made this 28th day of September, 1988, by DOUGHER DEVELOPMENT COMPANY, INC., a North Carolina corporation of Wake County, North Carolina, hereinafter called "Declarant";

W I T N E S S E T H:

WHEREAS, by instrument dated August 2, 1984, and recorded in Book 3328 at Page 413 of the Wake County Registry, certain lots in Chesterfield Village Subdivision were subjected to the protective covenants therein set forth; and

WHEREAS, Declarant is the owner of the hereinafter described lots in Chesterfield Village II Subdivision and desires to subject the same to said protective covenants recorded in Book 3328 at Page 413, of the Wake County Registry, each and all of which shall be for the benefit of such property and for each and every owner thereof, and shall inure to the benefit of and pass and run with said property, and each and every parcel thereof, and shall apply to and bind the successors in interest and any owner thereof.

NOW, THEREFORE, Declarant hereby declares that the real property described below is and shall be held, transferred, sold and conveyed subject to the protective covenants set forth in said Declaration recorded in Book 3328 at Page 413, Wake County Registry, EXCEPT as hereinafter set out, said protective covenants being incorporated herein be reference:

Being Lots Numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 as the same are shown on a map of Chesterfield Village II recorded in Book of Maps 1988 at Page 1078, Wake County Registry.

The aforesaid declarations, as they apply to the property herein described, are amended as follows:

(1) The following sentence is to be added at the end of ARTICLE II:

"No mobile homes shall be permitted to remain on any lot within the subdivision."

(2) ARTICLE III is amended by decreasing the number of members of the Architectural Committee from three to two persons and removing William L. White, J. Edward Etheridge and Frank W. Benson as members of the Committee, and setting as members of the initial committee John E. Dougher and Edward E. Dougher.

(3) .ARTICLE IV as written in Book 3328 at Page 413, Wake County Registry, is deleted and in its place is substituted the following provision:

"ARTICLE IV

DWELLING SIZE. No one-story dwelling shall be permitted on any building unit which dwelling has a ground floor area of the main structure, exclusive of basement, porches and garages, of less than 1300 square feet of finished living area. No one and one-half story or split level dwelling shall be permitted on any lot unless such dwelling has a ground floor area of the main structure, exclusive of basement, porches, garages and storage areas of not less than 900 square feet and a total finished living area of not less than 1300 square feet. No dwelling with two or more full stories of finished living area shall be constructed having less than 900 square feet of finished living area on the ground floor and a total finished living area of not less than 1600 square feet."

IN TESTIMONY WHEREOF, Declarant has executed this instrument as by law provided, this the day and year first above written.

DOUGHER DEVELOPMENT COMPANY, INC.

By

President

ATTEST:

Secretary

NORTH CAROLINA,
WAKE COUNTY.

I, the undersigned Notary Public, do hereby certify that John E. Dougher personally came before me this day and acknowledged that he is Secretary of Dougher Development Company, Inc., a corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its corporate name by its President, sealed with its corporate seal and attested by himself as its Secretary.

Witness my hand and notarial seal this 28th day of September, 1988.

Notary Public

My commission expires: 6-5-90



NORTH CAROLINA - WAKE COUNTY

The foregoing certificate

of Myrtice B. Wilder

Notary 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

KENNETH C. WILKINS, Register of Deeds

By

Deputy Register of Deeds