

BOOK 1214 PAGE 246

NORTH CAROLINA
WAKE COUNTY

THIS AMENDMENT TO DECLARATION AND AGREEMENT, made and entered into this 1st day of November 1955, by BROOKHAVEN, Incorporated, a corporation organized under the Laws of the State of North Carolina, with its principal place of business in Wake County, North Carolina, Charles F. Blanchard, Trustee, as hereinafter stated, Louis E. Wooten, Sr., Louis E. Wooten, Jr., H. G. Fonville, Trustee, as hereinafter stated, the MACHOVIA BANK AND TRUST COMPANY, a corporation organized and existing under the laws of the State of North Carolina and having an office in the City of Raleigh, Wake County, North Carolina, and Cedric B. Goodwin and wife Helen Parks Goodwin;

WITNESSETH, that whereas, the aforesaid parties executed a Declaration and Agreement dated the 14th day of October 1955, and recorded in Book 1211 Page 577 of the Wake County Registry, placing upon all lots, numbered and unnumbered, shown on the plat of BROOKHAVEN SUBDIVISION, Raleigh, N. C., recorded in Book of Maps 1955 at Page 105 of the Wake County Registry, certain restrictive covenants described with particularity in said instrument; and

WHEREAS, the aforesaid parties desire to delete from said instrument restrictive covenant number 4, entitled "LOT AREA AND WIDTH," and to substitute therefor a revised restrictive covenant; and whereas the aforesaid parties desire to adopt an additional restrictive covenant to be known as restrictive covenant number 12, entitled "EXCEPTIONS;"

NOW THEREFORE, in consideration of the premises and for the mutual benefit of the parties and those who become purchasers of said lots in the said BROOKHAVEN SUBDIVISION, the parties hereto for themselves, their heirs, successors, and assigns hereby covenant and agree with all persons, firms or corporations who may hereafter acquire any interest in or title to the property shown on the aforesaid plat of BROOKHAVEN SUBDIVISION as follows:

That restrictive covenant number 4 of said Declaration and Agreement, dated October 14, 1955 is hereby deleted and that in lieu thereof the following restrictive covenant is substituted:

245-1151

BOOK 1214 PAGE 247

"4. LOT AREA AND WIDTH. No dwelling shall be erected or placed on any lot having a width of less than 100 feet at the minimum building set-back line, nor shall any dwelling be erected or placed on any lot having an area of less than 20,000 square feet. The owners of said lots may vary the lines of said lots except, as otherwise provided herein, but shall not reduce the size of any lot to less than 20,000 square feet and shall not re-subdivide one or more of said lots in a manner which will create more lots than the number of numbered lots shown on the aforesaid plat of BROCKHAVEN SUBDIVISION, Raleigh, N. C. in Book of Maps 1955, Page 1.9 of the Wake County Registry."

That an additional restrictive covenant is added to the Declaration and Agreement of aforesaid parties dated October 14, 1955 as follows:

"12. EXCEPTIONS. The unnumbered lots adjacent to and southwest of Carteret Drive as shown on the said plat of BROCKHAVEN SUBDIVISION may be re-subdivided in a manner which will create additional lots provided that all lots created by the re-subdivision meet the requirement of a minimum width of 100 feet at the minimum building set-back line and the requirement of a minimum area of 20,000 square feet. All other provisions of these covenants in their entirety shall apply to these said unnumbered lots."

And except as hereby amended said Declaration and Agreement dated October 14, 1955 recorded in Book 1211 at Page 577 of the Wake County Registry between the parties shall remain in full force and effect.

IN TESTIMONY WHEREOF, the said BROCKHAVEN, Incorporated has caused this instrument to be executed in its corporate name by its President, attested by its Secretary, and its corporate seal to be hereto affixed, all by authority of its Board of Directors duly given; and the said Charles F. Blanchard, Trustee, Louis S. Wooten, Sr. and Louis S. Wooten, Jr., have hereunto set their hands and seals; and the said WACHOVIA BANK AND TRUST COMPANY has caused this instrument to be executed in its corporate name by

RECORD OF POOR QUALITY
DUE TO CONDITION OF
ORIGINAL DOCUMENT

VPS-1151

BOOK 1214 PAGE 248

one of its vice presidents, attested by its Assistant Secretary, and its corporate seal to be hereto affixed, all by authority of its Board of Directors duly given; and the said N. G. Fonville, Trustee, and Cédric B. Goodwin and wife Helen Parks Goodwin have hereunto set their hands and seals, all on the day and year first above written.

BROOKHAVEN, Incorporated

By: Louis E. Wooten Jr.
President.



Charles F. Blanchard
Charles F. Blanchard, Trustee (Seal)
Louis E. Wooten Jr.
Louis E. Wooten, Jr. (Seal)
Louis E. Wooten Jr.
Louis E. Wooten, Jr., (Seal)

MACHOVIA BANK AND TRUST COMPANY

By: [Signature]
Vice President



N. G. Fonville
N. G. Fonville, Trustee (Seal)
Cedric B. Goodwin
Cedric B. Goodwin (Seal)
Helen Parks Goodwin
Helen Parks Goodwin (Seal)

025: 1151

NORTH CAROLINA

WAKE COUNTY

This is to certify that on the 20 day of November, 1955, before me personally came Philip R. Taylor, with whom I am personally acquainted, who, being by me duly sworn says that Louis E. Wooten, Jr. is the President and Philip R. Taylor is the Secretary of ERCCUMBAH, Incorporated, the corporation described in and which executed the foregoing instrument; that he knows the common seal of said corporation; that the seal affixed to the foregoing instrument is said common seal, and the name of the corporation was subscribed thereto by the said President, and that the said President and Secretary subscribed their names thereto, and said common seal was affixed, all by order of the Board of Directors of said corporation, and that the said instrument is the act and deed of said corporation.



I, E. M. D. Dargatzis, Notary Public, do hereby certify my hand and official seal this the 20 day of November, 1955.
My Commission Expires: 7/9/57



I, Elizabeth D. Oster, a Notary Public in and for said County of Wake, State of North Carolina, do hereby certify that Charles F. Blanchard, as Trustee, personally came before me and acknowledged the due execution of the foregoing instrument.
Witness my hand and Notarial Seal, this 7 day of November, 1955.
My Commission Expires: 4/3/57
Elizabeth D. Oster
Notary Public



I, Elizabeth D. Oster, a Notary Public in and for the County of Wake, State of North Carolina, do hereby certify that Douglas E. Wooten, Sr. and Louis E. Wooten, Jr. personally appeared before me this day and acknowledged the due execution of the foregoing instrument.
Witness my hand and Notarial Seal, this 7 day of November, 1955.
My Commission Expires: 4/3/57
Elizabeth D. Oster
Notary Public

NORTH CAROLINA
WAKE COUNTY

THIS 7 day of November, 1955, personally came before me Mabel E. Trennert, a Notary Public in and for the said State of North Carolina and County of Wake, George Newsome, who, being duly sworn, says that he knows the common seal of Wachovia Bank and Trust Company, and is acquainted with LeRoy Martin, Vice President of said corporation, and that he, the said George Newsome, is an Assistant Secretary of said corporation and saw the said LeRoy Martin, Vice President, sign the foregoing and said common seal of said corporation to said instrument and that he, the said George Newsome, signed his name in attestation of the execution of the said instrument in the presence of said Vice-President of said corporation.



I, Mabel E. Trennert, Notary Public, do hereby certify my hand and official seal this the 7 day of November, 1955.
My Commission Expires: 2-18-56

RECORD OF RECORD QUALITY
RETO CONDITION OF
RETO CONDITION

BOOK 1214 PAGE 250

NORTH CAROLINA



Mabel E. Merritt

I, a Notary Public in and for said County
hereby certify that M. G. Fonville, as Trustee, personally came before
me and acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial Seal, this 4 day of Nov 1955

Mabel E. Merritt
Notary Public

My Commission Expires: 2-18-56

NORTH CAROLINA



Elizabeth D. Osta

I, a Notary Public in and for the County and
State of North Carolina, hereby certify that Cedric B. Goodwin and wife Helen Parks Goodwin, personally
came before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial Seal, this 7 day of November 1955

Elizabeth D. Osta
Notary Public

My Commission Expires: 11-18-57

No. 21—Prothonotary Clerk of Superior Court—Wake County, N.C.

Edwards & Broughton Co., Raleigh, N. C.

STATE OF NORTH CAROLINA:

Wake County:

The foregoing Certificate(s) of

Ethel M. Magruder A Notary Public of Wake County, State of North Carolina
Elizabeth D. Osta A Notary Public of Wake County, State of North Carolina
Mabel E. Merritt A Notary Public of Wake County, State of North Carolina

are adjudged to be in due form and correct. Let the instrument with the certificates be registered.

Witness my hand this 7 day of November 1955

Pacy L. Linn
Clerk Superior Court, Wake County, N. C.

Filed for registration at 3:35 o'clock 7 day of November 1955

and registered in the office of the Register of Deeds for Wake County,

in Book 214 Page 246 1955

52-21-5

Wm. S. Ginn *Ed. S. Goodwin*
Deputy Register of Deeds