

BK011616PG02034

WAKE COUNTY, NC 614
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
10/03/2005 AT 13:17:54

BOOK:011616 PAGE:02034 - 02039

After recording, please return to:
Adrienne Mabry
KB HOME RALEIGH-DURHAM LLC
1100 Navaho Drive, Suite GL3
Raleigh, NC 27609

CROSS REFERENCE:
Deed Book 10865; Page 470
Deed Book 10972; Page 1038

**SECOND AMENDMENT TO DECLARATION OF
PROTECTIVE COVENANTS
FOR BATTLE RIDGE NORTH AND TO THE BYLAWS OF BATTLE RIDGE AT
CHASTAIN HOMEOWNERS ASSOCIATION, INC.**

THIS SECOND AMENDMENT (hereinafter referred to as "Second Amendment") is made this 14th day of September, 2004, by **JERRY L. GOWER**, an individual resident of the State of North Carolina (hereinafter sometimes called "Declarant") and **BATTLE RIDGE AT CHASTAIN COMMUNITY ASSOCIATION, INC.**, a North Carolina nonprofit corporation (hereinafter referred to as the "Association").

WITNESSETH

WHEREAS, Declarant executed that certain Declaration of Protective Covenants for Battle Ridge at Chastain and those certain Bylaws of Battle Ridge at Chastain Homeowners Association, Inc. which were recorded on June 9, 2004 in Deed Book 10865, Page 470, *et seq.*, Wake County, North Carolina records, as amended by that certain First Amendment to Declaration of Protective Covenants for Battle Ridge at Chastain and to the Bylaws of Battle Ridge at Chastain Homeowners Association, Inc. (the "First Amendment") which was recorded on August 16, 2004 in Deed Book 10972, Page 1038, *et seq.*, aforesaid records (hereinafter as supplemented and/or amended from time to time, the "Declaration" and "Bylaws," respectively); and

WHEREAS, the First Amendment changed the title of the Declaration to "Declaration of Protective Covenants for Battle Ridge North"; and

WHEREAS, the Declarant formed the Association to serve as the "Association" under the Declaration; and

WHEREAS, the Declaration and the Bylaws mistakenly refer to Battle Ridge at Chastain Homeowners Association, Inc. as the "Association" under the Declaration rather than the Association; and

WHEREAS, the Declarant and the Board of Directors of the Association (hereinafter "Board") desire to amend the Declaration and Bylaws to correct this error; and

WHEREAS, pursuant to Article 11, Section 11.6 of the Declaration entitled "Amendment," the Declaration may be amended unilaterally by Declarant for any purpose; provided, however, any such amendment shall not materially adversely affect the substantive rights of any Owners thereunder nor shall it adversely affect title to any Lot without the consent of the affected Owner; and

WHEREAS, this Second Amendment does not materially adversely affect the substantive rights of any Owners under the Declaration nor does it adversely affect title to any Lot;

NOW THEREFORE, the undersigned hereby adopt this Second Amendment, hereby declaring that all the property now or hereafter subject to the Declaration shall be held, conveyed, encumbered, used, occupied and improved subject to the Declaration, amended as follows:

1.

The Declaration and the Bylaws are hereby amended by deleting all references therein to "Battle Ridge at Chastain Homeowners Association, Inc." and inserting in lieu thereof a reference to "Battle Ridge at Chastain Community Association, Inc."

2.

All actions taken and all documents executed by or on behalf Battle Ridge at Chastain Homeowners Association, Inc. prior to the date hereof are hereby ratified and approved by the Association.

3.

Unless otherwise defined herein, the words used in this Second Amendment shall have the same meaning as set forth in the Declaration.

4.

This Second Amendment shall be effective only upon being recorded in the records of the Register of Deeds of Wake County, North Carolina and shall be enforceable against current Owners of a Lot subject to the Declaration.

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5.

Except as herein modified, the Declaration and Bylaws shall remain in full force and effect.

[SIGNATURES BEGIN ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the Declarant and the Association hereby execute this instrument, this 14th day of September, 2004⁵.

DECLARANT:

Jerry L. Gower
Jerry L. Gower

NORTH CAROLINA

Wake COUNTY

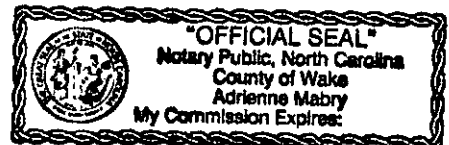
I, a Notary Public of the County and State aforesaid, certify that Jerry L. Gower personally appeared before me this day and acknowledges that he is an individual resident of North Carolina.

Witness my hand and official stamp or seal, this 14th day of September 2004⁵.

[STAMP/SEAL]

Notary Public

Adrienne Mabry



My Commission Expires: 12 - 11 - 2006

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

ASSOCIATION:

**BATTLE RIDGE AT CHASTAIN
COMMUNITY ASSOCIATION, INC.**

By: *James A. Gaskins*
Name: James A. Gaskins
Title: President

North Carolina
Wake COUNTY

I, a Notary Public of the County and State aforesaid, certify that James Gaskins personally appeared before me this day and acknowledges that he is the President of Battle Ridge at Chastain Community Association, Inc., a North Carolina non-profit corporation, and that by authority duly given and as the act of the association, the foregoing instrument was signed in its name by its President.

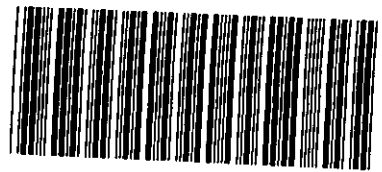
Witness my hand and official stamp or seal, this 14th day of September, 2005.

[STAMP/SEAL]

Adrienne Mabry
Notary Public



My Commission Expires: 12-11-2006



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Yellow probate sheet is a vital part of your recorded document.
Please retain with original document and submit for rerecording.



Wake County Register of Deeds
Laura M. Riddick
Register of Deeds

North Carolina – Wake County

The foregoing certificate____ of _____

_____ Notary(ies) 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.

Laura M. Riddick, Register of Deeds

By: _____
Assistant/Deputy Register of Deeds

This Customer Group
_____ # of Time Stamps Needed

This Document
_____ New Time Stamp
_____ # of Pages
6