

WAKE COUNTY, NC 571
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
08/16/2004 AT 15:35:31

BOOK:010972 PAGE:01038 - 01043

After recording, please return to:
David N. Dorough, Jr.
Dorough & Dorough, LLC
Two Decatur TownCenter, Suite 520
125 Clairemont Avenue
Decatur, Georgia 30030

CROSS REFERENCE: Deed Book: 10865
Page: 470

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

THIS FIRST AMENDMENT (hereinafter referred to as "First Amendment") is made this 16th day of August, 2004 by **JERRY L. GOWER**, an individual resident of the State of North Carolina (hereinafter sometimes called "Declarant") and **BATTLE RIDGE AT CHASTAIN HOMEOWNERS 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 (hereinafter as supplemented and/or amended from time to time, the "Declaration" and "Bylaws," respectively); and

WHEREAS, the title of the Declaration includes the words "Battle Ridge at Chastain";
and

WHEREAS, the plat for the residential community (the "Community") subject to the

Declaration (the "Plat") refers to the Community as "BATTLE RIDGE NORTH"; and

WHEREAS, in connection with the issuance of certain permits for the Community, the City of Raleigh, North Carolina has required that the title of the Declaration include the name of the Community as shown on the Plat; and

WHEREAS, the Declarant and the Board of Directors of the Association (hereinafter "Board") desire to amend the Declaration and Bylaws to satisfy this requirement; 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 First 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 First 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 is hereby amended by deleting the title of the Declaration "Declaration of Protective Covenants for Battle Ridge at Chastain" which appears on the cover page, the first page of the table of contents and the first full page of the Declaration in its entirety and replacing it with "Declaration of Protective Covenants for Battle Ridge North."

2.

The Bylaws are hereby amended by deleting Section 1.2 of the Bylaws in its entirety and replacing it with the following new Section 1.2:

"1.2 Membership. The Association shall have one class of membership, as is more fully set forth in that certain Declaration of Protective Covenants for Battle Ridge North (such Declaration, as amended, renewed, or extended from time to time, is hereinafter sometimes referred to as the "Declaration"), the terms of which pertaining to membership are specifically incorporated by reference herein."

3.

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

4.

This First 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.

5.

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

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the Declarant and the Association hereby execute this instrument, this 16th day of August, 2004.

DECLARANT:

Jerry L. Gower
Jerry L. Gower

NORTH CAROLINA

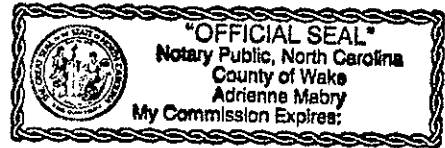
Wake COUNTY

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 16th day of August, 2004.

[STAMP/SEAL]

Adrienne Mabry
Notary Public



My Commission Expires: 12 - 11 - 2006

[SIGNATURES ON FOLLOWING PAGE]

ASSOCIATION:

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

By: Adrienne Mabry
Name: Adrienne Mabry
Title: Secretary/Treasurer

NORTH CAROLINA
Harnett COUNTY

I, a Notary Public of the County and State aforesaid, certify that Adrienne Mabry personally appeared before me this day and acknowledges that she is the Secretary/Treasurer of Battle Ridge at Chastain Homeowners 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 Secretary/Treasurer.

Witness my hand and official stamp or seal, this 16th day of August, 2004.

[STAMP/SEAL]

Susan M. Harpe
Notary Public

My Commission Expires: July 30, 2007

