

Prepared by and return to: Henry W. Jones, Jordan Price Wall Gray Jones & Carlton, Box 39, WCRD

STATE OF NORTH CAROLINA

COUNTY OF WAKE

**AMENDMENT
TO
DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR CHARLESTON VILLAGE**

THIS AMENDMENT is made on this ___ day of _____, 2017 by the Members/Owners of CHARLESTON VILLAGE HOMEOWNERS ASSOCIATION, INC., a North Carolina non-profit corporation (also, hereinafter, the "Association"),

W I T N E S S E T H:

WHEREAS, Declarant recorded that certain Declaration of Covenants, Conditions and Restrictions for Charleston Village in Book 7016, Page 323 ("Declaration"), as subsequently amended, in the Office of the Register of Deeds of Wake County, North Carolina; and

WHEREAS, Article VIII, Section 3 of the Declaration, as amended, provides that the Members/Owners may amend the Declaration by an instrument approved by not less than seventy-five percent (75%) of the Lot Owners as defined in the Declaration; and

WHEREAS, the Association owns certain parcels of real property within the development that include a portion of a pond and a dam. Said parcels are designated as Common Open Space, are assigned Wake County REIDs of 0230686, 0250121 and 0250103, and are particularly described in those deeds from The Drees Company to the Association recorded in Book 8767, Page 2027 and Page 8169, Page 1416, Wake County Registry (collectively "Property"); and

WHEREAS, the Association is interested in selling said Property, but only in conjunction with an approved development of the adjacent real estate, which shall include drainage of the pond located on a portion of the Property.

NOW, THEREFORE, the Association hereby amends Article I, Section 4 of the Declaration to remove said Property from the definition of "Common Area" and to empower the Board of Directors of Charleston Village Homeowners Association, Inc. to negotiate and effectuate the sale of the Property, but

only on the condition that said sale be made in conjunction with governmentally-approved development of the tract immediately adjacent to the north of the Property (REID 0115090).

In all other respects, the terms and conditions of the Declaration, as amended, as herein referenced shall continue to be in full force and effect.

This Amendment shall be effective upon recordation in the Wake County Registry.

CERTIFICATION OF VALIDITY OF AMENDMENT TO DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS OF CHARLESTON VILLAGE.

By authority of its Board of Directors, Charleston Village Homeowners Association, Inc., hereby certifies that the foregoing instrument has been duly approved by at least 75% of the Owners of Charleston Village and is, therefore, a valid amendment to the existing covenants, conditions and restrictions of Charleston Village.

CHARLESTON VILLAGE HOMEOWNERS ASSOCIATION, INC.

PRESIDENT

ATTEST:

SECRETARY

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, _____, a Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged that s/he is Secretary of Charleston Village Homeowners Association, Inc., a North Carolina non-profit corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President and attested by its Secretary. Witness my hand and official stamp or seal, this _____ day of _____, 2017.

Notary Public

My Commission Expires: _____