

000436
NORTH CAROLINA
WAKE COUNTY

BK 7332 PG 0077

PRESENTED
FOR
REGISTRATION

97 FEB 12 PM 3:24
LAURA M. RIDDICK
REGISTER OF DEEDS
WAKE COUNTY

DECLARATION DESIGNATING
LOTS AND COMMON AREAS
SUBJECT TO COVENANTS, CONDITIONS
AND RESTRICTIONS

*Prepared by & held for:
Mowse, Wyse & Wallace, P.A.*

This Declaration, executed on the 12th day of February, 1997, by MIDDLE CREEK DEVELOPERS, LTD., a corporation organized under the laws of North Carolina, hereinafter referred to as "Declarant";

WITNESSETH:

WHEREAS, Middle Creek Developers, Ltd., as Declarant executed and caused to be recorded in Book 4062, Page 281, Wake County Registry, an instrument entitled "Declaration of Covenants, Conditions and Restrictions for Amherst", which was subsequently amended by the instrument recorded in Book 4244, Page 795, Wake County Registry, hereinafter collectively referred to as the "Declaration"; and

WHEREAS, Phase II of the Amherst Subdivision has now been created by Declarant which Phase II is contained within the "Properties" as described in the Declaration, and reference to the Declaration has been made on that plat of Amherst Subdivision, Phase II, as recorded in the Book of Maps 1997, Pages 250 to 252 Wake County Registry; and

WHEREAS, Wake County has required that this Declaration be recorded for the purpose of designating the Lots, Open Space and Permanent Common Open Space as shown on that plat of Amherst Subdivision, Phase II recorded in Book of Maps 1997, Pages 250 to 252, Wake County Registry as being subject to the Declaration.

NOW THEREFORE, Declarant hereby declares that the hereinafter described Lots, Open Space and Permanent Common Open Space shall be held, sold and conveyed subject to the

easements, restrictions, covenants and conditions contained in the Declaration.

Being all of Lots 71 through 88 and Lot 96 of Amherst, Phase II, Middle Creek Township, Wake County, North Carolina as shown on Book of Maps 1997, Page 251, Wake County Registry together with Open Space Tract M and Permanent Common Open Space Tract J as shown on Book of Maps 1997, Page 250, Wake County Registry and Permanent Common Open Space Tracts C-1, C-2, D-1, D-2, H and S as shown on Book of Maps 1997, Page 251, Wake County Registry.

IN WITNESS WHEREOF, Middle Creek Developers, Ltd., has caused this instrument to be duly executed by its authorized officers on the day and year first above written.

MIDDLE CREEK DEVELOPERS, LTD.

By: Harriet Joan Ferraro
Harriet Joan Ferraro, President



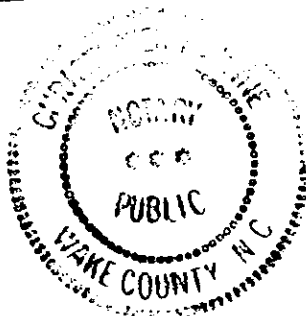
ATTEST:

Glenn D. Ward
Glenn D. Ward, Secretary

(Corporate Seal)

NORTH CAROLINA

WAKE COUNTY



I, a Notary Public of the County and State aforesaid, certify that Glenn D. Ward, personally came before me this day and acknowledged that he is Secretary of Middle Creek Developers, Ltd. a North Carolina 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, sealed with its corporate seal and attested by him as its Secretary. Witness my hand and official stamp or seal, this 13th day of February, 1997.

[Signature]
NOTARY PUBLIC

My Commission Expires: 10-3-98
(Notary Seal)

NORTH CAROLINA — WAKE COUNTY

The foregoing certificate of Christopher M. Wye

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.

LAURA M. RIDDICK, Register of Deeds

By P. Anne Read
Asst/Deputy Register of Deeds