

BK4244 PG0795

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Atkins, L. L. L., P.A.

NORTH CAROLINA
WAKE COUNTY

AMENDMENT OF THE DECLARATION
OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR AMHERST

THIS AMENDMENT, executed on this the 30th day of October,
1987, by MIDDLE CREEK DEVELOPERS, LTD., a corporation organized
under the laws of North Carolina;

W I T N E S S E T H:

WHEREAS, Middle Creek Developers, Ltd., as Declarant, ex-
ecuted and caused to be recorded in Book 4062, Page 281, Wake
County Registry, an instrument entitled "Declaration of
Covenants, Conditions and Restrictions for Amherst", hereinafter
referred to as the "Declaration"; and

WHEREAS, the Veterans Administration and Wake County have
requested certain amendments to be made to the Declaration and
Declarant as owner of one hundred percent (100%) of the lots af-
fected by said Declaration consents to such amendments; and

WHEREAS, Article XI, Section 3 of the Declaration provides
that the Declaration may be amended by instrument signed by
owners of not less than seventy five percent (75%) of the lots
and approved by the Wake County Planning Board after submittal,
which approval has been obtained; and

WHEREAS, the Declarant as owner of one hundred percent
(100%) of the lots in Amherst desires to amend the Declaration.

NOW THEREFORE, Middle Creek Developers, Ltd., hereby amends
the Declaration as follows:

1. By attaching to the Declaration an addendum, "Exhibit

PRESENTED
FOR
REGISTRATION

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RECEIVED
REGISTRY
WAKE COUNTY

A", which is attached hereto as "Exhibit A", incorporated herein and therein by reference hereto and reads as setout therein.

2. Article 1, Section 5 of the Declaration is hereby amended by substituting a period for the first comma in the final sentence of such Section and deleting all of the remainder of that sentence.

3. Article V, Section 2, Subsection (b) of the Declaration is hereby amended by deleting the words "leased to" from the third line thereof and substituting in their place the words "owned by".

4. Article V, Section 2, Subsection (e) of the Declaration is hereby amended by deleting the words "leased to" found in the next to the last line thereof and substituting in their place the words "owned by".

5. Article V, Section 3 of the Declaration is hereby amended by deleting the first and second sentences thereof and substituting in their place the following sentence, "The maximum annual assessment for the calendar year 1987 shall be \$120.00 per lot."

6. Article V, Section 7 of the Declaration is hereby amended by deleting the first sentence beginning on the second line thereof in its entirety and substituting in its place the following sentence, "The annual assessments provided for herein shall commence on the first day of the month following the recording of this Declaration as to all affected lots."

7. Article V, Section 8 of the Declaration is hereby amended by deleting the words "twelve (12%)" and substituting the words "ten (10%)" in their place.

8. Article V, Section 10, Subsections (d) and (e) of the Declaration are hereby amended by deleting them in their entirety and substituting in their place the following Subsection (d),

(d) "That property owned by Declarant shall be exempt from assessment, provided lots as defined in Article I, Section 7 shall be subject to assessment by the Association to the same extent as all other lots with the exception that the maximum assessment for Declarant's lots owned shall be 25% of the assessment for other lots. Properties owned by builders, who acquire such lots for the purpose of engaging in the business of constructing residential buildings shall be subject to an assessment with the exception that the maximum assessment for said lots shall be 25% of the assessment for other lots."

9. Article XI, Section 3 of the Declaration is hereby amended by deleting the third sentence of the first paragraph, which begins as the ninth line of such paragraph, in its entirety and by deleting the entire second paragraph of said Section 3.

10. Article XI, Section 6 of the Declaration is hereby amended by deleting the word "if" located in the fourth line of said Section and substituting in its place the word "as".

NOW THEREFORE, except as amended herein, the Declaration shall remain in full force and effect and this amendment shall not be construed to in any way revoke or alter the Declaration

except as specifically provided herein.

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

MIDDLE CREEK DEVELOPERS, LTD.

By: Frederick A. Ferraro
Frederick A. Ferraro, President

ATTEST:

Glenn D. Ward
Glenn D. Ward, Secretary

[CORPORATE SEAL]

NORTH CAROLINA

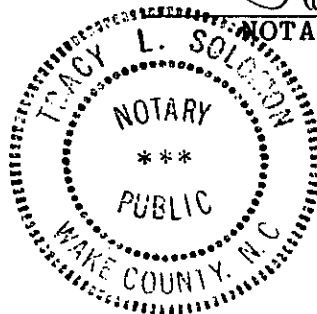
WAKE COUNTY

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 30th day of October, 1987.

My Commission Expires:

3-18-89

[NOTARY SEAL]



NORTH CAROLINA — WAKE COUNTY

The foregoing certificate _____ of Tracy L. Solomon

Notar(y)(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

KENNETH C. WILKINS, Register of Deeds

By: Joyce B. Johnson
Asst. / Deputy Register of Deeds

"EXHIBIT A"
To Declaration of Covenants, Conditions
and Restrictions for Amherst Subdivision

Middle Creek Developers, Ltd., Declarant, hereby declares that the hereinafter described property shall be held, sold, and conveyed subject to the easements, restrictions, covenants and conditions contained in the Declaration:

BEING all of Lots 26, 29 through 70, and 89 through 95 of Amherst, Phase 1, Middle Creek Township, Wake County, North Carolina as shown in Book of Maps 1987, Page 1243, Wake County Registry, together with the Permanent Common Open Space, Tract III, containing 2.64 acres, as shown on Book of Maps 1987, Page 1244, Wake County Registry.