

WAKE COUNTY, NC 1
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
07/31/2012 AT 08:35:56

BOOK:014863 PAGE:02141 - 02146

Prepared by & Return to: Moore & Alphin, PLLC (Box #155) (nm)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

**SUPPLEMENTAL DECLARATION
OF PROTECTIVE COVENANTS OF HIGH GROVE SUBDIVISION
(Phase 4-C)**

THIS SUPPLEMENTAL DECLARATION OF PROTECTIVE COVENANTS OF HIGH GROVE SUBDIVISION (this "Supplemental Declaration" is made, as of the latest date on which it is signed, by **A.B. Perry Construction, Inc.**, a North Carolina corporation (hereinafter referred to as "Declarant"), and **Patricia T. Perry** (hereinafter referred to as "Perry").

WITNESSETH:

WHEREAS, Declarant previously recorded Protective Covenants of High Grove Phase I in Book 12699, Page 1580, and amended and re-recorded the same in Book 12781, Page 911, all of the Wake County Registry (as amended and supplemented from time to time, hereinafter referred to as the "Declaration"); and

WHEREAS, pursuant to the authority reserved by Declarant in Article IV, Section (4.3) of the Declaration, Existing Covenants, Declarant desires to subject the real property identified on **Exhibit A** attached hereto and made a part hereof (the "Additional Property") to the Declaration, with certain changes applicable only to the Additional Property; and

WHEREAS, Declarant and Perry are the owners in fee simple of the Additional Property and have the right and authority to encumber the Additional Property with this Supplemental Declaration, it being understood, however, that Perry is signing this Supplemental Declaration for the sole purpose of subjecting the portion of the Additional Property that she owns to the

terms and provisions hereof and, accordingly, Perry shall not be deemed a Declarant and shall have no power, authority, duty, role or obligation as such; and

WHEREAS, Declarant and Perry have contracted to sell the developed residential building lots within the Additional Property to Parker & Orleans Homebuilders, Inc. ("Orleans"), which has built and is currently building homes in Weldon Ridge Subdivision in Cary ("Weldon Ridge"); and

WHEREAS, the President of Declarant has inspected the homes being built by Orleans in Weldon Ridge and has determined that construction by Orleans in High Grove (the "Subdivision") of homes similar to those such being built by Orleans in Weldon Ridge would be in harmony and compatibility with homes already constructed in the Subdivision and would not adversely affect the Subdivision or the owners of homes in the Subdivision.

NOW THEREFORE, in consideration of the mutual covenants contained herein, Declarant and Perry agree that the Additional Property shall be held, conveyed, encumbered, leased, rented, used, occupied and improved subject to the provisions of the Declaration, as modified (only as to the Additional Property) as set forth herein and which shall run with the Additional Property and be binding on all parties owning any right, title or interest in the Additional Property or any part thereof, their heirs, personal representatives, successors and assigns, and shall inure to the benefit of each owner thereof.

The following modifications of provisions of the Declaration are applicable *only* to the Additional Property.

1. Building Requirements. As to the Additional Property, Section 2.2 of the Declaration, entitled "BUILDING REQUIREMENTS" is deleted in its entirety and the following is substituted therefor:

"BUILDING REQUIREMENTS: No dwelling shall be permitted on any Lot which has in the main structure less than 2,800 square feet of finished living area for a two-story dwelling or less than 2,500 square feet of finished living area for a one-story dwelling. Basements, porches, garages and storage areas shall not be included when calculating finished living area. The Declarant reserves the right to waive up to 5% of the above square footage requirements provided that the builder or Owner obtains the prior written approval of the Declarant. Any such waiver shall be recorded in the Office of the Register of Deeds for Wake County.

All materials used in the exterior construction of a dwelling shall be new building materials. Siding shall be fiber cement, brick, stone or a combination thereof. All roofs shall be shingle. All houses shall have a paved driveway and at least a double-car garage. Garages other than a two-car garage shall only be allowed upon written approval by Declarant.

After issuance of a certificate of occupancy or other certificate of completion for the dwelling (a "CO"), any addition to the original dwelling, any change to the

exterior of the original dwelling, and any construction of a new structure attached to the dwelling or located on the Lot shall require the prior written approval of the Declarant or, after Declarant no longer owns any Lots within the Subdivision, of the Association.

Driveway pipes for each Lot shall be installed by the Declarant at the expense of the Owner of the Lot or such Owner's builder. All driveways shall have stone headwalls.

All private pools must be in-ground pools and must be approved in writing by the Declarant or the Association as applicable. No above-ground pools are allowed."

2. Architectural Control. As to the Additional Property, Article V of the Declaration, entitled "ARCHITECTURAL CONTROL" is amended by adding the following new paragraph at the end thereof:

"Declarant has inspected the homes being built by Parker & Orleans Homebuilders, Inc. ("Orleans") in Weldon Ridge Subdivision in Cary, North Carolina ("Weldon Ridge"), and has determined that construction by Orleans in High Grove (the "Subdivision") of homes similar to those such being built by Orleans in Weldon Ridge would be in harmony and compatibility with homes already constructed in the Subdivision and would not adversely affect the Subdivision or the owners of homes in the Subdivision. Therefore, notwithstanding any other provision of this Declaration, including the provisions of this Article V, Orleans shall not be required to obtain architectural approval of, and Declarant shall be deemed to have approved, any dwelling or other improvements that it constructs on any Lots within Phase 4-C of the Subdivision so long as: (i) the exterior elevation is substantially similar to homes being built by Orleans in Weldon Ridge Subdivision in Cary, North Carolina; (ii) the dwelling is built in compliance with Building Requirements in Section 2.2 of the Declaration, as amended by the Supplemental Declaration subjecting Phase 4-C to this Declaration; and (iii) the dwelling is built in compliance with the applicable building setback requirements."

3. Conflicts. As to the Additional Property, in the event of a conflict between the terms and provisions of this Supplemental Declaration and the terms and provisions of the Declaration, the terms and conditions of this Supplemental Declaration shall control.

4. No Other Changes. Except as provided herein, the terms and provisions of the Declaration shall be unchanged and remain in full force and effect.

IN WITNESS HEREOF, the Declarant has caused this Supplemental Declaration to be signed in its name and Perry has hereunto set her hand and seal, effective as of the latest date on which it is signed as set forth in the notary acknowledgments hereon.

Declarant:

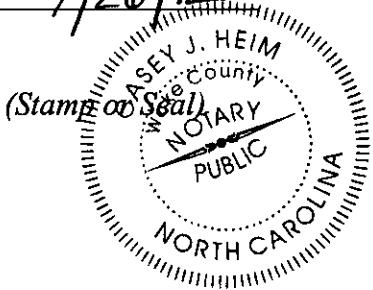
Perry:

A.B. Perry Construction, Inc.

By: A.B. Perry Sr. (Seal) Patricia T. Perry (Seal)
Name: A.B. Perry Sr.
Its President

STATE OF NORTH CAROLINA – COUNTY OF WAKE:

I certify that the following person personally appeared before me this day and acknowledged to me that he signed the foregoing document for the purposes stated therein and in the capacity indicated:

A.B. Perry Sr., President of A.B. Perry Construction, Inc.
Date: 7/26/12

Signature of Notary: [Signature]
Printed Name: Casey J Heim
My Commission Expires: 11/7/2015

STATE OF NORTH CAROLINA – COUNTY OF WAKE:

I certify that the following person personally appeared before me this day and acknowledged to me that she signed the foregoing document for the purposes stated therein and in the capacity indicated:

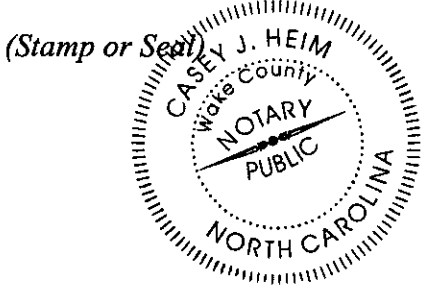
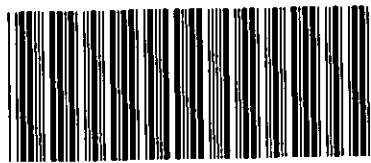
Patricia T. Perry
Date: 7/26/12

Signature of Notary: [Signature]
Printed Name: Casey J Heim
My Commission Expires: 11/7/2015

EXHIBIT A

Lying and being in Middle Creek Township, Wake County, North Carolina, and being more particularly described as follows:

All of the real property shown and described on that certain map entitled “HIGH GROVE II, Phase 4-C, Lots 93-99, A Lot By Lot Subdivision,” recorded in Book of Maps 2012, Page 658, Wake County Registry, saving and excepting therefrom the rights-of-way of public roads and streets shown thereon.



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Please retain with original document and submit for rerecording.



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

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