

WAKE COUNTY, NC 382
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
05/28/2009 AT 13:12:14

BOOK:013552 PAGE:02751 - 02759

STATE OF NORTH CAROLINA

**AMENDMENT TO
ANNEXATION DECLARATION
SUMERLYN
Phase 5**

COUNTY OF WAKE

Prepared by and Return to: Alison R. Cayton of Manning, Fulton & Skinner, P.A. (Box 133)

This Amendment to Annexation Declaration is made as of the date set forth in the notary acknowledgment herein by **Wake Partners, LLC**, a North Carolina limited liability company (hereinafter referred to as "Declarant") and all other owners of Lots in Phase 5 Sumerlyn being, **Vero Partners, LLC**, a North Carolina limited liability company, **Springer, Inc.**, a North Carolina corporation, and **William R. Jordan**, individually (together with the Declarant, the "Owners").

WITNESSETH:

WHEREAS, Declarant has previously recorded that certain DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS, AND RESTRICTIONS FOR SUMERLYN in **Book 12057, Page 1936**, as amended in **Book 12627, page 1190**, with Phase 5 Sumerlyn annexed in **Book 13346, page 02345** Wake County Registry (the "Declaration");

WHEREAS, that Annexation Declaration recorded in **Book 13346, page 02345** contained a revision to Article IX, Section 1 of the Declaration as that portion of the Declaration pertains to the Property described in **Book 13346, page 02345** Wake County Registry; and

WHEREAS, the Owners wish to further amend that portion of Article IX, Section 1 of the Declaration as that portion of the Declaration pertains to the Property described in **Book 13346, page 02345** Wake County Registry.

NOW, THEREFORE, in consideration of the premises, Declarant and the Owners hereby declare that the property identified and described on **Exhibit A** attached hereto and incorporated herein shall be owned, held, transferred, sold, conveyed, given, donated, devised, inherited, leased, occupied and used subject to the covenants, restrictions, conditions, easements, charges, assessments, affirmative obligations and liens contained in the Declaration and as further amended herein, which covenants, restrictions, conditions, easements, charges, assessments, affirmative obligations and liens shall run with the land and be binding on all parties having or acquiring any right, title and interest in the Property or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each Owner thereof.

1. As to the Property described on Exhibit A of this Amendment to Annexation Declaration, the following language shall be inserted in lieu of that contained in Article IX, Section 1 of the Declaration as was previously amended in **Book 13346, page 02345** Wake County Registry.

“Square Footage. Any dwelling erected on a detached single-family residential Lot shall contain a minimum enclosed dwelling area of 1,200 square feet. The term "enclosed dwelling area" as used in this Section 1 shall mean the total enclosed area within a dwelling subject to heating and cooling; provided, that the term specifically does not include garages, terraces, open porches, decks, stoops and like areas regardless of heating or cooling.”

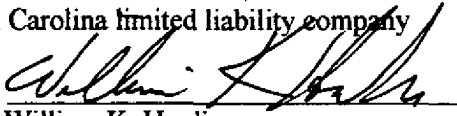
2. Except as specifically amended herein, all other terms and conditions of the Declaration, as may have been amended from time to time shall remain the same.

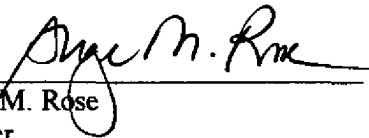
[SIGNATURE LINES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the Owners caused this Annexation Declaration to be signed in its name by its duly authorized Manager or other Corporate Officer, as of the date set forth in the notary acknowledgments below.

DECLARANT:

WAKE PARTNERS, LLC,
a North Carolina limited liability company

By: 
Name: William K. Hardin
Title: Manager

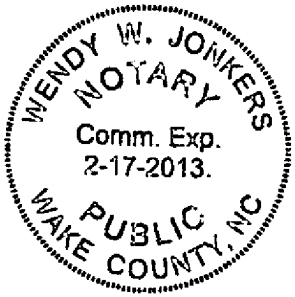
By: 
Name: George M. Rose
Title: Manager

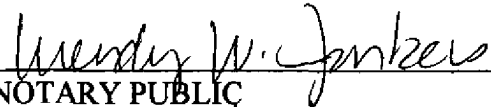
STATE OF NORTH CAROLINA :

COUNTY OF WAKE :

I certify that the following person personally appeared before me this day acknowledging to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: William K. Hardin as Manager of Wake Partners, LLC, a North Carolina limited liability company.

WITNESS my hand and notarial stamp or seal this 14th day of May, 2009




NOTARY PUBLIC
Wendy W. Jonkers
Print or Type Name of Notary Public

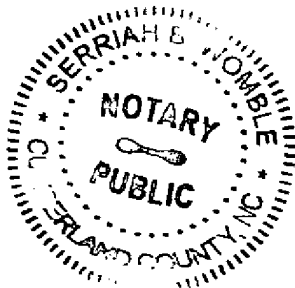
My Commission Expires: Feb. 17, 2013

STATE OF NORTH CAROLINA :

COUNTY OF WAKE :

I certify that the following person personally appeared before me this day acknowledging to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: George M. Rose as Manager of Wake Partners, LLC, a North Carolina limited liability company.

WITNESS my hand and notarial stamp or seal this 22nd day of April, 2009



Serriah B. Womble
NOTARY PUBLIC
Serriah B. Womble
Print or Type Name of Notary Public

My Commission Expires: July 28, 2009

VERO PARTNERS, LLC,
a North Carolina limited liability company

By: *Cliff Benson, Jr.*
Name: Cliff Benson, Jr.
Title: Manager

STATE OF NORTH CAROLINA :

COUNTY OF WAKE :

I certify that the following person personally appeared before me this day acknowledging to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Cliff Benson Jr. as Manager of Vero Partners, LLC, a North Carolina limited liability company.

WITNESS my hand and notarial stamp or seal this 14th day of May, 2009



Wendy W. Jonkers
NOTARY PUBLIC
Wendy W. Jonkers
Print or Type Name of Notary Public

My commission expires February 17, 2013

SPRINGER, INC., a North Carolina corporation

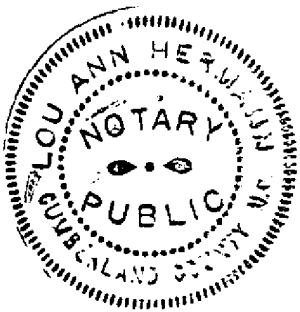
By: James H. Smith
President

STATE OF NORTH CAROLINA :

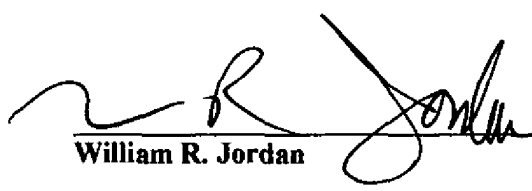
COUNTY OF WAKE :

I, the undersigned Notary Public of the County and State aforesaid, certify that James H. Smith personally came before me this day and acknowledged that he is President of Springer, Inc., a North Carolina corporation, and that he, as President, being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official seal, this the 22nd day of April, 2009.



Lou Ann Hermann
Notary Public
Type/Print Name: Lou Ann Hermann
My Commission expires: 05/24/2012

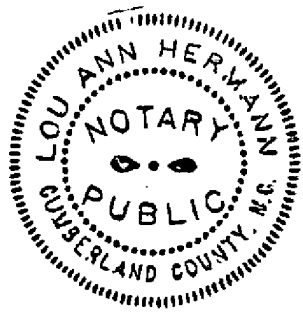
 (SEAL)
William R. Jordan

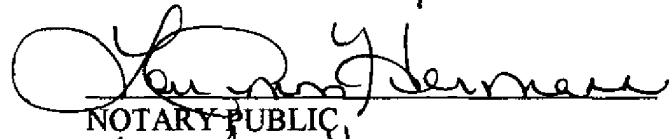
STATE OF NORTH CAROLINA :

COUNTY OF WAKE :

I certify that the following person personally appeared before me this day acknowledging to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: William R. Jordan.

WITNESS my hand and notarial stamp or seal this 22nd day of April, 2009




NOTARY PUBLIC

Lou Ann Hermann
Print or Type Name of Notary Public

My Commission Expires 6/24/2012

EXHIBIT A

**SUMERLYN
PHASE 5**

Lying and being in the City of Raleigh, St. Mary's Township, Wake County, North Carolina, and being more particularly described as follows:

BEING all of that 22.963 acre tract shown and described on that map entitled "Subdivision Map for Sumerlyn Phase 5" dated October 9, 2007 by Withers & Ravenel Kenneth Close Surveying and recorded in Book of Maps 2009, pages 23, 24, 25, and 26 Wake County Registry.



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Yellow probate sheet is a vital part of your recorded document.
Please retain with original document and submit for rerecording.



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

This Customer Group

_____ # of Time Stamps Needed

This Document

_____ New Time Stamp
_____ # of Pages

A handwritten signature in black ink, appearing to be "JR".
22.004.1/20/06