

BK8190PG2102

Prepared by and return to:
Joseph P. Wall, Gray & Jones, L.L.P.
P.O. Box 2021
Raleigh, N.C. 27602-2021

PRESENTED
FOR
REGISTRATION

98 NOV 18 PM 4:06

STATE OF NORTH CAROLINA

LAURA M. RIDDICK
REGISTER OF DEEDS
WAKE COUNTY

FIRST AMENDMENT TO
DECLARATION OF
COVENANTS, CONDITIONS
AND RESTRICTIONS FOR
HERMITAGE PARK

COUNTY OF WAKE

This First Amendment is made on the date hereinafter set forth by the Hermitage Park Homeowners Association, Inc. (hereinafter, "Association").

W I T N E S S E T H:

WHEREAS, the Declaration of Covenants, Conditions and Restrictions for Hermitage Park is recorded in Book 7336, Page 200 of the Wake County (hereinafter, "Declaration"); and

WHEREAS, Article XIII, Section 3 of the Declaration provides, in part, that Board of Directors of Association may amend the Declaration without the consent of the members to correct any obvious error or inconsistency in drafting, typing or reproduction, and further, that no amendment shall be effective until recorded in the County in which the property is located; and

WHEREAS, Article V, Section 4(b) presently provides that the Board, without a vote of the membership, may increase the monthly assessment by a percentage "which may not exceed the greater of ten percent (10%) **of** the percentage increase reflected in the U.S. City Average, Consumer Price Index - United States and selected areas for urban wage earners and clerical works, all items most recent index and percentage changes from selected **dated** (published by the U.S. Bureau of Labor Statistics, Washington, D.C.), or such other Index as may succeed the Consumer Price Index, for the twelve month period ending approximately proceeding October 1;" and

WHEREAS, the Board considers the word "of" in Article V, Section 4(b), as noted in bold above, to be an obvious error or inconsistency in drafting, typing or reproduction of the Declaration and desires to correct the same by inserting in lieu thereof the word "or"; and

WHEREAS, the Board considers the word "dated" in Article V, Section 4(b), as noted in bold above, to be an obvious error or inconsistency in drafting, typing or reproduction of the Declaration and desires to correct the same by inserting in lieu thereof the word "data"; and

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EX8190PG2103

WHEREAS, a Certification of Adoption of the following amendments by the Board of Directors of the Association pursuant to Article XIII, Section 3 of the Declaration is attached hereto, marked "Exhibit A" and incorporated by reference herein.

NOW THEREFORE, the Association, acting by and through its Board of Directors, hereby declares as follows:

1. Pursuant to the authority contained in Article XIII, Section 3 of the Declaration, the Board of Directors hereby amends the Declaration to correct two obvious errors or inconsistencies in drafting, typing or reproduction of the Declaration, as noted above, by deleting Article V, Section 4(b) in its entirety and by inserting in lieu thereof a new Article V, Section 4(b) to read as follows:

"(b) Increase by Association. From and after December 31, 1996, the monthly assessment effective for any year may be increased from and after January 1 of the succeeding year by the Board of Directors, without a vote of the membership, by a percentage which may not exceed the greater of ten percent (10%) or the percentage increase reflected in the U.S. City Average, Consumer Price Index - United States and selected areas for urban wage earners and clerical works, all items most recent index and percentage changes from selected data (published by the U.S. Bureau of Labor Statistics, Washington, D.C.), or such other Index as may succeed the Consumer Price Index, for the twelve month period ending approximately proceeding October 1."

2. Except as specifically amended hereinabove, the remaining provisions of the Declaration shall remain in full force and effect in every respect and are hereby acknowledged and confirmed by reference.

3. This Amendment shall be effective upon recordation in the office of the Wake County Register of Deeds.

IN WITNESS WHEREOF, the undersigned Association has hereunto set its hand and seal this the 4 day of NOVEMBER, 1998

HERMITAGE PARK HOMEOWNERS ASSOCIATION, INC.

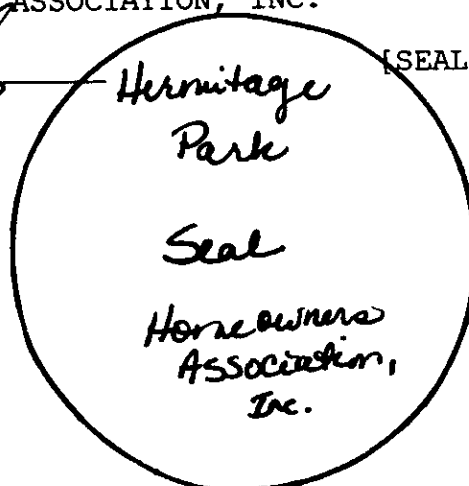
By:

Robert J. White
President

[SEAL]

ATTEST:

Burton T. Toney
Secretary



BK819062104

Exhibit A - Certificate of Adoption

The Hermitage Park Homeowners Association, Inc., by the authority of its Board of Directors, hereby certifies that, pursuant to its Bylaws, a Regular Meeting of the Board of Directors was duly called, noticed and in fact held on the 27 day of OCTOBER, 1998, that quorum was declared, that a motion to approve the foregoing First Amendment to Declaration of Covenants, Conditions and Restrictions of Hermitage Park was made and seconded at the meeting, that a vote on that motion was taken, and that there were affirmative votes on the motion by a majority of the members of the Board of Directors present.

This the 4 day of November, 1998.

HERMITAGE PARK HOMEOWNERS ASSOCIATION, INC.

By:

W. G. Galt
President

[SEAL]

ATTEST:

B. M. Terry
Secretary



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STATE OF NORTH CAROLINA

ACKNOWLEDGEMENT

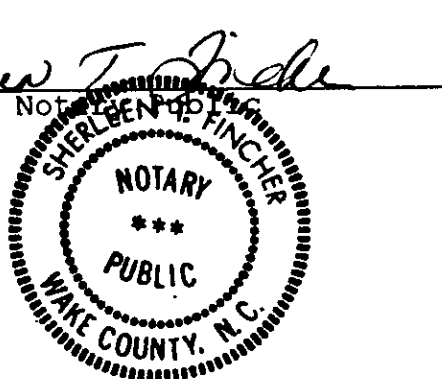
COUNTY OF WAKE

I, Sherleen T. Fincher, a Notary Public of the County and State aforesaid, certify that Barbra Terry, personally came before me this day and acknowledged that he/she is Secretary/Assistant Secretary of HERMITAGE PARK HOMEOWNERS ASSOCIATION, INC., a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing First Amendment and Certificate of Adoption was signed by its President, sealed with its corporate seal and attested by Barbra Terry as its Secretary/Assistant Secretary.

Witness my hand and official stamp or seal, this 4th day of November, 1998.

My commission expires: 2-1-99

Jpc\jones\hoa\hermitage\decl.amd



NORTH CAROLINA — WAKE COUNTY

The foregoing certificate of _____

Sherleen T. Fincher

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.

LAURA M. RIDDICK, Register of Deeds

By Elizabeth E. Taylor
Asst. Deputy Register of Deeds