DAVID R. SHEARON, ATTORNEY
4008 BARRETT DRIVE
RALEIGH, N. C. 27609

BK7284PG0473

PRESENTED FOR REGISTRATION
96 DEC 31 PM 4:42
LAURA M. RIDDICK
REGISTER OF DEEDS
WAKE COUNTY

(3)

AMENDMENT TO DECLARATION OF COVENANTS

CONDITIONS AND RESTRICTIONS FOR 008812

CHARLESTON VILLAGE

This Amendment to Declaration made on the day hereinafter set forth by Cities Development Company of Raleigh, Inc. as Declarant and Charter Development Company of Raleigh, Inc. as Owner of certain lots within the subdivision.

W I T N E S S E T H:

WHEREAS, Declarant is the owner of certain properties in White Oak Township, Wake County, North Carolina, which has been made subject to this Declaration by a document recorded in Book 7016, Page 323, Wake County Registry; and

WHEREAS, Charter Development Company of Raleigh, Inc. is the owner of a sufficient number of lots within the property described in Exhibit A to the Covenants to constitute two-thirds (2/3) of the Class A members and Cities controls all of the Class B shares for purposes of adopting this amendment as required by Article VIII of the Covenants recorded in Book 7016, Page 323, Wake County Registry; and

WHEREAS, Declarant desires to add additional properties to Exhibit C as shown on the Covenants recorded in Book 7016, 323, Wake County Registry; and

WHEREAS, Article VIII, Section 6(a) permits additional land within the area described in Exhibit C to be annexed without the consent of members within 5 years from the date of this Declaration and Declarant desires to change 5 years to 7 years in said Covenants.

NOW, THEREFORE, the Declarant, Cities Development Company of Raleigh, Inc., does hereby amend the Protective Covenants recorded in Book 7016, Page 323, Wake County Registry as follows:

1. Article VIII, Section 6(a) is hereby amended by deleting the words "five (5)" from this provision and inserting in its place "seven (7)".

2. Declarant hereby amends Exhibit C in said Covenants by adding Tract 4 as hereinafter described to properties which may hereinafter be annexed under the terms of these Covenants.

3. The homeowners association both Classes A and B have approved the amendment as required by Article VIII and have executed this document to certify the validity of the Amendment to the Declaration of Covenants, Conditions

and Restrictions for Charleston Village as required by Section 5(b) of Article VIII of said covenants.

IN WITNESS WHEREOF, the undersigned have hereunto set its corporate seals and cause this document to be executed in its corporate name by its appropriate corporate officers this 12th day of August, 1996.

CITIES DEVELOPMENT COMPANY
OF RALEIGH, INC.,
a North Carolina Corporation

By: Frank W Benson
President

(corporate seal)

ATTEST:

D L Shearon
Asst Secretary

CHARTER DEVELOPMENT COMPANY
OF RALEIGH, INC.,
a North Carolina Corporation

By: Thomas W Benson
President

(corporate seal)

ATTEST:

D L Shearon
Asst Secretary

By authority of its Board of Directors, Charleston Village Homeowners Association, Inc. hereby certifies that the foregoing instrument has been duly approved by the owners of Charleston Village and is, therefore, a valid amendment to the existing Covenants, Conditions, and Restrictions of Charleston Village.

This 12th day of August, 1996.

CHARLESTON VILLAGE HOMEOWNERS ASSOCIATION, INC.
a North Carolina Corporation

By: Mark W Benson
President

(corporate seal)

ATTEST:
Asst. Secretary

CHARLESTON VILLAGE HOMEOWNERS ASSOCIATION CORPORATE SEAL

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, a Notary Public of the County and State aforesaid, certify that David R. Shearon personally came before me this day and acknowledged that he is Assistant Secretary of Cities Development Company of Raleigh, Inc., 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 ~~THEIR~~ SG President, sealed with its corporate seal and attested by him as its Assistant Secretary.

WITNESS my hand and official stamp or seal this 12TH day of AUGUST, 1996.

My Commission Expires:

_____

STEVE V. GENTRY
NOTARY PUBLIC
WAKE COUNTY, N.C.
My Commission Expires -7-05-99

S V. Gentry
Notary Public

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, a Notary Public of the County and State aforesaid, certify that David R. Shearon personally came before me this day and acknowledged that he is Assistant Secretary of Charter Development Company of Raleigh, Inc., 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 Assistant Secretary.

WITNESS my hand and official stamp or seal this 12TH day of AUGUST, 1996.

My Commission Expires:

_____

STEVE V. GENTRY
NOTARY PUBLIC
WAKE COUNTY, N.C.
My Commission Expires -7-05-99

Steve V. Gentry
Notary Public

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, a Notary Public of the County and State aforesaid, certify that DAVID R. SHEATON personally came before me this day and acknowledged that he is ASST. Secretary of Charleston Village Homeowners Association, Inc., 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 ASST. Secretary.

WITNESS my hand and official stamp or seal this 12TH day of AUGUST, 1996.

My Commission Expires:

_____

Steve V. Gentry
Notary Public

STEVE V. GENTRY
NOTARY PUBLIC
WAKE COUNTY, N.C.
My Commission Expires 7-05-99

NORTH CAROLINA — WAKE COUNTY

The foregoing certificate 3 of Steve V. Gentry

_____ 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 P. Anne Redd
Asst./~~Deputy~~ Register of Deeds

Tract 1:

BEING all of Tracts 2 containing 53.343 acres and 4 containing 1.00 acres as shown on map entitled Boundary and Recombination Survey for Dobson and Castlebury property prepared by Kenneth Close, Inc. dated November 29, 1994, recorded in Book of Maps 1995, Page 301, Wake County Registry.

Tract 2:

BEING all of Tract One containing 52.284 acres as shown on map entitled Boundary and Recombination Survey for Dobson and Castlebury property prepared by Kenneth Close, Inc. dated November 29, 1994, recorded in Book of Maps 1995, Page 301, Wake County Registry.

Tract 3:

Beginning at a point in the southern Right of Way line of Holt Road (N.C.S.R. 1612), said point being a common corner for the northeastern corner of Lot H as shown on map entitled "Part of C.W. Herndon Estate, C.W. Herndon Estate, North Tract" as recorded in Book of Maps 1980, Page 766, Wake County Registry with the northwestern corner of the tract herein described; runs thence with the southern Right of Way line of Holt Road (N.C.S.R. 1612) South 89 Degrees 54 Minutes 43 Seconds East 12.30 feet (corrected bearing and distance) to a point; runs thence continuing with the southern Right of Way Line of Holt Road (N.C.S.R. 1612) South 87 Degrees 30 Minutes 31 Seconds East 463.23 feet (corrected bearing and distance) to a point; runs thence continuing with the southern Right of Way Line of Holt Road (N.C.S.R. 1612) South 88 Degrees 05 Minutes 38 Seconds East 50.25 feet (corrected bearing and distance) to a point; runs thence, continuing with the southern Right of Way line of Holt Road (N.C.S.R. 1612) North 89 Degrees 35 Minutes 54 Seconds East 44.45 feet (corrected bearing and distance) to a point; runs thence, leaving the southern Right of Way line of Holt Road (N.C.S.R. 1612) South 08 Degrees 23 Minutes 01 Second West 1027.71 feet (corrected bearing and distance) to a point; runs thence South 08 Degrees 22 Minutes 47 Seconds West 226.56 feet (corrected bearing and distance) to a point; runs thence North 87 Degrees 37 Minutes 23 Seconds West 349.93 feet (corrected bearing and distance) to a point; runs thence North 01 Degree 42 Minutes 40 Seconds 1248.43 feet (corrected bearing and distance) to the Point and Place of Beginning and being all that tract shown as Lot 1, containing 13.149 acres on survey entitled "Boundary Map for Ruth H. Tharpe" dated 12-27-94 and prepared by Kenneth Close , Inc., Land Surveying.

Tract 4:

BEING all of Lot 6A-R1, containing 9.837 acres, and Lot 6B-R1, containing 2.938 acres, entitled "Recombination Survey of Lots 6A-R and 6B-R of the Don Sutton Subdivision" as recorded in Book of Maps 1995, Page 1459, Wake County Registry.