WAKE COUNTY, NC 422
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
12/17/2008 AT 16:49:13

BOOK:013325 PAGE:01861 - 01868

PREPARED BY: THOMAS R. LENFESTEY, III
HOLD FOR: SMITH DEBNAM, BOX 182

STATE OF NORTH CAROLINA

WAKE COUNTY

FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR MASSEY PRESERVE SUBDIVISION

FORESTVILLE PARTNERS, LLC, a North Carolina limited liability company, Murdock & Gannon Construction, Inc., a North Carolina corporation (hereinafter referred to as "the Declarant"), Perry Builders, LLC, a North Carolina limited liability company, and the undersigned parties do hereby consent to declare and establish this First Amendment to Declaration of Covenants, Conditions and Restrictions for Massey Preserve Subdivision (hereinafter referred to as "Massey Preserve").

WITNESSETH:

WHEREAS, Massey Preserve Homeowners Association, Inc, a North Carolina non-profit corporation has certified the validity of this First Amendment as shown on Exhibit A, attached hereto.

WHEREAS, the Declarant has previously recorded a Declaration of Covenants, Conditions and Restrictions for Massey Preserve, said document being recorded in Book 12122, Page 556 in the office of the Register of Deeds, Wake County, North Carolina (hereinafter referred to as "the Declaration"); and

WHEREAS, pursuant to the provisions contained in Article X, Section 5 and 6 of the Declaration, the Declarant desires to modify Article VIII, Section 4 by deleting said provision in its entirety and replacing it with the following:

Section 4. **Lease Restrictions**. Any Dwelling may be utilized as a rental, provided the rental or leasing of any Dwelling shall be for a period of not less than twelve (12) months and

such rented or leased Dwelling shall only be occupied for "single family purposes" or "non-related tenants", as defined below, unless otherwise approved in writing by the Association. The term "single family" shall be defined as follows: no more than two (2) adults and their first degree lineal descendents or adopted children. The term "non-related tenants" shall be defined as follows: no more than two (2) unrelated adults sharing the Dwelling for living purposes and their first degree lineal descendents or adopted children. Any violation of this procedure by an Owner shall result in a $250.00 per month fine to be levied by the Association.

Except as herein amended, said Declaration shall remain in full force and effect.

This Amendment may be executed in counterparts, each of which shall be deemed an original, but all of which shall constitute the same instrument.

IN TESTIMONY WHEREOF, the parties named herein, being the Owners of not less than sixty-seven percent (67%) of the Lots, have caused this First Amendment to be executed and made effective as of the date of recording.

[SIGNATURES APPEAR ON FOLLOWING PAGES]

FORESTVILLE PARTNERS, LLC:

Pablo Reiter

By: Pablo Reiter

Title: Manager

Date: 12-2-08

STATE OF NORTH CAROLINA
COUNTY OF Wake

I, the undersigned, a Notary Public of the County and State aforesaid, certify that Pablo Reiter personally appeared before me this day and acknowledged that he is a manager of Forestville Partners, LLC, a North Carolina limited liability company, and that by authority duly given and as an act of said limited liability company, the foregoing instrument was signed in its name by him as a Manager.

Witness my hand and official stamp or seal this the 2nd day of December, 2008.

J. Kenneth Edwards

Notary Public J. Kenneth Edwards

My Commission Expires: 1-11-2011

J. KENNETH EDWARDS NOTARY *** PUBLIC WAKE COUNTY, N.C.

~~Forestville Partners, LLC own Lot~~

MURDOCK & GANNON CONSTRUCTION, INC.:

By: _____
Title: Director
Date: 12/2/08

STATE OF NORTH CAROLINA
COUNTY OF Wake

I, the undersigned, a Notary Public of the County and State aforesaid, certify that Stephen Gannon personally appeared before me this day and acknowledged that he is the President of Murdock & Gannon Construction, Inc., a North Carolina corporation, and that by authority duly given and as an act of said corporation, the foregoing instrument was signed in its name by him as President.

Witness my hand and official stamp or seal this the 2nd day of December, 2008.

J. KENNETH EDWARDS NOTARY *** PUBLIC WAKE COUNTY, N.C.

_____
Notary Public J. Kenneth Edwards

My Commission Expires: 1-11-2011

*****Murdock & Gannon Construction, Inc.** is the owner of ~~69~~ 73 lots as set forth below:

Lots 7, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 64, 65, 67, 82, 94, 95
96, 97, 98, 99, 100, 109, 113, 114, 119, 127, 129, 130, 131, 132, 134
135, 136, 137, 139, 140, 141, 147, 149, 150, 151, 152, 154, 156,
161, 168, 172, 173, 175, 176, 177, 183, 184, 185, 187, 188, 189,
190, 191, 195, 196, 197, 198, 3, 5, 6, 15, 61, 62, 63, 128, 142

PERRY BUILDERS, LLC

By: Ryan Perry
Title: Member - Manager
Date: 12/2/08

STATE OF NORTH CAROLINA
COUNTY OF Wake

I, the undersigned, a Notary Public of the County and State aforesaid, certify that Ryan Perry personally appeared before me this day and acknowledged that he is the Manager of Perry Builders, LLC, a North Carolina limited liability company, and that by authority duly given and as an act of said corporation, the foregoing instrument was signed in its name by him as Manager.

Witness my hand and official stamp or seal this the 2nd day of December, 2008.

J. KENNETH EDWARDS NOTARY *** PUBLIC WAKE COUNTY, N.C.

Notary Public J. Kenneth Edwards

My Commission Expires: 1-11-2011

*****Perry Builders, LLC is the owner of 33 lots as set forth below:

Lots 8, 9, 18, 20, 22, 25, 37, 40, 42, 43, 44, 47, 48, 71, 72, 73, 74, 80, 81, 84, 87, 88, 91, 92, 103, 104, 107, 111, 148, 158, 186, 192, 200

VENTURE HOMES, LLC

By: _____
Title: Member/Manager
Date: 12/2/08

STATE OF NORTH CAROLINA
COUNTY OF Wake

I, the undersigned, a Notary Public of the County and State aforesaid, certify that Ryan Perry personally appeared before me this day and acknowledged that he is the Manager of Venture Homes, LLC, a North Carolina limited liability company, and that by authority duly given and as an act of said corporation, the foregoing instrument was signed in its name by him as Manager.

Witness my hand and official stamp or seal this the 2nd day of December, 2008.

_____
Notary Public J. Kenneth Edwards
My Commission Expires: 1-11-2011

*****Venture Homes, LLC** is the owner of 34 lots as set forth below:

Lots 12, 14, 16, 17, 23, 24, 26, 38, 39, 41, 46, 53, 56, 57, 58, 69, 70, 75
76, 77, 79, 83, 85, 86, 89, 90, 93, 108, 116, 153, 160, 165, 170, 193

EXHIBIT A

CERTIFICATION OF VALIDITY OF AMENDMENT TO CONDITIONS AND RESTRICTIONS OF MASSEY PRESERVE HOMEOWNERS ASSOCIATION, INC.

BY THE AUTHORITY of its Board of Directors, Massey Preserve Homeowners Association, Inc., hereby certifies that this First Amendment to the Declaration of Covenants, Conditions and Restrictions for Massey Preserve Subdivision which was recorded in Book 12122, Page 556 in the office of the Register of Deeds, Wake County, North Carolina (hereinafter referred to as "the Declaration") has been executed by the owners of at least 67% percent of the Lots of Massey Preserve and is, therefore, a valid amendment to the existing Covenants, Conditions, and Restrictions of Massey Preserve. This document has been validly prepared and consented in accordance with the requirement of Article X, Sections 5 and 6 of the Declaration as well as the North Carolina Planned Community Act.

This certification of validity has been executed, this the 2nd day of December, 2008

MASSEY PRESERVE HOMEOWNERS ASSOCIATION, INC.

By: Stephen Gunn

Title: Pres.

STATE OF NORTH CAROLINA
COUNTY OF Wake

I, the undersigned, a Notary Public of the County and State aforesaid, certify that Stephen Gunn personally appeared before me this day and acknowledged that he is President of Massey Preserve Homeowners Association, Inc., a North Carolina non-profit corporation, and that by authority duly given and as an act of said corporation, the foregoing instrument was signed in its name by him as a President.

Witness my hand and official stamp or seal this the 2nd day of December, 2008.

J. KENNETH EDWARDS NOTARY *** PUBLIC WAKE COUNTY, N.C.

Notary Public J. Kenneth Edwards

My Commission Expires: 1-11-2011



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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

22.004-1/20/06