Prepared by and return to: A. Hope Derby, PO Box 2021, Raleigh, NC 27602-2021

3K7665PG0814

STATE OF NORTH CAROLINA

COUNTY OF WAKE

AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR WHITEHALL TOWNHOUSES

THIS AMENDMENT to the Declaration of Covenants, Conditions and Restrictions for Whitehall Townhouses, made this 13 day of September, 1997 by the lot owners and members of Whitehall Community Services, Inc. (hereinafter, "the Association"),

W I T N E S E T H:

THAT WHEREAS, the original Declarant caused to be recorded on 25 March 1976 a Declaration of Covenants, Conditions and Restrictions for Whitehall Townhouses (hereinafter, "Declaration"), in Book 2397, Page 31 of the Wake County Registry; and

WHEREAS, Article XIII, Section 3 of the Declaration provides that such Declaration may be amended at this time with the affirmative written consent of two-thirds (2/3) of the votes of the members of the Association. All amendments shall be executed by the Association and certified by and officer of the Association that two-thirds (2/3) of the members have consented to such amendment in writing and shall be recorded in the Wake County Registry, to become effective upon recordation.

NOW, THEREFORE, the undersigned do hereby declare that the Declaration of Covenants, Conditions and Restrictions for Whitehall Townhouses shall be amended as follows:

1. To amend Article II, Section 2 of the original Declaration by adding the following words at the end of the existing language ", in lieu of his or her own use."

2. To amend Article III, Section 2 of the original Declaration by deleting the "Class B" section in its entirety and substituting in lieu thereof the following:

"Class B. The Class B Member(s) shall be those owners of Garage Lots, as that term is defined herein, who are not otherwise Class A Members, and shall be entitled to one vote for each Garage Lot owned. In no event shall any person hold both Class A Membership and Class B Membership simultaneously, and no Lot owner who is also the owner of a Garage Lot shall be a Class B Member. When more than one person holds an interest in any Garage Lot, all such persons shall be Members. The vote for such Garage Lot shall be exercised as they among themselves determine, but in no event shall more than one vote be cast with respect to any Garage Lot."

3. To amend Article IV, Section 6 of the original Declaration by deleting the words in the title of that section "Assessment Rate" and substituting in lieu thereof the following title "Assessment Rate for Lots."

PRESENTED FOR REGISTRATION
97 SEP 23 12:59
LAURA RIDDICK
REGISTER OF DEEDS
WAKE COUNTY

14.00

4. To amend Article IV, Section 6 of the original Declaration by deleting the second paragraph of that section in its entirety and substituting in lieu thereof the following paragraph:

"Garage Lots owned by Class A Members shall not be separately assessed; rather the uniform assessment rate against residential lots as provided above shall be deemed to include assessments attributable to Garage Lots which are owned by Class A Members. The lien of any assessment against a Lot shall extend to the Garage Lot, if any, owned by the Owner of such Lot and used in conjunction with the use of such Lot."

5. To amend Article IV of the original Declaration by adding a Section 6(a) as follows:

"Section 6a. Assessments for Garage Lots Owned by Class B Members. Garage Lots owned by Class B Members shall be assessed as provided hereinbelow and such assessments shall be used for the same purposes set forth herein in Section 2 of this Article.

Until January 1, 1998, the maximum annual assessment against Garage Lots owned by Class B Members shall be $1,500.00 per lot. Thereafter, such assessment shall be established (and increased or decreased from time to time) by the Board of Directors of the Association in accordance with the provisions of Section 3 of this Article in the same manner as applies to annual assessments against Lots.

Annual assessments for Garage Lots owned by Class B Members must be fixed at a uniform rate for all Garage Lots owned by Class B Members. Any special assessments levied in accordance with the provisions of Section 4 of this Article shall be assessed against Garage Lots owned by Class B Members in an amount to be determined by the Board of Directors which amount shall be proportionate to the capital improvements which are to be made to the Garage Lots.

All other provisions of the Declaration or Bylaws relating to the levying and collection of assessments shall also apply to assessments against Garage Lots owned by Class B Members, including, but not limited to, those provisions concerning the non-payment of assessments and remedies of the Association for collection of assessments.

6. To amend Article IV, Section 9 of the original Declaration by deleting the first sentence of that section and inserting in lieu thereof the following:

"Any assessment not paid within ten (10) days after the due date shall be subject to a late charge as established by the Board of Directors in accordance with the Association's Bylaws."

The remainder of Article IV, Section 9 of the original Declaration is unchanged.

7. To amend Article VI of the original Declaration by deleting the words, "thirty (30) days" in the last sentence of that section and inserting in lieu thereof the following words: "sixty (60) days."

8. To amend Article VIII of the original Declaration by deleting the second and third sentences of that Article in their entirety and inserting in lieu thereof the following:

"Such exterior maintenance shall not include glass surfaces or screens or utility systems serving a particular lot. Further, any area which is fully enclosed by patio walls or other fencing must be maintained by the Owner in a neat and satisfactory manner compatible with general maintenance of the Common Area."

9. To amend Article XIII, Section 3 of the original Declaration by deleting the words "of each Class of members" wherever they appear in that section, and inserting in lieu thereof the following words "of the Class A Members."

10. This amendment shall be effective upon recordation in the Office of the Wake County Registry.

11. Except as amended hereinabove, the remaining portions of the Declaration as originally recorded are hereby restated and reacknowledged.

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CERTIFICATION OF VALIDITY OF AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR WHITEHALL TOWNHOUSES

By authority of its Board of Directors, Whitehall Community Services, Inc. hereby certifies that the foregoing instrument has been duly authorized by an affirmative written consent of two-thirds of its Members at a lawfully convened meeting of the membership and is, therefore, a valid amendment to the existing Declaration of Covenants, Conditions and Restrictions for Whitehall Townhouses.

WHITEHALL COMMUNITY SERVICES, INC.

By: Robert E. Slyfer
President

WHITEHALL COMMUNITY SERVICES, INC. CORPORATE SEAL 1976

ATTEST:

Stephen Ciraulo
Secretary

STATE OF NORTH CAROLINA

ACKNOWLEDGMENT

COUNTY OF WAKE

I, Pamela R. Williams, a Notary Public of the County and State aforesaid, certify that Stephen Ciraulo, personally came before me this day and acknowledged that he/she is Secretary/~~Assistant Secretary~~ of Whitehall Community Services, Inc., a North Carolina non-profit 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 Stephen Ciraulo as its Secretary/Assistant Secretary.

Witness my hand and official stamp or seal, this 15th day of September, 1997.

Pamela R. Williams
Notary Public

My commission expires:
My Commission Expires 3-10-99

PAMELA R. WILLIAMS NOTARY PUBLIC WAKE COUNTY, N.C.

NORTH CAROLINA — WAKE COUNTY

The foregoing certificate of Pamela R. Williams 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 Robert A. Schlyfer
~~Asst.~~/Deputy Register of Deeds