

BK 7664 PG 0503

PRESENTED  
FOR  
REGISTRATION

Prepared by and return to: I. Allan From of Howard, Stallings, Story, Wyche, From & Nutsen, P.A.

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NORTH CAROLINA  
WAKE COUNTY

LAURA M. HEDGES  
REGISTER OF DEEDS  
WAKE COUNTY

**AMENDMENT TO MASTER DECLARATION  
OF COVENANTS, CONDITIONS AND  
RESTRICTIONS OF ARBOR CREEK  
(A Planned Unit Development)**

THIS AMENDMENT, made this 12 day of September,  
1997, by ARBOR CREEK ASSOCIATES, a North Carolina limited  
partnership, hereinafter referred to as "Declarant."

**W I T N E S S E T H:**

WHEREAS, Property located in Wake County known as "Arbor  
Creek" as shown on maps recorded in Book of Maps 1995, Page 492,  
Book of Maps 1996, Pages 237-238, Book of Maps 1996, Page 903,  
Book of Maps 1996, Pages 671-672, Book of Maps 1996, Pages 904-  
905, Book of Maps 1996, Page 221, Book of Maps 1996, Page 1414,  
Book of Maps, 1977, Page 1047, Book of Maps 1997, Page 133-36,  
Book of Maps 1997, Page 424-27, Book of Maps 1997 Page 841, Wake  
County Registry has been subjected to a Master Declaration of  
Covenants, Conditions and Restrictions for Arbor Creek  
(hereinafter "Master Declaration") recorded in Book 6878, Page  
0297, Wake County Registry and an Amendment to Master Declaration  
of Covenants, Conditions and Restrictions of Arbor Creek recorded  
in Book 7129 Page 0566, Wake County Registry; and,

WHEREAS, said Master Declaration provides in **ARTICLE IX,**  
**SECTION 3** that "this Master Declaration may be amended by an  
instrument signed by the Owners of not less than seventy-five  
percent (75%) of the total number of Units, Vacant Lots, and

1800

Undeveloped Lots, provided that no amendment shall alter any obligation to pay ad valorem taxes or assessments for public improvements, as herein provided, or effect any lien for the payment thereof established herein."

WHEREAS, Declarant owns more than seventy-five percent (75%) of the total number of Units, Vacant Lots and Undeveloped Lots as of the date of this Amendment and the amendments provided for herein do not alter any obligation to pay ad valorem taxes or assessments for public improvements or effect any lien for the payment thereof established in the Master Declaration; and

WHEREAS, in a recorded Amendment to Master Declaration of Covenants, Conditions and Restrictions of Arbor Creek, Declarant amended Article IV General Provisions by inserting at the end of Section 3 that "as long as there is a Class B Membership, the Amendment of the Declaration requires HUD, VA or FHA approval, except for those amendments to correct obvious errors and omissions"; and,

WHEREAS, approval from HUD as required in the Amended Master Declaration has been obtained for the amendment to the Master Declaration as set forth herein.

NOW, THEREFORE, Declarant hereby amends ARTICLE IV entitled "COVENANT FOR MAINTENANCE AND ASSESSMENTS," SECTION 2(a). Purpose of Assessments by inserting the following at the end of paragraph (a):

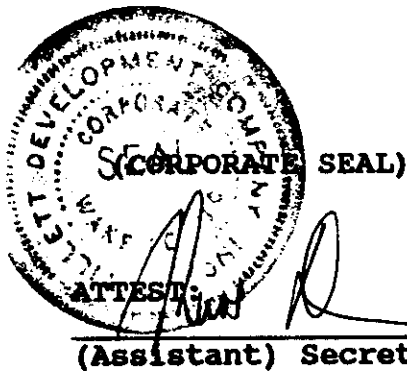
(a) . . . At all times during the term of this Master Declaration, the Master Association shall maintain all

storm drains, storm drain pipe facilities, and drainage ways, whether on the Master Association's Property or private property subject to the Master Declaration. The assessments levied by the Master Association may be used for the maintenance of the storm drains, storm drain pipe facilities, and drainage ways. Furthermore, the Master Association or its agent is granted the right of ingress and egress onto the private property containing the storm drains, storm drain pipe facilities and drainage ways for the purpose of maintaining said devices.

Except for the specific paragraphs modified, the Master Declaration of Covenants, Conditions and Restrictions of Arbor Creek and its recorded Amendment thereto, remain in full force and effect.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, who owns over seventy-five percent (75%) of the Units, Vacant Lots, and Undeveloped Lots, has caused this instrument to be executed in its name and its seal hereto affixed as of the date set forth above.

ARBOR CREEK ASSOCIATES, a  
North Carolina limited partnership  
BY: TILLET DEVELOPMENT COMPANY,  
INC. (Managing General  
Partner)



By: [Signature]  
Eric C. Tillett, President

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CENTRAL CAROLINA BANK AND TRUST  
COMPANY

(CORPORATE SEAL)

By: [Signature]  
S. J. President

ATTEST: [Signature]  
(Assistant) Secretary

SOUTHLAND ASSOCIATES, INC.

(CORPORATE SEAL)

By: [Signature]  
Hick President

ATTEST: [Signature]  
(Assistant) Secretary

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

I, a Notary Public of the County and State aforesaid, certify that Russ Davison, personally came before me this day and acknowledged that he is Asst. Secretary of TILLET DEVELOPMENT COMPANY, INC., a North Carolina corporation, and that by authority duly given and as the act of the corporation, as the Managing General Partner of ARBOR CREEK ASSOCIATES, a NC limited partnership, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by him/her as its Asst. Secretary.

WITNESS my hand and official stamp or seal, this 12 day of September, 1997.

Sherr Colletti  
Notary Public

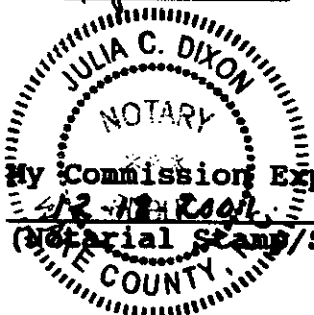
My Commission Expires:  
March 10, 2002  
(Notarial stamp/seal)

SHERRI COLLETTI  
NOTARY PUBLIC  
WAKE COUNTY, N.C.  
My Commission Expires 3-10-2002

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

I, a Notary Public of the County and State aforesaid, certify that Rich Merrill, personally came before me this day and acknowledged that he is Asst. Secretary of CENTRAL CAROLINA BANK AND TRUST COMPANY, a Banking corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Sr. Vice President, sealed with its corporate seal and attested by him/her as its Asst. Secretary.

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



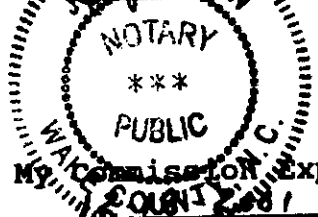
Julia C. Dixon  
Notary Public

My Commission Expires:  
12-12-2001  
(Notarial Stamp/Seal)

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

I, a Notary Public of the County and State aforesaid, certify that Timothy M. Ogburn, personally came before me this day and acknowledged that he is Asst. Secretary of SOUTHLAND ASSOCIATES, 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 Vice President, sealed with its corporate seal and attested by him/her as its Asst. Secretary.

WITNESS my hand and official stamp or seal, this 15<sup>th</sup> day of August, 1997.



My Commission Expires:  
08/15/98  
(Notary Stamp/Seal)

Julia C. Dixon  
Notary Public

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## NORTH CAROLINA — WAKE COUNTY

The foregoing certificate is of

Sherrin Colletti  
Julia C. Dixon

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 Rolanda A. Slope  
Asst/Deputy Register of Deeds