

Prepared by Ann Happel Sturgis BOOK 3240 PAGE 80

Mail after recording to Ann Happel Sturgis, P. O. Box 3843, Durham, NC 27702

SECOND AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS
FOR HUNTERS CREEK TOWNHOUSES

REGISTERED
REGISTRATION
FEB 15 12 12 PM '84
KENNETH O. WILKINS
REGISTER OF DEEDS
WAKE COUNTY, NC

This Second Amendment to Declaration of Covenants, Conditions, and Restrictions for Hunters Creek Townhouses ("Second Amendment") executed this the 18th day of November, 1983, by Hunters Creek Development Corporation and The Whistler Corporation ("Declarant").

W I T N E S S E T H:

WHEREAS, Declarant recorded that certain Declaration of Covenants, Conditions, and Restrictions for Hunters Creek Townhouses on December 22, 1981, in Book 2983 at Page 857, Wake County Registry, and that certain First Amendment to Declaration of Covenants, Conditions, and Restrictions for Hunters Creek Townhouses on December 13, 1982, in Book 3070 at Page 761, Wake County Registry, and re-recorded said First Amendment on January 12, 1983, in Book 3079 at Page 521, Wake County Registry; and

WHEREAS, the Declarant desires to annex additional property within the area described in the metes and bounds description attached to the Declaration of Covenants, Conditions, and Restrictions as Schedule A Pursuant to Article X, Section 4(b) of said Declaration of Covenants, Conditions, and Restrictions.

NOW, THEREFORE, in consideration of the premises, the sum of \$10 in hand paid and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Declarant does hereby make and declare the following Second Amendment to the Declaration of Covenants, Conditions, and Restrictions for Hunters Creek Townhouses:

1. The Declarant is the owner of certain property in Raleigh, County of Wake, State of North Carolina, which is more particularly described as:

All of that certain land shown on sheets 3 and 4 of the plat and survey entitled Revised Final Plat Hunters Creek Townhouses Section 1, Owner: Whistler Corporation as prepared by Rivers & Associates, Inc., dated 12/13/81 and recorded in Book of Maps 1982 at Page 764, Wake County Registry, to said plat and survey reference is hereby made for a more particular description of same.

BOOK 3240 PAGE 81

Declarant hereby declares that all the property described above shall be annexed to the property subject to the Declaration of Covenants, Conditions, and Restrictions, the First Amendment, and the re-recorded First Amendment, and shall be held, sold, and conveyed subject to all of the easements, restrictions, covenants, and conditions therein contained, which shall run with the real property and be binding on all parties having any right, title, and interest in the above-described properties or any part thereof, their heirs, successors, and assigns, and shall inure to the benefit of each owner thereof.

2. The common area to be owned by Hunters Creek Townhouse Homeowners Association, Inc., for the common use and enjoyment of the owners at the time of the conveyance of the first lot shown on the recorded plat referenced to above shall be as follows:

All that land shown and designated as "common area" as shown on sheets 3 and 4 on the plat entitled "Revised Final Plat, Hunters Creek Townhouses, Section 1, Owner: Whistler Corporation" as prepared by Rivers & Associates, Inc., dated 12/13/81 and recorded in Book of Maps 1982 at Page 764, Wake County Registry, to said plat and survey reference is hereby made for a more particular description of same.

3. The Declarant executes this Amendment pursuant to the provisions of Article X, Section 4(b) of the Declaration of Covenants, Conditions, and Restrictions for Hunters Creek Townhouses. James A. Abbott, Trustee, and Troy Savings Bank, Assignee of Cameron-Brown Company, Beneficiary, join in the execution of this Second Amendment for the purpose of subordinating that certain Deed of Trust executed by Hunters Creek Development Corporation to James A. Abbott, Trustee for Cameron-Brown Company, dated December 23, 1981, and recorded on December 23, 1981, at 2:49 p.m., in Book 2984 at Page 193, Wake County Registry, to the provisions of this Second Amendment. O. B. Hawkins, Jr., and Real Estate Consultants of the South, Inc., Trustee, and Cameron-Brown Company, Beneficiary, join in the execution of this Second Amendment for the purpose of subordinating that certain Deed of Trust executed by The Whistler Corporation to O. B. Hawkins, Jr., and Real Estate Consultants of the South, Inc., Trustee for Cameron-Brown Company dated November 9, 1983, and recorded November 10, 1983, at 9:33 a.m. in Book 3196, Page 302, Wake County Registry. The Secretary of Housing and Urban Development, acting by and through the Federal Housing Commission, joins in the execution of this document for the purpose of indicating his approval as required by Article X, Section 5, of the Declaration of Covenants,

BOOK 3240 PAGE 82

Conditions, and Restrictions. The Raleigh City Attorney joins in the execution of this document for the purpose of indicating his approval as required by Article X, Section 3, of the Declaration of Covenants, Conditions, and Restrictions.

IN WITNESS WHEREOF, the parties referred to above have caused this Second Amendment to be executed and sealed on the day and year first

Attest:
[Corporate Seal]
Michael M. Muel
Secretary

HUNTERS CREEK DEVELOPMENT CORPORATION, DECLARANT

By: Mark W. Lutz
Title: President

Attest:
[Corporate Seal]
Michael M. Muel
Secretary

THE WHISTLER CORPORATION, DECLARANT

By: Mark W. Lutz
Title: President

James A. Abbott (SEAL)
James A. Abbott, Trustee

Attest:
[Corporate Seal]
Secretary

TROY SAVINGS BANK

By: William G. Brown
Title: President

O. B. Hawkins (SEAL)
O. B. Hawkins, Trustee

Attest:
[Corporate Seal]
Secretary

REAL ESTATE CONSULTANTS OF THE SOUTH, INC., TRUSTEE

By: [Signature]
Title: [Title]

Attest:
[Corporate Seal]
Secretary

CAMERON-BROWN COMPANY

By: Richard A. Shell
Title: Vice President

William A. O'Connell (SEAL)
Raleigh City Attorney

T. M. Mullen (SEAL)
Secretary of Housing and Urban Development acting by and through the Federal Housing Commission

NORTH CAROLINA
DURHAM
WAKE COUNTY

BOOK 3240 PAGE 83

I, Janice Purvis, a Notary Public of said state and county certify that Michael J. Murad personally appeared before me this day and acknowledged that he is Secretary of Hunters Creek Development Corporation, Declarant, and that by authority duly given and as the act of the corporation, the foregoing Second Amendment to Declaration of Covenants, Conditions, and Restrictions for Hunters Creek Townhouses was signed in its name by its President, sealed with its corporate seal, and attested by himself as its Secretary.

Witness my hand and notarial seal this the 18th day of

November, 1983.



Janice Purvis
Notary Public

NORTH CAROLINA
DURHAM
WAKE COUNTY

I, Janice Purvis, a Notary Public of said state and county certify that Michael J. Murad personally appeared before me this day and acknowledged that he is Secretary of The Whistler Corporation, Declarant, and that by authority duly given and as the act of the corporation, the foregoing Second Amendment to Declaration of Covenants, Conditions, and Restrictions for Hunters Creek Townhouses was signed in its name by its President, sealed with its corporate seal, and attested by himself as its Secretary.

Witness my hand and notarial seal this the 18th day of

November, 1983.



Janice Purvis
Notary Public

NORTH CAROLINA
HECKLENBURG COUNTY

BOOK 3240 PAGE 84

I, Clara S. Bailey, a Notary Public of said County and State do hereby certify that O. B. Hawkins, Trustee, personally appeared before me this day and acknowledged the due execution of the foregoing Second Amendment to Declaration of Covenants, Conditions, and Restrictions for Hunters Creek Townhouses.

WITNESS my hand and notarial seal, this the 19th day of December, 1983.



Clara S. Bailey
Notary Public

NORTH CAROLINA
HECKLENBURG COUNTY

I, Clara S. Bailey, a Notary Public of said state and county certify that Orlando W. Wilkinson personally appeared before me this day and acknowledged that he is ^{Real} Secretary of Real Estate Consultants of the South, Inc., Trustee, and that by authority duly given and as the act of the corporation, the foregoing Second Amendment to Declaration of Covenants, Conditions, and Restrictions for Hunters Creek Townhouses was signed in its name by its Vice-President, sealed with its corporate seal, and attested by himself as its Secretary.

Witness my hand and notarial seal this the 11th day of January, 1984.



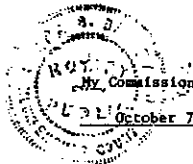
Clara S. Bailey
Notary Public

NORTH CAROLINA
HECKLENSBURG COUNTY

BOOK 3240 PAGE 85

I, Clara S. Bailey, a Notary Public of said
County and State do hereby certify that James A. Abbott, Trustee, personally
appeared before me this day and acknowledged the due execution of the
foregoing Second Amendment to Declaration of Covenants, Conditions, and
Restrictions for Hunters Creek Townhouses.

WITNESS my hand and notarial seal, this the 19th day of
December, 1983.



Clara S. Bailey
Notary Public

NEW YORK
RENSSELAER COUNTY

I, Patricia M. Rossier, a Notary
Public of said state and county certify that Samuel J. Hynes
personally appeared before me this day and acknowledged that he is Secretary
of Troy Savings Bank and that by authority duly given and as the act of
the corporation, the foregoing Second Amendment to Declaration of Covenants,
Conditions, and Restrictions for Hunters Creek Townhouses was signed in
its name by its Senior Vice President, sealed with its corporate
seal, and attested by himself as its Secretary.

Witness my hand and notarial seal this the 13th day of
January, 1984.

Patricia M. Rossier
Notary Public

My Commission Expires:

PATRICIA M. ROSSIER
Notary Public, State of New York
Residing in Rensselaer County
Registration No. 4-57481
My Commission Expires March 30, 1985

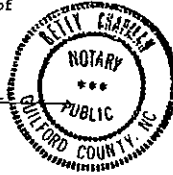
NORTH CAROLINA
GUILFORD COUNTY

BOOK 3240 PAGE 86

I, Betty Chapman, a Notary Public of said
County and State do hereby certify that P. J. Marklew,
Secretary of Housing and Urban Development acting by and through the
Federal Housing Commission, personally appeared before me this day and
acknowledged the due execution of the foregoing Second Amendment to Declaration
of Covenants, Conditions, and Restrictions for Hunters Creek Townhouses.

WITNESS my hand and notarial seal, this the 6th day of
February, 1984

Betty Chapman
Notary Public



My Commission Expires:

8-12-86

NORTH CAROLINA
MECKLENBURG COUNTY

BOOK 3240 PAGE 87

I, Clara S. Bailey, a Notary Public of said state and county certify that Deborah A. Henderson personally appeared before me this day and acknowledged that he is Secretary of Cameron-Brown Company and that by authority duly given and as the act of the corporation, the foregoing Second Amendment to Declaration of Covenants, Conditions, and Restrictions for Hunters Creek Townhouses was signed in its name by its Vice President, sealed with its corporate seal, and attested by himself as its Secretary.

Witness my hand and notarial seal this the 19th day of December, 1983.



Clara S. Bailey
Notary Public

NORTH CAROLINA
WAKE COUNTY

I, Paulette Barnes, a Notary Public of said County and State do hereby certify that Thomas A. Mc Cormick, Raleigh City Attorney, personally appeared before me this day and acknowledged the due execution of the foregoing Second Amendment to Declaration of Covenants, Conditions, and Restrictions for Hunters Creek Townhouses.

WITNESS my hand and notarial seal, this the 15th day of February, 1984.



Paulette Barnes
Notary Public

NORTH CAROLINA - WAKE COUNTY
The foregoing certificate of Clara S. Bailey
Clara S. Bailey, Deborah A. Henderson, Deborah A. Henderson,
Deborah A. Henderson, Deborah A. Henderson, Deborah A. Henderson,
Deborah A. Henderson Notary 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.

KENNETH C. WILKINS, Register of Deeds

Kenneth C. Wilkins
Deputy Register of Deeds