

BK010815PG02034

Prepared by and return to:  
Henry W. Jones, Jr.  
P.O. Box 2021  
Raleigh, N.C. 27602-2021

WAKE COUNTY, NC 426  
LAURA M RIDDICK  
REGISTER OF DEEDS  
PRESENTED & RECORDED ON  
05/11/2004 AT 15:10:52

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STATE OF NORTH CAROLINA  
COUNTY OF WAKE

AMENDMENT TO DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS  
OF  
THE CARRIAGE RUN SUBDIVISION

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THIS AMENDMENT is made on the date hereinafter set forth by the CARRIAGE RUN HOMEOWNERS ASSOCIATION (hereinafter, "Association"), a North Carolina non-profit association, and by not less than sixty-seven percent (67%) of the Lot Owners to the Declaration of Restrictions and Easements as recorded in Book 6728, Page 233 of the Wake County Registry.

W I T N E S S E T H:

WHEREAS, the John Crosland Company, Inc. executed and, on 30 October 1995, caused to be recorded in the Wake County Registry in Book 6728, Page 233 an instrument entitled, "Declaration of Restrictions and Easements (hereinafter, "Declaration"); and

WHEREAS, the Declaration subjects property described in the Exhibit B attached thereto to the covenants, restrictions and conditions contained in the Declaration; and

WHEREAS, Chapter 47F of the North Carolina General Statutes, the "North Carolina Planned Community Act," provides that any planned community created prior to

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January 1, 1999, may elect to make the provisions of Chapter 47F applicable to it by amending its Declaration to provide that Chapter 47F shall apply to that planned community; that the amendment may be made by affirmative or written agreement signed by lot owners of lots to which at least sixty-seven percent (67%) of the vote of the Association are allocated or any smaller majority the Declaration specifies; and

WHEREAS, the parties to this instrument desire to amend the Declaration as set forth herein below; and

WHEREAS, there are a total of 184 lots that are subject to the Declaration;

WHEREAS, more than 67% of the Lot Owners have given written consent to this Amendment and have signed a separate Certificate of Lot Owners consenting to this Amendment; and

WHEREAS, attached hereto as "Exhibit B" and incorporated by reference herein is a Certificate of Validity of Amendment by the Carriage Run Homeowners Association, Inc.

NOW THEREFORE, the undersigned, Lot Owners in the Association do hereby declare that the following amendments to the Declaration shall be binding on all parties having or acquiring any right, title or interest in the real property subject to the Declaration, or any part thereof, and shall inure to the benefit of each Lot Owner or successor in interest or assignee thereof:

1. The provisions of Chapter 47F of the North Carolina General Statutes (the "North Carolina Planned Community Act") are hereby made applicable to the Carriage Run Homeowners Association, and all properties subject to the Declaration, pursuant to N.C. Gen. Stat. § 47F-1-102 (d).

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2. Article X, Section 1 of the Declaration is amended by adding a new third sentence thereto, following the word, "thereafter," to read as follows:

In any proceeding arising because of an alleged default or failure to perform any covenant, condition or restriction by an Owner, the Association, if successful, shall be entitled to recover the cost of the proceeding and such reasonable attorney's fees as may be determined by the Court, but in no event shall the Owner be entitled to such attorney's fees.

3. This amendment shall be effective from the date of recordation in the Wake County Registry.

4. Except as specifically amended hereinabove, the remaining provisions of the Declaration are hereby re-acknowledged and affirmed and remain in effect in every respect.

IN WITNESS WHEREOF, not less than sixty-seven percent (67%) of the Lot

Owners subject to the Declaration have caused this instrument to be executed, this the

4<sup>th</sup> day of May, 2004.


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**EXHIBIT B**

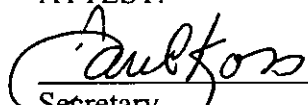
**CERTIFICATE OF VALIDITY OF  
AMENDMENT TO DECLARATION BY  
CARRIAGE RUN HOMEOWNERS ASSOCIATION, INC.**

By the authority of its board of Directors, Carriage Run Homeowners Association, Inc. hereby certifies the foregoing Amendment has been duly executed by the owners of not less than sixty-seven (67%) of the Owners of Lots subject to the Declaration of Covenants, Conditions and Restrictions recorded in Book 6728, Page 233 of the Wake County Registry and is therefore, a valid amendment to the existing covenants, conditions and restrictions of Carriage Run Subdivision and Carriage Run Homeowners Association, Inc.

CARRIAGE RUN HOMEOWNER ASSOCIATION, INC.

By:   
President

ATTEST:

  
Secretary

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STATE OF NORTH CAROLINA

ACKNOWLEDGMENT

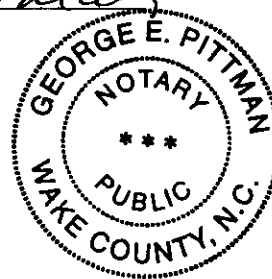
COUNTY OF WAKE

I, a Notary Public of the County and State aforesaid, certify that PAUL KOSS personally came before me this day and acknowledged that he/she is \_\_\_\_\_ Secretary of CARRIAGE RUN HOMEOWNERS ASSOCIATION, INC., a North Carolina nonprofit corporation, and that by authority duly given and as the act of the corporation, the foregoing Certificate of Validity was signed in its name by its \_\_\_\_\_ President, sealed with its corporate seal and attested by PAUL KOSS as its \_\_\_\_\_ Secretary.

Witness my hand and official stamp or seal, this 4 day of May, 2004.

George E. Pittman  
Notary Public

My Commission Expires: 12-5-06





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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

North Carolina – Wake County

The foregoing certificate \_\_\_ of George E. Pittman  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Notary(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: *Marta R. Shinn*  
Assistant/Deputy Register of Deeds

This Customer Group  
\_\_\_\_\_ # of Time Stamps Needed

This Document  
\_\_\_\_\_ New Time Stamp  
6 # of Pages