

NS

BOOK 3482  
PAGES 337 - 340

Buncombe County, NC  
Recorded 12/03/2003 09:01:05am  
No 9999-00251865 1 of 4 pages  
Otto W. DeBruhl, Register of Deeds

Prepared by: Cogburn Goosmann Brazil & Rose, P.A. (Box 81) (Ashley Woods) (JRR/cm)  
State of North Carolina  
County of Buncombe

**Supplemental Declaration of Terms, Conditions, Restrictions and Protective Covenants for Ashley Woods Subdivision**

This Supplemental Declaration of Terms, Conditions, Restrictions and Protective Covenants for Ashley Woods Subdivision made and entered into this the 1st day of December, 2003 by and between Carnes and Woodard Builders, Inc., a North Carolina corporation (herein "Declarant" or "Developer") and all Future Owners of Lots in Ashley Woods Subdivision (herein "Subdivision").

**Witnesseth:**

That Whereas, a Declaration of Terms, Conditions, Restrictions and Protective Covenants for Ashley Woods Subdivision was recorded in Record Book 2293, at Page 112 of the Buncombe County, NC Register's Office (herein "Declaration"); and

Whereas, Developer is the owner of certain property in Buncombe County, North Carolina, referred to as "Phase Three, Ashley Woods Subdivision" (herein "Property"), said Property being shown on that plat recorded in Plat Book 90, at Page 41 of the Buncombe County, NC Register's Office (herein "Plat") (the Property as shown on the Plat being and comprising an addition to the "Subdivision" as set forth in the Declaration); and

Whereas, the Developer desires to modify, supplement and amend the Declaration as hereinafter set forth.

Now Therefore, the Developer does hereby modify, supplement and amend the Declaration as follows:

1. The Declarant, subject to the modifications set forth below, does hereby subject the Property shown on the Plat as Phase Three, Ashley Woods Subdivision to the terms, conditions, restrictions and covenants of the Declaration to the same extent as if said Property had originally been set forth in the Declaration.
2. Paragraph 2 of Article III of the Declaration concerning Architectural Control is hereby supplemented for the Property shown on the Plat for Phase Three of Ashley Woods Subdivision to provide as a new third sentence therein that "Vinyl siding shall have an additional architectural review with regard to quality and design features of the vinyl siding and Developer reserves the right in its sole and absolute discretion to either approve or not approve of any type of vinyl siding".
3. The second sentence of Paragraph 4(a) of Article III of the Declaration concerning Dwelling Size is hereby amended as follows: "No one story main residential dwelling shall be permitted on any Lot unless it contains at least one thousand eight hundred (1,800) square feet of heated and/or air conditioned floor space, exclusive of any heated and/or air conditioned basement or garage."
3. Paragraph 7 of Article III of the Declaration concerning Setback Requirements is hereby amended for the Property shown on the Plat for Phase Three of Ashley Woods Subdivision to provide that the setback requirements shall be those minimum building setback lines as noted and set forth on the Plat.

In Witness Whereof, the Developer and other consenters hereto have hereunto set their hands and seals, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, as of the day and year first above written.

Developer:

Carnes and Woodard Builders, Inc.  
a North Carolina Corporation

By: see attached  
Robert E. Carnes, Jr., President

Attest:  
see attached  
David E. Woodard, Secretary

(Corporate Seal)

2

COPY IS OF POOR QUALITY DUE TO POOR CONDITIONS OF THE ORIGINAL

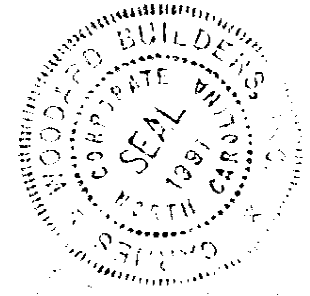
In Witness Whereof, the Developer and other consenters herein have hereunto set their hands and seals, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, as of the day and year first above written.

Developer:

Carnes and Woodard Builders, Inc.  
a North Carolina Corporation

Attest: David E. Woodard  
David E. Woodard, Secretary

By: Robert E. Carnes, Jr.  
Robert E. Carnes, Jr., (President)  
(Corporate Seal)



Lender:

RBC Centura Bank

Attest: [Signature]  
Secretary

By: see attached  
President

Trustee:

C. B. Services Corp.  
a North Carolina Corporation

Attest: [Signature]  
Secretary

By: see attached  
President

State of North Carolina  
County of \_\_\_\_\_

I, a Notary Public of the State and County aforesaid, do hereby certify that \_\_\_\_\_ personally appeared before me this day and acknowledged that he is an Secretary of RBC Centura Bank, a North Carolina 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 President, sealed with its corporate seal and attested by \_\_\_\_\_ as its Secretary. Witness my hand and official stamp or seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 2003.

Comm. Exp Date: \_\_\_\_\_ Notary Public (NOTARY SEAL)

State of North Carolina  
County of \_\_\_\_\_

I, a Notary Public of the State and County aforesaid, do hereby certify that \_\_\_\_\_ personally appeared before me this day and acknowledged that he is an Secretary of C. B. Services Corp., a North Carolina corporation, and 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 \_\_\_\_\_ as its Secretary. Witness my hand and official stamp or seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 2003.

Comm. Exp Date: \_\_\_\_\_ Notary Public (NOTARY SEAL)

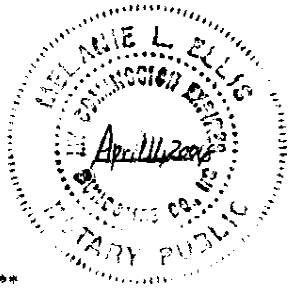
3

State of North Carolina  
County of Buncombe

I, a Notary Public of the State and County aforesaid, do hereby certify that David E. Woodard personally appeared before me this day and acknowledged that he is the Secretary of Carnes and Woodard Builders, 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 \_\_\_\_\_ President, sealed with its corporate seal and attested by him as its Secretary. Witness my hand and official stamp or seal, this the 1<sup>st</sup> day of December 2003.

Comm. Exp Date:  
April 11, 2016

Melanie L. Ellis  
Notary Public  
Melanie L. Ellis (NOTARY SEAL)



\*\*\*\*\*  
The foregoing certificate(s) of \_\_\_\_\_ 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.

By: \_\_\_\_\_ Register of Deeds for Buncombe County  
Deputy/ Assistant - Register of Deeds

COPY IS OF POOR QUALITY DUE TO  
POOR CONDITIONS OF THE ORIGINAL

Cyn\WP6docs\Ashleywoods.SupplementPh3

Lender:

RBC Centura Bank

4

By: Paul Kress  
Paul Kress, Commercial Bank Officer

Trustee:

C. B. Services Corp.,  
a North Carolina Corporation

By: Paul Kress  
Paul Kress, Vice President

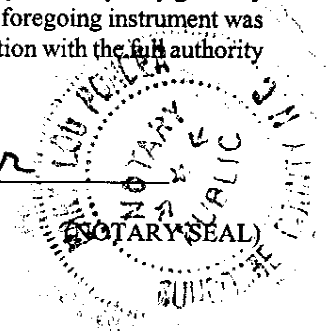
State of North Carolina, County of Buncombe

I, a Notary Public of the County and State aforesaid, certify that Paul Kress, personally came before me this day and acknowledged that he is the Bank Officer of RBC Centura Bank, a NC corporation and by authority duly given by the Board of Directors and as the act of the corporation in its ordinary course of business, the foregoing instrument was signed in its corporate name by its ~~President~~ Bank Officer in the ordinary course of business of said corporation with the full authority of it's Board of Directors.

Witness my hand and official seal, this the 1<sup>st</sup> day of December, 2003.

Mary Lou Ponder  
NOTARY PUBLIC

My Commission Expires: July 6, 2007



State of North Carolina, County of Buncombe

I, a Notary Public of the County and State aforesaid, certify that Paul Kress, personally came before me this day and acknowledged that he is the Vice President of C.B. Services Corp., a NC corporation and by authority duly given by the Board of Directors and as the act of the corporation in its ordinary course of business, the foregoing instrument was signed in its corporate name by its ~~President~~ Vice in the ordinary course of business of said corporation with the full authority of it's Board of Directors.

Witness my hand and official seal, this the 1<sup>st</sup> day of December, 2003.

Mary Lou Ponder  
NOTARY PUBLIC

My Commission Expires: July 6, 2007



The foregoing certificate(s) of Mary Lou Ponder, Melanie G. Ellis 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.

By: Otto W DeBruhl Register of Deeds for Buncombe County  
Colene C Skirgins Deputy/ Assistant - Register of Deeds

cyn\WP6docs\Ashleywoods.SupplementPh3