

WAKE COUNTY, NC 156
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
02/25/2011 AT 11:50:12

BOOK:014279 PAGE:02367 - 02372

Prepared by and return to:
Tina Frazier Pace
Hatch, Little & Bunn, LLP (Box 80)

NORTH CAROLINA
WAKE COUNTY

**THIRD AMENDMENT TO DECLARATION
OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR EMERALD POINTE
SUBDIVISION**

THIS THIRD AMENDMENT TO THE DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR EMERALD POINTE SUBDIVISION made
this the *10th* day of *February*, 2011 by the Board of Directors of Emerald Pointe
Homeowners Association, Inc.

WITNESSETH:

WHEREAS the Declaration of Covenants, Conditions and Restrictions for
Emerald Pointe Subdivision (hereinafter "Covenants"), were recorded in Book 7564,
Page 830 of the Wake County Registry (hereinafter "Covenants"); and

WHEREAS the foregoing Covenants were amended by a First Amendment dated
September 20, 2006, recorded September 29, 2006 in Book 12193, Page 1805, Wake
County Registry; and

WHEREAS the foregoing Covenants were amended by a Second Amendment
dated November 23, 2008, recorded December 3, 2008 in Book 13315, Page 1334, Wake
County Registry; and

WHEREAS, pursuant to Article X, Section 1, the Board of Directors of Emerald
Pointe Homeowners Association, Inc., may amend the Covenants at a duly called
meeting with two-thirds (2/3) approval of the members of the Board of Directors;

WHEREAS, on the 10th day of February, 2011, at a duly-called meeting, the Board of Directors adopted the following amendment by a vote of more than two-thirds (2/3) of the Board of Directors;

NOW, THEREFORE, in consideration of the foregoing, the Declaration of Covenants, Conditions and Restrictions for Emerald Pointe Subdivision is hereby amended as follows:

1. **By deleting Article VII, Section 1 in its entirety and by inserting the following Section 1:**

Section 1. No building, fence, wall, swimming pool, or other structure or improvement shall be commenced, erected or maintained upon the Properties (including but not limited to new residential construction), nor shall any exterior addition to or change or alteration therein be made, nor shall any landscaping be done, modified, or altered, until the plans and specifications showing the nature, kind, shape, height, materials, and location of the same shall have been submitted to and approved in writing as to harmony and compatibility of external design and location in relation to surrounding structures and topography by the Board of Directors of the Association, or an architectural committee composed of three (3) or more representatives appointed by the Board. In the event the designated committee fails to approve or disapprove such design and location within 30 days after said plans and specifications have been submitted to it, approval will not be required and this Article will be deemed to have been fully complied with.

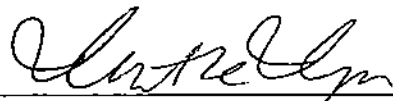
2) That this Amendment shall be effective upon the recordation in the Office of the Register of Deeds of Wake County;

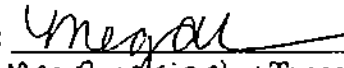
3) That, except as herein provided, the remaining provisions of the Covenants, as amended, are hereby ratified and confirmed in every respect.


IN WITNESS WHEREOF, the Board of Directors of Emerald Pointe Homeowners Association, Inc. have caused this instrument to be signed and executed.

**EMERALD POINTE HOMEOWNERS
ASSOCIATION, INC.**

By: 
Jesse Bedow, President

By: 
MARTIN MYER, Vice-President

By: 
Meg Buckingham, Treasurer

By: 
Eileen EDWARDS, Secretary