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WAKE COUNTY, NC 207
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
12/03/2008 AT 14:12:56

BOOK:013315 PAGE:01334 - 01339

Prepared by and mail to after recording: Emerald Pointe Homeowners Association
5821-A Falls of Neuse Rd.
Raleigh, NC 27609

STATE OF NORTH CAROLINA
WAKE COUNTY

AMENDMENT TO THE DECLARATION OF
COVENANTS, CONDITIONS &
RESTRICTIONS FOR EMERALD POINTE
SUBDIVISION

THIS SECOND AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS
& RESTRICTIONS FOR EMERALD POINTE SUBDIVISION made this 23rd day of
November, 2008 by the EMERALD POINTE HOMEOWNERS' ASSOCIATION,
INC. (hereinafter referred to as the "Association");

WITNESSETH

WHEREAS, Emerald Pointe Subdivision is subject to the Declaration of Covenants,
Conditions & Restrictions for Emerald Pointe Subdivision recorded in Book 7564, Page
0830, Wake County Registry (hereinafter referred to as "Declaration"); and

WHEREAS, the Board of Directors of the Association (hereinafter referred to as the
"Board"), on behalf of the Association, amended the Declaration on 20 September, 2006 in order
to add Article VIII, Section 15; and

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WHEREAS, the Board, on behalf of the Association, further desires to amend the Declaration to change Article VIII, Section 15 and add Section 16; and

WHEREAS, the Declaration provides in Article X, Section 1, the Declaration may be amended by a two-thirds (2/3) vote of the Association's Board; and

WHEREAS, the Board held a duly authorized special meeting for the purpose of amending the Declaration on the 18th day of November, 2008, and voted to amend the Declaration;

NOW, THEREFORE, the Association hereby declares that the Declaration shall be amended as follows:

1. Article VIII, Section 15, of the Declaration shall be deleted in its entirety and replaced with the following:

15. No motor homes, trucks 26,000 pounds GVWR or over, tractors, dump trucks, tractor trailers, or any other similar vehicle or accessory as determined in the sole discretion of the Board, shall be parked on any Lot, on the Properties, Permanent common open space, Consolidated Open Space Development, Open Space, or on any right of way of any roads or streets within the Properties, or on any private or public streets within Emerald Pointe Subdivision by any Owner or its respective family, tenants, invitees, agents, subcontractors, or employees. Cars, motorcycles, boats, trailers (such as boat trailers, open utility trailers, closed utility trailers and exclusive of tractor trailers), campers (such as travel trailers and truck bed campers), and trucks 25,999 pounds GVWR or under are allowed to be parked on the Lot only, (a) if parked on a paved or concrete driveway or driveway extension on the Lot; or (b) if parked inside an enclosed garage on a Lot; or (c) if parked behind an approved fence or wall, and to the side or rear of the Lot; or (d) if parked in a specified storage area established by the Association. The Board shall have the decision of whether a vehicle, trailer, accessory or the like falls within a particular category above, and said decision shall be in the Board's sole discretion. The Board may, but shall not be required to, enforce the no parking restriction by delivering a notice of violation, which may include a fine, to the owner of the Lot or placing it on the vehicle in violation.

2. Further, the Declaration shall be amended to include the following provisions as Article VIII, Section 16:

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16. In order to enable emergency services vehicles appropriate access to the community, and enhance the appearance and safety of the community by maintaining a relatively unobstructed right of way for motor vehicles, any Owner or its respective family, tenants, invitees, agents, subcontractors, or employees should make every reasonable attempt to park in the driveway of the Lot and not on the street. To meet that requirement, on street parking of motor vehicles is restricted as detailed below:

- a) on all streets in the Subdivision no vehicle shall be parked so that the driver's side is on the curb side of the roadway; and.
- b) on all streets in the subdivision parking is allowed on both sides of the street as long as obstruction of the roadway does not occur. Obstruction means that there is less than eight and one half (8.5) feet of space between two cars parked on opposite sides of the street, or that an EMS vehicle cannot pass between the vehicles.

The Board may, but shall not be required to, enforce the no parking restriction by placing a notice of violation, which may include a fine, on the person's vehicle.

3. Except as set forth the herein, the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned, being all members of the Associations' Board, have signed and sealed this instrument, the day and year first hereinabove written.

EMERALD POINTE HOMEOWNERS' ASSOCIATION, INC.

BY: [Signature]
Tony Intarina President

BY: [Signature]
Martin K. Meyer Vice President

BY: [Signature]
Bobby Jones Jr. Treasurer

BY: [Signature]
Beth Clyde Secretary

BY: [Signature]
Edward Dye Director

BY: [Signature]
Justin Korge Director

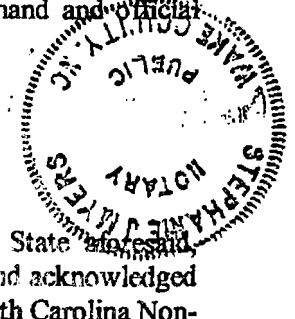
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NORTH CAROLINA - WAKE COUNTY

I, Stephanie J. Myers a Notary Public of the County and State aforesaid, certify that Tony Infantina personally came before me this day and acknowledged that they are President of Emerald Pointe Homeowners' Association, a North Carolina Non-Profit 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. Witness my hand and official stamp or seal, this 23 day of November, 2008.

My Commission Expires: July 17 2013

Notary Public: Stephanie J. Myers

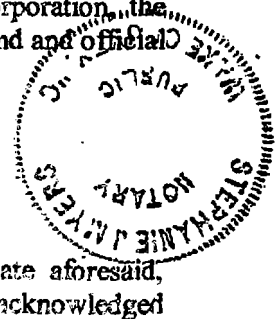


NORTH CAROLINA - WAKE COUNTY

I, Stephanie J. Myers a Notary Public of the County and State aforesaid, certify that Martin K. Myers personally came before me this day and acknowledged that they are Vice President of Emerald Pointe Homeowners' Association, a North Carolina Non-Profit 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. Witness my hand and official stamp or seal, this 23 day of November, 2008.

My Commission Expires: July 17 2013

Notary Public: Stephanie J. Myers

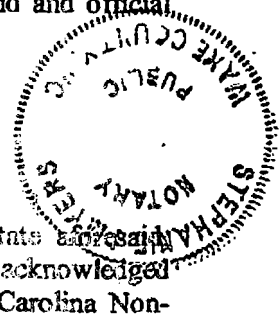


NORTH CAROLINA - WAKE COUNTY

I, Stephanie J. Myers a Notary Public of the County and State aforesaid, certify that Bobby Jones Jr. personally came before me this day and acknowledged that they are Treasurer of Emerald Pointe Homeowners' Association, a North Carolina Non-Profit Corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Treasurer. Witness my hand and official stamp or seal, this 23 day of November, 2008.

My Commission Expires: July 17 2013

Notary Public: Stephanie J. Myers



NORTH CAROLINA - WAKE COUNTY

I, Stephanie J. Myers a Notary Public of the County and State aforesaid, certify that Beth Clyde personally came before me this day and acknowledged that they are Secretary of Emerald Pointe Homeowners' Association, a North Carolina Non-Profit Corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Secretary. Witness my hand and official stamp or seal, this 1 day of December, 2008.

My Commission Expires: July 17 2013

Notary Public: Stephanie J. Myers



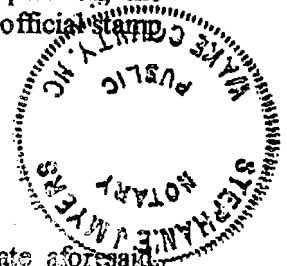
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NORTH CAROLINA - WAKE COUNTY

I, Stephanie J. Myers a Notary Public of the County and State aforesaid, certify that Edward Dyc personally came before me this day and acknowledged that they are a Director of Emerald Pointe Homeowners' Association, a North Carolina Non-Profit Corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Director. Witness my hand and official stamp or seal, this 23 day of November, 2008.

My Commission Expires: July 17, 2013

Notary Public: Stephanie J. Myers



NORTH CAROLINA - WAKE COUNTY

I, Stephanie J. Myers a Notary Public of the County and State aforesaid, certify that Justin Kongs personally came before me this day and acknowledged that they are a Director of Emerald Pointe Homeowners' Association, a North Carolina Non-Profit Corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Director. Witness my hand and official stamp or seal, this 25 day of November, 2008.

My Commission Expires: July 17, 2013

Notary Public: Stephanie J. Myers

