

Prepared by & Hold for: Moore & Alphin, PLLC, 3733 National Drive, Ste 100, Raleigh, NC 27612

STATE OF NORTH CAROLINA 
WAKE COUNTY

**SECOND AMENDMENT TO THE
DECLARATION OF COVENANTS,
CONDITIONS, EASEMENTS,
AND RESTRICTIONS FOR
TOWNES AT CARLTON POINTE**

THIS SECOND AMENDMENT to the Declaration of Covenants, Conditions, Easements, and Restrictions for Townes at Carlton Pointe (this "Amendment") is made as of the day it is signed, by **Carlton Group of North Carolina, LLC** (the "Declarant").

WHEREAS, Declarant has previously recorded that certain Declaration of Covenants, Conditions, Easements and Restrictions for Townes at Carlton Pointe in Book 19116, Page 1881 and First Amendment to the Declaration of Covenants, Conditions, Easements, and Restrictions for Townes at Carlton Point in Book 19133, Page 2102 in the Wake County Registry (such instruments referred to herein collectively as the "Declaration"); and

WHEREAS, pursuant to the power granted in Article XII, Section 2 of the Declaration, during the Declarant Control Period, the Declarant may amend this Declaration without the consent or joinder of the Members or the Association.

NOW, THEREFORE, it is agreed and declared that the Declaration is amended as follows:

1. Article III, Section 4 is revised to read as follows:

Vacant/Leased Dwellings. If the Owner of a Lot ceases to occupy the Dwelling constructed thereon as his own personal living quarters or if any Dwelling within the Properties is leased for rental purposes to tenants, the vote as expressed by the Owners of such vacant and rental units shall not be entitled to any weight greater than forty-nine percent (49%) of one vote on any matter pending before the Association. This Section applies only to Lots and Dwellings owned by a Class A Member and specifically excludes Lots and Dwellings owned by the Declarant.

2. Article V, Section 3 is revised to show the Maximum Annual Assessment of One Thousand Eight Hundred Dollars (\$1,800.00) changed to One Thousand Two Hundred Dollars (\$1,200.00).

3. Article V, Section 10 is revised to show the contribution of \$1,000 changed to \$300.00.

submitted electronically by "Moore & Alphin, PLLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Wake County Register of Deeds.

4. Article X, Section 7(iii) is revised to change “in excess of one tone weight” to “in excess of cargo capacity of one ton weight”.

5. Effect of Amendment. The Declaration is hereby modified to the extent set forth herein, but only to the extent set forth herein. All provisions of the Declaration not modified by this Amendment shall remain in full force and effect in accordance with their original terms as set forth in the Declaration. In the event of any conflict or ambiguity between the terms of the Declaration and the terms of this Amendment, the terms of this Amendment shall control.

IN WITNESS WHEREOF, Declarant has caused this Amendment to be executed in legal and binding form, on the date indicated in the acknowledgement of such signature.

DECLARANT:

Carlton Group of North Carolina, LLC,
a North Carolina limited liability company

By: Marshall Davis
Name: Marshall Davis
Title: Member/Manager

State of New York - County of Rockland

I certify that the following person(s) personally appeared before me this day and acknowledged to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: **Marshall Davis**

Date: August 22, 2023

[Official Seal]

MORTON N. SILBERBERG
Notary Public, State of N.Y.
No. 4799869
Qualified in Rockland County
Commission Expires Aug. 31, 2025

Morton N. Silberberg
Morton N. Silberberg Notary Public
(Print Name)
My Commission Expires: 8-31-25