

For Registration Sharon A. Davis
Register of Deeds
Durham County, NC
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Instrument Number: 2021062043
AMD

STATE OF NORTH CAROLINA : **FIRST AMENDMENT**
: **TO**
COUNTY OF DURHAM : **SECOND SUPPLEMENTAL**
: **DECLARATION**

Prepared by and Return to: Alison R. Cayton, Manning, Fulton & Skinner, P.A.
Post Office Box 20389, Raleigh, North Carolina 27619-0389

THIS FIRST AMENDMENT TO SECOND SUPPLEMENTAL DECLARATION ("Amendment") is made this 2ND day of December 2021 by **751 South, Inc.**, a North Carolina corporation (the "Declarant") and consented to by **NVR, Inc.**, a Virginia corporation ("NVR");

WITNESSETH

WHEREAS, Declarant executed that certain Declaration of Covenants, Conditions and Restrictions for 751 South Townhomes recorded in Book 8442, page 738 Durham County Registry, as amended from time to time (herein the "Townhome Declaration"); and

WHEREAS, Declarant recorded that Second Supplemental Declaration Subjecting Additional Land in 751 South Townhomes recorded in Book 9494, page 123 (the "Second Supplemental Declaration") to annex and to subject the Phase 1B, Townhome Lots to the Townhome Declaration; and

WHEREAS, pursuant to the authority provided in Article VII, Section 2 of the Townhome Declaration, Declarant desires to institute a capital recovery assessment against the Phase 1B, Townhome Lots.

NOW THEREFORE, in consideration of the benefits to the Property, the Second Supplemental Declaration is hereby amended as follows:

1. The following language is added to the Second Supplemental Declaration:

"Pursuant to Article VII, Section 2 of the Declaration, Declarant has the right to amend the Declaration and make such complementary additions and/or modifications of the covenants and submitted electronically by "Gene Davis Law, PLLC" in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Durham County Register of Deeds.

restrictions to reflect the different character of the added property. Accordingly Declarant, hereby declares the property described within this Second Supplemental Declaration to be subject to the following additional terms:

In addition to the regular assessments to be charged and paid under the Declaration and the working capital contribution to be charged and paid under the Declaration, the initial Consumer Occupant Lot Owner shall, at the time of the initial sale of each Lot from the Declarant or builder to the initial Consumer-Occupant Lot Owner, pay to the Association a sum equal to \$875 as a capital recovery charge for exterior deck treatment. These amounts shall be segregated and not commingled with regular assessment funds and the working capital contribution. This capital recovery charge shall be paid by the Consumer-Occupant Lot Owner notwithstanding the fact that Declarant may have made prior regular assessment payments to the Association on the Lot being sold pursuant to the provisions of the first sentence hereunder.”

2. NVR, Inc. joins in the execution of this Amendment to evidence its consent to the terms of the Amendment and to confirm application of its terms to the Phase 1B, Townhome Lots owned by NVR, Inc. as of the date hereof.

3. Capitalized terms not otherwise defined herein shall have the meanings set forth in the Townhome Declaration. Except as herein amended, the terms and conditions of the Townhome Declaration shall remain in full force and effect.

[SIGNATURE ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the undersigned, being the duly authorized has hereunto set its hand and seal this 2nd day of December, 2021.

DECLARANT:

751 SOUTH, INC., a North Carolina corporation

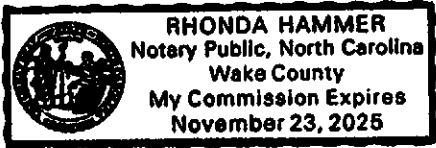
By: [Signature]
President

State of North Carolina

County of Durham

I, the undersigned Notary Public of the County and State aforesaid, certify that John A. Mitchell personally came before me this day and acknowledged that he is the President of 751 South, Inc., a North Carolina corporation and acknowledged the due execution of the foregoing instrument as the act of said company.

Witness my hand and Notarial stamp or seal, this 30 day of November, 2021.



Rhonda Hammer
My Commission Expires: 11-23-25
Rhonda Hammer Notary Public
Notary's Printed or Typed Name

NVR:

NVR, INC., a Virginia corporation

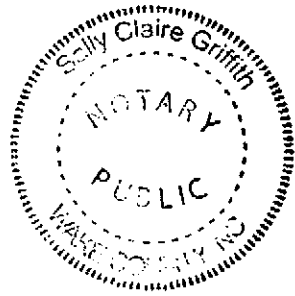
By: [Signature]
Vice President

State of North Carolina

County of Wake

I, the undersigned Notary Public of the County and State aforesaid, certify that Joe Schmidtke personally came before me this day and acknowledged that he is the President of 751 South, Inc., a North Carolina corporation and acknowledged the due execution of the foregoing instrument as the act of said company.

Witness my hand and Notarial stamp or seal, this 2nd day of December, 2021.



Sally Claire Griffith
My Commission Expires: 11/7/2026
Sally Claire Griffith Notary Public
Notary's Printed or Typed Name