

Register of Deeds

Sharon A. Davis
Durham County, NC

05/30/2025 03:21:40 PM

BT: OPR B: 10318 P: 154 Pages: 3

AMD - AMENDMENT

Fee: \$26.00

INSTRUMENT #2025135360

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STATE OF NORTH CAROLINA : FIRST AMENDMENT TO DECLARATION
OF
COUNTY OF DURHAM : 751 SOUTH TOWNHOMES

Prepared by and return to: James C. Cunningham, 434 Fayetteville Street, Suite 2330, Raleigh, NC 27601

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR 751 SOUTH TOWNHOMES ("First Amendment"), is made this 30th day of May, 2025, by 751 South, Inc., a North Carolina corporation (hereinafter "Declarant");

WITNESSETH:

WHEREAS, the undersigned is the developer of 751 South and the Declarant under that Declaration of Covenants, Conditions and Restrictions for 751 South Townhomes as recorded in Book 8442, page 738, Durham County Registry, and as further supplemented and amended from time to time (herein the "Declaration"); and,

WHEREAS, the Declarant added property and made such amendments to the Declaration in the following recorded instruments:

- (a) Supplemental Declaration, dated March 19, 2021 and recorded in the Durham County Registry at Book 9269, page 143 on the same date (751 South, Phase 1A, Release 2.2 Townhome Lots);
- (b) Second Supplemental Declaration, dated October 14, 2021 and recorded in the Durham County Registry at Book 9494, page 123 on the same date (751 South, Phase 1B Townhome Lots), as amended;
- (c) Third Supplemental Declaration, dated April 12, 2022 and recorded in the Durham County Registry at Book 9668, page 926 on the same date (751 South, Phase 1C Townhome Lots);

(d) Fourth Supplemental Declaration, dated January 3, 2024 and recorded in the Durham County Registry at Book 10035, page 915 on January 4, 2024 (751 South, Phase 2B Townhome Lots); and

(e) Fifth Supplemental Declaration, dated October 9, 2024 and recorded in the Durham County Registry at Book 10187, Page 153 on October 11, 2024 ("Watercolor Townhome Lots), as amended; and,

WHEREAS, Article XIV, Section 3 of the Declaration permits the Declarant, during the Declarant's Development Period, to amend the Declaration "as shall be necessary, in its opinion, to correct obvious errors and omissions herein"; and

WHEREAS, the Declarant seeks to correct an obvious error in a provision concerning the Association's procurement of insurance, in order to conform the provision to actual practice, industry norms and the existing obligations of Owner's in the Declaration.

NOW THEREFORE, in consideration of the benefits to the Property and other valuable consideration, in hand received, the Declaration is hereby amended, as follows:

1. Article IX, Section 4 is deleted and replaced, as follows:

Section 4. Casualty Coverage. The Association may procure fire and hazard insurance from an insurer selected by the Board, in an amount equal to the full replacement value of the Living Units, including the value of excavations and foundations.

Casualty coverage may afford protection against:

(A) Loss or damage to property by fire or other hazards covered by a standard extended coverage endorsement; and

(B) Such other risks as from time to time may be customarily covered with respect to buildings and improvements similar in construction, location and use as the buildings and improvements to be insured, including, but not limited to, vandalism and malicious mischief.

If procured, such insurance shall be issued with an insurer licensed to do business in North Carolina and holding a rating of "A" or better by Best's Insurance Reports, and such policy shall provide that the insurer will not cancel, reduce or substitute coverage without first giving the Association and any mortgagee named in the policy thirty (30) days prior written notice thereof.

2. 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.

IN WITNESS WHEREOF, 751 South, Inc. has caused this FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS for 751 SOUTH TOWNHOMES to be executed by its duly authorized officer, all as of the day and year first above written.

751 SOUTH, INC.
a North Carolina corporation

By: *John A. Mitchell* (SEAL)
John A. Mitchell, President

STATE OF NORTH CAROLINA)
COUNTY OF CHATHAM)

I certify that the following persons personally appeared before me this day, each acknowledging to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: John A. Mitchell as President of 751 South, Inc.

Witness my hand and notarial stamp or seal, this 30 day of May, 2025.

My commission expires: 11-23, 2025
Rhonda Hammer
Notary Public
Typed or Printed Name: Rhonda Hammer

[AFFIX SEAL]

