

Plse return to: Hofmeister
1087 Moss Street Dr
Apex NC 27502

Corrected

State of North Carolina
County of Wake

MODIFICATION OF
COVENANTS, CONDITIONS AND
RESTRICTIONS FOR AMHERST
SUBDIVISION, PHASE 3

28 JANUARY 2002 & [Signature]

This Modification, made this 28 day of ~~December~~, 2001 by and between **Homeowners Association of Amherst, Inc.**, hereinafter referred to as "the Association"; and **Craig Hofmeister and his wife, Dorothy Hofmeister**, citizens and residents of the County of Wake, State of North Carolina, hereinafter referred to as "Owners";

WITNESSETH:

THAT WHEREAS, Amherst Limited Partnership (hereinafter referred to as "Developer") heretofore declared, gave, granted and conveyed for lots in Amherst Subdivision, Wake County, North Carolina, certain Covenants, Conditions and Restrictions for the benefit of said subdivision, as recorded in Book 6410, Page 128, Wake County Registry; and

WHEREAS, Phase 3 of Amherst Subdivision was subjected to said Covenants, Conditions and Restrictions by that Supplementary Declaration recorded in Book 8785, Page 2171, Wake County Registry; and

WHEREAS, Owners are the owner of that certain tract or parcel of land in said subdivision, more particularly described as **Lot 194**, Amherst Subdivision, Phase 3, per plat thereof recorded in Book of Maps 2000, Pages 2147 & 2148, Wake County Registry; and

WHEREAS, pursuant to said Covenants, Conditions and Restrictions as referenced above, the erection of fences shall require the approval of the Architectural Standards Committee (hereinafter referred to as "the Committee") as established by the Board of Directors, and no fence in excess of four feet in height shall be approved by the Committee; and

WHEREAS, pursuant to said Covenants, Conditions and Restrictions as referenced above, the Board of Directors in its sole discretion may allow reasonable variances and adjustments of the Restrictions which do not violate the spirit or the intent of the Covenants, Conditions and Restrictions; and

WHEREAS, Owners' desire to erect a fence on their lot which is five feet in height, and Owners have requested that the Board grant a variance of the Covenants, Conditions and Restrictions to allow for a fence of five feet in height and that the Committee approve the erection of a fence of five feet in height;

NOW, THEREFORE, for and in consideration of the acts and things herein agreed to be done and other good and valuable consideration, the receipt of which is hereby acknowledged, the Association does hereby declare as follows:

1. This modification shall apply only to **Lot 194**, Amherst Subdivision, Phase 3, as recorded in Book of Maps 2000, Pages 2147 & 2148, Wake County Registry, and not to any other lot in said subdivision.

Wake County, NC 421
Laura M Riddick, Register Of Deeds
Presented & Recorded 02/01/2002 11:54:08
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2. The Association's Board of Directors does hereby grant a variance of the Covenants, Conditions and Restrictions recorded in Book 6410, Page 128, Wake County Registry, as to **Lot 194**, of Amherst Subdivision, Phase 3, as follows; and the Committee does approve the erection of a fence on said lot as follows:

For **Lot 194**, of Amherst Subdivision, Phase 3, as per plat thereof recorded in Book of Maps 2000, Pages 2147 & 2148, Wake County Registry, the fence erected thereon shall not be in excess of five feet in height.

3. Except as otherwise provided herein, said Covenants, Conditions and Restrictions for Amherst Subdivision, Phase 3, as recorded in Book 6410, Page 128, Wake County Registry shall be and remain in full force and effect.

Certification by Corporate Secretary

I, the undersigned, do hereby certify: That I am the duly elected and acting Secretary of the Homeowners Association of Amherst, Inc., a North Carolina non-profit corporation, and, that the foregoing Modification of Covenants, Conditions and Restrictions for Amherst Subdivision, Phase 3A, has been duly adopted, approved and authorized by the Board of Directors of said Association, and by the Architectural Standards Committee of said Association.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of the said Association this 28 day of ~~December~~, 2001.

Handwritten signature of Robert E. Deudab
Secretary



(AFFIX CORPORATE SEAL)

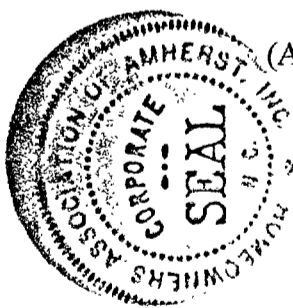
IN WITNESS WHEREOF, the Association has caused this instrument to be executed, as of the day and year first above-written.

Homeowners Association of Amherst, Inc.

BY: *Handwritten signature of James Boy*
President

ATTEST: *Handwritten signature of Robert E. Deudab*
Secretary

(AFFIX CORPORATE SEAL)



**North Carolina
Wake County**

I, the undersigned, a Notary Public of said County, certify that Frederick Bzewkowski
(Name of secretary) personally came before me this day and acknowledged that he (or, she) is
Secretary of Homeowners Association of Amherst, Inc., 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, James H. Long (Name of President),
sealed with its corporate seal, and attested by himself (or, herself) as its Secretary.

Witness my hand and official seal, this the 28th day of ~~December, 2001.~~

January 2002

Jean W. Long
Notary Public

My commission expires: 11/22/06

Affix notary seal.



Laura M Riddick
Register of Deeds
Wake County, NC



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Please retain with original document and submit for rerecording.**



**Wake County Register of Deeds
Laura M. Riddick
Register of Deeds**

North Carolina - Wake County

The foregoing certificate ___ of Jean W Long

____ Notary(ies) Public is (are) certified to be correct. This instrument and this certificate are duly registered at the date and time and in the book and page shown on the first page hereof.

Laura M. Riddick, Register of Deeds

By: Dan Stewart
Assistant/Deputy Register of Deeds

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