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WAKE COUNTY, NC 245
LAURA H RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
01/13/2005 AT 14:16:35

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**SUPPLEMENTARY DECLARATION OF ANNEXATION
BALLENTINE SUBDIVISION, PHASE 3B**

Prepared by and return to:
Rod O'Donoghue, Jr., Attorney at Law
(Vault Box 6)

Hold: Cox + Cox
Box 48

STATE OF NORTH CAROLINA

COUNTY OF WAKE

THIS DECLARATION OF ANNEXATION is made this 9th day of September, 2004 by PS/SE **BALLENTINE FARMS, L.L.C.**, a Virginia limited liability company (hereinafter referred to as the "Declarant") and **THE NEW FORTIS CORPORATION**, a North Carolina Corporation, ("Owner");

WITNESSETH:

WHEREAS, the Declarant is the owner of certain real property located in or near the Town of Fuquay Varina, Wake County, North Carolina, known as **BALLENTINE SUBDIVISION, Phase 3B** (hereinafter referred to as the "Property"), as more particularly described on attached Exhibit A, which is incorporated by reference for a more particular description; and

WHEREAS, the Declarant wishes to subject the Property to the Declaration of Covenants, Conditions and Restrictions for Ballentine Subdivision (the "Covenants"), recorded in Book 8570, Page 901, and all amendments thereto, all recorded in the Office of the Register of Deeds for Wake County, North Carolina; and

WHEREAS, the Declarant and Owner are the Owners of all the lots in the Property.

NOW, THEREFORE, pursuant to the terms and conditions of the Covenants, the Declarant and Owner declare that the Property is annexed to and is made a part of Ballentine Subdivision in the Middle Creek Township, Wake County, North Carolina, and that the Property is subject to, and bound by, and shall be held, used, transferred, sold and conveyed subject to, and in accordance with all the covenants, conditions, restrictions, easements and other provisions of the Covenants

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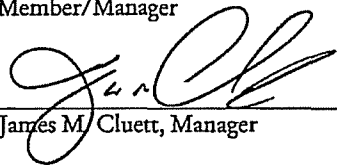
and of the Declaration, which are specifically incorporated by reference as if fully set forth herein, which shall be covenants running with the land. The operation and effect of the Covenants are extended to the Property, including, but not limited to the various Lot which is a part of the Property.

IN WITNESS WHEREOF, the Declarant and Owner have caused this instrument to be signed under seal in its name by its duly authorized Manager, as of the day and year written above.

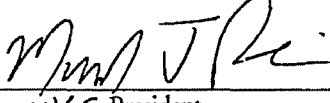
DECLARANT:
PS/SE BALLENTINE FARMS, LLC, (SEAL)
a Virginia limited liability company

By: **HFC-BALLENTINE, LLC,**
a Virginia limited liability company,
Sole Member/Manager

(SEAL)

By:  (SEAL)
James M. Cluett, Manager

OWNER:
THE NEW FORTIS CORPORATION

By:  (SEAL)
VICE President

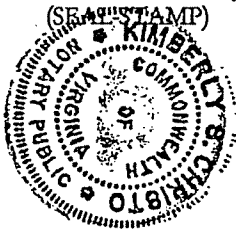
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STATE OF Virginia

COUNTY OF Franklin

I, the undersigned Notary Public of the County and State aforesaid, do hereby certify that JAMES M. CLUETT, personally came before me this day and acknowledged that he is Manager of HFC-BALLENTINE, LLC, a Virginia limited liability company, which is Manager of PS/SE BALLENTINE FARMS, LLC, a Virginia limited liability company, and that by authority duly given and as the act of HFC-BALLENTINE, LLC, as Manager, the foregoing instrument was signed for the purposes therein expressed, for and on behalf of PS/SE BALLENTINE FARMS, LLC.

Witness my hand and official seal, this the 9th day of September, 2004.



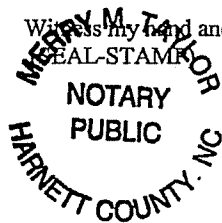
[Signature]
Notary Public
My Commission expires: My Commission Expires May 31, 2008

STATE OF NC

COUNTY OF Wake

I, the undersigned Notary Public of the County and State aforesaid, do hereby certify that Michael J Reiser personally came before me this day and acknowledged that he is Vice President of **THE NEW FORTIS CORPORATION**, a North Carolina Corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed for the purposes therein expressed, for and on behalf of **THE NEW FORTIS CORPORATION**,

Witness my hand and official seal, this the 11 day of Jan, 2004⁵



[Signature]
Notary Public
My Commission expires: 7-16-07

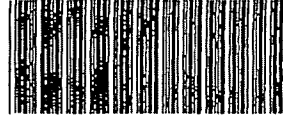
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EXHIBIT A

PROPERTY DESCRIPTION

All that certain tract or parcel of real property lying and being in or near the Town of Fuquay Varina, Wake County, North Carolina, known as Ballentine Subdivision, Phase 3B, and more particularly described as follows:

BEING all of Phase 3B, BALLENTINE SUBDIVISION, as shown and described on a plat entitled "Survey of: Ballentine Subdivision, Phase 3B" as prepared by Mauldin-Watkins Surveying, P.A. and recorded in Book of Maps 2004, Page 1414, in the Office of the Register of Deeds of Wake County, North Carolina, (the "Wake County Registry"), to which plat reference is made for a more particular description.



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Yellow probate sheet is a vital part of your recorded document. 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 Kimberly S Christo
J
Nancy A Taylor

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: George W Brown
Assistant/Deputy Register of Deeds

This Customer Group _____ # of Time Stamps Needed

This Document _____ New Time Stamp
5 # of Pages