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WAKE COUNTY, NC 390
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
11/22/2006 AT 13:24:22

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STATE OF NORTH CAROLINA
COUNTY OF WAKE

THIRD AMENDMENT TO
DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS OF
BANKS POINTE SUBDIVISION

This Third Amendment to Declaration of Covenants, Conditions and Restrictions of Banks Pointe Subdivision, made this 30th day of October, 2006, by R. Kirk Leone Developer, Inc., formerly R. Kirk Leone Builder, Inc., which changed its name to R. Kirk Leone Developer, Inc. on January 4, 2005, a North Carolina corporation, with its principal office located in Wake County, North Carolina, hereinafter referred to as "Declarant", and Manning Homes, Inc., Joseph & Joseph, Inc., Peter A. Brewer Construction, Inc. t/a Water Oak Homes, R. Kirk Leone Builder, Inc. and Reese Construction, LLC, owners of lots in Banks Pointe Subdivision;

WITNESSETH:

WHEREAS, a Declaration of Covenants, Conditions and Restrictions of Banks Pointe Subdivision, Phase 1, Book of Maps 2004, Pages 722-724 was recorded in Book 10792, Page 1582, Wake County Registry; and

WHEREAS, a First Amendment to the Declaration was recorded in Book 10819, Page 47, Wake County Registry; and

WHEREAS, a Supplemental Declaration was recorded in Book 11398, Page 2594, Wake County Registry; and

WHEREAS, a Second Amendment was recorded in Book 11502, Page 1201, Wake County Registry;

WHEREAS, some of the parties hereto own lots 7 through 13, Banks Pointe, Phase II, Book of Maps 2005, Page 1103, Wake County Registry; and

WHEREAS, the parties to this agreement own one or more lots in Banks Pointe, Phase III, Book of Maps 2005, Page 2364, 2365 and 2366, Wake County Registry; and

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WHEREAS, the parties to this Third Amendment now desire to amend the Declaration as

1. Article IX, Section 11, is amended by adding the following at the end of Section 11:

All trailers, campers, vans, boats and RV's must be parked in the back yard and not be visible from the street. All such trailers, campers, vans, boats and RV's must be screened (such as landscaping, etc.) and the screening materials and location must be approved in writing by the Declarant or the Owners' Association.

2. Article IX, Section 14, is amended by adding a new sentence at the end of that section:

No wood or chain link fences are permitted.

3. These amendments shall specifically apply to all lots in Phase II and Phase III of Banks Pointe.

Except for the amendments set forth above, all other provisions of the Declaration of Covenants, Conditions and Restrictions, as amended, shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned have caused this instrument to be executed by each of their duly authorized officers the day and year first above written.

R. KIRK LEONE DEVELOPER, INC.

BY:


R. Kirk Leone, President

MANNING HOMES, INC.

BY:


President

JOSEPH & JOSEPH, INC.

BY:


President

PETER A. BREWER CONSTRUCTION, INC.
t/a WATER OAK HOMES

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BY: *Peter A. Brewer*
President

PETER A. BREWER CONSTRUCTION, INC.
t/a WATER OAK HOMES

BY: *Peter A. Brewer*
Peter A. Brewer, President

R. KIRK LEONE BUILDER, INC.

BY: *R. Kirk Leone*
R. Kirk Leone, President

REESE CONSTRUCTION, LLC

BY: *Carl M. Reese*
Member-Manager

Dickson Cobb
Dickson Cobb

Carolyn S. Cobb

Carolyn
Cobb

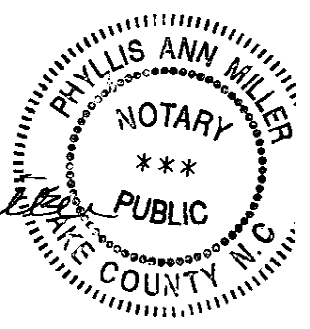
STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, the undersigned, a Notary Public of the County and State aforesaid, certify that R. Kirk Leone, personally came before me this day and acknowledged that he is President of R. Kirk Leone Developer, Inc., a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by him as President and sealed with its corporate seal.

Witness my hand and official stamp or seal, this the 30th day of October, 2006.

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Phyllis Ann Miller
Notary Public



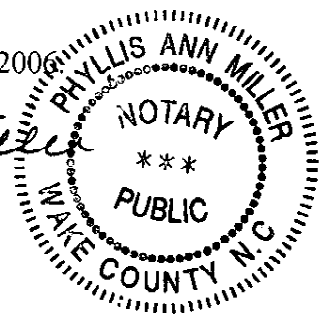
My commission expires: 3-14-09

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, the undersigned, a Notary Public of the County and State aforesaid, certify that *Mark Manning* personally came before me this day and acknowledged that he/she is President of Manning Homes, Inc., a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by him/her as President and sealed with its corporate seal.

Witness my hand and official stamp or seal, this the 30th day of October, 2006.

Phyllis Ann Miller
Notary Public



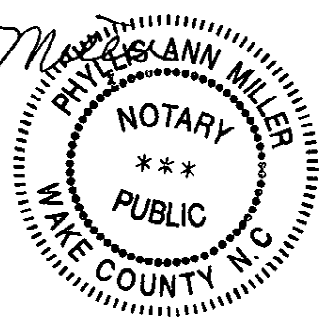
My commission expires: 3-14-09

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, the undersigned, a Notary Public of the County and State aforesaid, certify that *Karon Joseph* personally came before me this day and acknowledged that he/she is President of Joseph & Joseph, Inc., a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by him/her as President and sealed with its corporate seal.

Witness my hand and official stamp or seal, this the 30th day of October, 2006.

Phyllis Ann Miller
Notary Public



My commission expires: 3-14-09

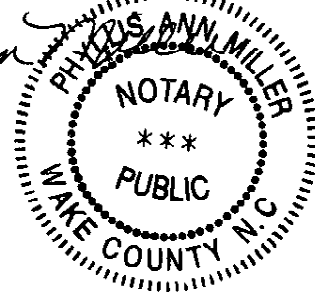
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STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, the undersigned, a Notary Public of the County and State aforesaid, certify that Peter Brewer personally came before me this day and acknowledged that he/she is President of Peter A. Brewer Construction, Inc. t/a Water Oak Homes, a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by him/her as President and sealed with its corporate seal.

Witness my hand and official stamp or seal, this the 30th day of October, 2006.

Phyllis Ann Miller
Notary Public



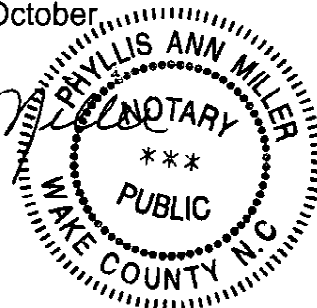
My commission expires: 3-14-09

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, the undersigned, a Notary Public of the County and State aforesaid, certify that R. Kirk Leone, personally came before me this day and acknowledged that he is President of R. Kirk Leone Builder, Inc., a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by him as President and sealed with its corporate seal.

Witness my hand and official stamp or seal, this the 30th day of October 2006.

Phyllis Ann Miller
Notary Public



My commission expires: 3-14-09

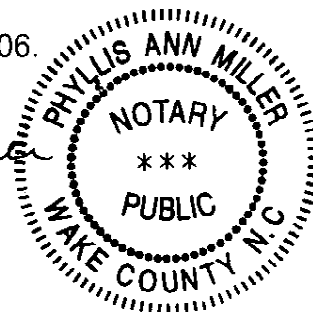
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NORTH CAROLINA
WAKE COUNTY

I, the undersigned, a Notary Public, do hereby certify that Clint Reese personally appeared before me this day and acknowledged that he/she is a Member/Manager of Reese Construction, LLC, a North Carolina Limited Liability Company and further acknowledged the due execution of this instrument on behalf of the Limited Liability Company.

Witness my hand and official seal, this 30th day of October, 2006.

Phyllis Ann Miller
Notary Public



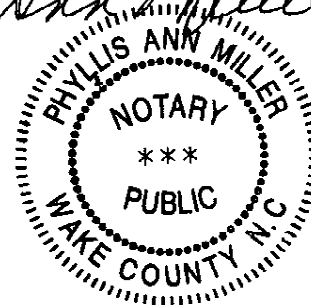
My Commission expires: 3-14-09

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, the undersigned, a Notary Public of the County and State aforesaid, certify that Dickson Cobb and wife, Carolyn Cobb, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 30th day of October, 2006.

Phyllis Ann Miller
Notary Public



My commission expires: 3-14-09

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

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