

DEC 13 2013

LAW OFFICES
JORDAN PRICE WALL GRAY JONES & CARLTON

A PROFESSIONAL LIMITED LIABILITY COMPANY

1951 CLARK AVENUE
RALEIGH, NORTH CAROLINA 27605-0669
(919) 828-2501

HENRY W. JONES, JR.

PARTNER

FACSIMILE: (919) 834-8447

**MAILING ADDRESS:
POST OFFICE BOX 10669
RALEIGH, N.C. 27605-0669**

www.jordanprice.com

December 12, 2013

Ms. Sheri Fincher
R. S. Fincher & Co., LLC
P. O. Box 1117
Apex, NC 27502

Re: Heatherwood Townhomes;

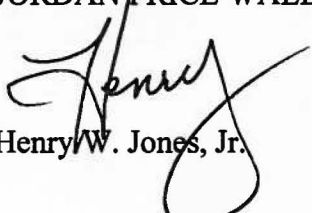
I am very pleased to report that the Wake County Register of Deeds recorded the First Amendment to the Declaration of Covenants, Conditions and Restrictions for Heatherwood Townhomes on December 6 in Book 15524, Page 33, to which reference can be made in the future. This was a difficult process because of the significant signatures and acknowledgements that had to be attached. We had to make a few correcting changes in order to push the document through, but finally, the Register of Deeds accepted the document and recorded it.

Please keep the original document in the permanent files and records of the Association. I will keep a conformed copy here in my file.

As always, feel free to call or contact me if you have any questions.

Sincerely yours,

JORDAN PRICE WALL GRAY JONES & CARLTON, PLLC


Henry W. Jones, Jr.

HWJ/ds

DEC 13 2013

WAKE COUNTY, NC 154
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
12/06/2013 AT 11:11:03

BOOK:015524 PAGE:00093 - 00068

After recording, mail to:
This instrument was prepared by:

Henry W. Jones, Jr., P.O. Box 10669, Raleigh, NC 27605-0669
Jordan, Price, Wall, Gray, Jones & Carlton, PLLC

Red Box
39

STATE OF NORTH CAROLINA
COUNTY OF WAKE

**FIRST AMENDMENT TO DECLARATION
OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
HEATHERWOOD TOWNHOMES**

This FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR HEATHERWOOD TOWNHOMES ("First Amendment") is made as of this 21st day of November, 2013, by an instrument signed by the Owners of not less than seventy-five percent (75%) of the Lots in Heatherwood, a Townhome Development, Shepherd's Vineyard Subdivision (collectively, "Amending Owners") and subject to the Heatherwood Townhome Association, Inc., a North Carolina nonprofit corporation (or "Association").

WITNESSETH:

WHEREAS, **Nicholson Homes, Inc.**, a North Carolina corporation, executed and, on July 24, 1987, caused to be recorded at Book 4071, Page 118, Wake County Registry, an instrument entitled "Declaration of Covenants, Conditions and Restrictions for Heatherwood Townhomes Recorded in Book of Maps 1987, Page 1037, Wake County Registry" ("Declaration"); and

WHEREAS, pursuant to Article XIII, Section 3, of the Declaration, the Declaration may be amended by an instrument signed by the Owners of not less than seventy-five percent (75%) of the Lots; and

WHEREAS, there are a total of 110 Lots that are subject to the Declaration; and

WHEREAS, the Amending Owners of 86 Lots, being therefore the Owners of not less than seventy-five percent (75%) of the Lots in Heatherwood, a Townhome Development, Shepherd's Vineyard Subdivision, wish to amend the terms of the Declaration as set forth hereinbelow; and

WHEREAS, this First Amendment has been duly approved by an instrument signed by the Amending Owners of 86 Lots, being therefore the Owners of not less than seventy-five percent (75%)

of the Lots in Heatherwood, a Townhome Development, Shepherd's Vineyard Subdivision, as required by Article XIII, Section 3, of the Declaration; and

WHEREAS, pursuant to Article XIII, Section 3, of the Declaration, attached hereto and incorporated herein is a "Certification of Validity of First Amendment to Declaration of Covenants, Conditions and Restrictions for Heatherwood Townhomes"; and

WHEREAS, the capitalized terms in this First Amendment to Declaration of Covenants, Conditions and Restrictions for Heatherwood Townhomes shall have the same meaning as such capitalized terms in the Declaration unless otherwise stated herein;

NOW THEREFORE, the undersigned do hereby declare that the following amendment to the Declaration shall be binding on all parties having or acquiring any right, title or interest in the real property subject to the Declaration, or any part thereof, and shall inure to the benefit of each Owner or successor in interest or assignee thereof:

1. **RECITALS.** The foregoing Recitals shall constitute an integral part of this First Amendment, and this First Amendment shall be construed in light thereof.

2. Article XIII, Section 5, of the Declaration entitled "Lease of Townhouse" is amended by deleting the first sentence of Article XIII, Section 5, in its entirety and substituting in lieu thereof the following:

No townhome shall be leased for transient or hotel purposes, nor may any owner lease less than the entire unit, nor shall any such lease be for any period of less than six (6) months.

5. This First Amendment has been adopted in accordance with Article XIII, Section 3, of the Declaration, this First Amendment having been duly approved by an instrument signed by the Amending Owners of 86 Lots, being therefore the Owners of not less than seventy-five percent (75%) of the Lots in Heatherwood, a Townhome Development, Shepherd's Vineyard Subdivision, and shall be effective upon recordation in the Wake County Registry, in accordance with Article XIII, Section 3, of the Declaration.

6. In further accordance with Article XIII, Section 3, of the Declaration, the Board of Directors of the Association has reasonably assured itself that the foregoing First Amendment has been approved by the Owners of the required number of Lots subject to the Declaration and has attached to this First Amendment and incorporated herein a "Certification of Validity of First Amendment to Declaration of Covenants, Conditions and Restrictions for Heatherwood Townhomes".

7. Except as specifically amended hereinabove, the remaining provisions of the Declaration are hereby re-acknowledged and affirmed and remain in full force and effect in every respect.

WHEREFORE, the President and Secretary of the Association have hereunto affixed the corporate certification for the purpose of enacting the foregoing First Amendment to the Declaration.

CERTIFICATION OF VALIDITY
OF
FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR HEATHERWOOD TOWNHOMES
BY
HEATHERWOOD TOWNHOMES ASSOCIATION

By authority of its Board of Directors, HEATHERWOOD TOWNHOMES ASSOCIATION, a North Carolina nonprofit corporation, certifies that the foregoing instrument has been duly approved by an instrument signed by the Amending Owners of 86 Lots, being therefore the Owners of not less than seventy-five percent (75%) of the Lots in Heatherwood, a Townhome Development, Shepherd's Vineyard Subdivision, and is therefore a valid amendment to the Declaration of Covenants, Conditions and Restrictions for Heatherwood Townhomes recorded at Book 4071, Page 118, Wake County Registry.

HEATHERWOOD TOWNHOMES ASSOCIATION,
A North Carolina Nonprofit Corporation

By: _____ (SEAL)

Pat Cappinly PRESIDENT

ATTEST:

Pat Sayers
SECRETARY

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, a Notary Public of the County and State aforesaid, certify that Pat Cappinly and Pat Sayers personally came before me this day and acknowledged that he/she is _____ Secretary of HEATHERWOOD TOWNHOMES ASSOCIATION, a North Carolina nonprofit 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, sealed with its corporate seal and attested by Pat Sayers as its Secretary.

Witness my hand and official stamp or seal, this 22 day of NOV, 2013.

Tammy Wooten
NOTARY PUBLIC

