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WAKE COUNTY, NC 737
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
APR 27 2007 AT 14:14:21

BOOK:012519 PAGE:01729 - 01732

Prepared by and hold for: Kathryn S. Drake, Attorney at Law, PA, Box #104

NORTH CAROLINA

WAKE COUNTY

AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR HERITAGE
SPRINGS TOWNHOMES

THIS AMENDMENT TO RESTRICTIVE COVENANTS FOR HERITAGE SPRING
SUBDIVISION is made this 25th day of April, 2007 by Heritage Spring, LLC, a North Carolina
limited liability company, hereinafter the "Declarant",.

Whereas, Heritage Spring Subdivision as described on the attached Exhibit A was subjected
to a Declaration of Covenants, Conditions and Restrictions for Heritage Spring Subdivision,
hereinafter the "Declaration", recorded in Book 12187, Page 1392, Wake County Registry, and

Whereas, Article XII, Section 2 of the Declaration provides that the Declaration may be
amended at any time prior to December 31, 2031 by an instrument signed by the Owners of not less
than 75% of the Lots subject to the Declaration and further that as long as the Class B Membership
exists, Declarant may amend the Declaration without the approval of any Member provided the
amendment does not materially alter or change any Owner's right to the use and enjoyment of such
Owner's Lot and the amendment does not adversely affect that title to any Lot; and

Whereas, Declarant is the Owner of all of the lots in the subdivision and the only Class B
member, and

Whereas, Declarant desires to amend the provisions of the Declaration of Covenants,
Conditions and Restrictions for Heritage Spring Subdivision to meet the requirements of the Town
of Wake Forest regarding final approval of the subdivision, and

Whereas, said amendments do not materially alter or change any Owner's right to the use
and enjoyment of any lot and the amendments do not adversely affect that title to any lot;

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Now, therefore, the undersigned Declarant hereby amends Article V, Section 2 of the Declaration of Covenants, Conditions and Restrictions for Heritage Spring Subdivison recorded in Book 12187, Page 1392, Wake County Registry, to provide that assessments levied by the Association may be used for the payment of ad valorem taxes and public assessments charges lawfully levied against the common areas;

Declarant further amends the Declaration of Covenants, Conditions and Restrictions for Heritage Spring Subdivison recorded in Book 12187, Page 1392, Wake County Registry to provide that no lots in the subdivision may be conveyed until the Heritage Spring Homeowners Association, Inc., hereinafter the "Association", is incorporated by the North Carolina Secretary of State. The Association was incorporated on April 25, 2007.

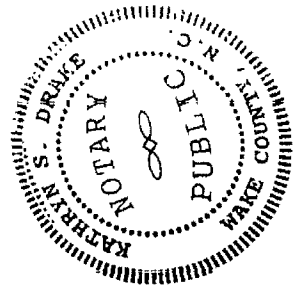
In all other respects the Declaration of Covenants, Conditions and Restrictions for Heritage Spring Subdivison, hereinafter the "Declaration", recorded in Book 12187, Page 1392, Wake County Registry shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned have herein set their hands and seals on the day and year first set out above.

HERITAGE SPRING, LLC
A North Carolina limited liability company

By: CPFS Corp., a Virginia corporation, its sole member

James Hunt VP
BY: James Hunt, Vice-President



STATE OF NORTH CAROLINA

COUNTY OF WAKE

I, Kathryn S. Drake, a Notary Public of the County and State aforesaid, certify that JAMES HUNT, personally appeared before me this day and acknowledged that he is Vice-President of CPFS Corp., a Virginia corporation, the sole member of Heritage Spring, LLC, a North Carolina limited liability company and that by authority duly given and as an act of the corporation and the limited liability company, the foregoing instrument was signed in its name by him in the capacity and for the purposes stated.

Witness my hand and official stamp or seal, this 25TH day of April, 2007.

My Commission expires: 8/3/2010

Kathryn S. Drake
Notary Public

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Exhibit A

[legal description]

Being all of that portion of land shown as Proposed Tract 5 on an ALTA/ACSM Land Title survey entitled "Proposed Wildflower Subdivision, Proposed Tract 5, Wake Forest, North Carolina", prepared by the John R. Mcadams Co., Inc. dated 2/5/05 with the most recent revision date being 1/6/06 containing 7.69 acres more or less and being more particularly described as follows:

Beginning at an existing iron pipe being the southwestern corner of the now or formerly Hazel B. Eddins tract as shown in deed book 3740, page 183 of the Wake County Registry, said point being the POINT OF BEGINNING; thence along the aforementioned southern line South 68°28'12" East, a distance of 510.68 feet to an existing iron pipe being the southwestern corner of the proposed Tract 4; thence along the southern line of the aforementioned proposed tract 4 South 41°16'46" East, a distance of 215.73 feet to a calculated point; thence South 60°03'41" East, a distance of 33.39 feet to a calculated point being the northwestern corner of the proposed Heritage View Trail 60' right of way; thence South 30°31'50" West, a distance of 60.00 feet to a calculated point being the northwestern corner of the proposed tract 6; thence along the aforementioned western line South 30°31'50" West, a distance of 371.16 feet to a calculated point being on the northern line of the now or formerly Rogers Road Developers tract as shown in deed book 10924, page 643 of the Wake County Registry; thence along the aforementioned northern line along a curve to the left having a radius of 325.00 feet and a chord bearing North 85°31'26" West a distance of 58.90 feet to a calculated point; thence South 88°16'54" West, a distance of 22.56 feet to a calculated point; thence South 88°16'54" West, a distance of 323.74 feet to a calculated point being on the eastern line of the now or formerly Lee Arnold Darch tract as shown in deed book 10371, page 2086 of the Wake County Registry; thence along the aforementioned eastern line North 01°43'08" West, a distance of 744.73 feet to an existing iron pipe being the POINT OF BEGINNING containing 7.69 acres, more or less and being all of that portion of land shown as Proposed Tract 5 on an ALTA/ACSM Land Title survey entitled "Proposed Wildflower Subdivision, Proposed Tract 5, Wake Forest, North Carolina", prepared by the John R. Mcadams Co., Inc. dated 2/5/05 with the most recent revision date being 1/6/06.

