

WAKE COUNTY, NC 354
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
02/21/2005 AT 15:26:31

BOOK:011229 PAGE:02379 - 02386

NORTH CAROLINA
WAKE COUNTY

Hold #35

AMENDMENT TO DECLARATION OF MASTER
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR THE VILLAGES OF FOX RUN (Recorded in
Book 008869, Page 1665 as amended and restated in
Book 009434, Page 01197)

THIS AMENDMENT TO DECLARATION, made on the date hereinafter set forth by Ballance Currin Properties LLC, a North Carolina Limited Liability Company, hereinafter referred to as "Declarant", F & L Developers, Inc. ("F & L"), Horizon Homes, Inc. ("Horizon"), Phelps Dixon Builders, LLC ("Phelps") and consented to by the undersigned Owners of Townhome Lots and Single Family Lots in The Villages of Fox Run.

WHEREAS, Declarant has previously executed and recorded the Declaration, the same having been recorded in Book 008869, Page 01665, as amended and restated in Book 009434, Page 01197 Wake County Registry; and,

WHEREAS, said Declaration provides in Article XIII that it may be amended with by approval of sixty-seven percent (67%) of the votes of the membership; and,

AND WHEREAS, Declarant and F & L , the builder of the Townhome Lots desires to specify the purpose for the townhome assessments in this Declaration and amend Article IV, Section 2;

NOW, THEREFORE, the Declarant and all the undersigned do hereby amend and resubmit, publish and declare that Article IV, Section 2 read as follows:

"Article IV ...

Section 2. Purpose of Assessments. The assessments levied by the Association shall be used exclusively to promote the recreation, health, safety, and welfare of the residents in the Property and for the improvement and maintenance of Open Space and Common Areas (including without limitation stormwater facilities, lakes, private drives or streets, recreation facilities), for the establishment of adequate reserves for the replacement of capital improvements, if any, located within the Common Area, payment of insurance premiums for contracts of hazard and liability insurance on the Common Area and on other portions of the Property, Directors and Officers insurance and payment of local ad valorem taxes

or governmental charges, if any, on the Common Area and maintenance of landscaped areas within the Property which are maintained by the Association. It shall be expressly understood that due to differences which may exist with respect to the plan of development for the various respective Subdivisions, there may be certain additional assessments which are unique to the respective Subdivisions, and if such exist, they shall be included in the assessments for the Properties located within the respective Subdivision and not within the assessments for Properties located created within the remainder of the Property and such assessments may be used by the Association for such purposes as may be set out in the Supplemental Declaration creating such assessments.

For the Townhome Lots, the townhome assessment shall be used for exterior maintenance of the townhomes, landscape maintenance, Progress Energy street lighting, general liability insurance, termite inspection and treatment as necessary and for other matters as deemed necessary by the Board of Directors of the Association for the Townhome Lots.

In addition, the assessments shall be used for payment into the required stormwater Escrow Fund pursuant to the Escrow Agreement to pay the cost of maintaining stormwater and drainage easements and stormwater facilities, including stormwater detention basins and devices, as well as grassed swales, all serving more than one lot as shown on the recorded maps, pursuant to the Operations and Maintenance Manual for The Village of Fox Run Stormwater Detention Basins and Grassed Swales, prepared by Spaulding & Norris, P.A., civil engineering and planning, dated October 16, 2001, a copy of which Manual shall be in possession of the Association, and is attached hereto as Exhibit C and incorporated herein by reference.”

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals this 13 day of August, 2004.

Ballance Currin Properties LLC

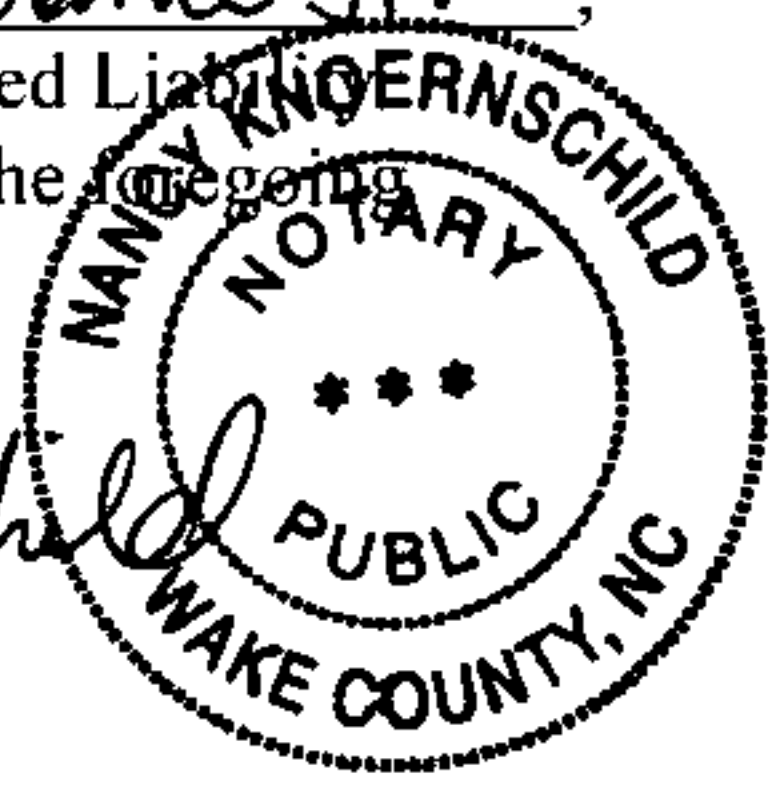
By: [Signature]
Member/Manager

State of North Carolina
County of Wake

I, a Notary Public of the County and State aforesaid, certify that Heigh Ballance Jr., being the Member/Manager of Ballance Currin Properties LLC, a North Carolina Limited Liability Company, personally appeared before me this day and acknowledged the execution of the foregoing instrument on behalf of the limited liability company.

Witness my hand and notarial seal, this August 13, 2004.

[Signature]
Notary Public



My Commission expires: 11/08/06

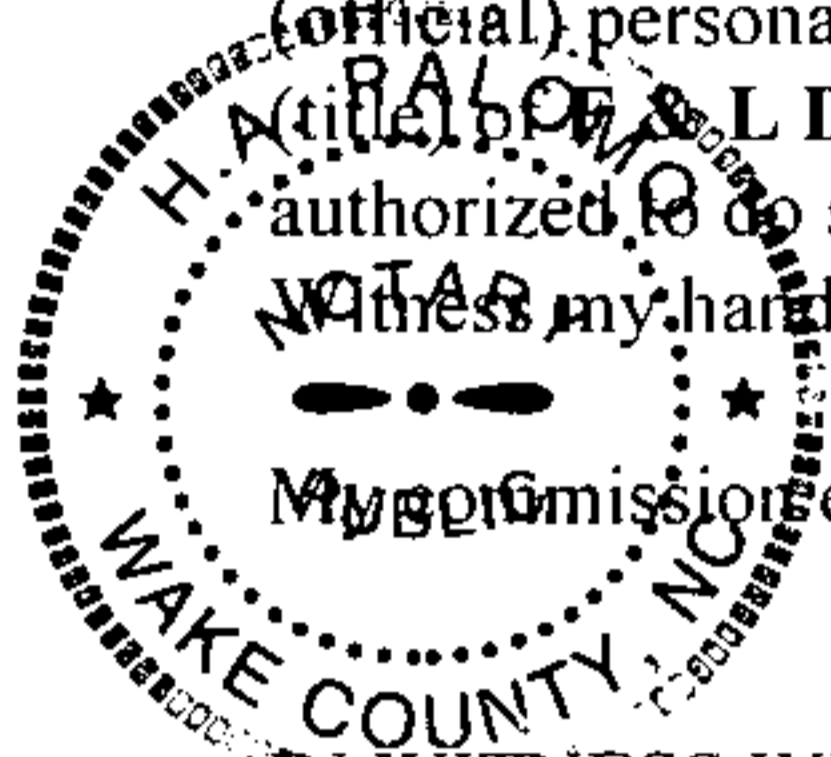
IN WITNESS WHEREOF, F & L Developers, Inc. has caused this instrument to be signed by its duly authorized officers, this day first above written.

F & L Developers, Inc.

By: [Signature]
President

State of North Carolina
County of Wake

I, a Notary Public of the County and State aforesaid, certify that KAREM FAKHOURY
(official) personally came before me this day and acknowledged that he/she is PRESIDENT
(title) of PHelps Dixon Builders, Inc. a corporation, and that he/she, as PRESIDENT (title) being
authorized to do so, executed the foregoing on behalf of the corporation.
Witness my hand and official seal, this the 23 day of July, 2004.



My commission expires: 5-23-06

[Signature]
Notary Public

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals this ___ day of
_____ 2004.

Phelps Dixon Builders, LLC

By: _____
Member/Manager

State of North Carolina
County of Wake

I, a Notary Public of the County and State aforesaid, certify that _____,
being the Member/Manager of Phelps Dixon Builders LLC, a North Carolina Limited Liability
Company, personally appeared before me this day and acknowledged the execution of the foregoing
instrument on behalf of the limited liability company.
Witness my hand an notarial seal, this _____, 2004.

IN WITNESS WHEREOF, Horizon Homes, Inc. has caused this instrument to be signed by its duly
authorized officers, this day first above written.

Horizon Homes, Inc.
By: _____
_____ President

State of North Carolina
County of Wake

I, a Notary Public of the County and State aforesaid, certify that _____
(official) personally came before me this day and acknowledged that he/she is _____
(title) of **Horizon Homes, Inc.** a corporation, and that he/she, as _____ (title) being
authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official seal, this the ___ day of _____, 2004.

My commission expires: _____

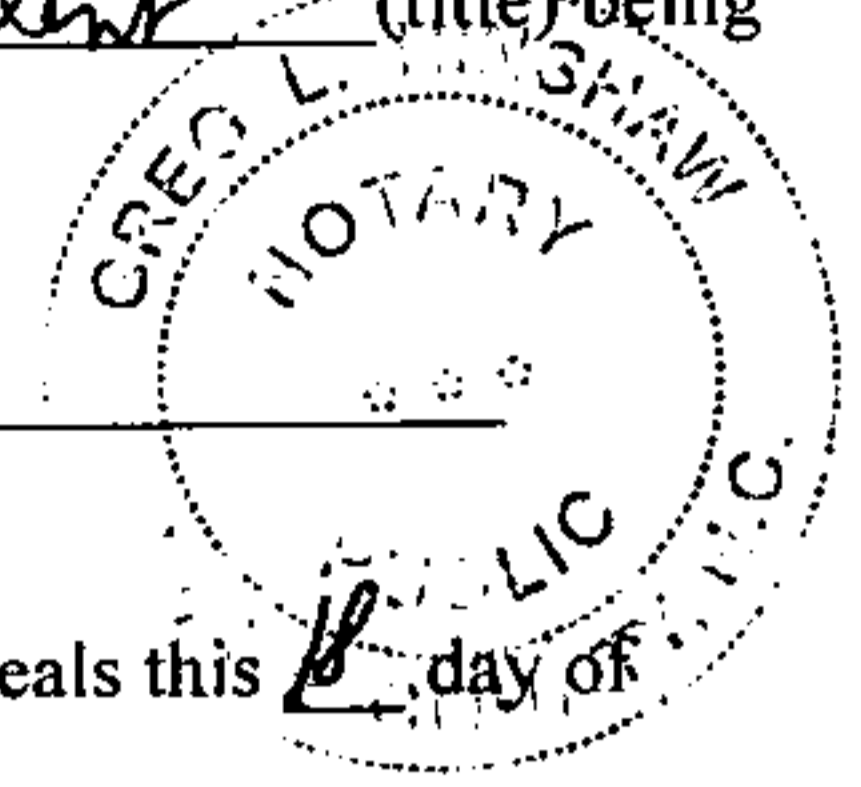
Notary Public

State of North Carolina
County of Wake

I, a Notary Public of the County and State aforesaid, certify that Kareem Fakhoury
(official) personally came before me this day and acknowledged that he/she is President
(title) of **F & L Developers, Inc.** a corporation, and that he/she, as President (title) being
authorized to do so, executed the foregoing on behalf of the corporation.
Witness my hand and official seal, this the 23 day of September, 2004.

My commission expires: 8-1-05

[Signature]
Notary Public



IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals this 18 day of February, 2005.

Phelps-Dickson Builders, LLC

By: [Signature]
Member/Manager

State of North Carolina
County of Wake

I, a Notary Public of the County and State aforesaid, certify that Bradley G. Phelps
being the Member/Manager of Phelps Dixon Builders LLC, a North Carolina Limited Liability
Company, personally appeared before me this day and acknowledged the execution of the foregoing
instrument on behalf of the limited liability company.

Witness my hand an notarial seal, this February 18, 2005.

My commission expires: 8-1-05

[Signature]
Notary Public



IN WITNESS WHEREOF, Horizon Homes, Inc. has caused this instrument to be signed by its duly
authorized officers, this day first above written.

Horizon Homes, Inc.

By: [Signature]
President

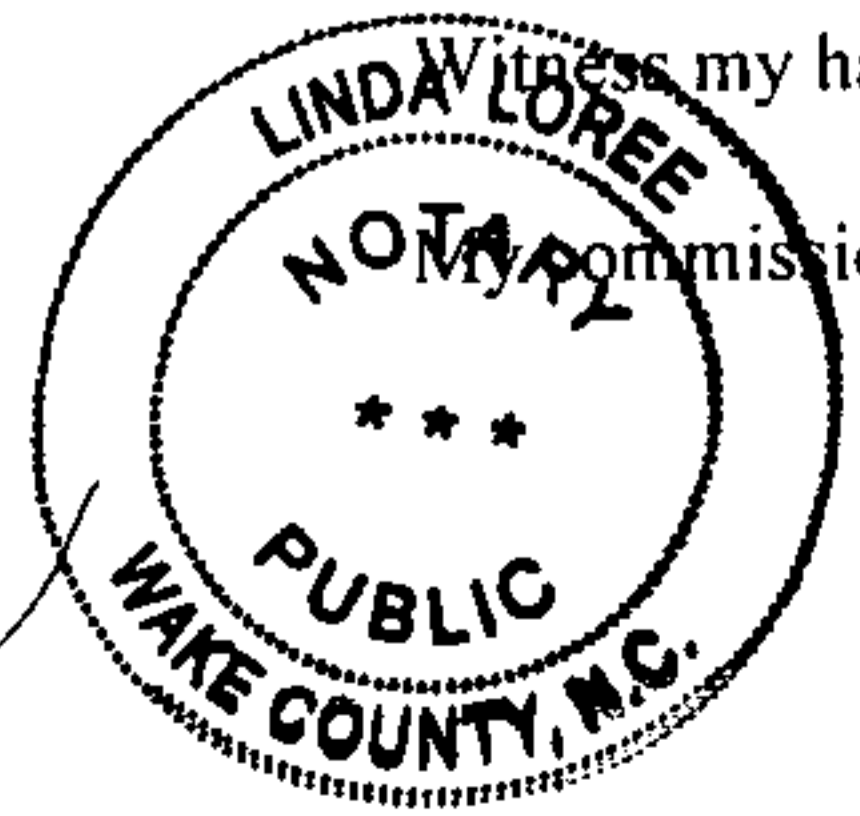
State of North Carolina
County of Wake

I, a Notary Public of the County and State aforesaid, certify that John Berenti
(official) personally came before me this day and acknowledged that he/she is president
(title) of **Horizon Homes, Inc.** a corporation, and that he/she, as President (title) being
authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official seal, this the 23 day of September, 2004.

My commission expires: 8-1-08

[Signature]
Notary Public



IN WITNESS WHEREOF, the Owners have hereunto set their hands and seals.

<u>Lot Number</u>	<u>Owner (one owner of each lot)</u>	
<u>3</u>	<u>Antonio S. Vallejo</u>	(Seal)
<u>4</u>	<u>Sammy Puma</u>	(Seal)
<u>75</u>	<u>James Hodges</u>	(Seal)
<u>2</u>	<u>Delisa Rades</u>	(Seal)
<u>74</u>	<u>Archie Hoff</u>	(Seal)
<u>73</u>	<u>Paul R. Lanza</u>	(Seal)
<u>6</u>	<u>Mila H. Puma</u>	(Seal)
<u>72</u>	<u>Renee Golian</u>	(Seal)
<u>8</u>	<u>Mary [unclear]</u>	(Seal)
<u>38</u>	<u>John [unclear]</u>	(Seal)
<u>45</u>	<u>[unclear]</u>	(Seal)
<u>18</u>	<u>Amey J. Plecton</u>	(Seal)
<u>70</u>	<u>Angela Bullerh</u>	(Seal)
<u>14</u>	<u>Karen Erikson - Deard</u>	(Seal)
<u>21</u>	<u>Shamell [unclear]</u>	(Seal)
<u>17</u>	<u>Jennifer M. Muehler</u>	(Seal)
<u>20</u>	<u>Larry L. Johnson</u>	(Seal)
<u>1</u>	<u>Ken Cote</u>	(Seal)
<u>43</u>	<u>Ann [unclear]</u>	(Seal)
<u>12</u>	<u>Jamarah R. Ruggend</u>	(Seal)
<u>16</u>	<u>Julia E. Dalton</u>	(Seal)
<u>46</u>	<u>Dalton [unclear]</u>	(Seal)

11

Robert D. Anderson (Seal)

9

Mia J. Dwyer (Seal)

48

Samuel J. [unclear] (Seal)

19

Janet [unclear] (Seal)

40

John [unclear] (Seal)

41

George W. [unclear] (Seal)

13

James B. [unclear] (Seal)

44

James M. Dungan (Seal)

71

Andrew [unclear] (Seal)

10

John [unclear] (Seal)

22

Charles [unclear] (Seal)

15

Conrad [unclear] (Seal)

_____ (Seal)

_____ (Seal)

_____ (Seal)

_____ (Seal)

_____ (Seal)

_____ (Seal)

_____ (Seal)

_____ (Seal)

_____ (Seal)

_____ (Seal)

CERTIFICATION OF VALIDITY OF AMENDMENT TO COVENANTS CONDITIONS AND RESTRICTIONS OF THE VILLAGES OF FOX RUN

By authority of its Board of Directors, The Villages of Fox Run Owners Association, Inc., hereby certifies that the foregoing instrument has been duly approved by the owners of 67% or more percent of the votes of the Members of The Villages of Fox Run Owners Association, Inc. and is, therefore, a valid amendment to the existing covenants, conditions and restrictions of The Villages of Fox Run.

This the 13 day of August, 2004

THE VILLAGES OF FOX RUN OWNERS ASSOCIATION, INC.

H. Leigh Ballance Jr.
President

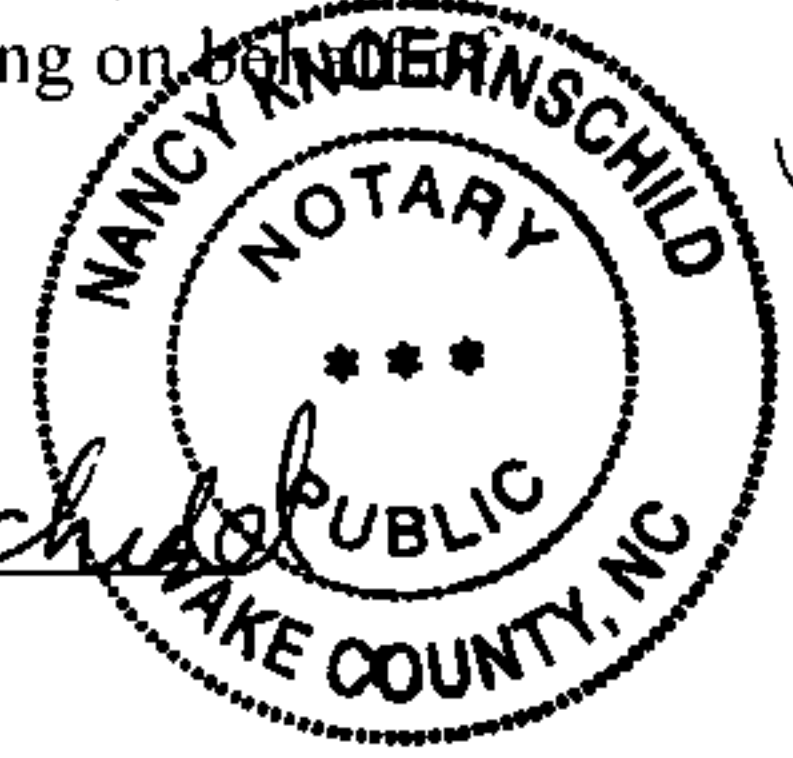
State of North Carolina
County of Wake

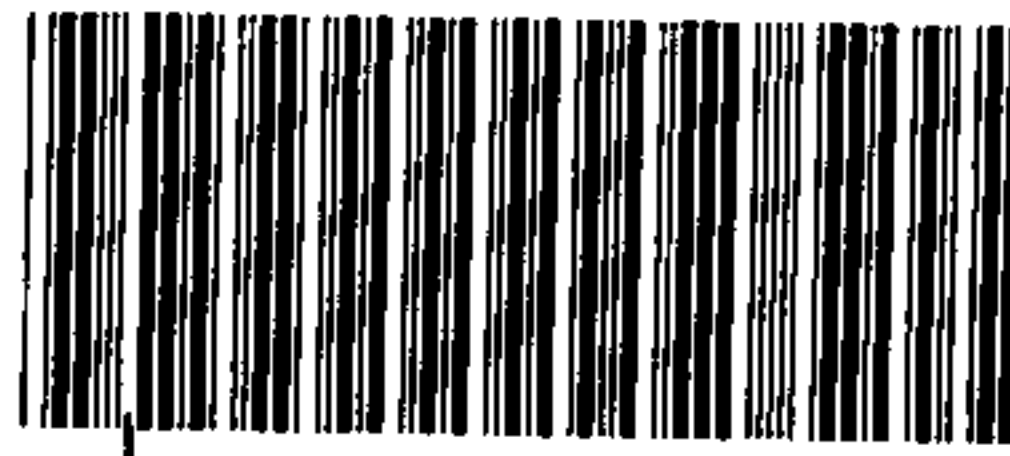
I, a Notary Public of the County and State aforesaid, certify that H. Leigh Ballance Jr. (official) personally came before me this day and acknowledged that he/she is President (title) of THE VILLAGES OF FOX RUN OWNERS ASSOCIATION, INC. a corporation, and that he/she, as President (title) being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official seal, this the 13 day of August, 2004.

My commission expires: 11/08/06

Nancy Kroemerschid
Notary Public





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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 5 of Nancy Knoernschild
H.A. Palomo

Greg L. Hirschaw Linda Loree

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: Vernice Spear
Assistant/Deputy Register of Deeds

This Customer Group _____ # of Time Stamps Needed

This Document _____ New Time Stamp
8 _____ # of Pages