

WAKE COUNTY, NC 233
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
02/21/2014 AT 14:54:33

BOOK:015585 PAGE:00486 - 00490

Prepared by and return to:
Suzanne B. Allaire, Esq.
K&L Gates LLP (Vault Box 123)
P.O. Box 17047
Raleigh, NC 27619

STATE OF NORTH CAROLINA

COUNTY OF WAKE

**FIRST AMENDMENT TO
DECLARATION OF PROTECTIVE COVENANTS, RESTRICTIONS, EASEMENTS,
CHARGES, AND LIENS FOR CARPENTER GROVE SUBDIVISION**

THIS FIRST AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS, RESTRICTIONS, EASEMENTS, CHARGES, AND LIENS FOR CARPENTER GROVE SUBDIVISION (this "Amendment") is effective as of the date of its recordation in the Office of the Register of Deeds for Wake County, North Carolina and is made by **ASHTON RALEIGH RESIDENTIAL, L.L.C.**, a North Carolina limited liability company (hereinafter, "Declarant").

RECITALS

WHEREAS, by virtue of that certain Designation of Successor Declarant and Transfer and Assignment of Declarant Rights recorded in Book 15499, Page 2284, Wake County Registry, Declarant is the "Declarant" under that certain Declaration of Protective Covenants, Restrictions, Easements; Charges, and Liens for Carpenter Grove Subdivision recorded on October 25, 2012, in Book 14987, Page 1894, Wake County Registry (as assigned, the "Declaration"); and

WHEREAS, Declarant desires to amend the Declaration to among other things (i) memorialize the change in name of the Subdivision from Carpenter Grove to Braemore and (ii)

revise the requirements for side yard setbacks set out in Article IV, Section 3.C.d to make the sideyard setback 5 feet; and

WHEREAS, pursuant to Article IV, Section 4 of the Declaration and Section 3 of the Settlement Agreement, written consent of the Weycroft Association is required in order to amend Article IV, Section 3 of the Declaration; and

WHEREAS, Weycroft Association has granted such written consent as evidenced by its joinder herein for the sole purpose of consenting to the amendment to Article IV, Section 3 of the Declaration set out in this Amendment, and does not waive or consent to the modification of any of its rights set out in the Declaration or the Settlement Agreement except as expressly provided for herein.

NOW, THEREFORE, Declarant, with the consent of Weycroft Association, hereby amends the Declaration as follows:

1. Defined Terms. All capitalized terms used herein, unless otherwise defined herein, shall have the meanings set forth in the Declaration.

2. Name of Subdivision. The Subdivision formerly known as "Carpenter Grove" is now known as "Braemore." Accordingly, all references in the Declaration to "Carpenter Grove" are hereby deleted and replaced by references to "Braemore."

3. Name of Association. The Carpenter Grove Homeowners Association, Inc. was never incorporated in the State of North Carolina. The Braemore Homeowners Association, Inc. has been duly incorporated in the State of North Carolina. Accordingly, all references in the Declaration to the "Carpenter Grove Homeowners Association, Inc." are hereby deleted and replaced by references to the "Braemore Homeowners Association, Inc."

4. Building Set-backs. Article IV, Section 3.C.d of the Declaration is hereby deleted in its entirety and replaced by the following:

d. Side yard: 5'

5. Joinder. Weycroft Association joins in this Amendment to evidence its consent to the amendment of Article IV, Section 3.C.d. set forth above.

6. Effect of Amendment. The Declaration is hereby modified to the extent set forth herein, but only to the extent set forth herein. All provisions of the Declaration not modified by this Amendment shall remain in full force and effect in accordance with their original terms as set forth in the Declaration.

[Signature Page to Follow]

IN WITNESS WHEREOF, Weycroft Association joins in the execution of this Amendment to evidence its consent to the amendment of Article IV, Section 3 of the Declaration as set forth more particularly herein.

WEYCROFT COMMUNITY ASSOCIATION, INC.,
a North Carolina nonprofit corporation

By: Randy Barrineau
Name: Randy Barrineau
Title: President

Wake County, North Carolina

I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: President, Randy Barrineau.

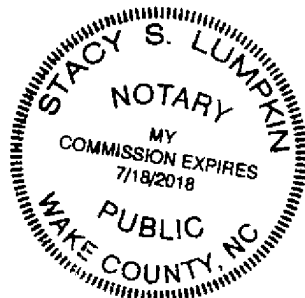
Date: 2-6-14

My Commission Expires:

7-18-2018

Stacy S. Lumpkin
Notary Public
Print Name: Stacy S. Lumpkin

[Affix Notary Stamp or Seal below]



IN WITNESS WHEREOF, Declarant has executed this Amendment on the date and year first written above.

ASHTON RALEIGH RESIDENTIAL, L.L.C.,
a North Carolina limited liability company

By: [Signature]
Name: THOMAS J. ANHUT
Title: DIVISION PRESIDENT

Wake County, North Carolina

I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: DIVISION PRESIDENT, THOMAS J. ANHUT.

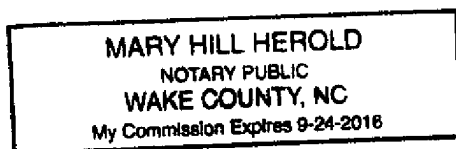
Date: 2/11/14

My Commission Expires:

9-24-16

[Signature]
Notary Public
Print Name: Mary Hill Herold

[Affix Notary Stamp or Seal below]





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Please retain yellow trailer page

It is part of the recorded document and must be submitted with the original for re-recording.

Laura M. Riddick
Register of Deeds
Wake County Justice Center
300 South Salisbury Street, Suite 1700
Raleigh, NC 27601

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