

First Amendment to Declaration  
of Protective Covenants,  
Easement Reservations, Road Dedication  
and Road Maintenance Agreement  
of Arbor Lea

This Amendment is made as of the 20<sup>th</sup> day of November, 1991, by Walter C. Oldham, Jr., individually and as Trustee under the Clarence G. Oldham Trust, and Conniesue B. Oldham (the "Declarant").

**WITNESSETH:**

WHEREAS, the Declarant has established a general plan and uniform scheme of development for improvement of all that certain parcel of land located in Williams township, Chatham County, North Carolina, containing 141.425 acres and shown on the plat of "Arbor Lea Subdivision Phase II & III and Recombination of Phase I" prepared by Matt K. Moore, R.L.S., of Smith and Smith Surveyors, dated July 17, 1989, and recorded in Plat Slide 89-324, Chatham County Registry; except the Clarence and Alice Oldham house and lot (the "Property").

WHEREAS, the Property is subject to a Declaration of Protective Covenants, Easement Reservations, Road Dedication and Road Maintenance Agreement of Arbor Lea, recorded in Book 550 at Page 91 of the Chatham County Registry (the "Declaration").

WHEREAS, Article XVI of the Declaration provides that the 30.487 acres designated on the aforesaid plat "For Future Development" (hereinafter "Phase IV") shall be covered by the restrictions contained in that Article, and that upon the subdivision of Phase IV into lots for residential purposes, all of the other provisions of the Declaration, are to apply to the Phase IV lots.

WHEREAS, Phase IV has now been subdivided into lots for residential purposes, and the Declarant desires to amend the Declaration to declare that Phase IV is now subject to all covenants set forth in the Declaration, and to make all appropriate changes to the text of the Declaration in connection therewith.

NOW, THEREFORE, in consideration of the premises, the Declarant hereby amends the Declaration as follows:

The property description contained in Section 1 of Article I of the Declaration is hereby amended by deleting said description in its entirety and substituting the following description in its stead:

"The property subject to this declaration is all those certain parcels of land located in Williams Township, Chatham County, North Carolina, collectively containing 141.425 acres, as shown on the plat of "Arbor Lea Subdivision, Phase

II and III and Recombination of Phase I", prepared by Matt K. Moore, R.L.S., of Smith and Smith Surveyors, dated July 17, 1989, and recorded in Plat Slide 89, Page 324, Chatham County Registry, except the Clarence and Alice Oldham house and lot, and plat of "Phase IV, Arbor Lea", prepared by A. Earl Smith, R.L.S. of Smith and Smith Surveyors, dated August 19, 1991, and recorded in Plat Slide 91-~~389~~, Chatham County Registry.

The above-described property is referred to hereinafter as follows:

1. "The Property" shall mean and refer to all of the above described property except that 15.342 acres designated on the plats as "Reserved Area."
2. "Reserved Area" shall mean and refer to all that 15.342 acres, more or less, as shown on the above plats, except the house and lot of Clarence G. and Alice Oldham."

2. Section 1 of Article III of the Declaration is hereby amended to add Phase IV to the definition contained therein, by deleting said Section in its entirety and substituting the following Section in its stead:

"Section One, "Association" shall mean and refer to the Arbor Lea Landowners Association, a North Corporation corporation organized for the care, maintenance and improvement of the roads, trails, and common areas of Phase I, II, III and IV and subsequent phases of Arbor Lea for the enforcement of the provisions of this Declaration and to engage in such other activities as may be to the mutual benefit of the owners of property in Arbor Lea."

3. Section 14 of Article III of the Declaration is hereby amended to add Phase IV to the definition contained therein, by deleting said Section in its entirety and substituting the following Section in its stead:

"Section 14. "Subdivision Road" shall mean Meadow Run Drive and any roads constructed to serve Phases I, II, III and IV and subsequent phases of Arbor Lea, excluding the Reserved Area."

4. Section 17 of Article III of the Declaration is hereby amended to add Phase IV to the definition contained therein, by deleting said Section in its entirety and substituting the following Section in its stead:

"Section 17. "the Plat" shall refer to the plats of "Arbor Lea Subdivision, Phase II and III and Recombination of Phase I" dated July 17, 1989, and recorded in Plat Slide 89-324, Chatham County Registry, and the plat of "Phase IV, Arbor Lea", dated August 19, 1991, and recorded in Plat Slide 91-~~389~~ in the Chatham County Registry, and subsequent plats of property subjected to these restrictions

and recorded in the Chatham County Registry."

5. The last sentence of Article IV of the Declaration is hereby amended by deleting said sentence in its entirety and substituting the following sentence in its stead:

"For Phase I, II and III, the total number of lots shall be eighteen (18); for Phase IV, the total number of lots shall be six (6)."

The provisions of the Declaration, as the same may be effected by this Amendment, shall remain in full force and effect.

IN WITNESS WHEREOF, the Declarant has caused this Declaration to be executed as of the 20th day of November, 1991.

*Walton C. Oldham, Jr. Trustee*

*Walton C. Oldham, Jr.*

Walton C. Oldham, Jr.,  
individually and as Trustee  
under the Clarence G. Oldham  
Trust

*Connisue B. Oldham*

Connisue B. Oldham

**SUBORDINATION OF LENDER**

Central Carolina Bank and Trust Company, National Association, Durham, North Carolina, owner and holder of the Note secured by that certain Deed of Trust dated March 1, 1989, and recorded in Book 53 at Page 297 in the Chatham County Registry and Republic Bank and Trust Company, Trustee under said Deed of Trust hereby consent to and join in this Amendment and subordinate the lien of said Deed of Trust to the provisions of the Declaration as amended by this Amendment.

IN WITNESS WHEREOF, the parties hereto have caused this Subordination to be executed as by law provided this 22nd day of November, 1991.

CENTRAL CAROLINA BANK AND TRUST  
COMPANY, National Association

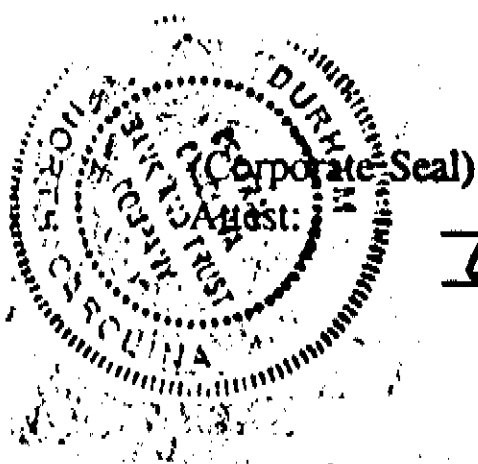
By:

*[Signature]*

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*Vice President*

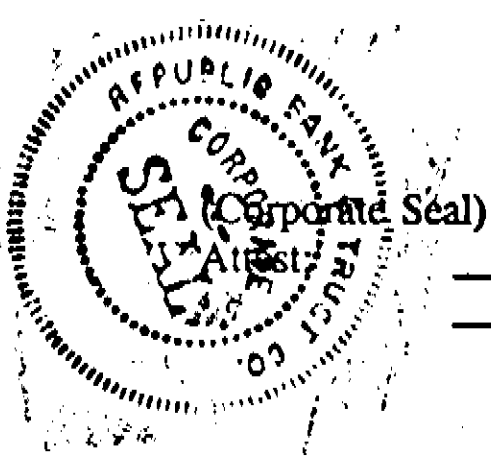
\_\_\_\_ President



Anne P. Pope  
Asst. Secretary

REPUBLIC BANK AND TRUST COMPANY,  
TRUSTEE

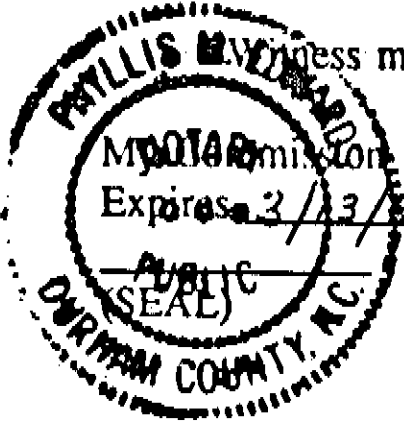
By: Henry Pope  
VICE President



Bonnie E. Shuman  
Asst. Secretary

NORTH CAROLINA  
CHATHAM COUNTY

I, a Notary Public of the County and State aforesaid, certify that Anne P. Pope personally came before me this day and acknowledged that he/she is Asst. Secretary of Central Carolina Bank and Trust Company, National Association, 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 its Vice President, sealed with its corporate seal and attested by him/her as its Asst. Secretary.



Witness my hand and official stamp or seal, this 22 day of Nov., 1991.

Pat Ellis

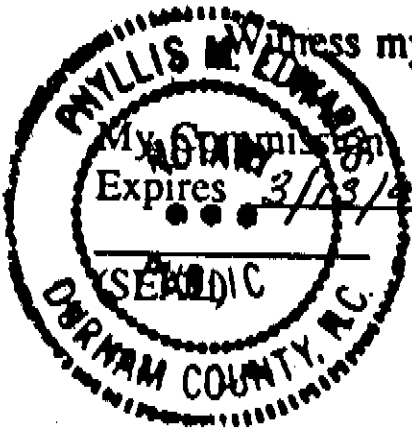
NOTARY PUBLIC

NORTH CAROLINA  
CHATHAM COUNTY

I, a Notary Public of the County and State aforesaid, certify that Bonnie E. Shuman personally came before me this day and acknowledged that he/she is Asst. Secretary of Republic Bank and Trust Company, National Association, 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 its Vice President, sealed with its corporate seal and attested by him/her as its Asst. Secretary.

Witness my hand and official stamp or seal, this 22 day of Nov, 1991.



Phyllis M. Edwards

NOTARY PUBLIC

NORTH CAROLINA  
CHATHAM COUNTY

I, a Notary Public of the County and State aforesaid, certify that Walton C. Oldham, Jr. and wife, Conniesue B. Oldham and Walton C. Oldham, Jr., Trustee personally came before me this day and acknowledged the due execution of the foregoing instrument.

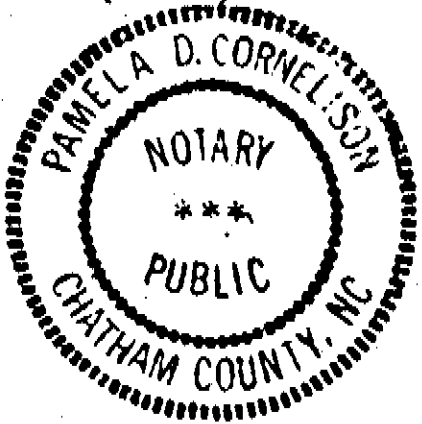
Witness my hand and official stamp or seal, this 20<sup>th</sup> day of November, 1991.

My Commission Expires 2/19/95

Pamela D. Cornelison

(SEAL)

NOTARY PUBLIC



FILED  
91 DEC 5 AM 9 49  
REBA G. THOMAS  
REGISTER OF DEEDS  
CHATHAM COUNTY, N.C.

NORTH CAROLINA, CHATHAM COUNTY

The foregoing Certificate(s) of PAMELA D. CORNELISON & PHYLLIS M. EDWARDS

Notary (Notaries) Public is (are) certified to be correct. This instrument was presented for registration at 9:49 o'clock a.m., on December 5, 1991, and recorded in Book 583, Page 518.

Reba G. Thomas, REGISTER OF DEEDS FOR CHATHAM COUNTY.

By Reba G. Thomas Assistant -- Register of Deeds.