

Prepared by and return to: Sellers, Ayers, Dortch & Lyons, PA (SCS)  
301 S. McDowell St., Ste. 410  
Charlotte, NC 28204

## STATE OF NORTH CAROLINA

## WAKE COUNTY

### FIRST ANNEXATION DECLARATION FOR RUTHERFORD

This **FIRST ANNEXATION DECLARATION FOR RUTHERFORD** ("Annexation Declaration") is made as of the 6 day of December, 2023 by **Pulte Home Company, LLC**, a Michigan limited liability company ("Declarant"), with the consent of the undersigned record owners of Lots within the Annexation Property described herein, pursuant to the provisions of Article IX, Section 1(a) of the DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR RUTHERFORD recorded on February 10, 2023 in Book 19259 at Page 1981 of the Wake County Public Registry ("Declaration").

### STATEMENT OF PURPOSE

Pursuant to Article IX, Section 1(a) of the Declaration, Declarant has the unilateral right, privilege, and option from time to time until ten (10) years after the recording of the Declaration to subject to the provisions of the Declaration any additional real property, provided, however, that any such real property that is not owned by the Declarant at the time it is annexed may be made subject to the Declaration only with the consent of the record owner(s) of such real property. The purpose of this Annexation Declaration is to extend and confirm the jurisdiction of the Association over the real property described in **Exhibit A** (the "Annexation Property") and to subject the Annexation Property to the provisions of the Declaration.

**NOW, THEREFORE**, pursuant to the authority granted in Article IX, Section 1(a) of the Declaration, and with the written consent of the undersigned record owners of Lots within the Annexation Property, Declarant hereby declares that the Annexation Property described in **Exhibit A** is and henceforth shall be held, transferred, sold, conveyed, occupied and used subject to the North Carolina Planned Community Act, codified in Chapter 47F of the North Carolina General Statutes ("Act") and to the terms and conditions of the Declaration which shall be covenants running with the land and binding upon the Annexation Property and the record owners thereof, in perpetuity.

**IN WITNESS WHEREOF**, Declarant, with the consent of the undersigned record owners of Lots within the Annexation Property, has executed this Annexation Declaration as of the day and year first above written.

**DECLARANT:**

**Pulte Home Company, LLC**, a Michigan limited liability company.

By: Chris Raughley  
Chris Raughley  
Vice President of Land Development

STATE OF NORTH CAROLINA

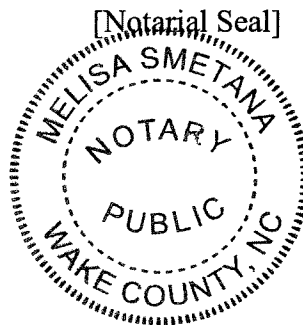
COUNTY OF WAKE

The undersigned, a Notary Public for the county and state aforesaid, hereby certify that **Chris Raughley** personally appeared before me this day and acknowledged that he is **Vice President of Land Development of Pulte Home Company, LLC**, a Michigan limited liability company, and that he, as Vice President of Land Development, being authorized to do so, executed the foregoing instrument on behalf of the corporation.

This the 6 day of December 2023.

Melisa Smetana  
Notary Public

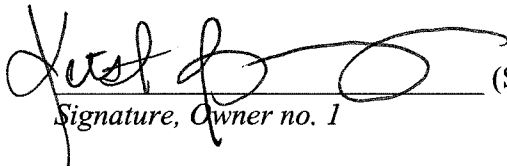
My Commission Expires: 07/27/2025




**IN WITNESS WHEREOF**, the undersigned record owners of Lot no. 2 within the Annexation Property have executed the foregoing Annexation Declaration, indicating their written consent thereto, pursuant to Article IX, Section 1(a) of the Declaration.

Lot Address: 4720 Winnepesaukee Lane Fuquay Varina, NC 27526

Lot Designation on Plat: Lot no. 2 on "RUTHERFORD SUBDIVISION PHASE 1 Major Subdivision Plat" recorded in Book of Maps 2020 at Pages 1991-1995 of the Wake County public registry.

 (Seal)  
Signature, Owner no. 1

Kristin Colleen Barry  
Printed name, Owner no. 1

 (Seal)  
Signature, Owner no. 2

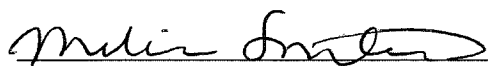
John Christopher Bradley  
Printed name, Owner no. 2

STATE OF NC

COUNTY OF Wake

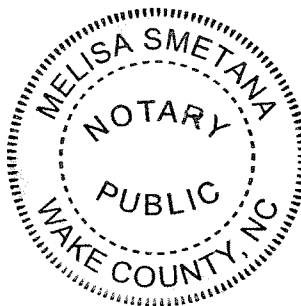
I, Melisa Smetana, a Notary Public for said County and State, do hereby certify that **Kristin Colleen Barry** and **John Christopher Bradley** personally appeared before me this day and acknowledged their due execution of the foregoing instrument.

Witness my hand and official seal this the 6 day of December, 2023.

  
Notary Public

My commission expires: 07/27/2025

Stamp/Seal



**Exhibit A**

**Annexation Property**

**Next two (2) pages**

Lying and being in the Town of Fuquay-Varina, Wake County, North Carolina, and being more particularly described as follows:

Beginning at an iron pipe found; said point being located along the eastern right-of-way line of Lake Wheeler Road (NCSR# 1375), a public right-of-way; said point also being the northwestern most property corner of the lands herein described, and being a common corner of the lands conveyed from William F. Jordan, III to William F. Jordan, III and wife, Bridget Jordan (see Deed Book 15680, Page 1628, Wake County Registry), having NC Grid Coordinates NAD 1983 (2011) N=691,989.58 feet, E=2,083,125.71 feet, thence leaving said point of beginning and running with the southern boundary line of said lands of William F. Jordan, III and wife, Bridget Jordan (Deed Book 15680, Page 1628, Wake County Registry) North 87°10'01" East, 427.09 feet to an iron pipe found, being a common corner of the lands conveyed from Dorothy J. Langley and Husband, Johnny M. Langley to Bridget L. Jordan (see Deed Book 15815, Page 999), thence running with the southern boundary line of said lands North 87°23'45" East, 207.37 feet to an iron pipe found, being a common corner of the lands conveyed from Ronald G. Pattillo and wife, Susan G. Pattillo to Andrew L. Oakley and Wife, Peggy D. Oakley (see Deed Book 10677, Page 2333, Wake County Registry), thence running with the southern boundary line of said lands North 87°09'18" East, 95.87 feet to an iron pipe found; thence continuing with said aforementioned boundary line North 87°11'56" East, 90.58 feet to an iron rod found along the bank of Thomas Creek (aka Thomas Branch); thence North 87°03'13" East, 4.95 feet located in the center of Thomas Creek; thence leaving the southern boundary line of said lands of Andrew L. Oakley and Peggy D. Oakley (Deed Book 10677, Page 2333), and running with the center of Thomas Creek the following courses and distances South 9°17'42" West, 11.61 feet to a point; thence South 41°58'45" East, 23.22 feet to a point; thence South 0°38'54" West, 37.25 feet to a point; thence S 33°09'48" West, 44.92 feet to a point; thence S 76°18'46" West, 20.76 feet to a point; thence S 65°16'31" West, 15.99 feet to a point; thence South 17°06'26" East, 28.94 feet to a point; thence South 25°34'39" West, 11.89 feet to a point; thence South 12°11'20" East, 8.63 feet to a point; thence South 21°29'16" East, 16.65 feet to a point; thence South 34°07'03" West, 39.65 feet to a point; thence South 29°04'24" East, 36.44 feet to a point; thence South 51°34'02" West, 22.76 feet to a point; thence South 5°09'04" East, 35.37 feet to a point; thence South 73°08'05" West, 19.52 feet to a point; thence South 24°20'39" West, 24.97 feet to a point; thence South 17°53'59" West, 30.37 feet to a point; thence South 1°49'45" West, 17.37 feet to a point; thence South 31°51'16" West, 43.41 feet to a point; thence South 13°34'59" East, 60.96 feet to a point; thence South 26°48'33" East, 45.76 feet to a point; thence South 5°08'52" West, 52.53 feet to a point; thence South 1°29'55" East, 71.89 feet to a point; thence South 30°03'53" East, 41.86 feet to a point; thence South 19°03'36" East, 20.81 feet to a point; thence South 8°15'44" East, 19.06 feet to a point; thence South 32°31'47" West, 71.90 feet to a point; thence South 42°42'07" West, 42.34 feet to a point; thence South 0°51'24" East, 34.78 feet to a point; thence South 27°47'35" West, 47.97 feet to a point; thence South 30°26'08" East, 32.37 feet to a point; thence South 43°32'31" West, 45.88 feet to a point; thence South 24°13'54" East, 37.26 feet to a point; thence South 37°49'31" West, 27.78 feet to a point; thence North 80°28'02" West, 23.35 feet to a point; thence South 27°46'10" West, 12.41 feet to a point; thence South 2°06'31" West 32.54 feet to a point; thence South 19°10'39" West, 106.33 feet to a point; thence South 73°09'31" West, 24.21 feet to a T-Post found in the center of Thomas Creek; thence running with the center of Thomas Creek the following courses and distances: South 73°09'31" West, 5.37 feet to a point; thence South 35°39'51" West, 42.14 feet to a point; thence South 11°53'02" West, 52.38 feet to a point; thence South 18°11'25" East, 103.69 feet to a point; thence South 1°10'57" East, 62.92 feet to a point; thence South 17°00'22" West, 112.17 feet to a point; thence South 13°45'57" West, 24.75 feet to a point; thence South 64°00'45" East, 24.28 feet to a point; thence South 17°17'36" East, 27.36 feet to a point; thence South 68°08'41" West, 51.25 feet to a point; thence South 24°31'00" West, 34.52 feet to a point; thence South 33°10'29" East, 53.06 feet to a point;

thence South 12°15'06" West, 64.66 feet to an iron pipe found; thence South 4°37'35" West, 18.38 feet to a point; thence South 37°01'40" East, 30.92 feet to a point; thence South 1°03'06" West, 108.74 feet to a point; thence South 1°38'10" East, 53.75 feet to a point located in the center of Thomas Creek; said point being located 3.20 feet northeast from a found iron pipe (disturbed); thence running with the center of Thomas Creek the following courses and distances: South 1°38'10" East, 2.16 feet to a point; thence South 8°24'48" West, 154.18 feet to a point; thence South 6°04'32" West, 89.60 feet to a point; thence South 18°06'31" West, 47.11 feet to a point; thence South 11°49'09" West, 39.59 feet to a point; thence South 22°39'09" West, 31.58 feet to a point; thence South 43°38'22" West, 25.64 feet to a point; thence South 24°04'53" West, 21.63 feet to a point; thence South 10°34'38" East, 37.57 feet to a point; thence South 31°46'11" West, 39.39 feet to a point; thence South 4°55'47" West 13.49 feet to an iron pipe found in the middle of Thomas Creek, being a common corner of Tract 26 as shown on a plat entitled "Subdivision Map Ransdell Park Phase 2" (see Book of Maps 1994, Page 844, Wake County Registry); thence leaving the center of Thomas Creek and running with the boundary line of said Tract 26 South 80°56'15" West, 505.34 feet to an axle found; thence running with the western most boundary lines of Lot 26 and Lot 27 of said plat South 1°05'40" West, 172.25 feet to an axle; being a common corner of the lands of Drusilla C. Williams and Karlynn C. Cobo; thence running with the northern boundary line of said lands North 88°58'04" West, 905.57 feet to an iron rod set; being located along the eastern right-of-way line of Lake Wheeler Road (NCSR #1375); thence running with the eastern right-of-way line of Lake Wheeler Road North 20°46'28" East, 431.19 feet to an iron rod found; being a common corner of Tract 8R as shown on a plat entitled "Recombination Survey for David Harold Cotton, Jr." dated September 14, 2017 (see Book of Maps 2017, Page 2450, Wake County Registry); thence North 20°44'12" East, 292.81 feet to an iron rod found; thence North 20°45'33" East, 353.58 feet to an iron rod found; thence North 20°45'33" East, 69.29 feet to an iron pipe set; thence North 20°46'41" East, 444.23 feet to an iron rod found, thence North 20°56'34" East, 311.14 feet to an iron rod found; thence North 20°57'16" East, 297.62 feet to an iron rod found; thence North 20°46'57" East, 570.32 feet to said point of beginning, containing approximately 63.19 acres, as shown on that certain survey entitled "ALTA/NSPS Land Title Survey for Pulte Home Company, LLC; 4 Parcels Comprising the Lake Wheeler Road Site Fuquay-Varina North Carolina" prepared by Terry L. Westendorf dated January 23, 2018.