

Prepared By & Return to:  
Gunn & Messick  
PO Box 80  
Rt 1 Box 27312

STATE OF NORTH CAROLINA

COUNTY OF CHATHAM

BOOK 808 PAGE 218

12398

AMENDED DECLARATION OF RESTRICTIVE AND PROTECTIVE COVENANTS

THIS AMENDED DECLARATION, made this 14 day of October, 1999 by

CURT ATKINSON; SUSAN PORTER-ATKINSON; CRAIG URBAN; HORACE MASON; STEPHANIE MASON; LYDIA WARREN

DONALD CURRIE; DONNA LOYD; RANDOLPH LOYD; GALINA MALYKIN; MICHAEL MALYKIN; GEORGE JANSSEN;  
JENNIFER JANSSEN; JACK WALLACE; REX GODLEY; PAMELA GODLEY; RALPH CRUTCHFIELD; ALLISON E.  
CRUTCHFIELD; ELIZABETH QUIGLEY; MIKE QUIGLEY; JANET HOBBS; ROBER HOBBS; WILMA C. MELVILLE;  
LAWRENCE D. MELVILLE; MORAN D. McLENDON; NANCY McLENDON; MIKE BROWN; DONNA BROWN; JAY

HILLIARD; DONNA HILLIARD; JAMES ORBICH; ANDREA ORBICH; MARY LOUISE SMITH; ROBY VANN CREED;  
CYNTHIA C. CREED; RITA H. CREWS; CHARLIE ALSTON; J. STEPHEN BARNES; CADLE W. COOPER;

DANNY L. COOPER; DONNA L. COOPER; DEBORAH VACCA; JEFF VACCA; JACKIE GLASSER and LYNN  
GLASSER

hereinafter called DECLARANTS,

WITNESSETH:

WHEREAS, certain lots or parcels of land known as Brooks Creek Subdivision located in Center Township, Chatham County, North Carolina and depicted upon the plats recorded in Plat Slide 87-302; Plat Slide 87-303 and Plat Slide 88-8 of the Chatham County Registry, were subjected to a certain Declaration of Restrictive and Protective Covenants recorded October 12, 1987 in Book 517, Page 716 and subsequently amended by an Amended Declaration recorded in Book 524, Page 320 of the Chatham County Registry; and

WHEREAS, pursuant to Section 13 of said Declaration of Restrictive and Protective Covenants, the owners of two-thirds (2/3) of all the lots covered by said restrictions may alter or amend said restrictions; and

WHEREAS, the undersigned herein are the owners of two-thirds (2/3) of all the lots depicted upon said plats hereinafter referred to and desire to extend said Restrictive and Protective Covenants for the benefit of the lots or parcels of land depicted upon the plats recorded in Plat Slide 87-302; Plat Slide 87-303 and Plat Slide 88-8 of the Chatham County Registry; and all persons acquiring any interest therein now, or hereafter, shall at all times enjoy the benefits of and shall hold their individual parcels subject to the fights, burdens, uses and privileges hereinafter set forth;

NOW, THEREFORE, the undersigned hereby amend the Restrictive and Protective Covenants recorded in Book 517, Page 716 as amended in Book 524, Page 320 of the Chatham County Registry as follows:

1. Add to Section 1(b). Dwellings and Lot Size the following sentence:

"Provided, however, that nothing contained herein shall be construed to prohibit the use of the

residence constructed upon Lot 15 of Brooks Creek III, Phase One according to the plat recorded in Plat Slide 88-8 of the Chatham County Registry as a bed and breakfast facility, which shall be defined as a dwelling unit which consists of one or more rooms that are rented, or intended to be rented, to no more than seven individuals on a daily or weekly basis for compensation and where the provision of meals is limited to breakfast for persons occupying rooms and are provided by persons who permanently reside in the dwelling unit. Said use shall be accessory to the principal use of said property as a residence".

2. Add to Section 2. Use of Property, the following sentences:

Provided, however, that nothing contained herein shall be construed to prohibit the use of the residence constructed upon Lot 15 of Brooks Creek III, Phase One according to the plat recorded in Plat Slide 88-8 of the Chatham County Registry as a bed and breakfast facility, which shall be defined as a dwelling unit which consists of one or more rooms that are rented, or intended to be rented, to no more than seven individuals on a daily or weekly basis for compensation and where the provision of meals are limited to breakfast for persons occupying rooms and are provided by persons who permanently reside in the dwelling unit. Said use shall be accessory to the principal use of said property as a residence. A sign not greater than 24" x 36" in size advertising said facility may be located on the premises in conformity with applicable zoning regulations.

3. Except as modified and amended herein, all of the other terms and provisions of the Declaration of Restrictive and Protective Covenants recorded in Book 517, Page 716, and amended in Book 524, Page 320 of the Chatham County Registry by, and they hereby are, confirmed and ratified.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and affixed their seals to this Amended Declaration of Covenants, Conditions and Restrictions, as of the day and year first above written.

<u>Chris Atkinson</u> (SEAL)	<u>Susan Porter-Atkinson</u> (SEAL)
<u>Craig Urban</u> (SEAL)	<u>Stephanie Mason</u> (SEAL)
<u>Horace Mason</u> (SEAL)	<u>Stephanie Mason</u> (SEAL)
<u>Lydia</u> (SEAL)	<u>Donald Currie</u> (SEAL)

Donna Loyd

Donna Loyd (SEAL)

Randolph Loyd

[Signature] (SEAL)

George Janssen

[Signature] (SEAL)

~~Donna Hilliard~~  
Jack Wallace

Jack Wallace (SEAL)

Rex Gwiley

[Signature] (SEAL)

Ruth Crutchfield

[Signature] (SEAL)

Elizabeth Quigley

Elizabeth Quigley (SEAL)

Janet Hobbs

Janet Hobbs (SEAL)

Wilma C. Melville

Wilma C. Melville (SEAL)

Moran D. McLendon

Moran D. McLendon (SEAL)

Mike Brown

Mike Brown (SEAL)

Jay Hilliard

[Signature] (SEAL)

James Orbich

James Orbich (SEAL)

Galina Malykin

Galina Malykin (SEAL)

Michael Malykin

Michael Malykin (SEAL)

Jennifer Janssen

Jennifer Janssen (SEAL)

Jay Hilliard

[Signature] (SEAL)

Pamela Gwiley

Pamela Gwiley (SEAL)

Alison E. Crutchfield

[Signature] (SEAL)

Mike Quigley

Mike Quigley (SEAL)

Roger Hobbs

[Signature] (SEAL)

Lawrence D. Melville

Lawrence D. Melville (SEAL)

Nancy McLendon

Nancy McLendon (SEAL)

Donna Brown

Donna Brown (SEAL)

Donna Hilliard

[Signature] (SEAL)

Andrea Orbich

for Andrea Orbich (SEAL)

Mary Louise Smith (SEAL) \_\_\_\_\_ (SEAL)

Roby Vann Creed (SEAL) Cynthia C Creed (SEAL)  
Ruby Vann Creed Cynthia C. Creed

Rita H. Crews (SEAL) \_\_\_\_\_ (SEAL)  
Rita H. Crews

Charlie Alston (SEAL) \_\_\_\_\_ (SEAL)  
Charlie Alston

J. Stephen Barnes (SEAL) \_\_\_\_\_ (SEAL)  
J. Stephen Barnes } owns Lot #18 and Lot #33  
 (SEAL) \_\_\_\_\_ (SEAL)

Cade W. Cooper (SEAL) Lot 20 (SEAL)  
Cade W. Cooper

\_\_\_\_\_ (SEAL) \_\_\_\_\_ (SEAL)

\_\_\_\_\_ (SEAL) \_\_\_\_\_ (SEAL)

\_\_\_\_\_ (SEAL) \_\_\_\_\_ (SEAL)

\_\_\_\_\_ (SEAL) \_\_\_\_\_ (SEAL)

\_\_\_\_\_ (SEAL) \_\_\_\_\_ (SEAL)

\_\_\_\_\_ (SEAL) \_\_\_\_\_ (SEAL)

Danny L. Cooper  
Danny L. Cooper (SEAL)  
Deborah Vacca (SEAL)  
Deborah Vacca  
Jackie Glasser (SEAL)  
Jackie Glasser

Donna L. Cooper  
Donna L. Cooper (SEAL)  
Jeff Vacca (SEAL)  
Jeff Vacca  
Lynn Glasser (SEAL)  
Lynn Glasser

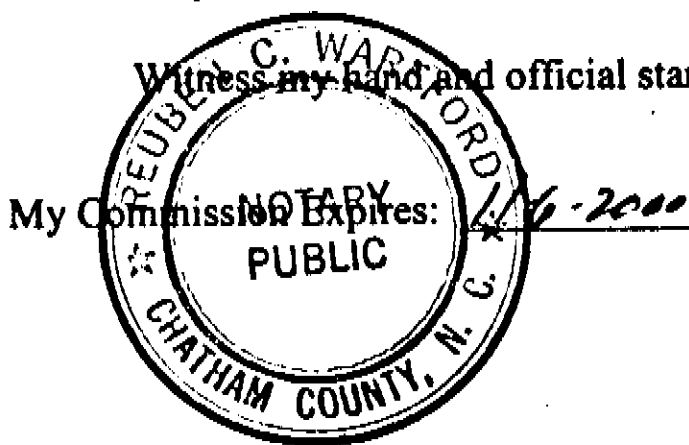
Donna Hilliard  
 Subscribing Witness as to:  
 CURT ATKINSON; SUSAN PORTER-ATKINSON;  
 LYDIA WARREN; DONALD CURRIE; DONNA LOYD;  
 GEORGE JANSSEN; JENNIFER JANSSEN;  
 RALPH CRUTCHFIELD; ALLISON E. CRUTCHFIELD;  
 ROGER HOBBS; WILMA C. MELVILLE; LAWRENCE D. MELVILLE; MORAN D. McLENDON; NANCY McLENDON;  
 MIKE BROWN; DONNA BROWN; JAY HILLIARD; DONNA HILLIARD; JAMES ORBICH; ANDREA ORBICH;  
 MARY LOUISE SMITH; ROBY VANN CREED; CYNTHIA C. CREED; RITA H. CREWS; CHARLIE ALSTON;  
 J. STEPHEN BARNES; CADLE W. COOPER; DANNY L. COOPER; DONNA L. COOPER; DEBORAH VACCA;  
 JEFF VACCA; JACKIE GLASSER and LYNN GLASSER

CRAIG URBAN; HORACE MASON; STEPHANIE MASON;  
 RANDOLPH LOYD; GALINA MALYKIN; MICHAEL MALYKIN;  
 JACK WALLACE; REX GODLEY; PAMELA GODLEY;  
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 MIKE BROWN; DONNA BROWN; JAY HILLIARD; DONNA HILLIARD; JAMES ORBICH; ANDREA ORBICH;  
 MARY LOUISE SMITH; ROBY VANN CREED; CYNTHIA C. CREED; RITA H. CREWS; CHARLIE ALSTON;  
 J. STEPHEN BARNES; CADLE W. COOPER; DANNY L. COOPER; DONNA L. COOPER; DEBORAH VACCA;  
 JEFF VACCA; JACKIE GLASSER and LYNN GLASSER

STATE OF North Carolina  
 COUNTY OF Chatham

I, a Notary Public of the County and State aforesaid, certify that Donna Hilliard  
 personally appeared before me this day and being duly sworn, stated that in her presence  
 CURT ATKINSON; SUSAN PORTER-ATKINSON; CRAIG URBAN; HORACE MASON; STEPHANIE MASON; LYDIA WARREN;  
 DONALD CURRIE; DONNA LOYD; RANDOLPH LOYD; GALINA MALYKIN; MICHAEL MALYKIN; GOERGE JANSSEN;  
 JENNIFER JANSSEN; JACK WALLACE; REX GODLEY; PAMELA GODLEY; RALPH CRUTCHFIELD; ALLISON E.  
 CRUTCHFIELD; ELIZABETH QUIGLEY; MIKE QUIGLEY; JANET HOBBS; ROGER HOBBS; WILMA C. MELVILLE;  
 LAWRENCE D. MELVILLE; MORAN D. McLENDON; NANCY McLENDON; MIKE BROWN; DONNA BROWN; JAY HILLIARD;  
 DONNA HILLIARD; JAMES ORBICH; ANDREA ORBICH; MARY LOUISE SMITH; ROBY VANN CREED; CYNTHIA C.  
 acknowledged the execution of the foregoing instrument. CREED; RITA H. CREWS; CHARLIE ALSTON; J. STEPHEN  
 BARNES; CADLE W. COOPER; DANNY L. COOPER; \*

Witness my hand and official stamp or seal, this 18 day of October, 1999.



Reuben C. Warfford  
 Notary Public

\* DONNA L. COOPER; DEBORAH VACCA; JEFF VACCA;  
 JACKIE GLASSER and LYNN GLASSER

**NORTH CAROLINA, CHATHAM COUNTY**  
 REUBEN C. WARFFORD  
 The foregoing Certificate(s) of \_\_\_\_\_, Notary(ies)  
 Public is (are) certified to be correct. This instrument was presented for registration at 1:33 o'clock  
P.M., on October 27, 1999 and recorded in Book 808 Page 218.  
 By Reba G. Thomas  
 REGISTER OF DEEDS FOR CHATHAM COUNTY Assistant - Register of Deeds