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FORSYTH CO, NC FEE \$32.00
PRESENTED & RECORDED:
05-10-2005 01:50 PM
DICKIE C WOOD
REGISTER OF DEEDS
By: SHANNON BOSTIC-GRIFFITH DPTY
BK: RE 2563
PG: 4369-4375

ENVELOPE

Prepared by and return by mail to:

Eric P. Handler, Handler & Brown, PLLC, 1014 West Fifth Street, Winston-Salem, NC 27101

**FOURTH AMENDMENT OF
MASTER DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR HERITAGE PARK**

WHEREAS the Master Declaration of Covenants, Conditions and Restrictions for Heritage Park was recorded in the Forsyth County Registry in Deed Book 2468, at page 3852, and was amended by the First Amendment recorded in the Forsyth County Registry in Deed Book 2535, at page 1522, and by the Second Amendment recorded in the Forsyth County Registry in Deed Book 2545, at page 3429, and by the Third Amendment recorded in the Forsyth County Registry in Deed Book 2549, at page 3527 (as amended, the "Master Declaration"); and

WHEREAS the Master Declaration provided in Article VIII, Section 4(b), that the Declarant could thereafter, without the consent of the Members, annex all or any portion of the Additional Property described in the Master Declaration and, as to such annexed Additional Property, make such additions and/or modifications of the covenants and restrictions contained in the Master Declaration as may be necessary or convenient, in the sole judgment of the Declarant, to reflect the different character, if any, of the annexed property and as are not inconsistent with the plan of this Master Declaration; and

WHEREAS the Declarant now wishes to exercise its right to annex the portion of the Additional Property described below and its right to subject such Additional Property to the terms and conditions contained in the Master Declaration;

NOW, THEREFORE, Declarant hereby amends the Master Declaration and declares that all that certain land described in Exhibit A, which is attached hereto and incorporated herein by reference, being a portion of the Additional Property described in the Master Declaration and being the same property known as Map 4 of Phase 1 of Heritage Park and more particularly described in the plat thereof recorded in the Forsyth County Registry in Plat Book 48, page 129, shall hereafter be held, sold and conveyed subject to the easements, restrictions, covenants and conditions set forth in the Master Declaration, as amended and recorded, and, in order to protect the value and desirability of said real property, all the same easements, restrictions, covenants and conditions shall run with the said real property and be binding on all parties having any right, title or interest therein or in any part thereof, their heirs, successors and assigns, and all shall inure to the benefit of each owner thereof. By accepting a deed to any lot within Map 4 of Phase 1 of Heritage Park, the owners thereof agree to abide by all of said easements, covenants, conditions and restrictions, agree to pay any assessments levied pursuant thereto, and agree to subject to the lien thereunder for assessments so levied all of their interest arising under any such deed.

Except as specifically modified and amended herein, the Master Declaration remains in full force and effect.

IN WITNESS WHEREOF, the undersigned limited liability company, being the Declarant named in the Master Declaration, has caused this instrument to be executed in its company name by its duly authorized manager and has adopted as its seal the "SEAL" appearing beside its name, this sealed instrument being executed as of the 20th day of April, 2005.

SOUTHPARK HOMES, LLC [SEAL]
a North Carolina limited liability company

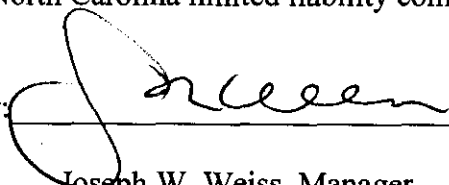
By: 
Joseph W. Weiss, Manager

EXHIBIT A

Forsyth County
Winston Township

TRACT ONE:

BEGINNING at a point in the eastern margin of the right of way of Old Salisbury Road, said point being the southwestern corner of property described as Map 3 of Phase 1 of Heritage Park, as per plat thereof recorded in the Forsyth County Registry in Deed Book 48, at page 74; proceeding thence, with the southern line of Map 3 of Phase 1 of Heritage Park, South 75° 28' 31" East 37.84 feet to a point; thence continuing with the southern line of Map 3 of Phase 1 of Heritage Park North 89°45'25" East 430.67 feet to a point in the western line of Proposed Morgan Ridge Phase 2, as recorded in the Forsyth County Registry in Plat Book 45, page 134; thence with the western line of Proposed Morgan Ridge Phase 2 South 00°14'35" East 131.57 feet to a found iron pipe at a control corner in the northern line of property of Forsyth County Board of Education, as recorded in the Forsyth County Registry in Deed Book 1673, at page 3087; proceeding thence with the northern line of the Forsyth County Board of Education South 89°37'19" West 167.64 feet to a found iron pipe at the northeastern corner of the property of Robert Emmons as recorded in the Forsyth County Registry in Deed Book 2147, at page 930; thence with the northern line of Robert Emmons South 89°51'03" West 336.80 feet to a found iron pipe at a control corner in the eastern margin of the right of way of Old Salisbury Road; thence with the eastern margin of the right of way of Old Salisbury Road North 14°31'29" East 145.88 feet to the point and place of BEGINNING.

TRACT TWO:

BEGINNING at a point in the western line of Proposed Morgan Ridge Phase 2, as recorded in the Forsyth County Registry in Plat Book 45, page 134, said point also being the northeastern corner of Map 3 of Phase 1 of Heritage Park as recorded in the Forsyth County Registry in Plat Book 48, at page 74; proceeding thence, with

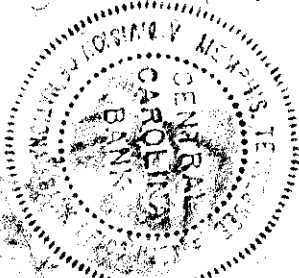
the northern line of Map 3 of Phase 1 of Heritage Park, South 89°45'25" West 122.08 feet to a point; thence, continuing with the northern line of Map 3 of Phase 1 of Heritage Park, North 38°54'42" West 63.79 feet to a point; thence with the southeastern line of Map 1 of Phase 1 of Heritage Park as recorded in the Forsyth County Registry in Plat Book 47, at page 19, and re-recorded in Plat Book 47, at page 104, North 42°57'09" East 236.57 feet to a point in the western line of Proposed Morgan Ridge Phase 2 as recorded in the Forsyth County Registry in Plat Book 45, at page 134; thence with the western line of Proposed Morgan Ridge Phase 2 South 00°14'35" East 222.27 feet to the point and place of BEGINNING

Said TRACT ONE and TRACT TWO together containing 1.960 acres, more or less, as shown on a drawing thereof by Fleming Engineering, Inc. dated 04-07-05, entitled #03007 FINAL PLAT FOR "AS BUILT" UNITS 1-3 & 7-15 of HERITAGE PARK – MAP 4 OF PHASE 1 (1339-01\plats\05-012.dwg).

CONSENT AND SUBORDINATION

Central Carolina Bank and Trust Company ("Lender"), as holder of the indebtedness secured by Deeds of Trust on a portion of the property described in the Master Declaration of Covenants, Conditions and Restrictions for Heritage Park, said Deeds of Trust being recorded in the Forsyth County Registry in Book 2342 at page 4131, in Book 2423 at page 2461, and in Book 2536 at page 4057, and Southland Associates, Inc, Trustee, as Trustee under said Deeds of Trust, join in the execution hereof for the purpose of subjecting the aforesaid Deeds of Trust to the terms and provisions of this First Amendment of the Master Declaration of Covenants, Conditions and Restrictions for Heritage Park

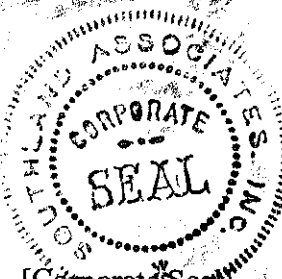
This 20th day of April, 2005.



CENTRAL CAROLINA BANK AND TRUST COMPANY

By: [Signature]
Vice President

[Corporate Seal]



SOUTHLAND ASSOCIATES, INC., Trustee

By: [Signature]
Vice President

[Corporate Seal]

NORTH CAROLINA
GUILFORD COUNTY

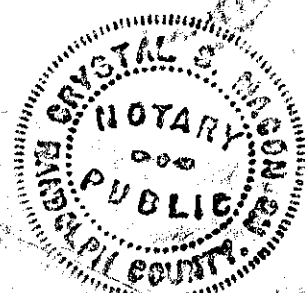
I, Crystal S. Macon, a Notary Public of the County and State aforesaid, certify that Joseph W. Weiss personally came before me this day and acknowledged that he is a Manager of **Southpark Homes, LLC**, a North Carolina limited liability company, and that by authority duly given and as the act of that company, the foregoing instrument was signed in its name, under seal, by him as its Manager.

Witness my hand and official seal, this 20th day of April, 2005.

Crystal S. Macon
Notary Public

My Commission Expires:

11/7/07



STATE OF NORTH CAROLINA
COUNTY OF GUILFORD

The undersigned, a Notary Public of said County and State, hereby certifies that Jay Easley personally appeared before me this day and acknowledged that he/she is a Vice President of **Central Carolina Bank and Trust Company**, and that by authority duly given, and as the act of that corporation, the foregoing instrument was signed in its name by its Vice President and sealed with its corporate seal.

WITNESS my hand and official seal, this 20th day of April, 2005.



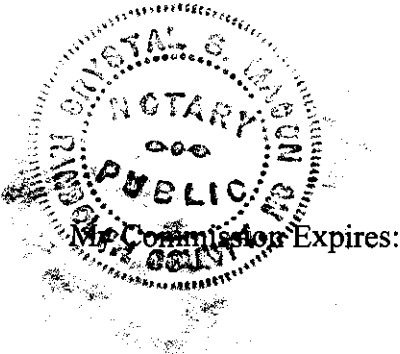
Crystal S. Macon
Notary Public

My Commission Expires: 11/7/09

STATE OF NORTH CAROLINA
COUNTY OF GUILFORD

The undersigned, a Notary Public of said County and State, hereby certifies that Jerry Brasley personally appeared before me this day and acknowledged that he/she is a Vice President of **Southland Associates, Inc., Trustee**, and that by authority duly given, and as the act of that corporation, the foregoing instrument was signed in its name by its Vice President and sealed with its corporate seal.

WITNESS my hand and official seal, this 20th day of April, 2005.



Crystal S. Macon
Notary Public

My Commission Expires: 11/7/09

STATE OF NC - FORSYTH CO The foregoing certificate(s) of:

Crystal S. Macon NP(s)
is certified to be correct at the date of recordation shown on the first page thereof,
Dickie C. Wood, Register of Deeds by: [Signature] Deputy/Asst.