

2008011564 00019

FORSYTH CO, NC FEE \$20.00
PRESENTED & RECORDED

03-07-2008 09:55 AM

KAREN GORDON

REGISTER OF DEEDS
BY: PATSY RUTH DAVIS
DPTY

BK: RE 2817

PG: 606-608



original to Sach Sienore

FIFTH 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 3533, and by the Fourth Amendment recorded in the Forsyth County Registry in Deed Book 2563, at page 4376 (as amended, the "Declaration"); and

WHEREAS, the Declaration provided in Article XI, Section 4(b), that the Declarant could thereafter, without the consent of the Members, annex all or any portion of the property described in Schedule A attached to the Declaration; and

WHEREAS, the Declarant now wishes to exercise its right to annex a portion of the property described in Schedule A attached to the Declaration and thereby subject such property to the terms and conditions in the Declaration;

NOW, THEREFORE, Declarant hereby amends the Declaration and declares that all that certain land described below, being a portion of the property described in Schedule A, attached to the Declaration, and being the same property more particularly described as follow:

All the property shown on that certain plat entitled "Final Plat For - Phase 2B Building #9 "ASBUILT" Phase 2B of Heritage Park Townhouse" per plat thereof recorded in Plat Book 50, Page 175, in the Office of the Register of Deeds of Forsyth County, North Carolina.

All the property shown on that certain plat entitled "Final Plat AS-BUILT: Building #7 Heritage Park – Phase 2C" per plat thereof recorded in Plat Book _____, Page _____, in the Office of the Register of Deeds of Forsyth County, North Carolina.

All the property shown on that certain plat entitled "Final Plat AS-BUILT: Building #8 Heritage Park – Phase 2B" per plat thereof recorded in Plat Book 54, Page §§-§§ in the Office of the Register of Deeds of Forsyth County, North Carolina.

shall hereinafter be held, sold and conveyed subject to the easements, restrictions, covenants and conditions set forth in the 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 Heritage Park, Phase 2C, Building #7, Heritage Park, Phase 2B, Building #8, and Heritage Park, Phase 2B, Building #9, 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 there interest arising under any such deed.

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

IN WITNESS WHEREOF, the undersigned limited liability company, being the Declarant named in the Declaration, has caused this instrument to be executed in its company name by its duly authorized manager, as of this the 10th day of FEBRUARY, 2008.

SOUTHPARK HOMES, LLC
a North Carolina limited liability company

By: 
Michael P. Winstead, Jr., Manager

NORTH CAROLINA

GUILFORD COUNTY

I, FRANCIS X. FORDE, JR., a Notary Public of the County and State aforesaid, certify that MICHAEL P. WINSTEAD, JR., 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 the company, the foregoing instrument was signed in its name, by him as its Manger.

Witness my hand and official seal, this the 20th day of FEBRUARY, 2008.

 Notary Public

Printed Name: FRANCIS X. FORDE, JR.

My Commission Expires: 5.8.2009

[SEAL]

