


2005016696 00210


 FORSYTH CO, NC FEE \$29.00  
 PRESENTED & RECORDED:  
 03-18-2005 01:21 PM  
 DICKIE C WOOD  
 REGISTER OF DEEDS  
 By: PATSY RUTH DAVIS DPTY  
**BK:RE 2549**  
**PG:3527-3532**

ENVELOPE

Prepared by and return by mail to:  
Eric P. Handler, Handler & Brown, PLLC, 1014 West Fifth Street, Winston-Salem, NC 27101

**THIRD 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 (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

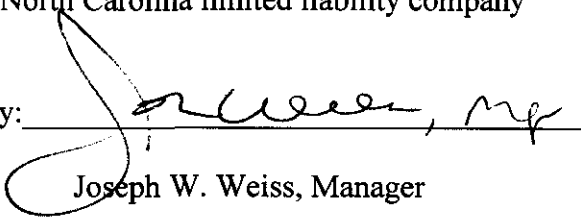
and declares that all that certain land described in Exhibit A, which is attached hereto and incorporated herein by reference, being a portion of the Additional Property described in the Master Declaration and being the same property known as Map 3 of Phase 1 of Heritage Park and more particularly described in the plat thereof recorded in the Forsyth County Registry in Plat Book 48, page 74, 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 3 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 18<sup>th</sup> day of March, 2005.

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

By: \_\_\_\_\_

  
Joseph W. Weiss, Manager

**EXHIBIT A**

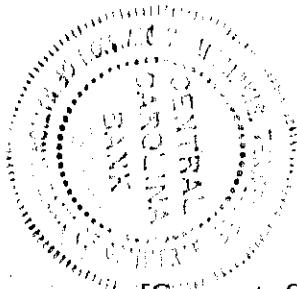
Forsyth County  
Winston Township

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 2 of Phase 1 of Heritage Park, as per plat thereof recorded in the Forsyth County Registry in Deed Book 48, at page 64; proceeding thence, with the southern line of Map 2 of Phase 1 of Heritage Park, South 75° 28' 31" East 203.35 feet to a point at the southernmost corner of Map 2 of Phase 1 of Heritage Park; thence with the eastern line of Map 2 of Phase 1 of Heritage Park North 40°10'20" East 96.58 feet to a point at the easternmost corner of Map 2 of Phase 1 of Heritage Park; thence on a new line South 38° 54' 42" East 63.79 feet to a point; thence on a new line North 89° 45' 25" East 122.08 feet to a point in the western line of the property of Morgan Ridge, LLC as recorded in the Forsyth County Registry in Deed Book 2335, at page 3328; thence with the western line of Morgan Ridge, LLC South 00° 09' 57" East 156.34 feet to a point; thence on a new line South 89° 45' 25" West 430.67 feet to a point; thence on a new line North 75° 28' 31" West 37.84 feet to a point in the eastern margin of the right of way of Old Salisbury Road; thence with the eastern margin of the right of way Old Salisbury Road North 14° 31' 29" East 180.77 feet to the point and place of BEGINNING; containing 1.662 acres, more or less, and shown on a drawing by Fleming Engineering, Inc. dated 03-08-05, entitled #03007 FINAL PLAT FOR "AS BUILT" UNITS 4, 5, 6, 16, 17 & 18 of HERITAGE PARK – MAP 3 OF PHASE 1 (1339-01\plats\hpunits 4-6,16-18.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 18<sup>th</sup> day of March, 2005.



[Corporate Seal]

CENTRAL CAROLINA BANK AND TRUST COMPANY

By: *Louis O. Smith*  
VICE President



[Corporate Seal]

SOUTHLAND ASSOCIATES, INC., Trustee

By: *W. J. King*  
VICE President

NORTH CAROLINA  
GUILFORD COUNTY

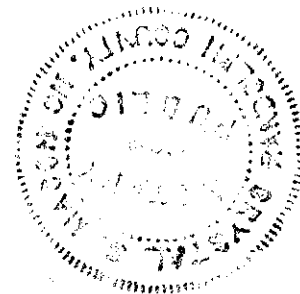
I, Joseph Weiss, a Notary Public of the County and State aforesaid, certify that Joseph W. Weiss personally came before me this day and acknowledged that he is a Manager of **Southpark Homes, LLC**, a North Carolina limited liability company, and that by authority duly given and as the act of that company,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

Witness my hand and official seal, this 18<sup>th</sup> day of March, 2005.

[Signature]  
Notary Public

My Commission Expires:

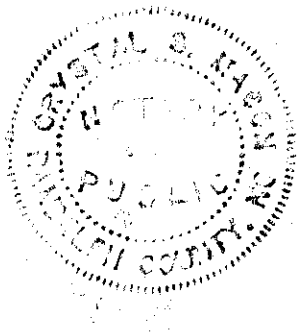
11/7/09



STATE OF NORTH CAROLINA  
COUNTY OF GUILFORD

The undersigned, a Notary Public of said County and State, hereby certifies that Lewis O. Smith 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 18<sup>th</sup> day of March, 2005.



Crystal S. Maclean  
Notary Public

My Commission Expires: 11/7/09

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STATE OF NORTH CAROLINA

COUNTY OF GUILFORD

The undersigned, a Notary Public of said County and State, hereby certifies that Michael P. Earey 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 18<sup>th</sup> day of March, 2005.



Crystal S. Maclean  
Notary Public

My Commission Expires: 11/7/09

STATE OF NC - FORSYTH CO

The foregoing certificate(s) of:

6 Crystal S. Maclean 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.