

ENVELOPE

2005003561 00070



FORSYTH CO, NC FEE \$29.00

PRESENTED & RECORDED:

01-20-2005 11:12 AM

DICKIE C WOOD

REGISTER OF DEEDS

By: E NAVARRO DPTY

BK:RE 2535

PG:1522-1527

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

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

WHEREAS the **Master Declaration** of Covenants, Conditions and Restrictions for Heritage Park (the "Master Declaration") was recorded in the Forsyth County Registry in Deed Book 2468, at page 3852; 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 Declaration and declares that all that certain land described in Exhibit A, which is attached hereto

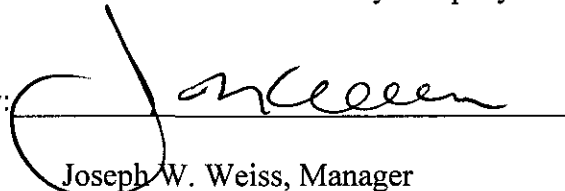
and incorporated herein by reference, being a portion of the Additional Property described in the Master Declaration and being the same property known as Heritage Park - Phase 2 and more particularly described in the plat thereof recorded in the Forsyth County Registry in Plat Book 48, page 17, shall 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 Heritage Park - Phase 2, 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, as recorded in the Forsyth County Registry in Deed Book 2468, at page 3852, 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 _____ day of January, 2005.

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

By:



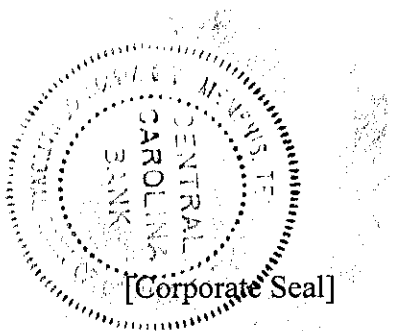
Joseph W. Weiss, Manager

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, Page 4131, in Book 2423, page 2461, and in Book 2447, page 2344, 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 day of Jan., 2005.

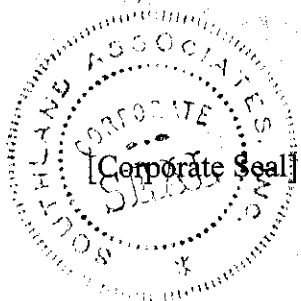
CENTRAL CAROLINA BANK AND TRUST COMPANY



[Corporate Seal]

By: [Signature]
Vice President

SOUTHLAND ASSOCIATES, INC., Trustee



[Corporate Seal]

By: [Signature]
President

NORTH CAROLINA
GUILFORD COUNTY

I, Miranda Hairston, 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 16 day of June 2005.

Miranda Hairston
Notary Public



My Commission Expires:

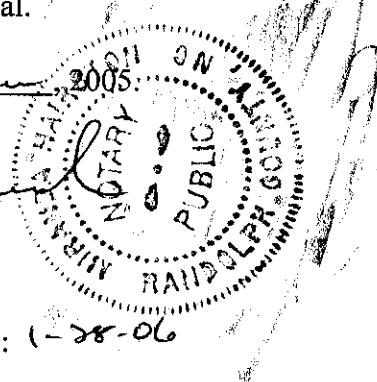
1-28-06

STATE OF NORTH CAROLINA
COUNTY OF GUILFORD

The undersigned, a Notary Public of said County and State, hereby certifies that Jan 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 Pres. and sealed with its corporate seal.

WITNESS my hand and official seal, this 18 day of Jan, 2005.

Miranda Harrison
Notary Public



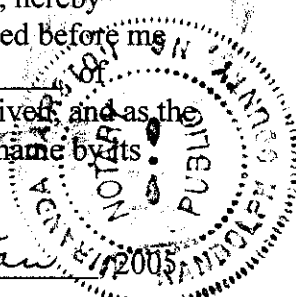
My Commission Expires: 1-28-06

STATE OF NORTH CAROLINA
COUNTY OF GUILFORD

The undersigned, a Notary Public of said County and State, hereby certifies that Thomas G. Nickel personally appeared before me this day and acknowledged that he/she is a Vice Pres 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 Pres and sealed with its corporate seal.

WITNESS my hand and official seal, this 18 day of Jan, 2005.

Miranda Harrison
Notary Public



My Commission Expires: 1-28-06

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

Miranda Harrison NP(s)

is certified to be correct at the date of registration shown on the first page thereof,
Dickie C. Wood, Register of Deeds by: Miranda Harrison Deputy Asst.

EXHIBIT A

Forsyth County
Winston Township

BEGINNING at a point in the northern margin of the right of way of Southpark Boulevard, as dedicated by plat recorded in Plat Book 46, page 61, in the Forsyth County Registry, said point being South 53° 39' 29" West 2520.28 feet from N.C.G.S. Monument W037 W47 AZ MK, and proceeding thence with the northern margin of the right of way of Southpark Boulevard along a curve to the right having a radius 380.00 feet and a chord bearing South 75° 04' 26" West for a chord distance of 91.31 feet to a point; thence continuing with the northern margin of the right of way of Southpark Boulevard along a curve to the right having a radius 35.00 feet and a chord bearing North 72° 11' 35" West for a chord distance of 30.50 feet to a point; thence continuing with the northern margin of the right of way of Southpark Boulevard North 46° 21' 37" West 48.50 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 of Old Salisbury Road North 08° 51' 51" West 130.47 feet to a point; thence continuing with the eastern margin of the right of way of Old Salisbury Road North 04° 38' 50" East 32.93 feet to a point; thence continuing with the eastern margin of the right of way of Old Salisbury Road North 04° 02' 37" East 131.65 feet to a point; thence along a new line within the property of Southpark Homes, LLC, as recorded in Deed Book 2342, page 4214 of the Forsyth County Registry, South 86° 43' 09" East 154.89 feet to a point; thence along a new line within the said property of Southpark Homes, LLC as recorded in Deed Book 2342, page 4214 of the Forsyth County Registry, South 11° 38' 30" East to a point; thence along a new line within the property of Southpark Homes, LLC, as recorded in Deed Book 2342, page 4214 of the Forsyth County Registry, South 06° 31' 51" West 20.00 feet to a point in the northern line of the property of Southpark Homes, LLC as recorded in Deed Book 2342, page 4128, in the Forsyth County Registry; thence along a new line within the said property of Southpark Homes, LLC as recorded in Deed Book 2342, page 4128 in the Forsyth county Registry South 06° 31' 51" 35.64 feet to a point; thence along a new line within the property of Southpark Homes, LLC as recorded in Deed Book 2342, page 4128, in the Forsyth County Registry South 03° 13' 35" West 148.56 feet to the point and place of BEGINNING; containing 1.237 acres, more or less, and shown on a drawing by Fleming Engineering, Inc. dated 01-11-05, entitled #03007 FINAL PLAT FOR "AS BUILT" UNITS 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, & 38 of HERITAGE PARK – PHASE 2 (1339-01\plats\heritage phase 2).