

Prepared by and return after recording to:

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STATE OF NORTH CAROLINA

AMENDMENT TO DECLARATION
OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR
PRESTON FALLS VILLAS

WAKE COUNTY

This AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR PRESTON FALLS VILLAS is made as of this 3rd day of January, 2017 ~~2016~~, by a vote of at least seventy-five percent (75%) of the total eligible votes of the membership of the Preston Falls Villas Homeowners Association, Inc., a North Carolina nonprofit corporation ("Association").

WITNESSETH:

WHEREAS, Prestonwood, Inc., recorded a Declaration of Covenants, Conditions and Restrictions for Preston Falls Villas on December 22, 1988, in Book 4409, Page 393 of the Wake County Registry, which was thereafter supplemented and amended, including in Book 14797, Page 1379 of the Wake County Registry (as amended and supplemented, collectively, the "Declaration"); and

WHEREAS, N.C. Gen. Stat. § 47F-2-117(a) provides that the Declaration may be amended by affirmative vote or written agreement signed by lot owners of lots to which at least sixty-seven percent (67%) of the votes in an association are allocated, or any larger majority the declaration specifies; and

Submitted electronically by "Jordan Price Wall Gray Jones & Carlton"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Wake County Register of Deeds.

WHEREAS, Article XIV, Section 2 of the Declaration provides that the Declaration may be amended by a vote of seventy-five percent (75%) of the total eligible votes of the membership of the Association; and

WHEREAS, per N.C. Gen. Stat. § 47F-2-117(c), no amendment shall become effective until it is filed for record in the Register of Deeds Office of Wake County, North Carolina; and

WHEREAS, the owners holding at least seventy-five percent (75%) of the total eligible votes of the membership of the Association desire to amend the Declaration as set forth below, and have provided their written consent as evidenced by the attached certification;

NOW, THEREFORE, the undersigned do hereby declare that the Declaration is amended as follows:

1. The first paragraph of Article VIII of the Declaration, which was previously amended via an amendment recorded in Book 14797, Page 1379 of the Wake County Registry, is amended by deleting that language requiring the Association to repair stucco damage resulting from errant golf balls and bird activity, as follows (deleted language is in bold and struck through):

In addition to maintenance of the Common Area, the Association shall provide exterior maintenance upon each Townhome subject to assessment, as follows: stain and/or paint the exterior trim including the fascia boards; stain and/or paint, as may be appropriate in the sole discretion of the Board of Directors, the exterior window frames, gable vents, garage doors and entrance doors of Townhomes; repair and paint stucco located on the exterior surfaces of the firewalls; ~~repair stucco damage resulting from errant golf balls and bird activity~~; and replace, repair and care for walks, trees, shrubs, and grass. The Association will also be responsible for maintenance of the water supply lines from the point the line exits the Town of Cary's water meter to the point of entry into the individual Townhome's foundation or wall and will maintain sewer lines from the point of exit of the Townhome until the sewer line enters the Town of Cary's distribution system.

2. All remaining provisions of the Declaration with the exception of the herein stated amendment shall remain in full force and effect.

3. The foregoing amendment shall become effective as of the date it is recorded in the Office of the Register of Deeds, Wake County, North Carolina.

[Signature pages to follow]

CERTIFICATION OF VALIDITY OF AMENDMENT TO DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR PRESTON FALLS VILLAS

By authority of its Board of Directors, Preston Falls Villas Homeowners Association, Inc., hereby certifies that the foregoing instrument has been duly authorized by owners holding at least seventy-five percent (75%) of the total eligible votes of the membership of the Association and is, therefore, a valid amendment to the existing Declaration of Covenants, Conditions and Restrictions for Preston Falls Villas.

PRESTON FALLS VILLAS
HOMEOWNERS ASSOCIATION, INC.

By: *Tony Owen*
President

ATTEST:
Donna Johnson
Secretary

STATE OF NORTH CAROLINA
COUNTY OF WAKE

ACKNOWLEDGMENT

I, *Corneilia Deth*, a Notary Public of the County and State aforesaid, certify that *Donna C Johnson*, personally came before me this day and acknowledged that s/he is Secretary of Preston Falls Villas Homeowners Association, Inc., and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President and attested by *Donna Johnson* as its Secretary.

Witness my hand and official stamp or seal, this 3 day of January, 2016.

Corneilia Deth
Notary Public

Corneilia Deth
Printed Name

My commission expires

