

J. Allen
PO Drawer 2809
Asheboro, NC 27204

34.00

**DRAWN BY: JOHN N. OGBURN, JR.
ATTORNEY AT LAW
POD 4067
ASHEBORO, NC 27204-4067**

FIRST AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FIRST RANDOLPH DEVELOPMENT COMPANY, INC.

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF FIRST RANDOLPH DEVELOPMENT COMPANY, INC., is made as of the 22nd day of June 1994, and is hereafter referred to in this Instrument as "AMENDMENT".

RECITALS

SECTION I

1. On the 21st day of October, 1987, in Book 1209 at page 1206, the "DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS" of FIRST RANDOLPH DEVELOPMENT COMPANY, INC., were duly filed in the Office of the Register of Deeds of Randolph County, NC (hereafter "DECLARATION"), which Declaration is incorporated in this Amendment as if fully copied herein.

2. The Declaration subjected certain real property owned by First Randolph Development Company, Inc. (hereafter "DECLARANT"), to the covenants, conditions and restrictions set forth in said Declaration. These lands are as more fully described in EXHIBIT "A" to said Declaration.

3. Thereafter, a Plat of the lands as more fully described on Exhibit "A" to the Declaration was duly filed in the Randolph County Public Registry in Plat Book 28 at page 54, and Plat Book 30 at pages 42 and 43. These Plats were denominated, respectively, as "PHASE ONE PARKSIDE SUBDIVISION", and "PHASE TWO PARKSIDE SUBDIVISION", and both of said Plats are incorporated herein as if fully copied.

4. The Plat in Book 30 at pages 42 and 43 refers to certain lands thereon denominated "FUTURE PHASE THREE" of Parkside Subdivision.

5. Declarant desiring to withdraw from said Declaration "FUTURE PHASE THREE" of Parkside Subdivision, duly called a joint meeting of the shareholder of Declarant and the lot owners of FIRST RANDOLPH DEVELOPMENT HOMEOWNERS ASSOCIATION, INC. (hereafter "ASSOCIATION"), in order to amend same and to comply with process of amendment of said Declaration as required by ARTICLE THREE of said Declaration and ARTICLE VI, SECTION 3, of the Declaration.

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EX 1429 PG 0753

6. This meeting was duly held on the 22nd day of June, 1994.

7. The Declaration provides in ARTICLE III, SECTION 2 of same, the Association has two classes of voting membership as follows: CLASS A, and CLASS B; CLASS A MEMBERS BEING ENTITLED TO ONE VOTE FOR EACH LOT OWNED and CLASS B THREE VOTES FOR EACH LOT OWNED.

8. The Declaration further provides, in ARTICLE I, SECTION 2, that "Owner shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any Lot..."

9. At the time of the meeting held on the 22nd day of June, 1994, the voting classes were comprised of Class A and Class B votes, and there were present (in person or by proxy) the following:

CLASS A MEMBERS (ONE VOTE)

BARBARA BREWER
ASHLEY LEONARD
C. J. GREGORY
OFILIA KINDLEY
DOREEN SMITH
BOB GROSE
CAROL JONES
HEATHER DERRICKSON
BARBARA SMITH
JUANITA BUTLER
KATHLEEN HUGHES
RUSSELL TAYLOR
BRIAN HARDING
THOMAS SCHENCK

THEREFORE, CLASS A MEMBERS HAD A TOTAL OF 14 VOTES AT THE MEETING EITHER IN PERSON OR BY PROXY.

AT THE TIME OF THE SAID MEETING THERE WERE 19 CLASS A MEMBERS.

CLASS B MEMBER (3 VOTES PER LOT)

FIRST RANDOLPH DEVELOPMENT COMPANY, INC.

CLASS B MEMBER OWNED 29 LOTS AND THEREFORE WAS ENTITLED TO 87 VOTES.

10. A vote was duly held, by Class, on whether or not to withdraw "FUTURE PHASE III OF PARKSIDE DEVELOPMENT" from the Declaration, and the following votes were cast:

CLASS A VOTED 13 YES, 1 NO. THIS VOTE REPRESENTS 68% OF CLASS A.
CLASS B VOTED 87 Yes; 0 No.

BK 142960754

ACCORDINGLY, FUTURE PHASE III OF PARKSIDE DEVELOPMENT IS WITHDRAWN FROM THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AS SET FORTH IN BOOK 1209 PAGE 1206 RANDOLPH COUNTY PUBLIC REGISTRY.

NOW, THEREFORE, in accordance with the Amendment requirements of said Declaration of Covenants, the following execute (under seal), and deliver this **AMENDMENT**.

(See next page)

Witness _____ Ashley A. Leonard _____ (SEAL)

(See next page)

Witness _____ Keith Leonard _____ (SEAL)

Rabin Smith _____ *C. J. Gregory* _____ (SEAL)
Witness C. J. Gregory

Rabin Smith _____ *Marian L. Gregory* _____ (SEAL)
Witness Marian Gregory

Melinda L. Hyde _____ *Ofilia Kindley* _____ (SEAL)
Witness Ofilia Kindley (unmarried)

Nick Biley _____ *Tom Smith* _____ (SEAL)
Witness Tom Smith

Nick Biley _____ *Doreen Smith* _____ (SEAL)
Witness Doreen Smith

BK 1429 PG 0755

**ACCORDINGLY, FUTURE PHASE III OF PARKSIDE DEVELOPMENT IS
WITHDRAWN FROM THE DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS AS SET FORTH IN BOOK 1209 PAGE 1206 RANDOLPH
COUNTY PUBLIC REGISTRY.**

NOW, THEREFORE, in accordance with the Amendment requirements of said Declaration of Covenants, the following execute (under seal), and deliver this **AMENDMENT**.

Don W. Allen Ashley A. Leonard (SEAL)
Witness Ashley A. Leonard

Don W. Allen Keith Leonard (SEAL)
Witness Keith Leonard

****Signatures on Prior Page****

Witness C. J. Gregory (SEAL)

Witness Marian Gregory (SEAL)

Witness Ofilia Kindley (unmarried) (SEAL)

Witness Tom Smith (SEAL)

Witness Doreen Smith (SEAL)

BK 1429 PG 0756

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Nick Bailey Witness Robert L. Grose (SEAL)
Robert L. Grose (unmarried)

Melinda L. Hyde Witness Carol Jones (SEAL)
Carol Jones (unmarried)

Melinda L. Hyde Witness Heather Derrickson (SEAL)
Heather Derrickson (unmarried)

Robin Smith Witness Barbara Smith (SEAL)
Barbara Smith (unmarried)

Melinda L. Hyde Witness Herbert Butler (SEAL)
Herbert Butler

Melinda L. Hyde Witness Juanita Butler (SEAL)
Juanita Butler

Melinda L. Hyde Witness Kathleen Hughes (SEAL)
Kathleen Hughes (widow)

Nick Bailey Witness Russell Taylor (SEAL)
Russell Taylor

Nick Bailey Witness Shirley Taylor (SEAL)
Shirley Taylor

BK 142960758

Jan L Hege Donald B. Harding (SEAL)
Witness Brian Harding

Doug M. Allen Rhonda Harding (SEAL)
Witness Rhonda Harding

Robin Smith Thomas E. Schenck (SEAL)
Witness Thomas E. Schenck

Robin Smith Tula M. Schenck (SEAL)
Witness Tula M. Schenck

SECTION II

On or about the 27th day of May 1995, by a vote of 14 of 19 Homeowners (74% of the Homeowners) in favor of the following:

AMENDMENT: Remove Lot 44 from Phase III, add to Phase II.
Remove Lot 26 from Phase II, add to Phase III.

NOW, THEREFORE, in accordance with the Amendment requirements of said Declarations of Covenants, the following execute (under seal), and deliver this **AMENDMENT:**

Doug M. Allen Shannon Smith (SEAL)
Witness Shannon Smith

Doug M. Allen Kathy Smith (SEAL)
Witness Kathy Smith

Robin Smith C. J. Gregory (SEAL)
Witness C. J. Gregory

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Roder Smith
Witness

Marian L. Gregory (SEAL)
Marian Gregory

Conrada Hummer
Witness

Michael A. Phillips (SEAL)
Michael A. Phillips (unmarried)

Nick Bailey
Witness

Tom Smith (SEAL)
Tom Smith

Nick Bailey
Witness

Doreen Smith (SEAL)
Doreen Smith

Nick Bailey
Witness

Robert L. Grose (SEAL)
Robert L. Grose

Maryann King
Witness

Janice Walker (SEAL)
Janice Walker (unmarried)

Nick Bailey
Witness

Mark Hall (SEAL)
Mark Hall

Nick Bailey
Witness

Karen W. Hall (SEAL)
Karen Hall

Melinda L. Hyde
Witness

Herbert Butler (SEAL)
Herbert Butler

Melinda L. Hyde
Witness

Juanita Butler (SEAL)
Juanita Butler

Melinda L. Hyde
Witness

Kathleen Hughes (SEAL)
Kathleen B. Hughes (widow)

Mike Bailey
Witness

Russell Taylor (SEAL)
Russell Taylor

Mike Bailey
Witness

Shirley Taylor (SEAL)
Shirley Taylor

Jan L Hege
Witness

Donald B. Harding, Jr. (SEAL)
Donald Brian Harding, Jr.

Douglas Allen
Witness

Rhonda Harding (SEAL)
Rhonda Harding

Robin Smith
Witness

Thomas E. Schenck (SEAL)
Thomas E. Schenck

Robin Smith
Witness

Tula M. Schenck (SEAL)
Tula M. Schenck

Mike Bailey
Witness

Stuart Albright (SEAL)
Stuart Albright

Mike Bailey
Witness

Jamie M. Albright (SEAL)
Jamie M. Albright

BK 1429 PG 0760

STATE OF NORTH CAROLINA

COUNTY OF RANDOLPH

I, Edith J. Ogburn, a Notary, of Randolph County, North Carolina certify that Doug Allen personally appeared before me this day, and being duly sworn, stated that in his presence Ashley A. Leonard, P. K. Leonard, Rhonda Harding, Shannon Smith and Kathy Smith signed the foregoing instrument.

Witness my hand and official seal, this the 12th day of July 1995.

Edith J. Ogburn (SEAL)
Notary

My Commission Expires:

08/07/96

Notary Seal

BK 142960761

STATE OF NORTH CAROLINA

COUNTY OF RANDOLPH

I, Edith J. Ogburn, a Notary, of Randolph County, North Carolina certify that Rick Bailey personally appeared before me this day, and being duly sworn, stated that in his presence Thomas Smith, Doreen Smith, Robert Grose, Russell Taylor, Shirley Taylor, Mark Hall, Karen Hall, Stuart Albright and Jamie M. Albright signed the foregoing instrument.

Witness my hand and official seal, this the 12th day of July 1995.

Edith J. Ogburn (SEAL)
Notary

My Commission Expires:

08/07/96

Notary Seal

STATE OF NORTH CAROLINA

COUNTY OF RANDOLPH

I, Edith J. Ogburn, a Notary, of Randolph County, North Carolina certify that Melinda L. Hyde personally appeared before me this day, and being duly sworn, stated that in her presence Ofilia Kindley, Carol Jones, Heather Derrickson, Herbert Butler, Juanita Butler and Kathleen Hughes signed the foregoing instrument.

Witness my hand and official seal, this the 12th day of July 1995.

 (SEAL)
Notary

My Commission Expires:

08/07/96

Notary Seal

BK 1429 PG 0762

STATE OF NORTH CAROLINA

COUNTY OF RANDOLPH

I, Edith J. Ogburn, a Notary, of Randolph County, North Carolina certify that Robin Smith personally appeared before me this day, and being duly sworn, stated that in her presence C. J. Gregory, Marian Gregory, Barbara Smith, Thomas E. Schenck and Tula M. Schenck signed the foregoing instrument.

Witness my hand and official seal, this the 12th day of July 1995.

 (SEAL)
Notary

My Commission Expires:

08/07/96

Notary Seal

STATE OF NORTH CAROLINA

COUNTY OF RANDOLPH

I, Edith J. Ogburn, a Notary, of Randolph County, North Carolina certify that Cerelda Hammer personally appeared before me this day, and being duly sworn, stated that in her presence Michael Phillips signed the foregoing instrument.

Witness my hand and official seal, this the 12th day of July 1995.

Edith J. Ogburn (SEAL)
Notary

My Commission Expires:

08/07/96

Notary Seal

STATE OF NORTH CAROLINA

COUNTY OF RANDOLPH

I, Edith J. Ogburn, a Notary, of Randolph County, North Carolina certify that Margaret King personally appeared before me this day, and being duly sworn, stated that in her presence Janice Walker signed the foregoing instrument.

Witness my hand and official seal, this the 12th day of July 1995.

Edith J. Ogburn (SEAL)
Notary

My Commission Expires:

08/07/96

Notary Seal

BK 142960763



STATE OF NORTH CAROLINA

COUNTY OF RANDOLPH

I, Edith J. Ogburn, a Notary, of Randolph County, North Carolina certify that Jan L. Hege personally appeared before me this day, and being duly sworn, stated that in her presence Donald Brian Harding, Jr. signed the foregoing instrument.

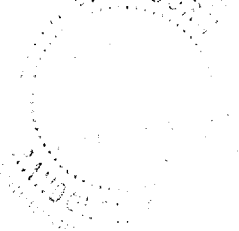
Witness my hand and official seal, this the 12th day of July 1995.

 (SEAL)
Notary

My Commission Expires:

08/07/96

Notary Seal



BK 1429 PG 0764

EX 1429 PG 0765

I, Eva O. Ezell, in accordance with the Amendment requirements of said Declarations of Covenants, execute (under seal) the **AMENDMENT to remove Lot 44 from Phase III, add to Phase II; remove Lot 26 from Phase II, add to Phase III.**

Eva O. Ezell

Eva O. Ezell (unmarried)

(SEAL)

STATE OF NORTH CAROLINA

COUNTY OF Randolph

I, Edith J. Ogburn, a Notary Public of Randolph County, North Carolina, certify that Eva O. Ezell personally appeared before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my hand and official stamp or seal, this the 6th day of July, 1995.

Edith J. Ogburn

Notary Public

(SEAL)

My Commission Expires:

08/07/96

Notary Seal

NORTH CAROLINA — Randolph County

The foregoing certificate(s) of

Edith J. Ogburn, NP

is (are) certified to be correct. This instrument was presented for registration and recorded in this office at Book 1429, Page 753, This 3 day of August, 1995 at 10:56 o'clock A. M.

Ann Shaw, Register of Deeds

By *Ann Shaw* Register of Deeds

NOW, THEREFORE

WITNESSETH:

THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS as recorded in Book 1209 at Page 1206 of the Randolph County Registry, and the Plat of PARKSIDE as recorded in Plat Book 30 at Pages 42 and 43, Randolph County Public Registry, are hereby amended by deleting from same Phase III along with noted portion thereof of Haskett's Creek Flood Zone; further Lot 44 of Phase III will be removed from Phase III; Lot 26 being added to Phase III.

 (SEAL)
CHARLIE B. CASPER, ESQ.
City Attorney

(SEAL)
DAVID B. LEONARD
City Manager

This the _____ day of _____, 1995.

EX 1429 PG 0766