

Prepared by ~~fill~~ to:
Charles Hinton Law Office
P.O. Box 550
Cary NC 27511

BOOK NOTED

NORTH CAROLINA
DURHAM COUNTY

FIRST AMENDMENT TO THE AMENDED AND
RESTATED DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR
ASHLEY FOREST SUBDIVISION

The First Amendment is made this 8th day of June, 1987, by
THE NEW FORTIS CORPORATION, a North Carolina corporation, and
ARAPPCO, INC., a North Carolina corporation, hereinafter referred
to collectively as the "Declarant" and the undersigned Owners of
lots within the subdivision;

W I T N E S S E T H :

WHEREAS, the Declarant and the undersigned Owners desire to
amend the Declaration recorded on May 5, 1987 in Book 1368, Page
118, Durham County Registry, in order to provide for Veteran's
Administration approval and that financing from such agency can
be obtained by prospective buyers of properties within the sub-
division;

WHEREAS, Article XII, Section 3, provides that the
Declaration may be amended by an instrument signed by the Owners
of not less than ninety (90%) percent of the lots;

NOW, THEREFORE, in consideration of the premises and the
execution of this instrument by each of the parties hereto for
himself, his heirs, successors and assigns, the parties agree
that the Declaration recorded in Book 1368, Page 118, Durham
County Registry be amended as follows:

1. Article I, Section 3, is amended to add the following
clause: "as shown on a plat recorded in Book of Maps 114, Page
62 of the Durham County Registry, and any other maps recorded
hereinafter for annexation purposes.
2. Article II, Section 2(c), is amended by deleting in the
second sentence the reference to "Article XIII, Section 7", and
inserting in lieu thereof "Article XII, Section 5".
3. Article VI, Section 8, is amended by deleting in the
second sentence the reference to "twelve percent (12%)" and
inserting in lieu thereof "ten percent (10%)".

Declaration
BK ~~1470~~ 1470
Pg. 536-537

Declara
BK 1370
Pg 549
352
1-11-84

Declara
BK 1499
Pg 576
575
12-28-84

Declaration
BK 1567
Pg 437
+ 449
12-27-84

Waiver
BK 1572
Pg 948
1-26-84

1102

4. Article XI, Section 2 is amended by deleting in its entirety the last sentence of that section.

5. EXHIBIT A is amended by deleting Tracts One and Two in their entirety and inserting in lieu thereof the attached "Amended Exhibit A" which is incorporated herein by reference.

IN WITNESS WHEREOF, the Declarant has caused this instrument to be executed in its corporate name by its Assistant Vice President, attested by its Assistant Secretary, and its corporate seal to be affixed, by authority of its Board of Directors, the day and year first above written.

THE NEW FORTIS CORPORATION

By: [Signature]
Assistant Vice President



ATTEST: [Signature]
Assistant Secretary

NORTH CAROLINA - WAKE COUNTY

I, Walter M. Robinson, a Notary Public in and for said state and county, do hereby certify that JEFFREY P. SWAIN personally appeared before me this day and acknowledged that he is (Assistant) Secretary of THE NEW FORTIS CORPORATION, a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its (Vice) President, SAMUEL D. BURNS, sealed with its corporate seal, and attested by himself as its (Assistant) Secretary.

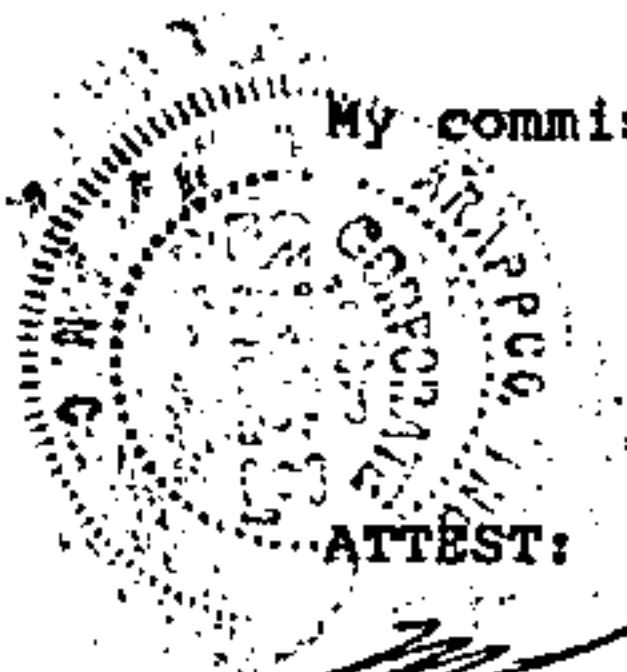
WITNESS my hand and notarial seal this the 9th day, of June, 1987.

Walter M. Robinson
Notary Public

My commission expires: My Commission Expires 3-4-91

ARAPPCO, INC.

By: [Signature]



ATTEST: [Signature]
Assistant Secretary



NORTH CAROLINA - WAKE COUNTY BOOK 1377 PAGE 89

I, Judy D. Leonard, a Notary Public in and for said state and county, do hereby certify that M. Lee McAllister personally appeared before me this day and acknowledged that he is (Assistant) Secretary of ARAPPCO, INC., a corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its (Vice) President, Robert C. Rapp, Jr., sealed with its corporate seal, and attested by himself as its (Assistant) Secretary.

WITNESS my hand and notarial seal this the 8th day of June, 1987.

Judy D. Leonard
Notary Public



My commission expires: 5-12-91

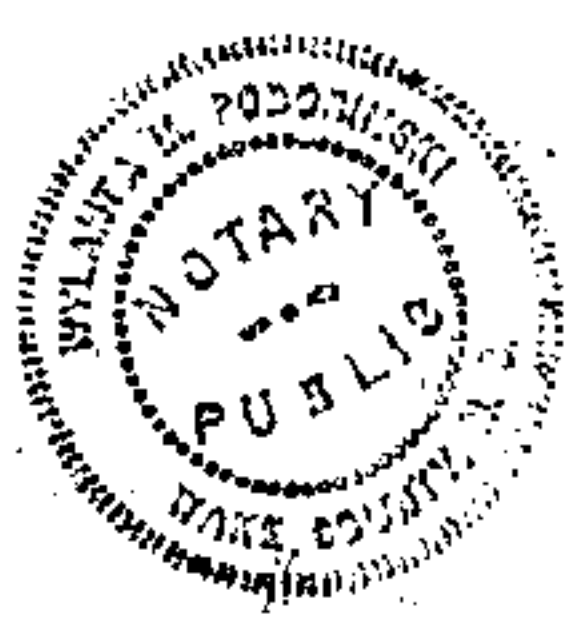
IN WITNESS WHEREOF, the undersigned Owners have hereunto set their hands and seals this 9th day of June, 1987, to evidence their approval pursuant to Article XII, Section 3 of the Declaration of Covenants, Conditions and Restrictions for Ashley Forest Subdivision recorded in Book 1368, Page 118, Wake County Registry, of the First Amendment dated June 8th, 1987 to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Ashley Forest Subdivision.

Russel C. Jones (SEAL)
RUSSEL C. JONES

Lori S. Jones (SEAL)
LORI S. JONES

Ronnie K. Lewter (SEAL)
RONNIE K. LEWTER

Tina H. Lewter (SEAL)
TINA H. LEWTER



NORTH CAROLINA - COUNTY OF Wake

I, a Notary Public of the county and state aforesaid, certify that RUSSEL C. JONES and wife, LORI S. JONES, each personally appeared before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my hand and official stamp or seal this 9th day of June, 1987.

Wylans H. Podolinski
Notary Public

My commission expires: My Commission Expires 3-4-91

NORTH CAROLINA - COUNTY OF Wake BOOK 1377 PAGE 90

I, a Notary Public of the county and state aforesaid, certify that RONNIE K. LEWTER and wife, TINA H. LEWTER, each personally appeared before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my hand and official stamp or seal this 9th day of June, 1987.

Wlante M. Podobinski
Notary Public



My commission expires: My Commission Expires 3-4-91

FILED
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JUN 9 12 49 PM '87

RUTH G. GARRETT
REGISTER OF DEEDS
DURHAM COUNTY, NC

(A672)

State of North Carolina-Durham County Judy D. Leonard
The foregoing certificate(s) of Wlante M. Podobinski
A Notary (Notaries) Public for the Designated Government
units is (are) certified to be correct.
This the 9 day of June A.D. 19 87
Ruth G. Garrett Roelyn S. Williams
Register of Deeds By: Assistant, Deputy
Register of Deeds

AMENDED EXHIBIT A

BEING all of Phase One
Part A, Ashley Forest East
Ashley Forest Subdivision
As shown on map recorded in
Book of Maps 114, Page 62
Durham County Registry.