

WAKE COUNTY, NC 12
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
04/22/2004 AT 08:40:54

BOOK:010777 PAGE:00868 - 00871

STATE OF NORTH CAROLINA

COUNTY OF WAKE

FIRST AMENDMENT TO
DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
CRESCENT RIDGE

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR CRESCENT RIDGE ("First Amendment") is made and entered into this 21 day of April, 2004, by WESTFIELD HOMES OF THE CAROLINAS, LLC, a Delaware limited liability company ("Declarant")

WHEREAS, Declarant is the Declarant under that certain Declaration of Covenants, Conditions and Restrictions for Crescent Ridge dated December 5, 2003, and recorded in Book 10577, Page 1029 in the Office of the Wake County Register of Deeds (the "Declaration");

WHEREAS, the Declaration imposes certain covenants, conditions and restrictions upon that certain real property as described therein (the "Property"); and

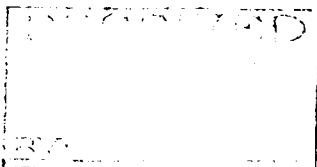
WHEREAS, Article 18, Section 18.10 of the Declaration provides that the Declaration may be amended by the vote or written consent of sixty-seven percent (67%) of the Voting Power of the Association if a two class voting structure is not in effect; and

WHEREAS, as of the date hereof, Declarant is the Owner of all Lots in the Property, and, as such, there is only one class of votes in the Association; and

WHEREAS, Declarant holds one hundred percent (100%) of the Voting Power of the Association; and

Prepared by and Return to
Michael F. King
Kennedy Covington Lobdell & Hickman, LLP
Vault Box # 123

0122340.01
LJB:RA



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WHEREAS, Declarant desires to amend certain provisions of the Declaration, as set forth below.

NOW, THEREFORE, Declarant, in consideration of the foregoing recitals, does hereby declare as follows:

1. Defined Terms. All capitalized terms used herein, unless otherwise defined herein, shall have the meanings set forth in the Declaration.
2. Property Rights. Article 4, Section 4.04 of the Declaration is hereby deleted in its entirety and replaced with the following:
4.04 Tenants. No Owner shall lease or rent its Lot except as may be permitted by the Rules and Regulations.
3. Effect of First Amendment. The Declaration is hereby modified to the extent set forth herein, but only to the extent set forth herein. All provisions of the Declaration not modified by this First Amendment to Declaration remain in full force and effect in accordance with their original terms as set forth in the Declaration.

[SIGNATURE PAGE FOLLOWS]

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IN WITNESS WHEREOF, Declarant has caused this First Amendment to be executed as of the day and year first above written.

DECLARANT

WESTFIELD HOMES OF THE CAROLINAS, LLC
a Delaware limited liability company

By: *David G. Gracke*
David Gracke,
Vice President

STATE OF NORTH CAROLINA
COUNTY OF Wake

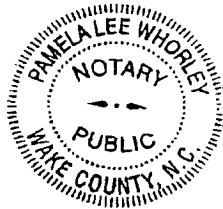
I, Pamela Lee Whorley, a Notary Public in and for said County and State, do hereby certify that David Gracke, Vice President of WESTFIELD HOMES OF THE CAROLINAS, LLC, a Delaware limited liability company, personally appeared before me this day, and acknowledged the due execution of the foregoing instrument on behalf of the company.

WITNESS my hand and official seal, this 21st day April, 2004.

Pamela Lee Whorley
Notary Public

My Commission Expires: 9/8/2008

[NOTARIAL SEAL]



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Wake County Register of Deeds
Laura M. Riddick
Register of Deeds

North Carolina - Wake County

The foregoing certificate of Amelia Lee Whorley

Notary(ies) Public is (are) certified to be correct. This instrument and this certificate are duly registered at the date and time and in the book and page shown on the first page hereof.

Laura M. Riddick, Register of Deeds

By: James Morgan
Assistant/Deputy Register of Deeds

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Wake County Register of Deeds
Laura M. Riddick
Register of Deeds

North Carolina - Wake County

The foregoing certificate of Pamela Lee Whorley

____ Notary(ies) Public is (are) certified to be correct. This instrument and this certificate are duly registered at the date and time and in the book and page shown on the first page hereof.

Laura M. Riddick, Register of Deeds

By: Vernice S. Spaw
Assistant/Deputy Register of Deeds

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