

Prepared By & Mail to:

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RALEIGH, NORTH CAROLINA 27619

BOOK 1327 PAGE 127

NORTH CAROLINA
DURHAM COUNTY

AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND
RESTRICTIONS FOR BALFOUR EAST
RECORDED IN BOOK 1289, PAGE 779
DURHAM COUNTY REGISTRY

THIS AMENDMENT TO THE DECLARATION, made on this
the 21st day of November, 1986, by the The
Adams-Bilt Company, being the owner of sixty-six and
two-thirds percent (66-2/3%) of the lots in Balfour East.

RECITALS:

A. Adams-Bilt (herein the "Owner") is the
owner/developer of 4.089 acres being designated as "Balfour
East" as shown on a map entitled "A Portion of Villages of
Cornwallis" recorded in Plat Book 110, Page 27, Durham
County Registry.

B. The Owner has subjected Buildings A
through J and property designated as "Common Area" as shown
on a map entitled "Survey of Balfour East, The Villages of
Cornwallis" recorded in Plat Book 111, Page 92, Durham
County Registry, to a Declaration of Covenants Conditions
and Restrictions for Balfour East, recorded in Book 1289,
Page 779, Durham County Registry, herein the "Declaration".

C. Article XIII, Section 6 of the Declaration
provides that the Declaration may be amended upon the assent
of not less than 66-2/3% of the owners of the lots that have
been made subject to the Declaration, which amendment shall
be executed by such owners and recorded in the Durham County
Registry.

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D. Article II, Section 1 of the Declaration provides that additional property may be annexed to the Declaration upon the assent of two-thirds (2/3) of the Class A membership and two-thirds (2/3) of the Class B membership, if any.

E. The Owner of sixty-six and two-thirds percent (66-2/3%) of the lots subjected to the Declaration desires to amend Article II of the Declaration to include a provision which allows the Declarant to annex additional lands without the assent of the Class A members of the Association if, within five years from the date of incorporation of the Association, the Declarant should develop additional lands within the boundaries of the property described herein.

F. The Owner of sixty-six and two thirds percent (66-2/3%) of the lots subjected to the Declaration desires to amend Article IV of the Declaration to provide for reinstatement of the Class B membership upon the annexation of additional properties without the assent of Class A members.

NOW, THEREFORE, the undersigned being the Owner of sixty-six and two-thirds percent (66-2/3%) of the lots in Balfour East which have been made subject to the Declaration, hereby amends the Declaration by deleting Article II, "ANNEXATION OF ADDITIONAL PROPERTIES" in its entirety and Article IV, "VOTING RIGHTS" in its entirety and inserting in lieu thereof a new Article II and a new Article IV as follows:

ARTICLE II

ANNEXATION OF ADDITIONAL PROPERTIES

Section 1. Annexation by Members. Except as provided in § 2 of this Article, annexation of additional Property shall require the assent of two-thirds of the Class A membership and two-thirds (2/3) of the Class B membership, if any.

Section 2. Annexation by Declarant. If within 5 years of the date of incorporation of this Association, the Declarant should develop additional lands within the boundaries of the following tract, such additional lands may be annexed to said Properties without the assent of the Class A members: Being all of that 7.316 acres of land designated "Balfour West" as shown on a map recorded in Plat Book 110, Page 27 of the Durham County registry.

Section 3. Method Annexation. Annexation of additional Properties shall be accomplished by recording in the Durham County Registry a Declaration of Annexation, duly executed by the Declarant if the Declarant has the right to annex pursuant to Section 2 above (and by the Association if pursuant to Section 1 above), describing the lands annexed and incorporating the provisions of this Declaration, either by reference or by fully setting out said provisions of this Declaration. The Additional lands shall be deemed annexed to the Properties on the date of recordation of

the Declaration of Annexation, and in the case of an annexation by the Declarant, no action or consent on the part of the Balfour East Association or any other person or entity shall be necessary to accomplish the annexation except the City of Durham if required by its ordinances.

Section 4. Conveyance of Common Area Upon Annexation. Subsequent to recordation of the Declaration of Annexation by the Declarant, the Declarant shall deliver to the Balfour East Association one or more deeds conveying any Common Area within the lands annexed as such Common Area is developed, as set forth in Article V, Section 3 of the Declaration.

ARTICLE IV
VOTING RIGHTS

Section 1. Voting Classes. The Association shall have two classes of voting membership.

Class A. Class A members shall be all those Owners as defined in Article III with the exception of the Declarant. Class A members shall be entitled to one vote for each Lot in which they hold the interest required for membership by Article III. When more than one person holds such interest in any Lot, all such persons shall be members. The vote for such Lot shall be exercised as they among themselves determine, but in no event shall more than one vote be cast with respect

to any Lot and no fractional vote may be cast with respect to any Lot.

Class B. The Class B member shall be the Declarant. The Class B member shall be entitled to three (3) votes for each Lot in which he holds the interest required for membership by Article III, provided, that the Class B membership shall cease and be converted to Class A membership on the happening of either of the following events, whichever occurs first:

(a) When the total votes outstanding in Class A membership equal the total votes outstanding in Class B membership, but provided that the Class B membership shall be reinstated if thereafter and before the time stated in subparagraph (b) below, such additional lands are annexed to the Properties without the assent of Class A members on account of the development of such additional lands by the Declarant, all as provided for in Article II, Section 2 above, or

(b) on December 31, 1991.

Section 2. Suspension of Voting Rights. The right of any Member to vote may be suspended by the Board of Directors for just cause pursuant to its rules and regulations.

Except as herein amended, the Declaration shall remain in full force and effect.

The Owner has caused this instrument to be signed in its corporate name by its duly authorized officers and its corporate seal to be hereunto affixed by authority of its Board of Directors, on the day first above written.

THE ADAMS-BILT COMPANY

By: [Signature]
President



James R. White III
Secretary

NORTH CAROLINA

WAKE COUNTY

I, the undersigned, a Notary Public in and for the said State and County, do hereby certify that James R. White III personally appeared before me this day and acknowledged that he is Secretary of The Adams-Bilt Company, a corporation, and that by authority duly given as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal, and attested by himself as its Secretary.

WITNESS my hand and notarial seal this the 21st day of November, 1986.

Dawn M. Merold
Notary Public



My Commission Expires:
My Commission Expires 11-17-90

tdm/bfc/leb13

CERTIFICATION OF VALIDITY OF AMENDMENT
TO COVENANTS, CONDITIONS AND RESTRICTIONS
OF BALFOUR EAST

By authority of its Board of Directors, Balfour East Townhomes Association, Inc., hereby certifies that the foregoing instrument has been duly executed by the owners of sixty-six and two-thirds percent (66-2/3%) of the lots in Balfour East, and is, therefore, a valid amendment to the existing Covenants, Conditions, Conditions and Restrictions of Balfour East.

BALFOUR EAST TOWNHOMES
ASSOCIATION, INC.

By: [Signature]
President

ATTEST:

James R. White III
Secretary

NORTH CAROLINA

WAKE COUNTY

I, the undersigned, a Notary Public in and for the said State and County, do hereby certify that James R. White III personally appeared before me this day and acknowledged that he is Secretary of BALFOUR EAST TOWNHOMES ASSOCIATION, INC., a corporation, and that by authority duly given as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal, and attested by him self as its Secretary.

WITNESS my hand and notarial seal this the 21st day of November, 1986.

Dawn M. Merold
Notary Public

My Commission Expires:

My Commission Expires 11-17-90

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State of North Carolina - Durham County

The foregoing certificate (s) of _____

Dawn M. Merold
A Notary (Notaries) Public of designated Governmental units is (are) certified to be correct.

This 25 day of Nov 19 86

Ruth C. Garrett
Register of Deeds

By: Roshin J. Williams
Ass't., Deputy Register of Deeds

FILED
BOOK 1327 PAGE 127-133
Nov 25 3 53 PM '86
RUTH C. GARRETT
REGISTER OF DEEDS
DURHAM COUNTY, NC

