

BK012404PG00487

WAKE COUNTY, NC 833
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
02/16/2007 AT 15:56:33

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Prepared by and return to: George N. Hamrick
7048 Highway 64 East, Suite 200
Knightdale, NC 27545

NORTH CAROLINA
WAKE COUNTY

**AMENDMENT OF COVENANTS, CONDITIONS
AND RESTRICTIONS ASHTON GLEN OF WAKE COUNTY
HOMEOWNERS ASSOCIATION, INC.**

THIS AMENDMENT to the declaration of covenants, conditions and restrictions, is entered into this 14th day of February, 2007, by and between *Johnny Watson Builders, Inc.* (hereinafter referred to as "Declarant") and *Ashton Glen of Wake County Homeowners Association, Inc.* (hereinafter referred to as "Association");

W I T N E S S E T H:

WHEREAS, the Declarant and the Association have previously recorded a declaration of covenants, conditions and restrictions, said document being recorded in Book 12395, Page 1424, Wake County Registry; and

WHEREAS, it is the desire of both the Declarant and the Association to amend certain provisions of said covenants; and

WHEREAS, pursuant to Article X, Section 3 of said covenants, the covenants can be amended.

NOW, THEREFORE, in consideration of the premises, and the mutual covenants and agreements herein contained, both the Declarant and the Association agree that the covenants previous recorded in Book 12395, Page 1424, Wake County Registry be, and they are, amended as follows:

1. Article IV, Section 2 (b) be, and hereby is amended to reflect that the correct date should be December 1, 2032.

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2. Article V, Section 4 is amended to provide that the maximum annual assessment shall be \$160.00 per lot.

3. Article VI, Section 3 is deleted in its entirety, and the following is inserted in lieu thereof:

Designated Building Design. No building (including an accessory building or structure and a garage) shall be erected, placed or altered on any premises in said development until the building plans, specifications and plat showing the location of every such building shall have been approved by the Architectural Committee, in writing, as to conformity and harmony of external design with existing structures in the subdivision, including, without limitation, proposed exterior materials and colors and as to the location of the building with respect to topography and finished ground elevation. The minimum roof pitch shall be not less than 8/12. In the event the Committee fails to approve or disapprove the design or location within 30 days after the plans and specifications have been submitted to it, or, in any event, if no suit to enjoin the erection of any such building or the making of any such alterations has been commenced prior to the completion thereof, such approval will not be required and this covenant shall be deemed to have been fully complied with. The Members of the Committee shall not be entitled to any compensation for services performed pursuant to this covenant. Only brick and block foundations with crawl spaces shall be permitted on single family residences. Manufactured and modular housing is prohibited on all lots. With Architectural Control Committee approval, a detached storage building may be built off site and transported to the lot. All single family residences shall be "stick built" on site, except that panelized walls, roof trusses and pre-engineered floor joists are permissible with Architectural Control Committee approval.

4. Article VI, Section 4 is amended to provide that the minimum square footage of enclosed heating area shall be changed from 2800 square feet to 2000 square feet.

5. Article VII, Section 2(A) is amended to add the following:

The drying of clothes in public view is prohibited.

6. Article VII, Section 2(D) is amended by deleting that provision in its entirety and inserting the following in lieu thereof:

(D). With the approval of the Architectural Control Committee, a swimming pool shall be permitted. All swimming shall be surrounded by privacy fence.

7. Article VII, Section 6 is amended to allow a total of 3 pets per household, be they cats, dogs or a combination thereof.

8. Article X, Section 3 is amended to delete in its entirety, the following sentence:

Article II, Section 8J cannot be amended without express written consent of the U.S. Army Corps of Engineers, Wilmington District.

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Except as is herein expressly amended, all remaining terms and conditions of the declaration of covenants, conditions and restrictions recorded in Book 12395, Page 1424, Wake County Registry shall be and remain in full force and effect.

IN WITNESS WHEREOF, the Declarant and the Association have caused this instrument to be executed in their name by their duly authorized officers, each by the order of its Board of Directors, the day and year first above written.

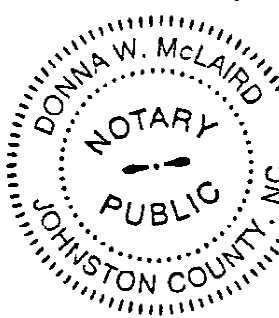
JOHNNY WATSON BUILDERS, INC.

By: *Johnny Watson* (SEAL)
Johnny Watson, President

ASHTON GLEN OF WAKE COUNTY HOMEOWNERS ASSOCIATION, INC.

By: *Johnny Watson* (SEAL)
Johnny Watson, President

STATE OF NORTH CAROLINA
COUNTY OF *Johnston*



I, a Notary Public of the County and State aforesaid, certify that **Johnny Watson**, personally came before me this day and acknowledged that he is President of **Johnny Watson Builders, Inc.**, a North Carolina corporation, and that he as President, being authorized to do so, executed the foregoing on behalf of the corporation
WITNESS my hand and official stamp or seal this *15th* day of February, 2007.

My commission expires: *4-13-2008*

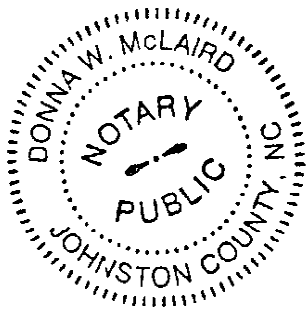
Donna W. McLaIRD
Notary Public

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STATE OF NORTH CAROLINA
COUNTY OF Johnston

I, a Notary Public of the County and State aforesaid, certify that **Johnny Watson**, personally came before me this day and acknowledged that he is President of **Ashton Glen of Wake County Homeowners Association, Inc.**, a North Carolina corporation, and that he as President, being authorized to do so, executed the foregoing on behalf of the corporation

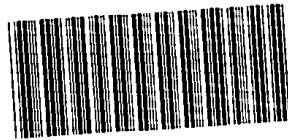
WITNESS my hand and official stamp or seal this 15th day of February, 2007.



My commission expires: 4-13-2008

Donna W. McLaird
Notary Public

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Please retain with original document and submit for rerecording.**



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

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