

BOOK NOTED

Prepared by and mail to: Charles A. Reinhardt, Jr., Ward & Reinhardt, Attorneys, P.O. Box 825, Durham, North Carolina 27702

NORTH CAROLINA

DURHAM COUNTY

SUPPLEMENTARY DECLARATION OF COVENANTS AND RESTRICTIONS
FOR CHARLES SQUARE TOWNHOMES, PHASE II

This Supplementary Declaration of Covenants and Restrictions for Charles Square Townhomes, Phase II, made and entered into this the 2ND day of August, 1988, by Bryant B. Roberts (hereinafter referred to as Declarant), Frank A. Ward Realty & Insurance Company, Inc., Old North State Corporation, Trustee, and Security Federal Savings & Loan Association.

W-I-T-N-E-S-S-E-T-H

THAT WHEREAS, Charles Square, Inc., predecessor in title to Declarant, previously caused a Declaration of Covenants and Restrictions for Charles Square Townhomes, Phase One, (hereinafter referred to as the Declaration) to be filed in the Office of the Register of Deeds of Durham County in Real Estate Book 1422 at page 362; and

THAT WHEREAS, Article II of said Declaration expressly provided that Charles Square, Inc. had the right to subject additional real estate to the said Declaration from the Marvin E. Walker Property shown on a plat recorded in Plat Book 98 at page 51, Durham County Registry; and

THAT WHEREAS, the property described below is part of that Walker plat referred to above, that Charles Square, Inc., by deed recorded in Real Estate Book 1442 at page 963, assigned its rights as Developer to Frank A. Ward Realty & Insurance Company, Inc., that Frank A. Ward Realty & Insurance Company, Inc. joins in the execution of this Supplementary Declaration to assign to Declarant all such developer rights, including, but not limited to, the right to add additional property, and that Declarant wishes to submit all of the below-described property to the Charles Square Declaration as written with minor changes, all as permitted by the Declaration.

NOW, THEREFORE, Declarant, as the owner of said property, hereby declares as follows:

1. Declarant hereby adds and subjects the following-described property, known as Charles Square Phase II, and located in the City Inside Township of the County of Durham, State of North Carolina, to the Declaration for Charles Square Townhomes as recorded in Real Estate Book 1422 at page 362, Durham County Registry, all as provided by Article II of said Declaration:

BEGINNING at a stake on the northwestern side of Charles Street, a corner of Charles Square, Phase One, Plat Book 108 at page 110, Durham County Registry; thence with the northwestern side of said Charles Street in a southwesterly direction along an arc having a radius of 177.47 feet a distance of 39.75 feet to a stake; thence continuing with the northwestern side of said Charles Street South 60° 39' 56" West 374.97 feet to a stake, corner of Mitchell; thence with the line of Mitchell North 28° 56' 03" West 342.69 feet to a stake, corner of Mitchell in the line of Burgess Hill Subdivision, Plat Book 99 at page 27, Durham County Registry; thence with the line of said Burgess Hills Subdivision North 43° 45' 42" East 243.10 feet to a stake and North 43° 32' 57" East 246.58 feet to a stake, corner of Charles Square, Phase One; thence with the lines of Charles Square, Phase One, the following four (4) calls: South 29° 53' 42" East 310.34 feet to a stake; thence South 43° 34' 29" West 58.00 feet to a stake; thence South 32° 57' 57" East 114.48 feet to a stake; thence South 16° 30' 00" East 50.00 feet to a stake, the point and place of BEGINNING, containing 4.28 acres, more or less, and being all of that property shown on a survey entitled CHARLES SQUARE, PHASE II, PROPERTY OF

ROBERTS CONSTRUCTION COMPANY, INC., dated June 3, 1988, drawn by Edward C. Credle, Registered Land Surveyor, of Credle Engineering Company, which said plat is duly recorded in Plat Book 118 at page 99 in the Office of the Register of Deeds of Durham County, and to which survey reference is hereby expressly made for a more particular description of same.

2. The Declaration shall affect the above-described Charles Square Phase II property exactly as written for Charles Square, Phase One, and is incorporated herein by reference, except that:

(a) Article III, Section 2. Class B (b) is amended to extend Class B membership to no later than January 1, 1992;

(b) The words "following the conveyance of the first Lot to an Owner" as set forth in Article V shall mean following the conveyance of the first Lot in Phase II to an Owner; and

(c) Article XI is stricken in its entirety, and the following Article shall govern Phase II:

Section 1. Refuse Collection. The Association shall provide refuse collection for each Lot and Living Unit which is subject to assessments under Article V hereof by furnishing bulk refuse collection points at the appropriate places located in the common areas to be serviced by the City of Durham or, in the absence of service by the City of Durham, a private company

Section 2. Assessment of Costs. The cost of such refuse collection may be assessed against the Lot or Living Unit for which such collection is provided and shall be added to and become part of the annual assessment or charge to which such Lot or Living Unit is subject under Article V hereof and, as part of such annual assessment or charge, it shall be a lien and obligation of the Owner and shall become due and payable in all respects as provided in Article V hereof.

IN WITNESS WHEREOF, the undersigned has hereto set his hand and adopted seal to this Supplementary Declaration of Covenants and Restrictions for Charles Square Townhomes, the day and year first above written. Frank A. Ward Realty & Insurance Company, Inc. joins in the execution of this instrument for the purpose of transferring development rights to Declarant as described above, and Security Federal Savings & Loan Association and Old North State Corporation, Trustee, join in the execution of this instrument solely to subordinate that Deed of Trust recorded in Real Estate Book 1461 at page 651, Durham County Registry, to the provisions of this Supplementary Declaration.

Bryant B. Roberts (SEAL)
Bryant B. Roberts

FRANK A. WARD REALTY & INSURANCE COMPANY, INC.

By: Frank A. Ward
President

Attest: Tammie Ward Best
Secretary

OLD NORTH STATE CORPORATION, Trustee

By: Randy N. Jones
President

Attest: [Signature]
Secretary

SECURITY FEDERAL SAVINGS & LOAN ASSOCIATION

By: [Signature]
President

[Signature]
Secretary

NORTH CAROLINA
DURHAM COUNTY

I, a Notary Public, certify that Bryant B. Roberts personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal this 3rd day of August, 1988.

[Signature]
Notary Public

My commission expires: June 29, 1991

NORTH CAROLINA
DURHAM COUNTY

I, a Notary Public, certify that Tammie Ward personally came before me this day and acknowledged that he is ^{Asst} Secretary of Frank A. Ward Realty & Insurance Company, Inc., and that by authority duly given and 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 as its ~~Asst~~ Secretary.

Witness my hand and official stamp or seal this 3rd day of August, 1988.

[Signature]
Notary Public

My commission expires: June 29, 1991

NORTH CAROLINA
DURHAM COUNTY

I, a Notary Public, certify that C. L. Anderson personally came before me this day and acknowledged that he is Secretary of Old North State Corporation, Trustee, and that by authority duly given and as the ~~act~~ act of the corporation, the foregoing instrument was signed in its name by its ~~vice~~ President, sealed with its corporate seal and attested by him as its Secretary. Witness my hand and official stamp or seal this 2nd day of August, 1988.

[Signature]
Notary Public

My commission expires: May 8, 1989

NORTH CAROLINA
DURHAM COUNTY

NORTH CAROLINA
DURHAM COUNTY

I, a Notary Public, certify that Brenda S. Ross
personally came before me this day and acknowledged that she is Secretary of
Security Federal Savings & Loan Association and that by authority duly given and
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 her as its
Secretary.

ASX

Witness my hand and official stamp or seal this 2nd day of August, 1988.



Marianne H. Thompson
Notary Public

My Commission Expires: May 8, 1989

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RUTH C. GARRETT
REGISTER OF DEEDS
DURHAM COUNTY, NC

State of North Carolina-Durham County Ellen K. Oakley
The foregoing certificate(s) of Marianne H. Thompson
A Notary (Notaries) Public for the Designated Governmental
units is (are) certified to be correct.
This the 3 day of Aug, A.D. 1988
Ruth C. Garrett John Baker
Register of Deeds By: Assistant Deputy
Register of Deeds