

FOR REGISTRATION REGISTER OF DEEDS
WILLIE L. COVINGTON
DURHAM COUNTY, NC
2003 JUN 10 03:06:08 PM
BK:3945 PG:991-995 FEE:\$21.00
INSTRUMENT # 2003036024

FOR REGISTRATION REGISTER OF DEEDS
WILLIE L. COVINGTON
DURHAM COUNTY, NC
2003 MAY 15 09:20:40 AM
BK:3905 PG:215-218 FEE:\$20.00
INSTRUMENT # 2003030220

Drawn by and HOLD FOR: MOORE & ALPHIN, PLLC

STATE OF NORTH CAROLINA

COUNTY OF DURHAM

**FIRST AMENDMENT TO
DECLARATION OF COVENANTS,
CONDITIONS, RESTRICTIONS,
EASEMENTS, CHARGES AND LIENS
FOR THE ASHFIELD PLACE
HOMEOWNERS ASSOCIATION, INC.**

This First Amendment is made as of the date set forth in the notary acknowledgment herein by **ROBERT C. RHEIN INTERESTS, INC.**, North Carolina corporation (hereinafter "Declarant"), and consented to by **THE DREES COMPANY d/b/a THE DREES HOMES COMPANY** (hereinafter "Drees").

WITNESSETH:

WHEREAS, Declarant has heretofore recorded in ³⁵⁰⁸ ~~Book 8496~~, ³⁷⁵ ~~Page 0151~~, DURHAM County Registry that certain Declaration Of Covenants, Conditions Restrictions, Easements, Charges And Liens For The Ashfield Place Homeowners Association, Inc. (hereinafter the "Declaration");

WHEREAS, Declarant desires to amend the Declaration pursuant to Section 3 of Article IX thereof to change the amount of dues required to be paid by a builder who purchases more than one Lot from Declarant for the purpose of constructing residences thereon; and

WHEREAS, Declarant and Drees are the owners of the not less than 80% of the Lots subject to the Declaration.

NOW, THEREFORE, Declarant and Drees hereby amend the Declaration as follows:

1. Section 3 of Article V of the Declaration, entitled "Maximum Annual Assessment" is amended by changing the first paragraph thereof to read as follows:

"Section 3. Maximum Annual Assessment. Until December 31, 2003, the Maximum Annual Assessment shall be \$600.00 for each Class A Lot (except as otherwise provided in Section 4 hereof).

2. Section 4 of Article V of the Declaration, entitled "Date of Commencement of Annual

THIS INSTRUMENT IS BEING RE-RECORDED IN ORDER TO CORRECT THE BOOK AND PAGE NUMBER OF THE DECLARATION FOR ASHFIELD PLACE. B. M. T. T. T. T. T., ATTORNEY

Assessments; Amount of Assessments; Ratification of Budgets; Certificate of Payment", is amended by changing the second paragraph thereof to read as follows:

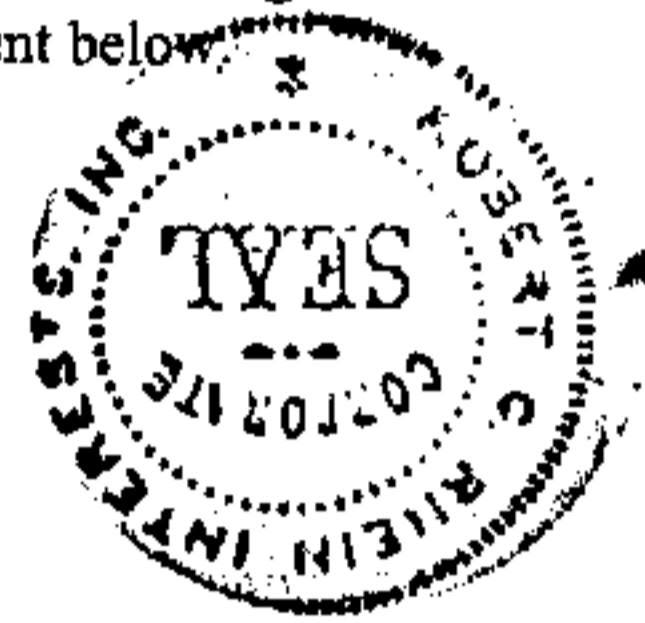
"Subject to the provisions of this Section, the Board of Directors may fix the annual assessment at any amount not in excess of the Maximum Annual Assessment in effect for the appropriate assessment year; provided, however, that, except as otherwise provided in this Section, the assessment for Class B Lots shall and the assessment for Class A Lots owned by a builder who or which purchases more than one Lot from the Declarant for the purpose of constructing a residence thereon shall always be one-fourth (1/4) of the assessment for Class A Lots. Unless a lower amount is set by the Board of Directors, the initial annual assessment shall be the "Maximum Annual Assessment" set forth in Section 3 of this Article and shall be prorated according to the number of months remaining in the calendar year. Annual assessments shall be fixed at a uniform rate for all Class A Lots and may be collected on a yearly, semiannually, quarterly, or monthly basis, as determined by the Board of Directors."

3. Except as specifically amended by this First Amendment, the Declaration remains unamended and in full force and effect.

IN WITNESS WHEREOF, Declarant and Drees has each caused this First Amendment to be signed in its name by its duly authorized officer, as of the date set forth in its notary acknowledgment below.

ROBERT C. RHEIN INTERESTS, INC., (Corporate Seal)
a North Carolina corporation

By: Richard M. Westmoreland, Jr.
Richard M. Westmoreland, Jr.
Vice President



STATE OF NORTH CAROLINA -- COUNTY OF WAKE

I, the undersigned, a Notary Public for the County and State aforesaid, certify that RICHARD M. WESTMORELAND, JR., personally appeared before me this day and acknowledged and acknowledged that he is a Vice President of **Robert C. Rhein Interests, Inc.**, a North Carolina corporation, and that he, as Vice President, being authorized to do so, executed the foregoing on behalf of the corporation.

WITNESS my hand and official stamp or seal, this the 9th day of May, 2003.

[Stamp or Seal]




Richard W. Moore
Notary Public
My commission expires: 6/17/04

CONSENTED TO BY

THE DREES COMPANY d/b/a THE DREES HOMES COMPANY

(Corporate Seal)

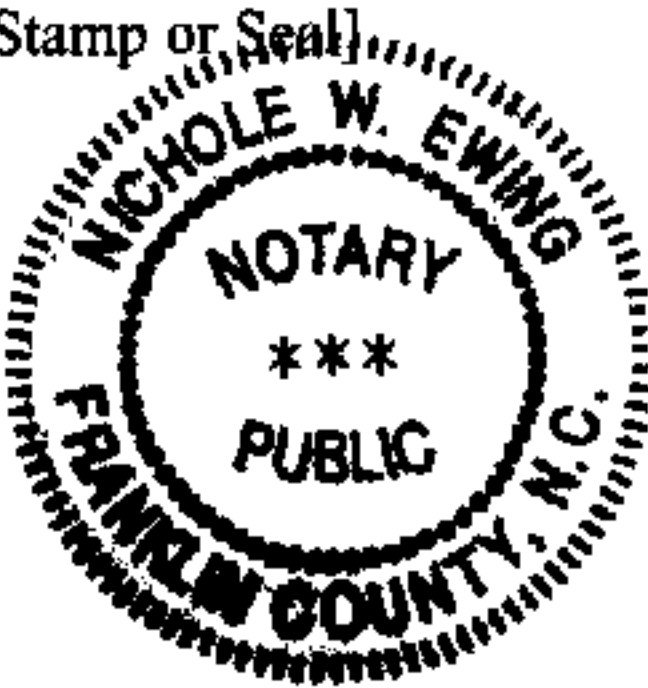
By: 
David Hausfeld
Vice President

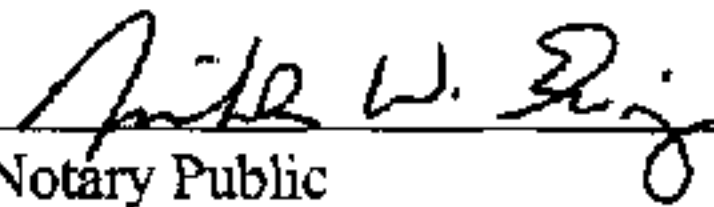
STATE OF NORTH CAROLINA -- COUNTY OF WAKE

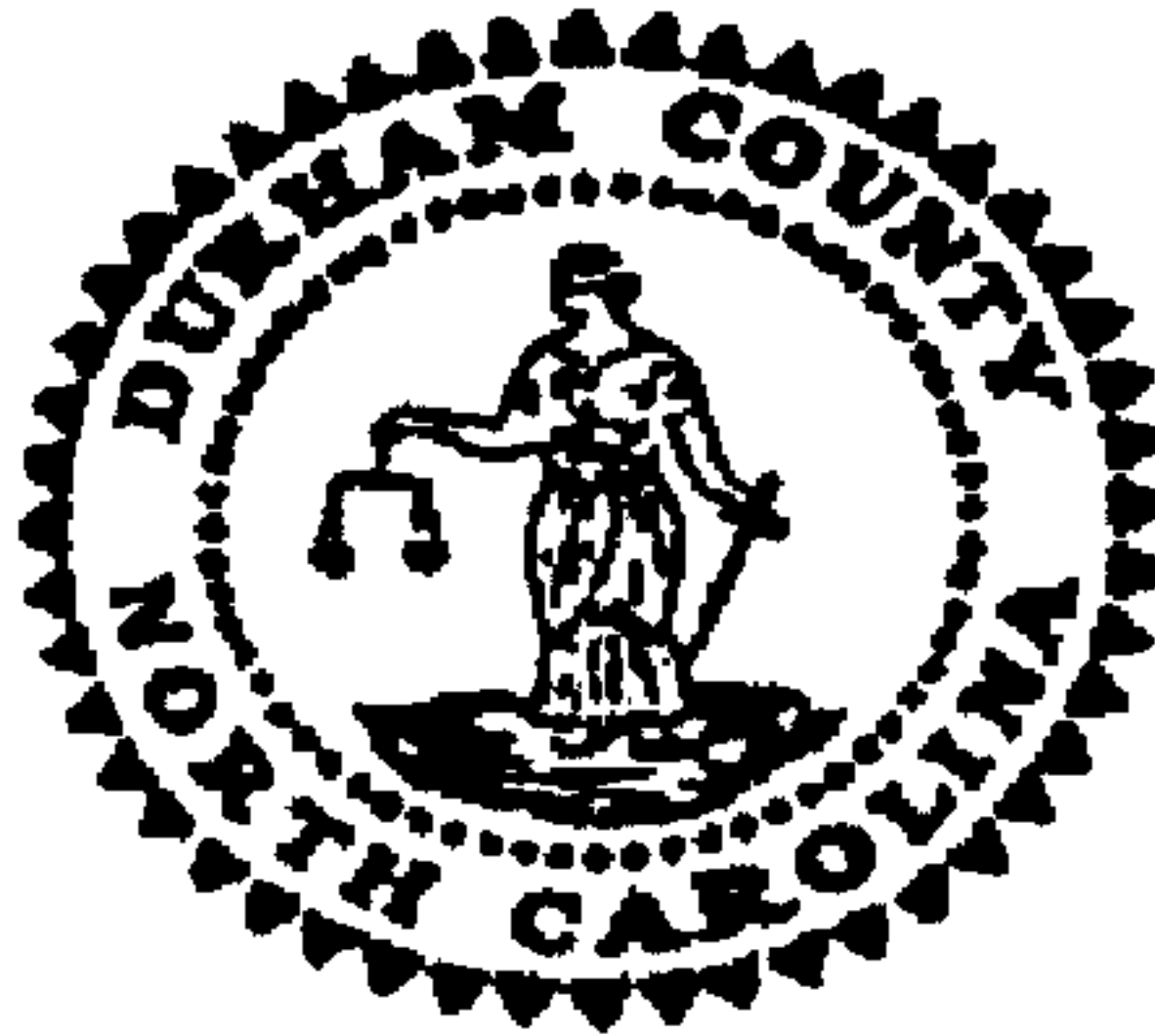
I, the undersigned, a Notary Public for the County and State aforesaid, certify that DAVID HAUSFELD personally appeared before me this day and acknowledged and acknowledged that he is a Vice President of **THE DREES COMPANY d/b/a THE DREES HOMES COMPANY**, a Kentucky corporation, and that he, as Vice President, being authorized to do so, executed the foregoing on behalf of the corporation.

WITNESS my hand and official stamp or seal, this the 14th day of May, 2003.

[Stamp or Seal]




Notary Public
My commission expires: Nov 1, 2005



WILLIE L. COVINGTON
REGISTER OF DEEDS , DURHAM COUNTY
DURHAM COUNTY COURTHOUSE
200 E. MAIN STREET
DURHAM, NC 27701

Filed For Registration: 05/15/2003 09:20:40 AM

Book: RE 3905 Page: 215-218

Document No.: 2003030220

AMD 4 PGS \$20.00

Recorder: CYNTHIA Y FRAZIER

State of North Carolina, County of Durham

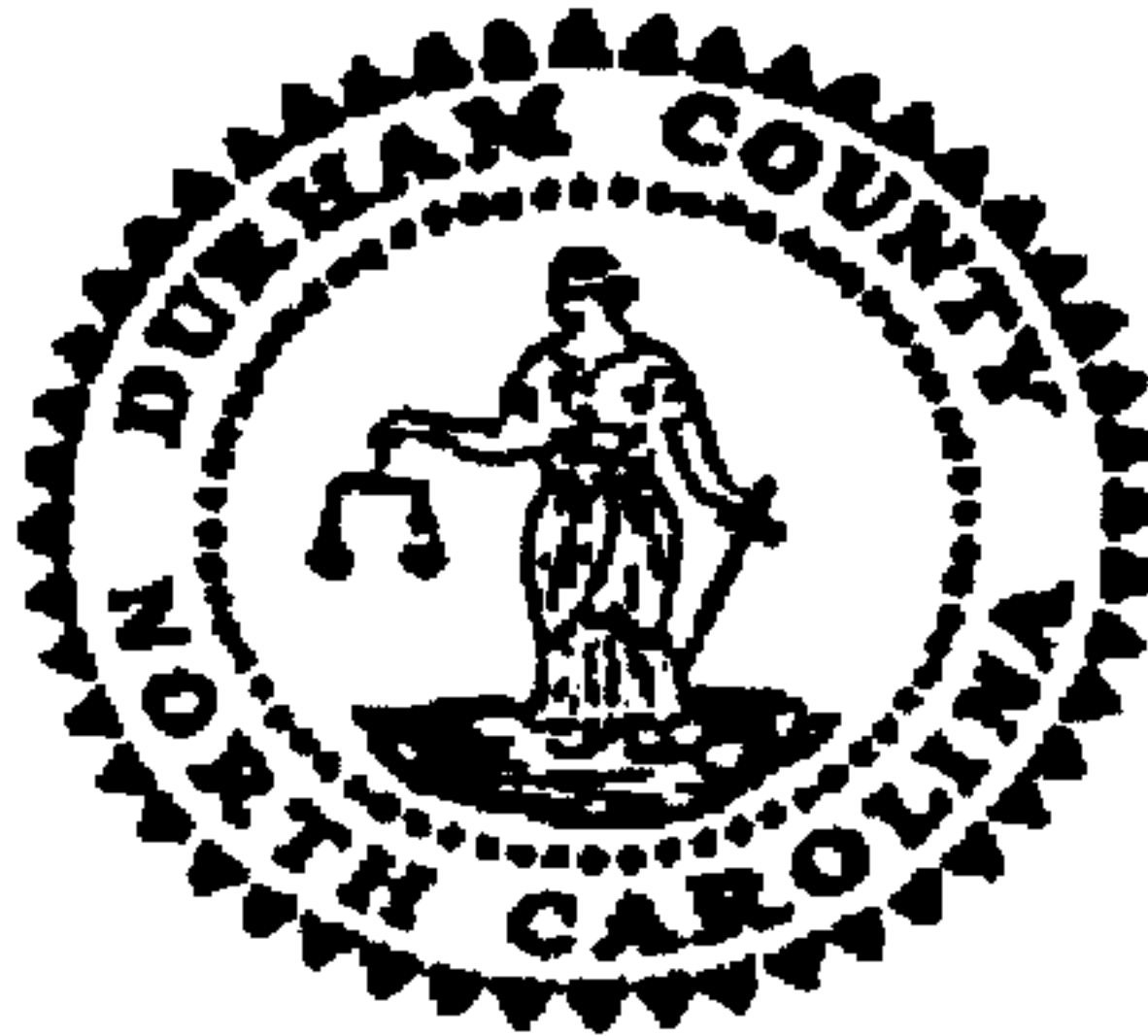
The foregoing certificate of RICHARD W MOORE , NICHOLE W EWING Notaries are certified to be correct. This
15TH of May 2003

WILLIE L. COVINGTON , REGISTER OF DEEDS

By: Cynthia Y Frazier
Deputy/Assistant Register of Deeds



2003030220



WILLIE L. COVINGTON
REGISTER OF DEEDS , DURHAM COUNTY
DURHAM COUNTY COURTHOUSE
200 E. MAIN STREET
DURHAM, NC 27701

Filed For Registration: 06/10/2003 03:06:08 PM
Book: RE 3945 Page: 991-995
Document No.: 2003036024
C-AMD 5 PGS \$21.00
Recorder: SHARON DAVIS

State of North Carolina, County of Durham

WILLIE L. COVINGTON , REGISTER OF DEEDS

By: *Gaie Baker*
Deputy Assistant Register of Deeds



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