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BOOK 1317 PAGE 605

NORTH CAROLINA  
DURHAM COUNTY

AMENDMENT TO DECLARATION OF  
COVENANTS, CONDITIONS AND  
RESTRICTIONS FOR ABERCROMBY,  
SECTION ONE, RECORDED IN  
BOOK 1278, PAGE 541  
DURHAM COUNTY REGISTRY

THIS AMENDMENT TO THE DECLARATION, made on this  
the 26<sup>th</sup> day of September, 1986, by the Abercromby  
Homeowners' Association, Inc. herein the "Association", and  
The Adams-Bilt Company, herein the "Declarant".

RECITALS:

A. The Declarant is the owner/developer of 6.056  
acres being designated Abercromby as shown on a map entitled  
"A Portion of Villages of Cornwallis" recorded in Plat Book  
110, Page 27, Durham County Registry.

B. The Declarant has subjected Lots 1 through 8  
inclusive and Lots 27 through 31 inclusive as shown on a map  
entitled "A Portion of Abercromby, Phase One, The Villages  
of Cornwallis" Durham County Registry, to a Declaration of  
Covenants Conditions and Restrictions for Abercromby,  
Section One, recorded in Book 1278, Page 541, Durham County  
Registry, herein the "Declaration".

C. Article XIII, Section 5 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 the Association and recorded in the Durham  
County Registry.

D. Article II, Section 2 of the Declaration  
provides that the Declarant may annex to the Declaration

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additional lands within the boundaries of the 6.056 acres designated as Abercromby on that map recorded in Plat Book 110, Page 27, Durham County Registry, without the assent of the Class A members of the Association.

E. The owners of 66-2/3% of the lots subjected to the Declaration desire to amend Article II, Section 2 of the Declaration to include the property described on the attached Exhibit A within the lands that the Declarant may annex without the assent of the Class A members of the Association.

NOW, THEREFORE, the undersigned being owners of 66-2/3% of the lots in Abercromby which have been made subject to the Declaration, hereby amend the Declaration as follows:

1. Article II "ANNEXATION OF ADDITIONAL PROPERTIES", Section 2, Annexation by Declarant, is hereby amended to include the property described on Exhibit A attached hereto, within the lands that the Declarant may annex to the Properties without the assent of Class A members.

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

The individual parties have set their hands and seals, and the corporate party has caused this instrument to be signed in their corporate name by their duly authorized officers and their seals to be hereunto affixed by authority of its Board of Directors, on the day first above written.

ABERCROMBY HOMEOWNERS' ASSOCIATION, INC.

By: [Signature]  
President

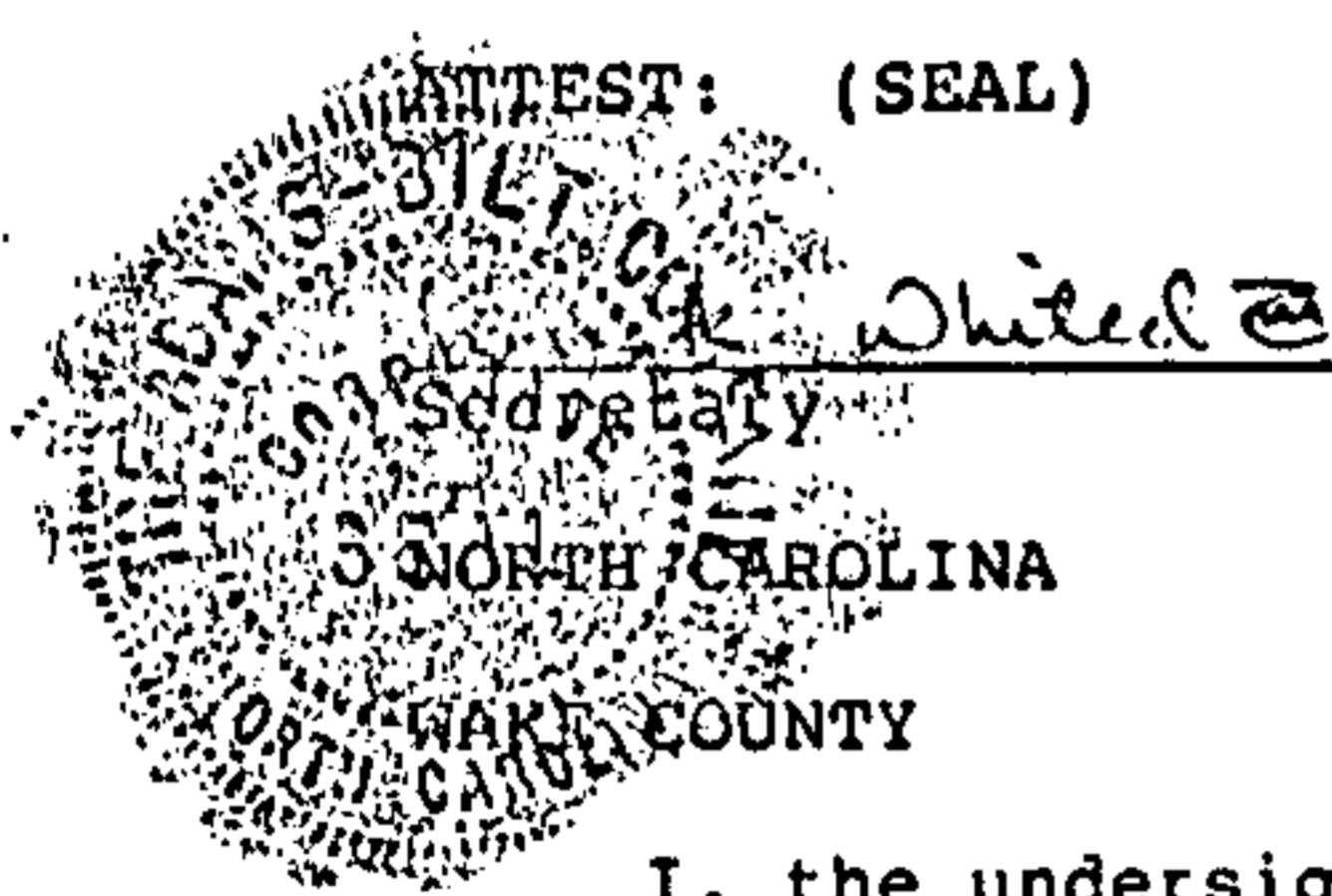
ATTEST: (SEAL)

James K. Whitehead  
Secretary

THE ADAMS-BILT COMPANY

By: [Signature]  
President

ATTEST: (SEAL)



I, the undersigned, a Notary Public in and for the said State and County, do hereby certify that James K. Whitehead III personally appeared before me this day and acknowledged that he is the Secretary of Abercromby Homeowners' 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 himself as its Secretary.

WITNESS my hand and notarial seal this the 26<sup>th</sup> day of September, 1986.

Dawn McCreold  
Notary Public

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



CERTIFICATION OF VALIDITY OF AMENDMENT  
TO COVENANTS, CONDITIONS AND RESTRICTIONS  
OF ABERCROMBY

By authority of its Board of Directors, Abercromby Homeowners Association hereby certifies that the foregoing instrument has been duly executed by the owners of 66 2/3% of the lots of Abercromby, and is, therefore, a valid amendment to the existing Covenants, Conditions and Restrictions of Abercromby.

ABERCROMBY HOMEOWNERS  
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 ABERCROMBY HOMEOWNERS 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 himself as its \_\_\_\_\_ Secretary.

WITNESS my hand and notarial seal this the 26<sup>th</sup> day of September, 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 for the Designated Governments  
units is (are) certified to be correct.

This the 14 day of Oct, A.D. 1986  
Ruth C. Garrett Ruth C. Garrett  
Registrar of Deeds Deputy  
Registrar of State

FILED  
BOOK 1317 PAGE 605-609

OCT 14 2 03 PM '86

RUTH C. GARRETT  
REGISTER OF DEEDS  
DURHAM COUNTY, NC

EXHIBIT A  
TO AMENDMENT TO DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS FOR  
ABERCROMBY, SECTION ONE

BEGINNING in the eastern edge of the 60 foot right of way of Yorktown Avenue, the southwest corner of that 6.056 acre tract designated as "Abercromby" as shown on a map recorded in Plat Book 110, page 27, Durham County Registry; runs thence with the eastern edge of said right of way South 10 degrees 05 minutes 09 seconds West 569.21 feet to a point in said right of way; runs thence continuing with said right of way as it intersects the northern edge of the 60 foot right of way of Obie Drive on a curve to the left, said curve having a radius of 25.00 feet and an arc length of 37.66 feet to a point in the northern right of way of Obie Drive; runs thence continuing with said right of way the following courses and distances: 1) on a curve to the right, said curve having a radius of 667.27 feet and an arc length of 439.78 feet to a point; and 2) South 38 degrees 28 minutes 20 seconds East 312.06 feet to a point; runs thence leaving said right of way and with the northern line of property now or formerly owned by Homes Savings & Loan South 86 degrees 22 minutes 31 seconds East 144.92 feet to a point; runs thence North 04 degrees 10 minutes 27 seconds East 1103.96 feet to a point, the southeast corner of that 6.056 acre tract designated as Abercromby as shown on the aforementioned map; runs thence with the southern line of Abercromby South 87 degrees 54 minutes 52 seconds West 702.15 feet to the point of BEGINNING, being 13.69 acres as shown on a survey dated February 25, 1985 by Ellinwood Design Associates, Ltd., Engineers, entitled "The Villages of Cornwallis, Abercromby - Phase 1 and 2".