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DURHAM COUNTY STAMPS	REC FEE
WILLIE L. COVINGTON REGISTER OF DEEDS DURHAM COUNTY, NC	

FIRST AMENDMENT TO DECLARATION OF RIGHTS, RESTRICTIONS, AFFIRMATIVE OBLIGATIONS AND CONDITIONS APPLICABLE TO ALL PROPERTY IN DOWNING CREEK AS RECORDED IN DEED BOOK 1402 AT PAGE 764 OF THE DURHAM COUNTY REGISTRY

THIS FIRST AMENDMENT TO DECLARATION OF RIGHTS, RESTRICTIONS, AFFIRMATIVE OBLIGATIONS AND CONDITIONS APPLICABLE TO ALL PROPERTY IN DOWNING CREEK made this the 22 day of October, 2001, by DOWNING CREEK COMMUNITY ASSOCIATION, INC., a North Carolina Non-Profit Corporation, hereinafter sometimes referred to as "Community Association".

WITNESSETH:

WHEREAS, by Declaration Of Rights, Restrictions, Affirmative Obligations And Conditions Applicable To All Property In Downing Creek (the "Declaration") dated September 22, 1987 and recorded in Deed Book 1402 at Page 764 of the Durham County Registry, Downing Creek Associates subjected the real property described therein to the provisions of said Declaration; and

WHEREAS, Part V of the Declaration provides for its amendment by vote of at least two-thirds (2/3) of Members of the Community Association in person or by proxy at a meeting duly called for that purpose; and

WHEREAS, pursuant to the provisions of Part V of the Declaration, a meeting was duly called and held on the 24 day of May, 2001, for the purpose of adopting the following amendment; and

WHEREAS, at least two-thirds (2/3) of the Members cast votes, in person or by proxy, in favor of such amendment.

NOW, THEREFORE, the Declaration is hereby amended as follows:

1. By deleting Part IV, Paragraph 6(a) in its entirety, and inserting the following new paragraph 6(a):

"(a) All Residential Properties shall be used and occupied as the residence of a single family. "Single family" shall mean and refer to a single individual, or two or more persons related by blood or marriage, or not more than two unrelated persons living together as a single housekeeping unit, together with the children of any such person(s). In the case of any of the foregoing, children shall include adopted children and minor wards residing with a legally appointed guardian. This provision shall not exclude an individual, or two or more related persons, residing in the living unit for

the purpose of rendering medical, nursing, housekeeping, childcare or other related services to the occupants of the residential property. The use of a portion of a dwelling unit on a residential property as an office by the owner or tenant thereof shall be considered a residential use if such use does not create undue customer or client traffic as determined by the Community Association, in its sole and uncontrolled discretion, to and from the residential property.”

Except as amended herein, the remaining provisions of the Declaration recorded in Book 1402 at Page 764, shall remain in full force and effect.

This Amendment is executed by the duly authorized officers of the Association on the day and year first above written.

DOWNING CREEK COMMUNITY ASSOCIATION

By Brian J. Burke  
DCCA President

ATTEST:

X [Signature]  
DCCA Secretary

(CORPORATE SEAL)

