

BOOK 1499 PAGE 0230

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CHATHAM COUNTY NC
TREVA B. SEAGROVES
REGISTER OF DEEDS

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END PAGE 0232
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EXCISE TAX (None)

Prepared by and return to:

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Raleigh, NC 27619

STATE OF NORTH CAROLINA

COUNTY OF CHATHAM

FIRST AMENDMENT TO DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR THE HAMPTONS
SUMMIT SUBDIVISION

This Amendment, made this 29th day of January, 2010, by Windjam 23, LLC, a North Carolina limited liability company, hereinafter referred to as "Declarant".

WHEREAS, Declarant caused to be executed and recorded the Declaration of Covenants, Conditions and Restrictions for The Hamptons Summit Subdivision in Book 1494, Page 838, Chatham County Registry, hereinafter referred to as the "Declaration"; and

WHEREAS, Declarant desires to amend said Declaration; and

WHEREAS, Declarant currently is the owner of all the Lots in the Hamptons Summit Subdivision.

NOW, THEREFORE, Declarant by virtue of its authority under Article XI of said Declaration amends said Declaration by as follows:

(1) Section 6.21 of the Declaration is deleted in its entirety and replaced as follows:

“Section 6.21. Wetlands and Buffers. The areas shown on the recorded Plat as conservation areas shall be maintained in perpetuity in their natural or mitigated condition. No Person or entity shall perform any of the following activities on such conservation area:

- A. fill, grade, excavate or perform any other land disturbing activities;
- B. cut, mow, burn, remove, or harm any vegetation;
- C. construct or place any roads, trails, walkways, buildings, mobile homes, signs, utility poles or towers, or any other permanent or temporary structures;
- D. drain or otherwise disrupt or alter the hydrology or drainage ways of the conservation area;
- E. dump or store soil, trash, or other waste; or
- F. graze or water animals, or use for any agricultural or horticultural purpose.

This covenant is intended to ensure continued compliance with the mitigation condition of a Clean Water Act authorization issued by the United States of America, U.S. Army Corps of Engineers, Wilmington District, Action ID 200801908, and therefore may be enforced by the United States of America. This covenant is to run with the land, and shall be binding on the Owner, and all parties claiming under it.

The provisions of this Section are intended to ensure continued compliance with wetland rules under Legal Requirements and this Section may be enforced by the United States, State of North Carolina or any other governmental entity having jurisdiction over the subject wetlands. Portions of the Properties also may be subject to Cape Fear River Basin buffer (or other applicable river or stream) requirements in connection with the Cape Fear River and its tributaries. Owners of all portions of the Properties subject to such buffer requirements shall at all times comply with same, whether or not the Approved Plans for any improvements are in compliance therewith. The provisions of this Section shall run with the Properties and be binding on all Owners of any part or all of the Properties and all persons claiming under them.

Notwithstanding any provision found elsewhere in these covenants, this Section 6.21 may not be amended without the written concurrence of the U.S. Army, Corps of Engineers, or successor agency.”

Except as herein amended all the terms and conditions, restrictions and benefits of said Declaration shall remain in full force and effect as to the properties subjected to the Declaration.

This the 29th day of January, 2010.

WINDJAM 23, LLC, a North Carolina limited liability company.

BY: Rex B. Vick, Jr.
Rex B. Vick, Jr., Manager

State of North Carolina
County of WAKE

I, Algje B. Simpson, a Notary Public of the County and State aforesaid, do hereby certify that REX B. VICK JR personally came before me this day and acknowledged that he is a Manager of WINDJAM 23, LLC, a North Carolina limited liability company and that he as Manager, being authorized to do so, voluntarily executed the foregoing on behalf of the limited liability company.

WITNESS my hand and notarial seal, this the 29th day of JANUARY, 2010.

Algje B. Simpson, Notary Public

My Commission Expires: May 26, 2013

Algje B. Simpson
Notary Public
Wake County, NC
My Commission Expires May 26, 2013