

REGISTER OF DEEDS
Sharon A. Davis
Durham County, NC
2020 Dec 10 12:09:08 PM
BK:9162 PG:946-960
AMENDMENT
FEE: \$26.00
INSTRUMENT # 2020054518

SMMARSH



Prepared by: Kennon Craver, PLLC

Return to: 524 Partners LLC, 3008 Anderson Dr., #120, Raleigh, NC 27609

Reference for index: Declaration in Book 8514, Page 943, Durham County Registry

**STATE OF NORTH CAROLINA
COUNTY OF DURHAM**

**SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR ELEVEN**

THIS SECOND AMENDMENT (the "Second Amendment") is made by the undersigned
Lots Owners as of this 10th day of December, 2020.

RECITALS:

Declarant recorded that certain Declaration of Covenants, Conditions, and Restrictions for Eleven in Book 8514, Page 943, Durham County Registry, as amended by that certain First Amendment to Declaration of Covenants, Conditions, and Restrictions for Eleven recorded in Book 8977, Page 566, Durham County Registry (collectively, the "Declaration"). At least 67% of the Lot Owners desire to amend the Declaration in accordance with Article XIV, Section 3 of the Declaration to clarify the rights and responsibilities of Lot Owners and the Association with respect to the courtyards adjacent to Lots 2 -11 as shown on the plat recorded in Plat Book 199, Pages 306 and 307, Durham County Registry (the "Plat").

NOW, THEREFORE, Declarant hereby declares as follows:

1. The above recitals are hereby fully incorporated in this Second Amendment. Capitalized terms used in this Second Amendment shall have the meanings given to them in the Declaration unless otherwise set forth in this Second Amendment.

2. A new Section 16 is hereby added to Article I for the purpose of defining "Limited Common Area" as follows:

Section 16. "Limited Common Area" and "Limited Common Areas" shall

mean those portions of the Common Area that are designated for the exclusive use of one or more, but fewer than all, the Lot Owners, subject to the other terms and conditions of the Declaration.

3. The courtyard areas adjacent to and serving each of Lots 2 – 11 shall be Limited Common Area designated for the exclusive use of the Lot served by its respective courtyard. Each courtyard Limited Common Area is shown and designated on Exhibit A attached hereto and incorporated herein by reference. The term “courtyard” as used in the Declaration shall mean and refer to the specific areas designated as Limited Common Areas on Exhibit A.

Lot Owners may plant plants within their courtyards as set forth in Article VII, Section 1 of the Declaration, provided that the Lot Owner shall obtain approval from the ARB prior to *planting any plant that can reasonably be expected to reach at maturity a height more than two (2) feet above the fence surrounding the courtyard*. Lot Owners must obtain the approval of the ARB prior to making any other improvements to their courtyard.

Each Lot Owner shall be responsible for (i) the care and maintenance of the plants within their courtyard and shall maintain such plants in good condition, (ii) the routine cleaning and weeding of their courtyard, and (iii) the care, maintenance, repair and replacement of any improvements added to their courtyard by such Lot Owner.

The Association shall be responsible for the maintenance of the improvements initially installed by Declarant, such as the courtyard fences, pavers, gravel, patios, planters, exterior lighting, utility lines and drainage swales.

Each Lot Owner’s exclusive right to use their courtyard is subject to the easements of the Association established in the Declaration enabling the Association to fulfill its obligations thereunder.

4. Except as specifically modified by this Second Amendment, the Declaration shall remain unmodified and in full force and effect. This Second Amendment may be executed in counterpart and assemble to constitute one complete instrument.

[Signature and acknowledgment pages follow.]

[Counterpart signature page to Second Amendment to Declaration of Covenants, Conditions, and Restrictions for Eleven]

IN WITNESS WHEREOF, the undersigned Lot Owners have caused this Second Amendment to be executed the day and year first above written.

Owner of Lot(s): 1, 10, 9, & 11 shown on the Plat:

524 Partners LLC

By: [Signature]

Name: ROLAND GAMMON

Title: MANAGER

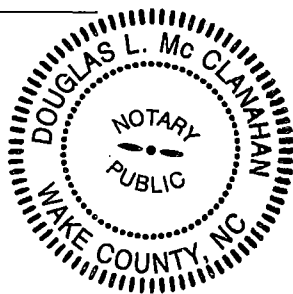
STATE OF North Carolina
COUNTY OF Wake

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document:

ROLAND GAMMON
[insert name(s) of person(s) in blank].

Date: 11/30/20

[Official Seal]



[Signature]
Notary Public

Print Name: Douglas L. McClanahan

My commission expires: 2/28/22

[Counterpart signature page to Second Amendment to Declaration of Covenants, Conditions, and Restrictions for Eleven]

Owner of Lot(s): 8 shown on the Plat:

Sign name: [Signature]
 Print name: Nicholas Dehnert

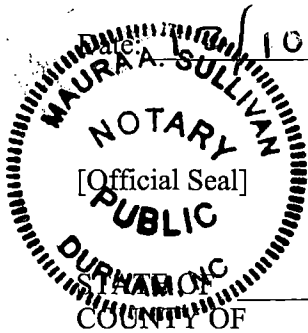
Sign name: _____

Print name: _____

STATE OF North Carolina
 COUNTY OF Durham

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document:

Nicholas Dehnert
 [insert name(s) of person(s) in blank].



Date: 5/10/2020

[Signature]
 Notary Public

Print Name: Maura A. Sullivan

My commission expires: 5/10/2025

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document:

 [insert name(s) of person(s) in blank].

Date: _____

[Official Seal]

 Notary Public

Print Name: _____

My commission expires: _____

[Counterpart signature page to Second Amendment to Declaration of Covenants, Conditions, and Restrictions for Eleven]

Owner of Lot(s): 4 shown on the Plat:

Sign name: David Wilson Helwig

Print name: David Wilson Helwig

Sign name: _____

Print name: _____

STATE OF North Carolina
COUNTY OF Durham

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document:

David Wilson Helwig
[insert name(s) of person(s) in blank].

Date: 11/10/2020

[Official Seal]

STATE OF _____
COUNTY OF _____

Maura A. Sullivan
Notary Public

Print Name: Maura A. Sullivan

My commission expires: 5/10/2025

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document:

[insert name(s) of person(s) in blank].

Date: _____

[Official Seal]

Notary Public

Print Name: _____

My commission expires: _____

[Counterpart signature page to Second Amendment to Declaration of Covenants, Conditions, and Restrictions for Eleven]

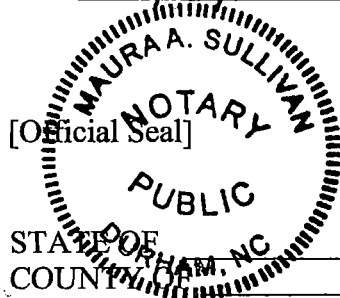
Owner of Lot(s): 7 shown on the Plat:Sign name: Regina Youngblood
Print name: Regina Youngblood

Sign name: _____

Print name: _____

STATE OF North Carolina
COUNTY OF Durham

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document:

Regina Youngblood
[insert name(s) of person(s) in blank].Date: 12/7/2020

Notary Public

Print Name: Maura A. SullivanMy commission expires: 5/10/2025

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document:

[insert name(s) of person(s) in blank].

Date: _____

[Official Seal]

Notary Public

Print Name: _____

My commission expires: _____

[Counterpart signature page to Second Amendment to Declaration of Covenants, Conditions, and Restrictions for Eleven]

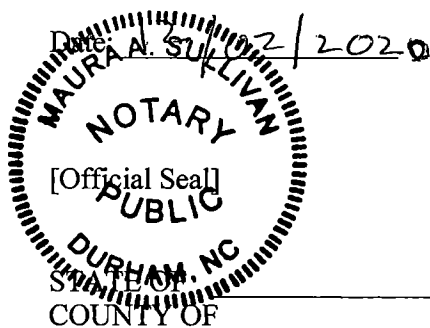
Owner of Lot(s): 5 shown on the Plat:Sign name: Jayne HuckeryPrint name: Jayne Huckery

Sign name: _____

Print name: _____

STATE OF N.C.
COUNTY OF Durham

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document:

Jayne Huckery
[insert name(s) of person(s) in blank].

Notary Public

Print Name: Maura A. SullivanMy commission expires: 5/10/2025

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document:

[insert name(s) of person(s) in blank].

Date: _____

Notary Public

Print Name: _____

[Official Seal]

My commission expires: _____

[Counterpart signature page to Second Amendment to Declaration of Covenants, Conditions, and Restrictions for Eleven]

Owner of Lot(s): 3 shown on the Plat:

Sign name:

Print name:

[Signature]
GERALD SCOTT HARMON

Sign name:

Print name:

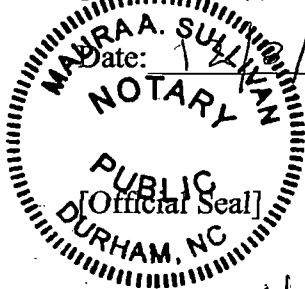
[Signature]
Stoney Lee Bowman

STATE OF North Carolina
 COUNTY OF Durham

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document:

Jerald Scott Harmon
 [insert name(s) of person(s) in blank].

Date:

5/10/2020

Notary Public

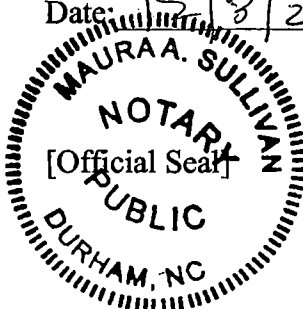
Print Name: Maura SullivanMy commission expires: 5/10/2025

STATE OF North Carolina
 COUNTY OF Durham

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document:

Stoney Lee Bowman
 [insert name(s) of person(s) in blank].

Date:

5/10/2020

Notary Public

Print Name: Maura A. SullivanMy commission expires: 5/10/2025

[Counterpart signature page to Second Amendment to Declaration of Covenants, Conditions, and Restrictions for Eleven]

Owner of Lot(s): Six shown on the Plat:

Sign name: Natasha McLean

Print name: Natasha McLean

Sign name: _____

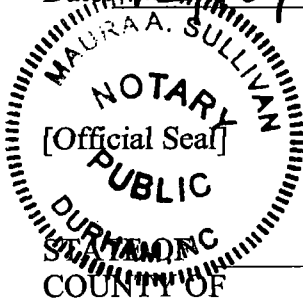
Print name: _____

STATE OF North Carolina
COUNTY OF Durham

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document:

Natasha McLean
[insert name(s) of person(s) in blank].

Date: 12/10/2020



[Signature]
Notary Public

Print Name: Maura A. Sullivan

My commission expires: 5/10/2025

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document:

[insert name(s) of person(s) in blank].

Date: _____

[Official Seal]

Notary Public

Print Name: _____

My commission expires: _____

[Consent by Association]

Eleven Townhomes Owners Association Inc hereby consents to the foregoing Second Amendment.

Eleven Townhomes Owners Association Inc

By: _____

Name: ROLAND GAMM

Title: PRESIDENT

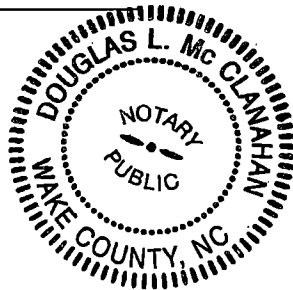
STATE OF North Carolina
COUNTY OF Wake

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document:

ROLAND GAMM
[insert name(s) of person(s) in blank].

Date: 12/1/20

[Official Seal]



Douglas L. McClanahan
Notary Public

Print Name: Douglas L. McClanahan

My commission expires: 2/28/22

[Counterpart signature page to Second Amendment to Declaration of Covenants, Conditions, and Restrictions for Eleven]

Owner of Lot(s): 2 shown on the Plat:

Sign name: Gary L. Gauden

Print name: Gary L. Gauden

Sign name: _____

Print name: _____

STATE OF NC
COUNTY OF Durham

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document:

Gary L. Gauden
[insert name(s) of person(s) in blank].

Date: 12/08/2020

Deidra L. Reynolds
Notary Public

Print Name: Deidra L. Reynolds

My commission expires: 05/15/2023



I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document:

[insert name(s) of person(s) in blank].

Date: _____

Notary Public

Print Name: _____

My commission expires: _____

[Official Seal]

G.S. § 10B-41 NOTARIAL CERTIFICATE FOR ACKNOWLEDGMENT

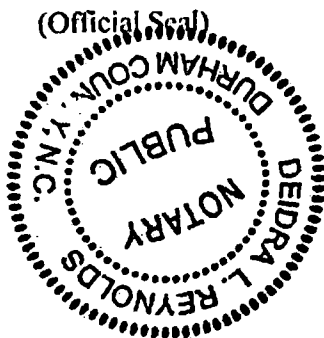
DURHAM County, North Carolina

I certify that the following person(s) personally appeared before me this day, each
acknowledging to me that he or she signed the foregoing document:

GARY L. GAULDEN

Name(s) of principal(s)

Date: 12/08/2020



Deidra L. Reynolds
Official Signature of Notary

DEIDRA L. REYNOLDS, Notary Public
Notary's printed or typed name

My commission expires: 05/15/2023

I signed this notarial certificate on 12/08/2020 according to the emergency video notarization
Date
requirements contained in G.S. 10B-25.

Notary Public location during video notarization: DURHAM County
Stated physical location of principal during video notarization: DURHAM County

OPTIONAL

This certificate is attached to a _____, signed by _____
Title/Type of Document *Name of Principal Signer(s)*

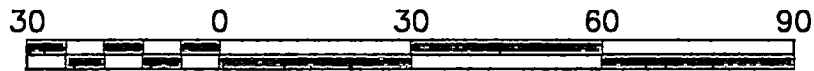
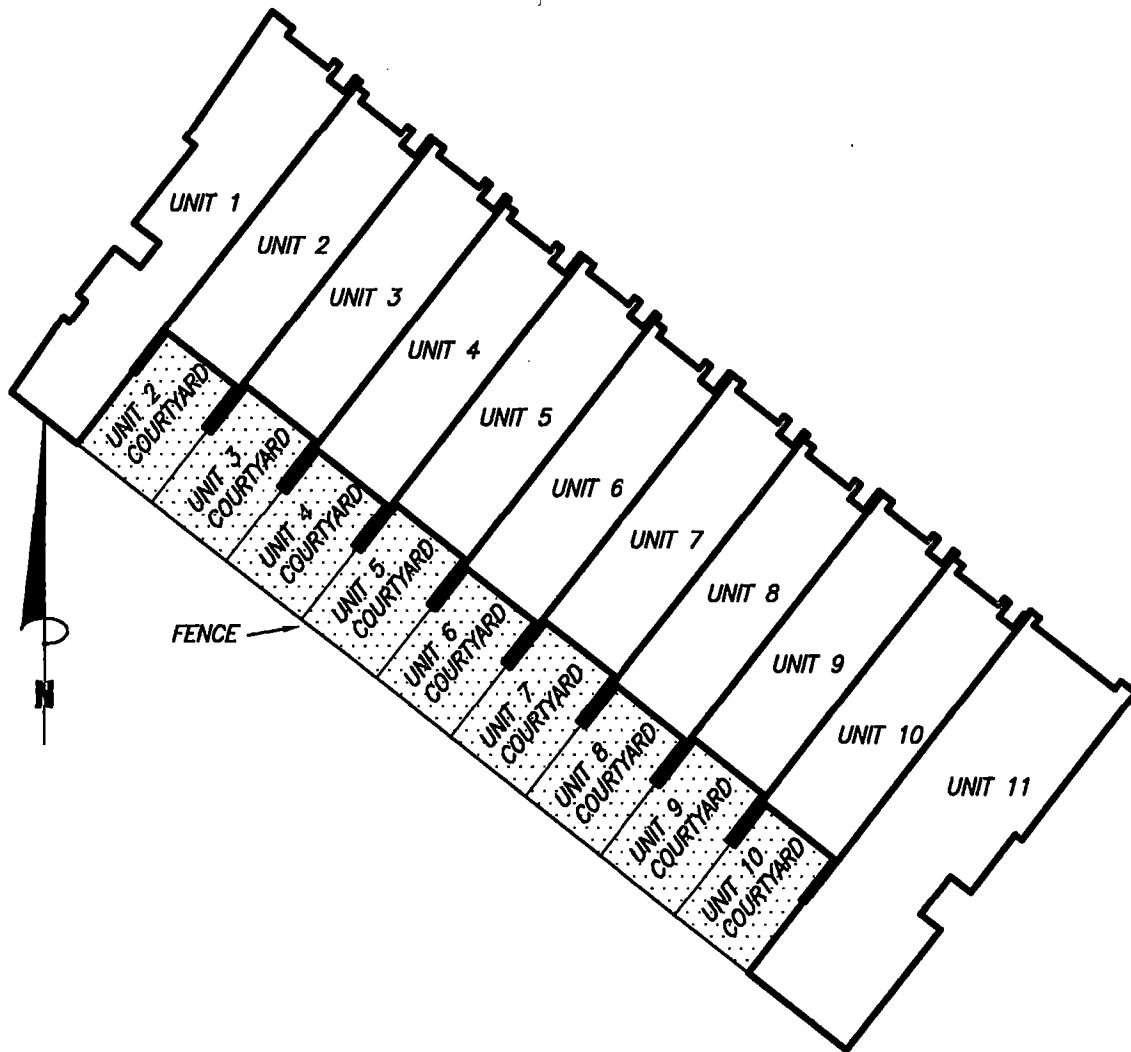
on _____, and includes _____ pages.
Date *# of pages*

EXHIBIT A

Courtyard Depiction

[see following two pages]

COURTYARD EXHIBIT—UNITS 2–10



Scale 1" = 30'

This map is not a certified survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations.

Coulter | Jewell | Thames RA

ENGINEERING-LAND SURVEYING-LANDSCAPE ARCHITECTURE

111 West Main Street Durham, North Carolina 27701
p919.682.0368 f919.688.5646

LIC. #1209



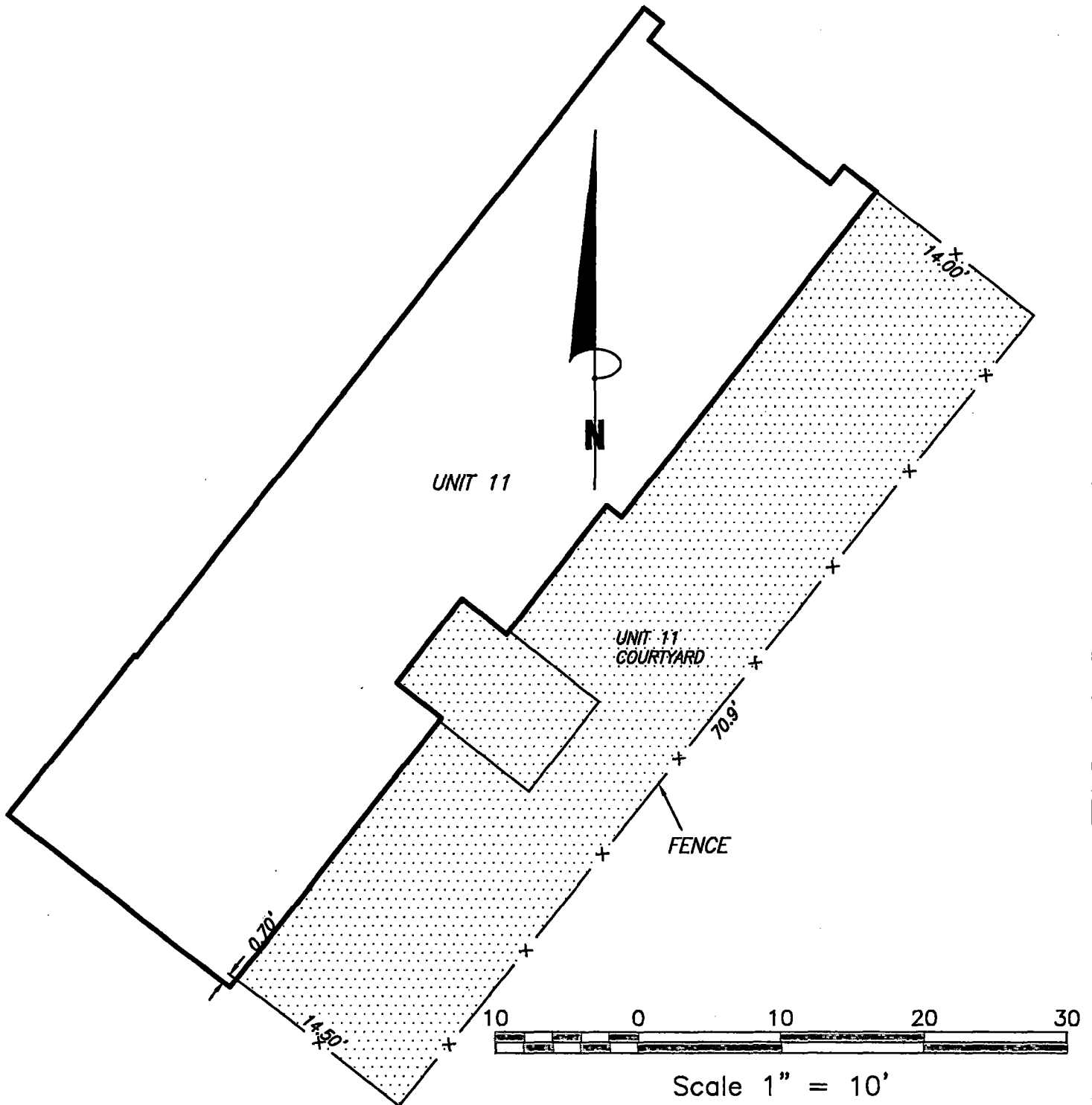
TM

Drawn By	JFW
Checked By	JFW
Scale	1"=30'
Project No.	1671
Date	Nov. 16, 2020

Sheet No.

1 of 1

COURTYARD EXHIBIT-UNIT 11



This map is not a certified survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations.

Coulter | Jewell | Thames_{RA}

ENGINEERING-LAND SURVEYING-LANDSCAPE ARCHITECTURE

111 West Main Street Durham, North Carolina 27701
p919.682.0368 f919.688.5646

LIC. #1209



Drawn By	JPW
Checked By	JPW
Scale	1" = 10'
Project No.	1871
Date	Nov. 18, 2020

Sheet No.

1 of 1