

FOR REGISTRATION REGISTER OF DEEDS
WILLIE L. COVINGTON
DURHAM COUNTY, NC
2002 JAN 11 12:13:35 PM
BK:3322 PG:969-973 FEE:\$29.00
INSTRUMENT # 2002001398

Prepared by: Joslin Sedberry*[#]Lampkin, LLP
4006 Barrett Dr. Raleigh, NC 27609

State of North Carolina
County of Durham

**AMENDMENT TO
DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS
OF LANDON FARMS**

This Amendment, made this 10th day of January, 2002 by East Geer Ventures, LLC, the developer of Landon Farms Subdivision, hereinafter referred to as "Declarant"; and Anderson Homes, Inc., an Owner of Lots within Landon Farms Subdivision, hereinafter referred to as "Owner";

WITNESSETH:

THAT WHEREAS, Declarant heretofore declared, gave, granted and conveyed for lots in Landon Farms Subdivision, Durham County, North Carolina, certain Covenants, Conditions and Restrictions for the benefit of said subdivision, as recorded in Book 3216, Page 873, Durham County Registry; and

WHEREAS, Owner is the owner of several lots in said subdivision, per plat thereof recorded in Book of Maps 152, Pages 293, 295 & 297, Durham County Registry; and

WHEREAS, said Covenants, Conditions and Restrictions allow for the Covenants, Conditions and Restrictions to be amended within the first 20 year period by an instrument signed by not less than ninety percent (90%) of the lot owners; and

WHEREAS, Declarant and Owner together are the owners of 90% of the lots within Landon Farms Subdivision;

NOW, THEREFORE, for and in consideration of the acts and things herein agreed to be done and other good and valuable consideration, the receipt of which is hereby acknowledged, Declarant and Owner do hereby amend the Declaration of Covenants, Conditions and Restrictions of Landon Farms as follows:

1. The first sentence of the definition of Class A membership in **Section 2 of ARTICLE IV** is redacted, altered and amended so as now to read: "Class A members shall be all Owners, with the exception of the Declarant and Anderson Homes, Inc. ("Anderson" for purposes of this section), and shall be entitled to one vote for each Lot owned."

2. The first sentence of the definition of Class B membership in Section 2 of **ARTICLE IV** is redacted, altered and amended so as now to read: "The Declarant and Anderson shall be Class B members and shall be entitled to four (4) votes for each Lot owned."

3. **Section 7 of ARTICLE V** is redacted, altered and amended so as now to read: "Uniform Rate of Assessment. Both annual and special assessments shall, except as herein otherwise specifically provided, be fixed at a uniform rate for all Lots and shall be collected on a monthly basis, provided, however, that there shall be no assessment for Lots owned by Declarant or Anderson Homes, Inc.."

IN WITNESS WHEREOF, Declarant and Owner have caused this instrument to be executed, and certified by the Board of Directors of Landon Farms Homeowners Association, Inc., as of the day and year first above-written.

**CERTIFICATION OF VALIDITY OF AMENDMENT
TO COVENANTS, CONDITIONS AND
RESTRICTIONS OF LANDON FARMS**

Landon Farms Homeowners Association, Inc.

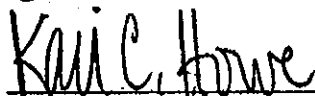
BY:

President



ATTEST:

Secretary



(AFFIX CORPORATE SEAL)

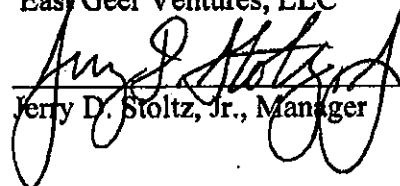
DECLARANT:

East Geer Ventures, LLC

By:

Jerry D. Stoltz, Jr., Manager

(SEAL)



OWNER:

Anderson Homes, Inc.

By: Steve F. Smalto (SEAL)
Steve F. Smalto

North Carolina
Wake County

I, the undersigned, a Notary Public, certify that Kaci C. Howe
(Name of Secretary of HOA) personally came before me this day and acknowledged that he is
Secretary of Landon Farms Homeowners Association, Inc., a North Carolina corporation, and
that by authority duly given and 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 official seal} ~~and official seal~~, this the 9 day of January, 2002.

Sharon W. Fulcrum
Notary Public
My commission expires: 3-12-2005



North Carolina
Wake County

I, the undersigned, a Notary Public in and of said County and State aforesaid, do hereby
certify that **Jerry D. Stoltz, Jr.**, the manager of **East Geer Ventures, L.L.C.**, a North Carolina
manager-managed limited liability company, personally appeared before me and acknowledged
the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 9 day of January, 2002.

Sharon W. Fulcrum
Notary Public
My Commission Expires: 3-12-2005



State of North Carolina
County of Wake

I, the undersigned, certify that **Steve F. Smalto** personally came before me this day and
acknowledged that he is the **President of Anderson Homes, Inc.**, a North Carolina corporation,

and that he, as President, being authorized to do so, executed the foregoing on behalf of the corporation.

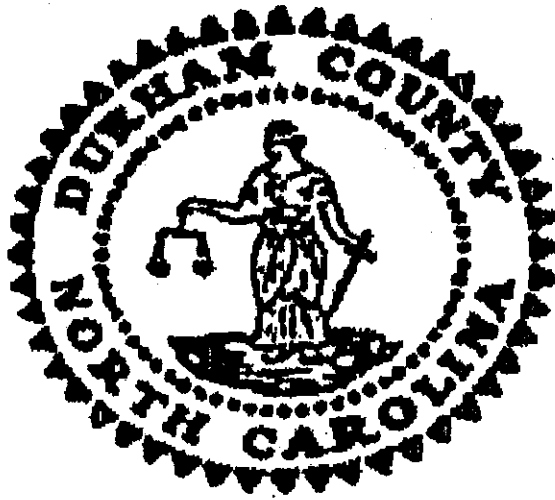
Witness my hand and official seal, this the 10th day of January, 2002.



Notary Public

My Commission Expires: 11/7/04





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

Filed For Registration: 01/11/2002 12:13:35 PM
Book: RE 3322 Page: 969-973
Document No.: 2002001396
AMD 5 PGS \$23.00

Recorder: CAROL JENKINS

State of North Carolina, County of Durham

The foregoing certificate of SHARON W FULGHUM , ELIZABETH J COPE Notaries are certified to be correct.
This 11TH of January 2002

WILLIE L. COVINGTON , REGISTER OF DEEDS

By: 

Deputy/Assistant Register of Deeds



2002001396