

Prepared by and after recording hold for:
Brian C. Setliff, The Setliff Law Firm, PLLC – Box 270

STATE OF NORTH CAROLINA

First Amendment to Declaration of Maintenance
Covenant and Grant of Protection
Easements for Stormwater Control Facilities
(BOOK 17116, PAGE 2346 – WCR)

COUNTY OF WAKE
UNTY OF WAKE

This First Amendment to Declaration of Maintenance Covenant and Grant of Protection Easements for Stormwater Control Facilities (hereinafter the "Amendment"), is made this ~~11th~~ day of November 2018, by Trinity Brownstones, LLC, a North Carolina Limited Liability Company, and Trinity Brownstones Owners Association, Inc., Marrisa E. Crain, unmarried and Michael Strickland, unmarried, William Cooper, and spouse, Sheryl S. Cooper, Christopher Christopoulos, and spouse, Michelle Christopoulos, and Rebecca L. Schmitt, unmarried (hereinafter referred to as the "Declarants");

WITNESSETH

WHEREAS, the Declarants and the Association are parties to that Declaration of Maintenance Covenant and Grant of Protection Easements for Stormwater Control Facilities recorded in Book 17116, Page 2346, Wake County Registry (the "Stormwater Agreement"); and

WHEREAS, the Stormwater Agreement encumbers certain real property described on Exhibit A attached to the Stormwater Agreement, including but not limited to the following real property located in the City of Raleigh, Wake County, North Carolina (Lots 1-21):

BEING all of Lots 1-21 as shown on that plat entitled "Recombination, Subdivision and Tree Conservation Area for Trinity Brownstones" dated February 7, 2018, revised April 6, 2018, prepared by Taylor Land Consultants, PLLC, and filed for record on April 19, 2018 in Book of Maps 2018, Pages 741-742, Wake County Registry.

WHEREAS, Declarants desire to Amend Exhibit A of the Stormwater Agreement to include additional property and accurately reflect the current property to be encumbered by the Stormwater Agreement.

WHEREAS, the Stormwater Agreement places responsibility of the maintenance of Stormwater Control Facilities within the Development upon Trinity Brownstones Homeowners Association, Inc.

WHEREAS, Declarants wish to place the responsibility of Stormwater Maintenance on another entity, and relieve Trinity Brownstones Homeowners Association, Inc. from this maintenance responsibility.

WHEREAS, Article I, Section 4, of the Stormwater Agreement provides that the parties may amend the Stormwater Agreement with the approval by the City of Raleigh.

WHEREAS, Declarants are the sole owners of the property encumbered by the Stormwater Agreement.

WHEREAS, the City of Raleigh has consented to this Amendment, as evidenced by the execution of this document hereof;

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Declarants and the Association agree that 1) Exhibit A of the Stormwater Agreement is deleted in its entirety and replaced with Exhibit A attached hereto and incorporated herein, 2) the Declarants and the Association agree that Exhibit B of the Stormwater Agreement is deleted in its entirety and is replaced with Exhibit B attached hereto and incorporated herein; and 3) Declarants and the Association hereby remove Trinity Brownstones Homeowners Association, Inc. as the responsible entity for maintenance and replace it with Trinity Brownstones Master Owners Association, Inc.

The Declarants and the Association ratify and confirm the Stormwater Agreement, as amended by this Amendment.

Trinity Brownstones, LLC
a North Carolina limited liability company

Envision Homes, LLC, Manager

By: *Larry L. Michael*

Name: Larry L. Michael

Its: Manager of Envision Homes, LLC

STATE OF NORTH CAROLINA
COUNTY OF WAKE

This 14 day of November, 2018, Larry L. Michael, Jr. personally came before me, Sandra G. McQueen Notary Public for Wake County, North Carolina, who, being by me duly sworn, says that he is Manager of Envision Homes, LLC, who is the Manager of Trinity Brownstones, LLC, a corporation, and that the seal affixed to the foregoing instrument in writing is the corporate seal of said company, and that said writing was signed and sealed by him in behalf of said corporation by its authority duly given. And the said Larry L. Michael, Jr as Manager of Envision Homes, LLC, acknowledged the said writing to be the act and deed of said corporation.

Witness my hand and official seal, this the 14 day of November, 2018.
(Official Seal)

Sandra G. McQueen

Notary Public

My commission expires: ~~March 14, 2021~~ August 4, 2020

Sandra G. McQueen
Notary Public
Wake County, North Carolina
My Commission Expires
8/4/2020

Trinity Brownstones Owners Association, Inc.
a North Carolina Corporation

By: *Larry L. Michael*

Name: Larry L. Michael

Its: President

STATE OF NORTH CAROLINA
COUNTY OF WAKE

This 14 day of November, 2018, Larry L. Michael, Jr. personally came before me, **Sandra G. McQueen** Notary Public for Wake County, North Carolina, who, being by me duly sworn, says that he is the President of Trinity Brownstones Homeowners Association, Inc. a corporation, and that the seal affixed to the foregoing instrument in writing is the corporate seal of said company, and that said writing was signed and sealed by him in behalf of said corporation by its authority duly given. And the said Larry L. Michael, Jr as President of Trinity Brownstones Owners Association, Inc. acknowledged the said writing to be the act and deed of said corporation.

Witness my hand and official seal, this the 14 day of November, 2018.
(Official Seal)

Sandra G. McQueen
Notary Public
My commission expires: ~~March 14, 2021~~ August 4, 2020

Sandra G. McQueen
Notary Public
Wake County, North Carolina
My Commission Expires
8/4/2020

LENDERS CONSENT AND SUBORDINATION

KS Bank, Inc. ("Lender") and holder and beneficiary and Harold T. Keen ("Trustee"), as Trustee of those certain Deeds of Trust recorded in Book 16767, Page 532, Book 16787, Page 1163, Book 17046, Page 2422, and Book 17174, Page 1265, Wake County Registry, North Carolina (as amended, restated or modified to date and from time to time hereinafter, collectively the "Deed of Trust"), which Deed of Trust encumbers all or part of the "Property" as described and defined First Amendment to that Declaration of Maintenance Covenant and Grant of Protection Easements for Stormwater Control Facilities (the "Instrument") to which this is attached, does hereby consent to the recordation of the Instrument, and to the terms and provision thereof; and Lender does hereby subordinate the lien of the Deed of Trust to the provisions of the Instrument. At Lenders request Trustee joins in this Lenders Consent and Subordination to evidence its consent thereto. Lender and Trustee are not parties to the Instrument nor do they assert any rights or accept any responsibility under the Instrument. Their execution hereinbelow is made only to expressly consent to and subordinate their interest in the Property to the Instrument. By execution of this Lenders Consent and Subordination, Lender and Trustee incur no liability to perform any obligations or duties of any party hereto, or otherwise.

Executed this 9th day of November 2018.

Harold T. Keen (seal)
Harold T. Keen, Trustee

KS Bank, Inc.
By: Timothy N. Taylor
Timothy N. Taylor
Its: Senior Vice President

STATE OF NORTH CAROLINA
COUNTY OF Johnston

I, Blair P. Hester, a Notary Public of the County and State aforesaid, certify that Harold T. Keen, personally appeared before me this day after showing satisfactory evidence of identity and voluntarily acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this the 9 day of November, 2018.

Blair P. Hester
Notary Public

My Commission Expires: 6/21/22 SEAL



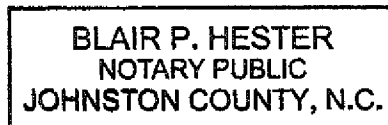
STATE OF NORTH CAROLINA
COUNTY OF Johnston

I, Blair P. Hester, a Notary Public of the County and State aforesaid, certify that Timothy N. Taylor, personally appeared before me this day and acknowledged that he is Senior Vice President of **KS Bank, Inc.**, a state banking corporation, and that he as a Senior Vice President, being duly authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official stamp or seal, this 9 day of November, 2018.

Blair P. Hester
Notary Public

My Commission Expires: 6/21/22 SEAL



Marissa Crain
Marissa Crain

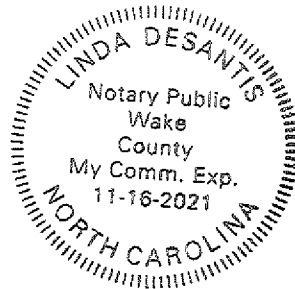
I, Linda DeSantis, a Notary Public of the County and State aforesaid, do hereby certify that Marissa Crain personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal this the 15th day of November 2018.

Linda DeSantis
Notary Public Printed Name: Linda DeSantis

My Commission Expires: _____

Michael Strickland
Michael Strickland



I, Linda DeSantis, a Notary Public of the County and State aforesaid, do hereby certify that Michael Strickland personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

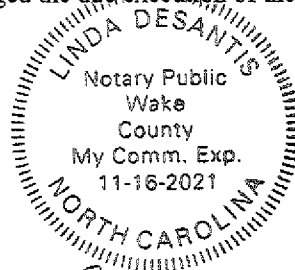
Witness my hand and seal this the 15th day of November 2018.

Linda DeSantis
Notary Public Printed Name: Linda DeSantis

My Commission Expires: _____

William Cooper
William Cooper

Cheryl S. Cooper
Sheryl S. Cooper
Cheryl S. Cooper

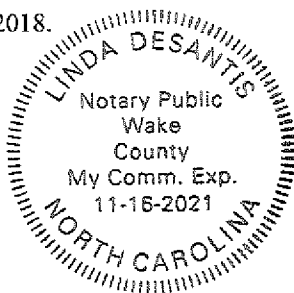


I, Linda DeSantis, a Notary Public of the County and State aforesaid, do hereby certify that William Cooper and spouse, Sheryl S. Cooper personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal this the 15th day of November 2018.

Linda DeSantis
Notary Public Printed Name: Linda DeSantis

My Commission Expires: _____



~~Christopher Christopoulos~~

Michelle Christopoulos
Michelle Christopoulos

I, KAYLEE BROOKS, a Notary Public of the County and State aforesaid, do hereby certify that ~~Christopher Christopoulos~~ and spouse, Michelle Christopoulos personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal this the 15 day of November 2018.

Kaylee Brooks

Notary Public Printed Name: KAYLEE BROOKS

My Commission Expires: APRIL 24 2023

KAYLEE BROOKS
Notary Public
Wake Co., North Carolina
My Commission Expires April 24, 2023

Rebecca L. Schmitt
Rebecca L. Schmitt

I, _____, a Notary Public of the County and State aforesaid, do hereby certify that Rebecca L. Schmitt personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal this the ____ day of November 2018.

Notary Public Printed Name: _____

My Commission Expires: _____

Christopher Christopoulos
Christopher Christopoulos

Michelle Christopoulos
Michelle Christopoulos

I, Jackson Bruning, a Notary Public of the County and State aforesaid, do hereby certify that Christopher Christopoulos and spouse, ~~Michelle Christopoulos~~ personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and seal this the 15th day of November 2018.

Jackson Bruning
Notary Public Printed Name: Jackson Bruning

My Commission Expires: 02-16-2020

JACKSON BRUNING
Notary Public
Wake Co., North Carolina
My Commission Expires Feb. 16, 2020

Rebecca L. Schmitt
Rebecca L. Schmitt

I, _____, a Notary Public of the County and State aforesaid, do hereby certify that Rebecca L. Schmitt personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and seal this the ____ day of November 2018.

Notary Public Printed Name: _____

My Commission Expires: _____

Christopher Christopoulos

Michelle Christopoulos

I, _____, a Notary Public of the County and State aforesaid, do hereby certify that Christopher Christopoulos and spouse, Michelle Christopoulos personally appeared before me this day and acknowledged the due execution of the foregoing instrument.
Witness my hand and seal this the ____ day of November 2018.

Notary Public Printed Name:

My Commission Expires:

Rebecca Schmitt

Rebecca L. Schmitt

I, Brian C. Setliff, a Notary Public of the County and State aforesaid, do hereby certify that Rebecca L. Schmitt personally appeared before me this day and acknowledged the due execution of the foregoing instrument.
Witness my hand and seal this the 15 day of November 2018.

Brian C. Setliff

Notary Public Printed Name: Brian C. Setliff

My Commission Expires: 3-14-21

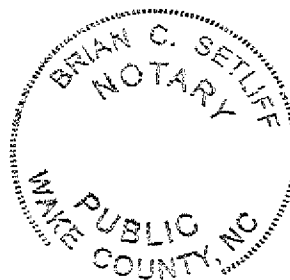


Exhibit A

Description of the Property subject to these Covenants

All that certain lot or parcel of land situated in Wake County, North Carolina and more particularly described as follows:

BEING all of Lots 1-21 as shown on that plat entitled "Recombination, Subdivision and Tree Conservation Area for Trinity Brownstones" dated February 7, 2018, revised April 6, 2018, prepared by Taylor Land Consultants, PLLC, and filed for record on April 19, 2018 in Book of Maps 2018, Pages 741-742, Wake County Registry.

And;

BEING all of Lots 1-27 as shown on that plat entitled "Recombination for Trinity Brownstones" dated October 16, 2018, revised on November 1, 2018, prepared by Taylor Land Consultants, PLLC, and filed for record on November 16, 2018 in Book of Maps 2018, Pages 2310-2311, Wake County Registry.

Exhibit B
Description of Stormwater Control Facilities
and Drainage Easement

All areas and labeled "Private Drainage Easements", "Stormwater Control Facility" or "Stormwater Control Measure" (or equivalent terms) on the subdivision plat recorded in Book of Maps 2017, Pages 741-742, and Book of Maps 2018, Pages 2310-2311, Wake County Registry.