

FILED
CHATHAM COUNTY NC
TREVA B. SEAGROVES
REGISTER OF DEEDS

FILED Jul 15, 2009
AT 03:16:41 pm
BOOK 01471
START PAGE 0777
END PAGE 0780
INSTRUMENT # 07883
EXCISE TAX (None)

BOOK 1471 PAGE 0777

Prepared by and return to:

Grayson G. Russell, Attorney at Law
Russell Law Group, PLLC
P.O. Box 19001
Raleigh, NC 27619

STATE OF NORTH CAROLINA
COUNTY OF CHATHAM

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

This Amendment, made this 13th day of July, 2009, 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 Subdivision in Book 1329, Page 1117, Chatham County Registry, hereinafter referred to as the "Declaration"; and

WHEREAS, Declarant caused to be executed and recorded The First Amendment to Declaration of Covenants, Conditions and Restrictions for The Hamptons Subdivision in Book 1337, Page 495, Chatham County Registry, hereinafter referred to as the "First Amendment"; and

WHEREAS, Declarant caused to be executed and recorded The Second Amendment to Declaration of Covenants, Conditions and Restrictions for The Hamptons Subdivision in Book 1343, Page 698, Chatham County Registry, hereinafter referred to as the "Second Amendment"; and

WHEREAS, Declarant desires to amend said Declaration; and

WHEREAS, Declarant currently is the owner of greater than seventy five percent (75%) of the Lots in the Hamptons Subdivision.

NOW, THEREFORE, the undersigned being all of the Owners of Lots in the Hamptons Subdivision in accordance with Article XI of said Declaration unanimously consent to the amendment of said Declaration as follows:

1. Section 3.02 shall be deleted in its entirety and replaced by the following Section 3.02:

3.02. Membership Classes. The Association shall have two classes of voting membership:

Class A: Class A Members shall be all Owners, with the exception of the Declarant, and shall be entitled to one vote for each Lot owned. When more than one person holds an interest in any Lot, all such persons shall be Members. The vote for such Lot shall be exercised as they determine, but in no event shall more than one vote be cast with respect to any Lot.

Class B: The Class B Member(s) shall be the Declarant, or its assigns, and shall be entitled to three (3) votes for each Lot owned. The foregoing allocation of votes is in recognition of the fact that the Properties likely will be developed in phases and there may be times during the development of the Properties when Declarant owns less, if any Lots. The Class B membership shall be reinstated if before December 31, 2015 additional lands are annexed to this Declaration as hereinafter provided. The Class B membership shall cease and be converted to Class A membership on the happening of either of the following events, whichever occurs earlier:

(a) When seventy-five percent (75%) of the maximum number of Lots allowed for the Properties (as amended and supplemented from time to time) under the subdivision plan have been conveyed to Owners; or

(b) on December 31, 2015; or

(c) the date specified by the Declarant in a written notice to the Association.

2. Section 11.03 shall be deleted in its entirety and replaced by the following Section 11.03:

Section 11.03. Amendment. The covenants, conditions and restrictions of this Declaration shall run with and bind the land and shall insure to the benefit of and be enforceable by the Association or the Owner of any Lot subject to this Declaration, their legal representatives, heirs, successors, and assigns for a term of twenty (20) years from the date this Declaration is recorded, after which time, this Declaration shall be

automatically extended for successive periods of ten (10) years each. This Declaration may be amended during the first twenty (20) year period by an instrument approved by Owners to which not less than sixty six and two-thirds percent (66 2/3%) of the votes in the Association are allocated and thereafter by an instrument approved by Owners to which not less than seventy-five (75%) of the votes in the Association are allocated. Any amendment must be recorded with the Office of the Register of Deeds in Chatham County. In the event Declarant or its assigns have arranged for and provided purchasers of Lots with FHA insured or VA mortgage loans, then prior approval of FHA/VA is also required for amending this Declaration.

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

This the 13th day of July, 2009.

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

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

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I certify that the following person(s) personally appeared before me this day, and; each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

REX VICK JR.
Name(s) of principal(s)

Witness my hand and official seal, this the 13th day of July, 2009.

(Official Seal)

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

Algie B. Simpson
Official Signature of Notary

Algie B. Simpson, Notary Public
Notary's printed or typed name

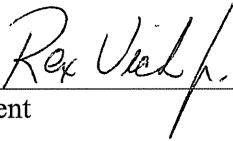
My commission expires: May 26, 2013

CERTIFICATION OF VALIDITY OF AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF THE HAMPTONS SUBDIVISION

By authority of its Board of Directors, Hamptons Owners Association, Inc., hereby certifies the foregoing instrument has been duly approved by the Owners of sixty-seven percent (67%) of the Lots of The Hamptons and is, therefore, a valid amendment to the existing Declaration of Covenants, Conditions and Restrictions of The Hamptons.


This the 13th day of July, 2009.

HAMPTONS OWNERS ASSOCIATION, INC.



President

Attest:



Secretary