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Alamance, NC
DAVID J.P. BARBER REGISTER OF DEEDS
BK 2385 PG 788-791

FOURTH AMENDMENT OF DECLARATION OF RESTRICTIVE COVENANTS AND DECLARATION OF PLANNED COMMUNITY FOR HERITAGE GLEN (SECOND ESTATES SECTION)

Prepared By: Joseph J. Kalo, IV
(Without Benefit of Title Examination)
Return To: Wishart, Norris, Henninger & Pittman, P.A.
P.O. Box 1998, Burlington, N.C. 27216-1998

NORTH CAROLINA
ALAMANCE COUNTY

THIS **FOURTH** AMENDMENT OF DECLARATION OF RESTRICTIVE COVENANTS AND DECLARATION OF PLANNED COMMUNITY FOR HERITAGE GLEN, made on this 10th day of March, 2006, by CORNERSTONE PROPERTIES OF ALAMANCE, LLC, a North Carolina limited liability company (hereinafter "Declarant");

W I T N E S S E T H:

WHEREAS, Declarant has heretofore recorded a *Declaration of Restrictive Covenants and Declaration of Planned Community For Heritage Glen* in Deed Book 1327, Page 798 of the Alamance County Registry (hereinafter the "Declaration"); and,

WHEREAS, paragraph 28G of the Declaration provides that Declarant specifically reserves the right, but not the obligation, to add additional real property as shown for "Future Development" (or words of like import) on plats and plans to the Property (as such term is defined in the Declaration) as additional phases of the development plan; and,

WHEREAS, paragraph 28G of the Declaration provides that in the event that Declarant shall elect to increase the area comprising Heritage Glen Subdivision, the owners of lots on any such additional property shall be members of the Heritage Glen Property Owners Association, Inc. (hereinafter the "Association")

WHEREAS, Declarant now desires to increase the area comprising Heritage Glen Subdivision and to increase the membership of the Association as hereinafter set forth.

23(4)

NOW, THEREFORE, Declarant does hereby declare, covenant, and agree with all persons, firms, and corporations now owning or hereinafter requiring any one or more of the lots designated as Lots One (1) through Seventeen (17), both inclusive (hereinafter "Second Estates Section") as shown on that plat entitled "FINAL PLAT, PHASE FOUR - ESTATES SECTION, HERITAGE GLEN" which plat is duly recorded in Plat Book 70 at Page 367 of the Alamance County Registry (hereinafter the "Second Estates Section Plat") that except as modified hereby, the Second Estates Section is hereby subjected to the provisions set forth in the Declaration subject, however, to the modifications hereinafter set forth. In the event of a conflict between the terms of the Declaration and this Amendment applicable to the Second Estates Section, this Amendment shall control. For purposes of construction of the Declaration as it shall apply to Second Estates Section, the word "lot" shall be defined as originally defined in the Declaration and shall include any of the lots numbered One (1) through Seventeen (17), both inclusive as shown on the Second Estates Section Plat. The word "Subdivision" shall include the lots shown on the Plat (as defined in the Declaration) together with all lots shown on the Second Estates Section Plat and the word "Plat" shall be defined as originally defined in the Declaration and shall also include the Second Estates Section Plat.

1. Notwithstanding any language in the Declaration or any amendment thereto to the contrary, the setbacks for the Second Estates Section shall be as follows:

No dwelling shall be located on any lot nearer than 35 feet to any front line nor nearer than 20 feet to a side street line. Further, no dwelling shall be located nearer than 12 to an interior lot line or nearer than 25 feet of a rear lot line. Notwithstanding any other provisions of the Declaration, or any amendment thereto, a summer house, pagoda, greenhouse, house for storage of garden tools and supplies or other outbuilding may be constructed upon a Lot if approved by the Architectural Committee. If so approved such structures are subject to lesser rear setback requirements and may be located no nearer than 12 feet of a rear lot line for the Cornerstone Section.

2. Section 7 of the Declaration relating to the size of dwelling shall be modified to provide that no dwelling shall be erected or allowed to remain upon any lot within the Second Estates Section having a heated living area of less than the following:

   a. For a 1-story dwelling - 2,000 square feet; and,
   b. For a multiple level dwelling - 2,400 square feet with at least 1,400 square feet on the ground floor.

3. In addition to the covenants, conditions, and restrictions imposed by the declaration as modified by this Amendment, the following additional covenants, conditions, and restrictions shall apply to the Second Estates Section:

   a. At least eighty percent (80%) of the total exterior of any dwelling situated within the Second Estates Section must be masonry which includes, but is not limited to, rock, brick, stucco or stone.

b. The main roof on each dwelling situated within any lot within the Second Estates Section must have a roof pitch no less than 7:12.

c. The architectural requirements set forth in this paragraph 3 may be deviated from only upon written consent of the Architectural Committee duly filed in the Alamance County Registry.

Except as expressly modified herein the terms and conditions of the Declaration and Amendment shall remain in full force and effect as to the aforesaid Second Estates Section.

[SIGNATURE PAGES FOLLOW]

IN WITNESS WHEREOF, the above Limited Liability Company has caused this instrument to be executed in its company name by its duly authorized Member-Managers, and has adopted as its seal the word "SEAL" appearing beside its name, the day and year first above written.

CORNERSTONE PROPERTIES OF
ALAMANCE, LLC (SEAL)

By: _____ (SEAL)
Randy L. Faircloth, Member-Manager

By: _____ (SEAL)
Stephen D. Shoffner, Member-Manager

STATE OF NORTH CAROLINA,
ALAMANCE COUNTY

I, Amy H Dunn, a Notary Public of the aforesaid County, do hereby certify that Randy L. Faircloth and Stephen D. Shoffner, Member-Managers of Cornerstone Properties of Alamance, LLC, a North Carolina Limited Liability Company, personally appeared before me this day and acknowledged the execution and sealing of the foregoing instrument as Member-Managers, on behalf of and as the act of the company referred to in this acknowledgment.

WITNESS my hand and official seal this the 10 day of March 2005. 2006 AD

_____
Notary Public
Amy H Dunn

My Commission Expires: 03/2006

AMY H. DUNN
NOTARY PUBLIC
Alamance County
North Carolina