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WAKE COUNTY, NC 124  
LAURA M RIDDICK  
REGISTER OF DEEDS  
PRESENTED & RECORDED ON  
05/11/2006 AT 10:08:14

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Drawn by and HOLD FOR: Moore & Alphin, PLLC-Box #155 (bbp)

**FIRST AMENDMENT TO DECLARATION  
OF COVENANTS, CONDITIONS AND  
RESTRICTIONS FOR THE HERITAGE  
PINES COMMUNITY ASSOCIATION, INC.**

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

THIS FIRST AMENDMENT TO COVENANTS, CONDITIONS AND RESTRICTIONS ("Amendment") is made as of the 9<sup>th</sup> day of May, 2006, by **Heritage Pines, LLC** ("Declarant).

WITNESSETH

WHEREAS, Declarant is the Declarant under that certain Declaration of Covenants, Conditions and Restrictions For The Heritage Pines Community Association, Inc., recorded in Book 8535, Page 1683, Wake County Registry ("Declaration").

WHEREAS, according to Article XII, Section 3, the Declaration may be amended by Declarant without the consent or joinder of any other Owner or the Association, so long as Declarant owns any Lot or Unit within the Properties.

WHEREAS, Declarant owns at least one Lot within the Properties.

WHEREAS, Declarant desires to amend the Declaration for the benefit of the Association and all future lot owners in Heritage Pines Subdivision.

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NOW THEREFORE, Declarant hereby amends the Declaration as follows:

1. Use Restrictions. Article XI of the Declaration, entitled "Use Restrictions," is hereby amended by adding the following new section thereto:

"15. DWQ Conservation Areas. The areas located within the Common Area of Heritage Pines as shown on the map entitled "Heritage Pines Overall DWQ Conservation Areas," attached hereto as Exhibit "A," shall be maintained in perpetuity in their natural or mitigated condition. The conservation areas include jurisdictional waters (including wetlands, streams and ponds) and protected riparian buffers. No person or entity shall perform any of the following activities on such conservation area:

- a. fill, grade, excavate or perform any other land disturbing activities.
- b. cut, mow, burn, remove, or harm any vegetation.
- c. construct or place any roads, trails, walkways, buildings, mobile homes, signs, utility poles or towers, or any other permanent or temporary structures.
- d. drain or otherwise disrupt or alter the hydrology or drainage ways of the conservation area.
- e. dump or store soil, trash, or other waste.
- f. graze or water animals, or use for any agricultural or horticultural purpose.

This covenant is intended to ensure continued compliance with the mitigation condition of a Clean Water Act authorization issued by the U.S. Army Corps of Engineers, Wilmington District, Action ID 200520456, and, therefore, may be enforced by the United States of America. This covenant is to run with the land, and shall be binding on the Owner, and all parties claiming under it."

2. No Other Amendments. Except as amended hereby, the Declaration, and all provisions, terms, and conditions of thereof, shall remain unchanged and are hereby ratified by the parties.

3. Capitalized Terms. Capitalized terms used herein shall have the same meaning ascribed to them in the Declaration, unless defined herein.

4. Captions. The captions contained in this Declaration are for convenience and reference only and in no event define, describe or limit the scope or intent of this Declaration or any of the provisions or terms thereof.

[Signature Page to Follow]

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IN WITNESS WHEREOF, the undersigned have executed the foregoing instrument effective the day and year first above written.

**DECLARANT:**

**HERITAGE PINES, LLC,**  
a North Carolina Limited Liability Company

By: **WASHINGTON HOMES, INC.**  
Managing Member

By: *Michael J. Reiser*  
VICE President

STATE OF North Carolina Wake COUNTY:

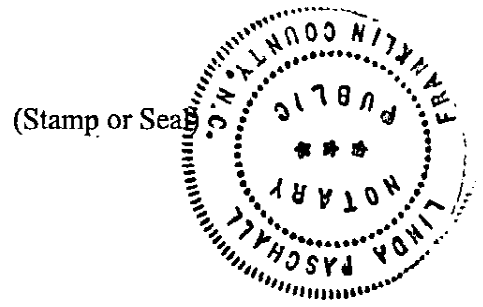
I, Linda Paschall, a Notary Public for the County and State aforesaid, certify that Michael J. Reiser personally came before me this day and acknowledged that he/she is Vice President of **WASHINGTON HOMES, INC.**, a Maryland corporation and a Managing Member of **HERITAGE PINES, LLC**, a North Carolina Limited Liability Company, and that he/she, as Vice President, being authorized to do so, executed the foregoing on behalf of the corporation and the Limited Liability Company.

WITNESS my hand and official stamp or seal, this the 9th day of May, 2006.

*Linda Paschall*  
Notary Public

Printed Name: Linda Paschall

My commission expires: 8-15-2008



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By: U. S. HOME CORPORATION  
Managing Member

By: [Signature]  
vice President

STATE OF North Carolina - Wake COUNTY:

I, Karen H Rozell, a Notary Public for the County and State aforesaid, certify that Richard Sherman personally came before me this day and acknowledged that he/~~she~~ is Vice President of U. S. HOME CORPORATION, a Delaware corporation and a Managing Member of HERITAGE PINES, LLC, a North Carolina Limited Liability Company, and that he/~~she~~, as Vice President, being authorized to do so, executed the foregoing on behalf of the corporation and the Limited Liability Company.

WITNESS my hand and official stamp or seal, this the 10 day of May, 2006.

[Signature]  
Notary Public  
Printed Name: Karen H. Rozell  
My commission expires: 4-17-2010

(Stamp or Seal)

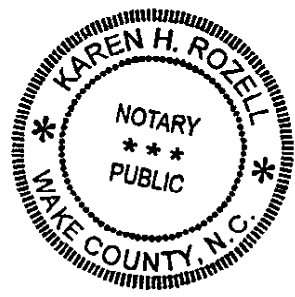
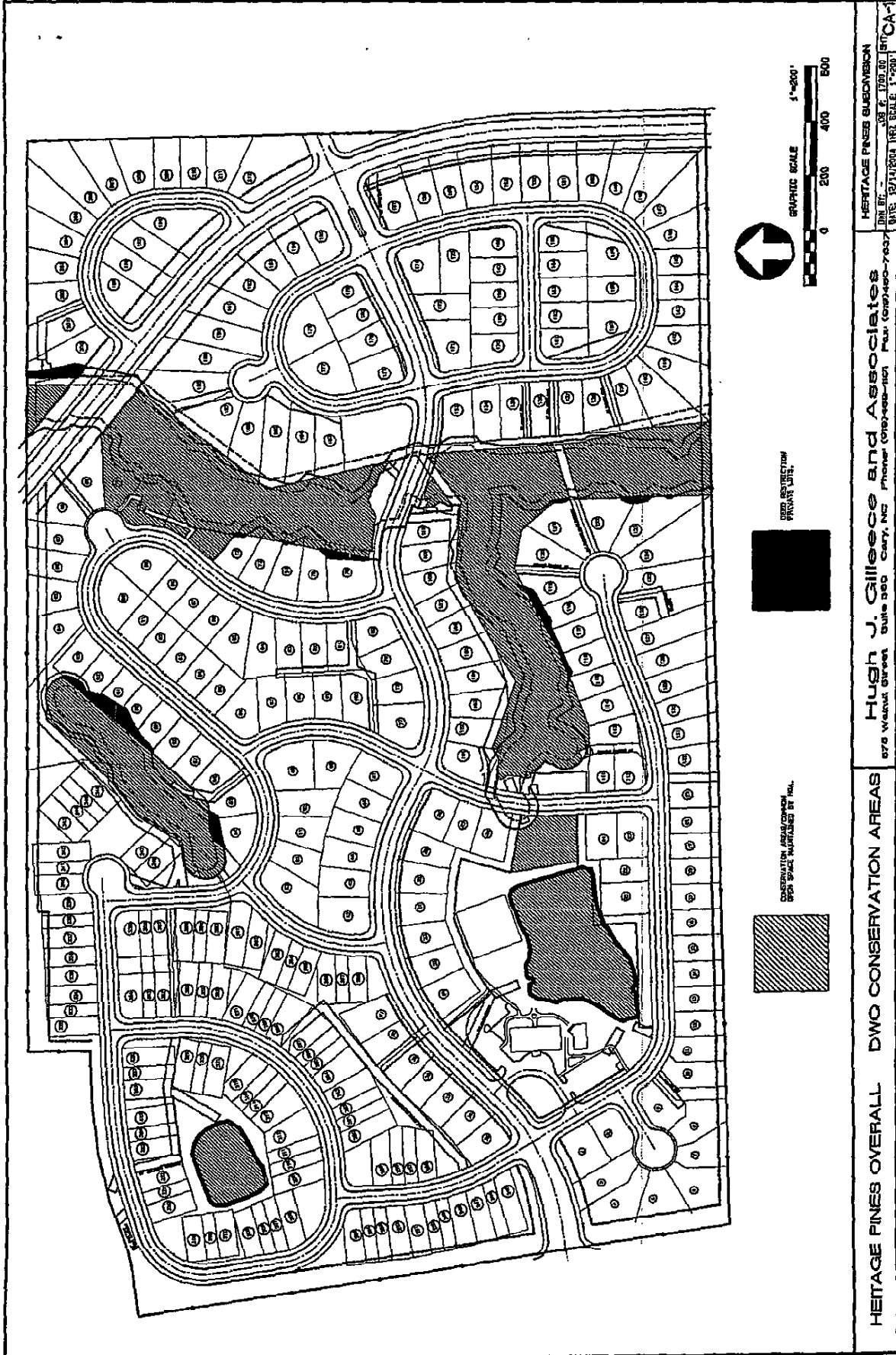


EXHIBIT "A"



HEITAGE PINES OVERALL DWQ CONSERVATION AREAS

**Hugh J. Gillease and Associates**  
 878 Walnut Street Cary, NC Phone: (919) 450-7637 Fax: (919) 450-7637  
 DATE: 07/17/01 TITLE: SCALE: 1"=200' SHEET: 05 OF 1700 (01 OF 51) "CA-1"

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**Yellow probate sheet is a vital part of your recorded document.  
Please retain with original document and submit for rerecording.**



**Wake County Register of Deeds  
Laura M. Riddick  
Register of Deeds**

**This Customer Group**  
\_\_\_\_\_ # of Time Stamps Needed

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