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NORTH CAROLINA  
JOHNSTON COUNTY

FIRST AMENDMENT TO DECLARATION  
OF COVENANTS, CONDITIONS AND  
RESTRICTIONS FOR PLANTATION  
POINTE AT FLOWERS' PLANTATION

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR PLANTATION POINTE AT FLOWERS' PLANTATION SUBDIVISION is entered into this \_\_\_\_ day of March, 2001, by ROYAL FLUSH DEVELOPMENT, LLC, a North Carolina Limited Liability Company (hereinafter referred to as "Declarant") and all parties hereafter acquiring any of the described property.

WHEREAS, Declarant is the owner of Units within a subdivision in the County of Johnston, State of North Carolina, known as Plantation Pointe at Flowers' Plantation Subdivision; and

WHEREAS, Covenants, Conditions and Restrictions for Plantation Pointe at Flowers' Plantation Subdivision ("Covenants") were recorded in Book 2002, Page 17, and re-recorded in Book 2007, Page 644, Johnston County Registry; and

WHEREAS, the undersigned, being the developer and operating under Section 17.2 of the Covenants, Conditions, and Restrictions ("Covenants") of the Association, desire to and do hereby amend the Covenants for Plantation Pointe at Flowers Plantation Subdivision in the following manner:

Article VI., Section 6.1 shall be deleted and replaced with the following language:

6.1 Membership

(a) Every Owner of a Unit which is subject to assessment shall be a member of the Association. Membership shall be appurtenant to and may not be separated from ownership of any Unit which is subject to assessment. Membership in the Association as defined hereinabove shall

be mandatory for each original Unit Owner and each successive Owner of a Unit.

(b) 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 Unit owned provided that, when Class B membership terminates as set forth below, the Declarant shall be a Class A member for each Unit it then owns. When more than one person holds an interest in any Unit, all such persons shall be members. All co-Owners of a Unit shall be jointly obligated to perform the responsibilities of the Owner of the Unit, and any one co-Owner may be held fully responsible for all such obligations. The membership rights of an Owner which is a corporation, partnership, trust, or other entity may be exercised by any officer, director, partner, trustee, or by the individual designated from time to time by the Owner in a written instrument provided to the Secretary of the Association. The vote for such Unit shall be exercised as they determine, but in no event shall more than one vote be cast with respect to any Unit, and in no event shall fractional votes be allowed.

Class B. The Class B member(s) shall be the Declarant and shall be entitled to three (3) votes for each Unit owned. The rights of the Class B member, including the right to approve, or withhold approval of, actions proposed under the Governing Documents, are specified in the relevant sections of this Declaration, the By-Laws, and the Articles. The Class B member may appoint members of the Board of Directors during the Developer Control Period, as specified in Section 3.3 and 3.5 of the By-Laws. 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.

(i) When the total votes outstanding in the Class A membership equal the total votes outstanding in Class B membership or:

(ii) on December 31, 2006; or

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(iii) Upon the surrender of all Class B membership by the holder thereof.

(c) On any matter as to which the Governing Documents or North Carolina law require a vote or approval of the membership, such vote such vote or approval may be obtained by affirmative vote at a meeting or by written consent, or by any combination of votes and written consents, unless the Governing Documents or North Carolina law expressly require that the vote on such matter be taken at a meeting of the membership.

IN WITNESS WHEREOF, the Declarant has caused this instrument to be signed in its name by its duly authorized representative, the day and year first above written.

ROYAL FLUSH DEVELOPMENT, LLC

By: K. Evans  
Kenneth Evans, Manager

STATE OF NORTH CAROLINA  
COUNTY OF Wake

I, the undersigned, a Notary Public of the County and State aforesaid, certify that Kenneth Evans personally appeared before me this day and acknowledged that he is a Manager of ROYAL FLUSH DEVELOPMENT, LLC a North Carolina limited liability company, and that by authority duly given and as an act of the limited liability company, the foregoing instrument was signed in its name by its Manager.

Witness my hand and official stamp or seal this 5 day of April

Carrie J. Bullard

My Commission Expires 9-16-2004



State of North Carolina-Johnston County  
The foregoing Certificate(s) of Carrie J. Bullard

Notary (Notaries) Public is (are) certified to be correct.  
This instrument was prepared for registration and recorded in Book 2045 Page 868  
This April 18, 2001 at 4:20 pm  
Cecil M. Messingill By Clary W. Patton  
Register of Deeds Deputy Register of Deeds