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Fee Amt: \$26.00 Page 1 of 3

Franklin County North Carolina
Brandi S. Brinson, Register of Deeds
BK 2232 PG 1570 - 1572 (3)

Prepared by and return to: Whispering Pines Homeowners Association, Inc.
3000 RDU Center Drive, Ste 202, Morrisville, NC 27560

STATE OF NORTH CAROLINA
FRANKLIN COUNTY

**FIRST AMENDMENT TO THE
DECLARATION OF COVENANTS,
CONDITIONS, EASEMENT,
AND RESTRICTIONS FOR
WHISPERING PINES**

THIS FIRST AMENDMENT to the Declaration of Covenants, Conditions, Easements, and Restrictions for Whispering Pines (this "Amendment") is made as of the day it is signed, by **Dan Ryan Builders – North Carolina, LLC**, a North Carolina limited liability company (the "Declarant").

WHEREAS, Declarant has previously recorded that certain Declaration of Covenants, Conditions, Easements, and Restrictions for Whispering Pines in Book 2168, Page 2129 in the Franklin County Registry (such instrument referred to herein as the "Declaration");

WHEREAS, pursuant to the power granted in Article XIV, Section 3 of the Declaration, Declarant may amend the Declaration during the Development Period; and

NOW, THEREFORE, it is agreed and declared that the Declaration is amended as follows:

1. Article VIII "Architectural Control", Section 1 "Architectural Approval": Article VIII, Section 1 is hereby amended by the addition of the following paragraph:

"Further, except as may be permitted by the Architectural Review Committee, no Owner shall construct, install, erect, or maintain upon any Lot any outbuilding, yard art, storage shed (unless erected by Declarant) gazebo, trampoline, awning, flag (including flags of the United States of America or the State of North Carolina) or freestanding flagpole (provided, flags [including the United States of America or the State of North Carolina] may be displayed using a bracket or other approved device mounted to a dwelling so long as the size of the flag displayed does not exceed a standard size as same may be determined by the Architectural Review Committee). In no event shall any outbuilding,

storage shed, gazebo, or trampoline be constructed on any Lot in the front or side yards, as determined by the building lines applicable to the Lot. No above-ground pools (except for wading pools no deeper than 2 feet tall and no wider than 10 feet in diameter, which shall be regulated by the Architectural Review Committee) shall be allowed or approved by the Architectural Review Committee on any Lot. Wading pools shall only be allowed during appropriate weather and must be emptied and stored when not in use. The Town must also approve to the extent required by the Town Code.”

2. Defined Terms; Recitals. All capitalized terms used herein, unless otherwise defined herein, shall have the meanings set forth in the Declaration.

3. Effect of Amendment. The Declaration is hereby modified to the extent set forth herein, but only to the extent set forth herein. All provisions of the Declaration not modified by this Amendment shall remain in full force and effect in accordance with their original terms as set forth in the Declaration. In the event of any conflict or ambiguity between the terms of the Declaration and the terms of this Amendment, the terms of this Amendment shall control.

IN WITNESS WHEREOF, Declarant has caused this Amendment to be executed in legal and binding form, on the date indicated in the acknowledgement of such signature.

[signature on following page]

DECLARANT and OWNER:

Dan Ryan Builders – North Carolina, LLC,
a North Carolina limited liability company

By: _____

JCL
Print Name: Jay Lewis
Print Title: Vice President

STATE OF NORTH CAROLINA – COUNTY OF Wake

I, the undersigned, a Notary Public, certify that **Jay Lewis**, pursuant to that certain Resolution of the Managers of Dan Ryan Builders – North Carolina, LLC recorded in Book 4934, Page 709, Franklin County Registry, personally appeared before me this day and, being duly sworn, says and deposes, that he is the Vice President of **Dan Ryan Builders – North Carolina, LLC**, a North Carolina limited liability company, and that he, as Vice President, being authorized to do so, executed the foregoing on behalf of the corporation.

WITNESS my hand and official seal, this the 22nd day of October, 2020.

(Stamp or Seal)

Amanda L. Martinez
Notary Public

My commission expires: 8-13-2024

AMANDA L MARTINEZ
Notary Public, North Carolina
Wake County
My Commission Expires
August 13, 2024