

**COPY**

NORTH CAROLINA  
WAKE COUNTY

FIRST AMENDMENT TO  
DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS FOR  
KIMMON PLACE SUBDIVISION

WHEREAS, **Sisters' Legacy, LLC, a North Carolina Limited Liability Company, and Donna Rollins Pace, Trustee of the Linwood Kimmon Stephenson Family Trust under Will dated March 16, 1999, Owners of Kimmon Place Subdivision** have heretofore executed a Declaration of Covenants, Conditions and Restrictions of said Subdivision, and cause same to be recorded in the Wake County Registry on July 10, 2000, hereinafter; and

WHEREAS, the **Kimmon Place Homeowners Association and the Owners** desire to amend said Declaration as hereinafter set forth and the amendment has been approved by not less than the owners of seventy-five percent (75%) of the Lots.

NOW, THEREFORE, in consideration of the subdivision, the **Kimmon Place Homeowners Association and the Owners**, pursuant to Section 10.4 of Article 10 of the Declaration, and the North Carolina General Statutes, Section 47C-2-117 do hereby amend the Declaration as follows:

1. Section 9.12 Tanks of Article 9 ARCHITECTURAL CONTROL AND USE RESTRICTIONS of the Declaration is hereby deleted in its entirety.
2. New language for Section 9.12 Tanks is restated as follows:  
Tanks. No hot tubs, fuel tanks or below-ground swimming pools may be installed without approval by the Architectural Committee. The installation of the above shall be subject to reasonable screening requirements established by the Architectural Committee. No above-ground tanks, pools or fuel tanks will be permitted for the storage of fuel or water or any other substance.

EXCEPT as specifically amended by this Amendment, the Declaration shall be and remain in full force and effect.

IN WITNESS WHEREOF, the Declarant has caused this instrument to be executed by its duly authorized officer, as of the 8 day of OCTOBER, 2003

**SISTERS' LEGACY, LLC**

By: Donna Rollins Pace, Manager  
Donna Rollins Pace, Manager

**LINWOOD KIMMON STEPHENSON FAMILY TRUST**

By: Donna Rollins Pace, Trustee  
Donna Rollins Pace, Trustee

KIMMON PLACE HOMEOWNERS ASSOCIATION

By: Robert Pace  
Robert P. Pace, President

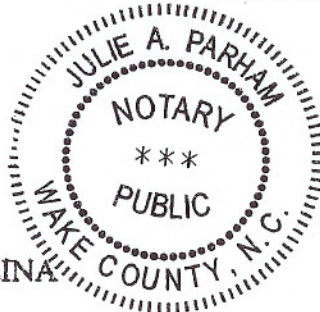
STATE OF NORTH CAROLINA  
COUNTY OF WAKE

I, Julie A. Parham, a Notary Public of the County and State aforesaid, certify that Donna Rollins Pace, personally appeared before me this day and acknowledged that she is the Managing Member of Sisters' Legacy, LLC, a North Carolina limited liability company, and that she, as Managing Member, being authorized to do so, executed the foregoing document on behalf of the Limited Liability Company (LLC).

WITNESS, my hand and notarial seal this 8 day of October, 2003.

My Commission Expires:

04-01-06



Julie A. Parham  
Notary Public

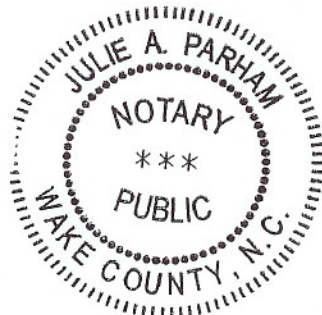
STATE OF NORTH CAROLINA  
COUNTY OF WAKE

I, Julie A. Parham, a Notary Public of the County and State aforesaid, certify that Donna Rollins Pace, personally appeared before me this day and acknowledged that she is Trustee of the Linwood Kimmon Stephenson Family Trust, a North Carolina Trust, and that she, as the Trustee, being authorized to do so, executed the foregoing document on behalf of the Trust.

WITNESS, my hand and notarial seal this 8 day of October, 2003.

My Commission Expires:

04-01-06



Julie A. Parham  
Notary Public

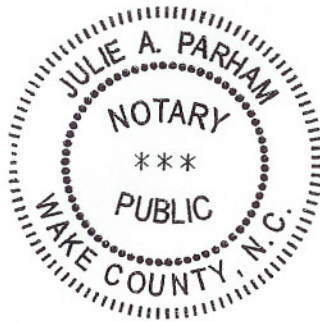
STATE OF NORTH CAROLINA  
COUNTY OF WAKE

I, JULIE A. PARHAM, a Notary Public of the County and State aforesaid, certify that Robert P. Pace, personally appeared before me this day and acknowledged that he is the President of Kimmon Place Homeowners Association, a North Carolina non-profit corporation, and that he, as President, being authorized to do so, executed the foregoing document on behalf of the Homeowners' Association.

WITNESS, my hand and notarial seal this 8 day of OCTOBER, 2003.

My Commission Expires:

04-01-06



Julie A. Parham  
Notary Public