

WAKE COUNTY, NC 379  
LAURA M RIDDICK  
REGISTER OF DEEDS  
PRESENTED & RECORDED ON  
08/05/2011 AT 15:23:48

BOOK:014425 PAGE:02262 - 02265

Prepared by and return after recording:

Henry W. Jones, Jr., Jordan Price Wall Gray Jones & Carlton, PLLC  
P.O. Box 10669, Raleigh, NC 27605

STATE OF NORTH CAROLINA

WAKE COUNTY

**AMENDMENT TO THE DECLARATION OF  
COVENANTS AND RESTRICTIONS OF  
BRAXTON VILLAGE  
HOMEOWNERS ASSOCIATION, INC.**

THIS AMENDMENT to the Declaration of Covenants and Restrictions of the Braxton Village Homeowners Association, Inc. ("Declaration") made this 1 day of August, 2011 by the Members of the Braxton Village Homeowners Association, Inc. ("Association").

**W I T N E S S E T H:**

THAT WHEREAS, on July 2, 1998, Braxton Village, L.L.C., a North Carolina Limited Liability Company (hereinafter, also, "Declarant", "Developer" or "Company"), caused to be recorded a Declaration of Covenants and Restrictions of the Braxton Village Homeowners Association ("Declaration") in Book 8097, Page 270 of the Wake County Registry; and

WHEREAS, pursuant to the Declaration, Article VIII, Section 1, the Declaration may be amended at any time by written agreement of both (a) two-thirds (2/3) of all of the Owners of the lots, and (b) the Company and the Developer if they own any properties in the Braxton Village Subdivision; provided amendment requires HUD/VA approval prior to approval as long as there is a Class B membership; and

WHEREAS, Braxton Village, L.L.C., does not own properties in the Braxton Village Subdivision and, therefore, there is no Class B membership in the Association; and

WHEREAS at least two-thirds (2/3) of all of the Owners of the lots, being the Members of the Association, by written agreement voted to amend the Declaration of the Association as required by Article VIII, Section 1, of the Declaration;

NOW THEREFORE, the Association does hereby declare as follows:

1. Article III, Section 4 (B) of the Declaration is hereby amended by deleting that section in its entirety and inserting in lieu thereof the following:

(B) When a meeting of the Members of the Association is called to vote on any other action proposed to be taken by the Association, other than that described in subparagraph (a) of this Section 4 of the Declaration, the presence at the meeting of Members or proxies entitled to cast ten percent (10%) of each class of the total vote of the Membership shall constitute a quorum.

Unless otherwise provided, any references hereafter to "votes cast at a duly called meeting" shall be construed to be subject to the quorum requirements established by this Article and any other requirements for such "duly called meeting" which may be established by the By-Laws of the Association. For the purpose of this section, "proper notice" shall be deemed to be given when given to each Member not less than seven (7) days prior to the date of the meeting at which any proposed action is to be considered.

2. This Amendment shall be effective upon recordation in the Register of Deeds of Wake County, as required in Article VIII, Section 1, of the Declaration.

3. Except as specifically amended hereinabove, the remaining provisions in the Declaration are hereby acknowledged and reaffirmed in every respect.

4. This Amendment is executed by the Association and has been approved by at least two-thirds (2/3) of all of the Owners of the lots, being the Members of the Association, who by written agreement voted to amend the Declaration of the Association as required by Article VIII, Section 1, of the Declaration.

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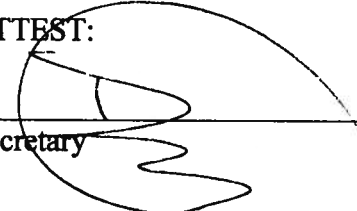
CERTIFICATION OF VALIDITY OF AMENDMENT  
TO THE DECLARATION OF  
BRAXTON VILLAGE HOMEOWNERS ASSOCIATION, INC.

BRAXTON VILLAGE HOMEOWNERS ASSOCIATION, INC. hereby certifies that the foregoing instrument was duly authorized by at least a two-thirds (2/3) written agreement of the Owners-Members of the Association.

BRAXTON VILLAGE HOMEOWNERS  
ASSOCIATION, INC.

By   
President

ATTEST:

  
Secretary

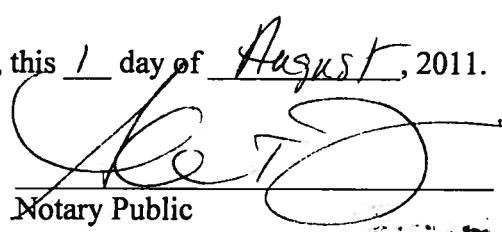
STATE OF NORTH CAROLINA

ACKNOWLEDGMENT

COUNTY OF Wake

I, Sherleen Taylor Fincher, a Notary Public of the County and State aforesaid, certify that Mark Mazanek and Dean D'Agostino, personally came before me this day, and acknowledged that he/she is President of BRAXTON VILLAGE HOMEOWNERS ASSOCIATION, INC., a North Carolina non-profit corporation, and that by the authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed and attested by Dean D'Agostino as its Secretary.

Witness my hand and official stamp or seal, this 1 day of August, 2011.

  
Notary Public

My Commission Expires: 2-5-2014

