

2626 Glenwood Ave
Ste 550
Raleigh NC 27608

WAKE COUNTY, NC 36
TAMMY L. BRUNNER
REGISTER OF DEEDS
PRESENTED & RECORDED ON
01/19/2023 14:25:41

BOOK:019245 PAGE:00119 - 00122

Prepared by and return to:
Tina Frazier Pace, P.O. Box 527
Hatch, Little & Bunn, LLP
Raleigh, NC 27602

NORTH CAROLINA

WAKE COUNTY

**FIRST AMENDMENT TO DECLARATION
OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR YARDLEY
SUBDIVISION**

THIS FIRST AMENDMENT TO THE DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR YARDLEY SUBDIVISION is made this
the 30th day of December, 2022.

WITNESSETH:

WHEREAS the Declaration of Covenants, Conditions and Restrictions for
Yardley Subdivision (hereinafter "Declaration"), was recorded October 5, 2018 in Book
17260, Page 2720 of the Wake County Registry; and

WHEREAS, Article X of the Declaration provides that the Declaration may be
amended upon the affirmative vote or written consent, or any combination thereof, of the
Owners of at least seventy-five percent (75%) of the Lots within the Subdivision;

WHEREAS, the Board of Directors of the Association proposed several
amendments to the Declaration, including but not limited to architectural standards,
decorative items, and play structures;

WHEREAS, more than 75% of the Owners of Lots voted in favor of the
following proposed amendments by written ballots;

NOW, THEREFORE, in consideration of the foregoing, the Declaration of
Covenants, Conditions and Restrictions for Yardley Subdivision is hereby amended as

follows, and that except as herein provided, all other remaining provisions of the Protective Covenants are ratified and confirmed in every respect:

- 1) **That the first paragraph of Article V, Section 4, is hereby deleted and replaced with the following first paragraph of Article V, Section 4:**

Section 4. Architectural and Landscaping Standards. No exterior construction, alteration, addition, erection, or major landscaping of any nature whatsoever shall be commenced or placed upon any part of the Property, except such as is installed by Declarant, or as is approved in accordance with this Section, or as is otherwise expressly permitted herein. No exterior construction, addition, erection, alteration or major landscaping shall be made unless and until plans and specifications showing at least the nature, kind, shape, height, materials, color, texture and location shall have been submitted in writing to and approved by the ACC. Such plans must also be approved and a building permit obtained from the applicable governmental authorities if so required. Notwithstanding anything contained herein to the contrary, no large bushes or shrubs shall be approved for planting if such bushes or shrubs are to be located in front of the rear elevation line of the dwelling.

- 2) **That Article V, Section 23 is hereby deleted and replaced with the following Article V, Section 23:**

Section 23. Artificial Vegetation, Exterior Sculpture, Exterior Statuary and Similar Items. No artificial vegetation or plastic animal decorations, such as pink flamingos, etc., shall be permitted on the exterior of any property. Exterior sculpture, fountains, bird baths, bird houses, and similar items must be approved by the ACC; but in no event shall they be located so as to be visible from the front of any Lot or any adjoining street. No obscene flags will be permitted. Flags may not exceed five (5) feet by eight (8) feet in size.

- 3) **THAT Article V, Section 26 is hereby deleted in its entirety.**
- 4) That this Amendment shall be effective upon the recordation in the Office of the Register of Deeds of Wake County;
- 5) That, except as herein provided, the remaining provisions of the Declaration, as amended, are hereby ratified and confirmed in every respect.

IN WITNESS WHEREOF, the Yardley Owner's Association, Inc. has caused this instrument to be signed and executed on the date stated hereinabove.

YARDLEY OWNER'S ASSOCIATION, INC.

By: 
President

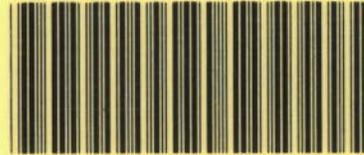
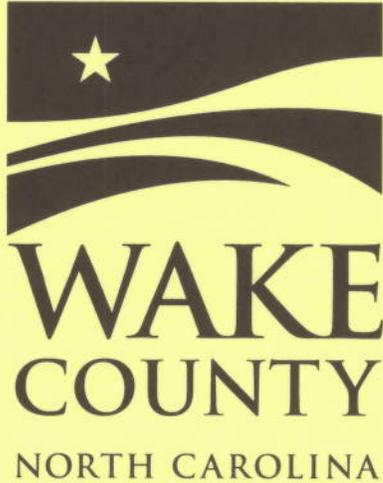
STATE OF NORTH CAROLINA
COUNTY OF NC

I, the undersigned Notary Public of the County and State aforesaid, certify that Shawn Swiatocha personally came before me this day and acknowledged that he is the President of the YARDLEY OWNER'S ASSOCIATION, INC., a North Carolina Non-Profit corporation, and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 30 day of December, 2022.


Notary Public

My Commission Expires: March 29, 2027

Hollie C Boeye
NOTARY PUBLIC
Granville County
North Carolina
My Commission Expires March 29, 2027



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Please retain yellow trailer page

It is part of the recorded document and must be submitted with the original for re-recording.

**Tammy L. Brunner
Register of Deeds**

Wake County Justice Center
300 South Salisbury Street, Suite 1700
Raleigh, NC 27601

New Time Stamp

\$25 Non-Standard Fee

Additional Document Fee

Additional Reference Fee

This Customer Group

_____ # of Excessive Entities

_____ # of Time Stamps Needed

This Document

4 # of Pages