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 Prepared by: <sup>Return</sup> Cogburn Goosmann Brazil & Rose, P.A.

(Ashley Woods 99-1790)

STATE OF NORTH CAROLINA  
 COUNTY OF BUNCOMBE

**FIRST AMENDMENT TO DECLARATION  
 OF TERMS, CONDITIONS, RESTRICTIONS  
 AND PROTECTIVE COVENANTS FOR  
 ASHLEY WOODS SUBDIVISION**

This **FIRST AMENDMENT DECLARATION OF TERMS, CONDITIONS, RESTRICTIONS AND PROTECTIVE COVENANTS FOR ASHLEY WOODS SUBDIVISION** made and entered into this the 31<sup>st</sup> day of August, 2001 by and between **CARNES AND WOODARD BUILDERS, INC.**, a North Carolina Corporation (herein "Declarant" or "Developer") and all Future Owners of Lots in **ASHLEY WOODS SUBDIVISION** (herein "Subdivision").

**WITNESSETH:**

**THAT WHEREAS**, a Declaration of Terms, Conditions, Restrictions and Protective Covenants for Ashley Woods Subdivision was recorded in **Record Book 2293, at Page 112** of the Buncombe County, NC Register's Office (herein "Declaration"); and

**THAT WHEREAS**, Developer is the owner of certain property in Buncombe County, North Carolina, referred to as "Phase One-A, Ashley Woods Subdivision" (herein "Property"), said Property being shown on that plat recorded in **Plat Book 80, at Page 113** of the Buncombe County, NC Register's Office (herein "Plat") (the Property as shown on the Plat being and comprising an addition to the "Subdivision" as set forth in the Declaration); and

**WHEREAS**, the Developer desires to modify, supplement and amend the Declaration as hereinafter set forth.

1. The Declarant, subject to the modifications set forth below, does hereby subject the Property shown on the Plat as Phase One-A, Ashley Woods Subdivision to the terms, conditions, restrictions and covenants of the Declaration to the same extent as if said Property had originally been set forth in the Declaration.
2. Paragraph 6 of Article III of the Declaration concerning Maximum Lot Coverage is hereby amended for the Property shown on the Plat for Phase One-A of Ashley Woods Subdivision to provide that the total combined ground area covered by the main dwelling building or any attached or unattached accessory building shall be such ground area as the Developer shall approve on a lot by lot basis.
3. Paragraph 7 of Article III of the Declaration concerning Setback Requirements is hereby amended for the Property shown on the Plat for Phase One-A of Ashley Woods Subdivision to provide that the setback requirements shall be determined by the Developer on a lot by lot basis.
4. No accessory building shall be constructed upon a lot as shown on the Plat for Phase One-A of Ashley Woods Subdivision unless such accessory building is approved by Developer in Developer's sole and absolute discretion.
5. As set forth in Paragraph 4(b) of Article III of the Declaration and as set forth in paragraph 9.1(b) and paragraph 9.13 of Article IX of the Bylaws, purchasers of Lots and Property shown on the Plat for Phase One-A of Ashley Woods Subdivision do hereby acknowledge that as Owners of such Lots they will be subject to Limited Common Expenses and Additional Limited Assessments for certain services, items and expenses which are unique to this Phase One-A; including, but not limited to, the cost of lawn care and maintenance services.

Book 2574  
 Pages 590 - 592  
 BUNCOMBE COUNTY, NC  
 Recorded 08/31/2001 09:00:08 am  
 No. 9999-00059301 1 of 3 Pgs  
 Otto W. DeBruhl, Register of Deeds

WF No: 9999-00059301

IN WITNESS WHEREOF, the Developer and other consenters hereto have hereunto set their hands and seals, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, as of the day and year first above written.

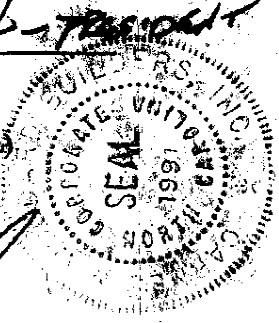
DEVELOPER:

CARNES AND WOODARD BUILDERS, INC.  
a North Carolina Corporation

Attest: David E. Woodard  
David E. Woodard, Secretary

By: Robert E. Carnes, Jr.  
Robert E. Carnes, Jr., President

(CORPORATE SEAL)



LENDER:

RBC-CENTURA BANK

Psyche Wimberly  
Secretary

By: [Signature]  
Vice President

(CORPORATE SEAL)

TRUSTEE:

C. B. SERVICES CORPORATION,  
a North Carolina Corporation

Psyche Wimberly  
Secretary

By: [Signature]  
Vice President

(CORPORATE SEAL)

STATE OF NORTH CAROLINA  
COUNTY OF Burke

I, a Notary Public of the State and County aforesaid, do hereby certify that Psyche Wimberly personally appeared before me this day and acknowledged that she is the Assistant Secretary of RBC-Centura and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Vice President, sealed with its corporate seal and attested by Psyche Wimberly as its Secretary. Witness my hand and official stamp or seal, this the 28 day of August, 2001.

Comm. Exp Date:  
12-21-2003

[Signature]  
Notary Public

(NOTARY SEAL)

STATE OF NORTH CAROLINA  
COUNTY OF Burke

I, a Notary Public of the State and County aforesaid, do hereby certify that Psyche Wimberly personally appeared before me this day and acknowledged that she is the Assistant Secretary of C. B. Services Corporation, a North Carolina Corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Vice President, sealed with its corporate seal and attested by Psyche Wimberly as its Secretary. Witness my hand and official stamp or seal, this the 28 day of August, 2001.

Comm. Exp Date:  
12-21-2003

[Signature]  
Notary Public

(NOTARY SEAL)

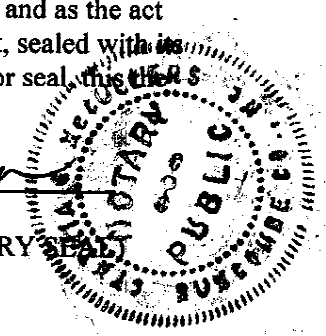
STATE OF NORTH CAROLINA  
COUNTY OF Buncombe

I, a Notary Public of the State and County aforesaid, do hereby certify that **David E. Woodard** personally appeared before me this day and acknowledged that he is the Secretary of **Carnes and Woodard Builders, Inc.**, a North Carolina Corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its \_\_\_\_\_ President, sealed with its corporate seal and attested by him as its Secretary. Witness my hand and official stamp or seal, this 31<sup>st</sup> day of August, 2000.

Comm. Exp Date:  
1-1-2004

Cynthia G. McCallister  
Notary Public

(NOTARY SEAL)



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The foregoing certificate(s) of Cynthia G. McCallister is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

Otto W. DeGrubbe Register of Deeds for Buncombe County  
By: Laura M. Davis Deputy/ ~~Assistant~~ - Register of Deeds

UNOFFICIAL