

FILED
CHATHAM COUNTY NC
TREVA B. SEAGROVES
REGISTER OF DEEDS

FILED Mar 20, 2013
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BOOK 01674
START PAGE 1185
END PAGE 1188
INSTRUMENT # 03324
EXCISE TAX (None)

BOOK 1674 PAGE 1185

Prepared by & Return to:

Jennifer D. Scott, Shipman & Wright, LLP 9208 Falls of Neuse Rd. Ste. 111 Raleigh, NC 27615

STATE OF NORTH CAROLINA
COUNTY OF CHATHAM

SIXTH AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
THE HAMPTONS SUBDIVISION

This Amendment, made this 20th day of March, 2013, by Windjam 23, LLC, A North Carolina Limited Liability Company, hereinafter referred to as "Declarant".

WHEREAS, Declarant caused to be executed and recorded the Declaration of Covenants, Conditions and Restrictions for The Hamptons Subdivision in Book 1329, Page 1117, Chatham County Registry, hereinafter referred to as the "Declaration"; and

WHEREAS, Declarant caused to be executed and recorded The First Amendment to Declaration of Covenants, Conditions and Restrictions for The Hamptons Subdivision in Book 1337, Page 495, Chatham County Registry, hereinafter referred to as the "First Amendment"; and

WHEREAS, Declarant caused to be executed and recorded The Second Amendment to Declaration of Covenants, Conditions and Restrictions for The Hamptons Subdivision in Book 1343, Page 698, Chatham County Registry, hereinafter referred to as the "Second Amendment"; and

WHEREAS, Declarant caused to be executed and recorded The Third Amendment to Declaration of Covenants, Conditions and Restrictions for The Hamptons Subdivision in Book 1471, Page 777, Chatham County Registry, hereinafter referred to as the "Third Amendment"; and

WHEREAS, Declarant caused to be executed and recorded The Fourth Amendment to Declaration of Covenants, Conditions and Restrictions for The Hamptons Subdivision in Book 1551, Page 758, Chatham County Registry, hereinafter referred to as the "Fourth Amendment"; and

WHEREAS, Declarant caused to be executed and recorded The Fifth Amendment to Declaration of Covenants, Conditions and Restrictions for The Hamptons Subdivision in Book 1590, Page 1096, Chatham County Registry, hereinafter referred to as the "Fifth Amendment"; and

WHEREAS, Declarant now desires to amend said Declaration; and

WHEREAS, Declarant currently is the owner of greater than seventy five percent (75%) of the Lots in the Hamptons Subdivision.

NOW, THEREFORE, the undersigned being all of the Owners of Lots in the Hamptons Subdivision in accordance with Article XI of said Declaration, as amended, unanimously consent to the amendment of said Declaration as follows:

1. Section 3.02 shall be deleted in its entirety and replaced by the following Section 3.02:

3.02. Membership Classes. The Association shall have two classes of voting membership:

Class A: Class A Members shall be all Owners, with the exception of the Declarant, and shall be entitled to one vote for each Lot owned. When more than one person holds an interest in any Lot, all such persons shall be Members. The vote for such Lot shall be exercised as they determine, but in no event shall more than one vote be cast with respect to any Lot.

Class B: The Class B Member(s) shall be the Declarant, or its assigns, and shall be entitled to three (3) votes for each Lot owned. The foregoing allocation of votes is in recognition of the fact that the Properties likely will be developed in phases and there may be times during the development of the Properties when Declarant owns less, if any Lots. The Class B membership shall be reinstated if before December 31, 2020 additional lands are annexed to this Declaration as hereinafter provided. The Class B membership shall cease and be converted to Class A membership on the happening of either of the following events, whichever occurs earlier:

(a) When seventy-five (75%) of the maximum number of Lots allowed for the Properties (as amended and supplemented from time to time) under the subdivision plan have been conveyed to Owners; or

(b) on **December 31, 2020**; or

(c) the date specified by the Declarant in a written notice to the Association.

2. To amend Article VIII, Section 11 of the Declaration by amending the date provided in that section by replacing the date with December 31, 2020 and otherwise keeping that section in its entirety such that the first phrase of the section shall be amended as follows (new language appears in bold type):

“Section 8.11. Easement Reserved by Declarant for Development. Until **December 31, 2020**, notwithstanding any provisions contained in this Declaration to the contrary....”

3. To amend Article IX, Section 1 of the Declaration by amending the date provided in that section by replacing the date with January 1, 2021 and otherwise keeping that section in its entirety such that the first phrase of the section shall be amended as follows (new language appears in bold type):

“Section 9.01. By Declarant. If on or before **January 1, 2021**, the Declarant should develop additional lands adjacent to the Properties,....”

4. Except as herein amended all the terms and conditions, restrictions and benefits of said Declaration, said First Amendment, said Second Amendment, said Third Amendment, said Fourth Amendment and said Fifth Amendment shall remain in full force and effect as to the properties subjected to the Declaration.

This the 20th day of March, 2013.

WINDJAM 23, LLC, A North Carolina Limited Liability Company

By: *Rex Vick, Jr.*
Rex Vick, Jr., Manager

STATE OF NORTH CAROLINA
COUNTY OF wake

I certify that the following person(s) personally appeared before me this day, and each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: REX VICK, JR., Manager

Witness my hand and official seal, this the 20th day of march, 2013.

(Official Seal)



Kara Eckelkamp
Official Signature of Notary

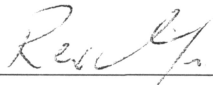
Kara Eckelkamp
Notary's Printed or Typed Name
My Commission Expires: July 24th 2017

CERTIFICATION OF VALIDITY OF AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF THE HAMPTONS SUBDIVISION

By authority of its Board of Directors, Hamptons Owners Association, Inc., hereby certifies the foregoing instrument has been duly approved by the Owners of sixty-seven percent (67%) of the Lots of The Hamptons and is, therefore, a valid amendment to the existing Declaration of Covenants, Conditions and Restrictions of The Hamptons.


This the 20th day of March, 2013.

HAMPTON OWNERS ASSOCIATION, INC.



President

Attest:



Secretary