

**2012044416 00238**

FORSYTH CO. NC FEE \$26.00  
PRESENTED & RECORDED  
10/05/2012 04:37:14 PM  
C. NORMAN HOLLEMAN  
REGISTER OF DEEDS  
BY: RANDY L SMITH  
DPTY

**BK: RE 3084**  
**PG: 1289 - 1294**

PREPARED BY AND RETURN TO: PHILIP E SEARCY  
**STATE OF NORTH CAROLINA**  
**COUNTY OF FORSYTH**  
**SECOND AMENDMENT TO**  
**COVENANTS AND RESTRICTIONS**  
**CHLOE'S CREEK SUBDIVISION**

**THIS SECOND AMENDMENT TO COVENANTS AND RESTRICTIONS FOR**  
**CHLOE'S CREEK SUBDIVISION** is made this 3RD day of AUGUST 2012  
by Jenant Properties, Inc.; Eastwood Construction, LLC dba Eastwood Homes; Thomas McCray,  
Jr.; John Edward Fitzgerald and Robert Craig Hunter.

**WITNESSETH:**

- A. Jenant Properties, Inc.; Eastwood Construction, LLC dba Eastwood Homes; Thomas McCray, Jr.; John Edward Fitzgerald and Robert Craig Hunter ("Owners") own all the lots in the subdivision known as Chloe's Creek and desire to amend the restrictions as set forth herein; and
- B. Jenant Properties, Inc. is the Declarant under the Restrictions recorded in Book 2799, Page 582, Forsyth County Registry; and
- C. Declarant has witnessed the sharp downturn in the economy from 2007 when it began development of Chloe's Creek and the drastic effect on the real estate market; and
- D. Declarant has recognized the demand for new home construction has changed along with the cost of materials, appraisal valuations, and in order to provide a subdivision which is attractive to families as originally intended Declarant recognizes certain changes need to be made to the Covenants and Restrictions.

**NOW THEREFORE**, the undersigned being all of the Owners of the lots in Chloe's Creek and the Declarant do amend the covenants recorded in Book 2799, Page 582 and amended by the First Amendment recorded in Book 3005, Page 1448, Forsyth County Registry as follows:

1. Article V, Section 5.1. is amended by adding the following sentence at the end of the paragraph:

"Any Lot not owned by the Declarant shall only be responsible for payment of ¼ of the annual dues until a completed dwelling exists on the lot and is conveyed on the HUD-1 form to a third party home purchaser."

2. Article V, Section 5.3. The first (1<sup>st</sup>) sentence in Article V, Section 5.3. is amended to read as follows:

"Upon the transfer of record of the Lot with a completed dwelling, the purchaser is required to pay two (2) full months of the Regular Assessment due on his or her Lot as his or her initial contribution to the working capital of the Association."

3. Article X, Section 10.3 a. was amended in the First Amendment recorded at Book 3005, Page 1448, Forsyth County Registry to read as follows:

a. One story dwellings shall not contain less than 2,200 square feet of first floor space.

Note: Article X, Section 10.3 a. as amended in the First Amendment recorded at Book 3005, Page 1448, Forsyth County Registry remains in effect.

4. Article X, Section 10.3 b. was amended in the First Amendment recorded at Book 3005, Page 1448, Forsyth County Registry and said amendment is hereby removed and replaced with the following so that the Article X, Section 10.3 b. is hereby amended to read as follows:

e. One and one-half and two story dwellings shall contain not less than 2,600 square feet of heated floor space, with a minimum of 1,300 square feet of heated floor space on the ground floor of a one and one-half and 1,300 square feet of heated space on ground floor on a two story dwelling.

5. Article X, Section 10.3 e. is amended to read as follows:

e. "Dwellings shall be constructed with brick, stone, stucco or hardiplank and the front elevation must be constructed of brick, stone or stucco veneers."

The remaining conditions and restrictions shall remain in full force and effect and the undersigned do hereby ratify those restrictions with the addition of the amended provisions set forth above.

**IN WITNESS WHEREOF** the Owners and Declarant have executed this Second Amendment the day and year herein and set forth.

Lots 1,2,3,4,7,10,11 and 14, Septic Lots 1,2,3,4,10,11,14A and 14B, Chloe's Creek

IN WITNESS WHEREOF, **Jenant Properties, Inc.** caused this instrument to be signed in its corporate name by its duly authorized officer by authority of its Board of Directors.

**Jenant Properties, Inc.**

*Anthony E. Pike* (Seal)  
**Anthony E. Pike, President**

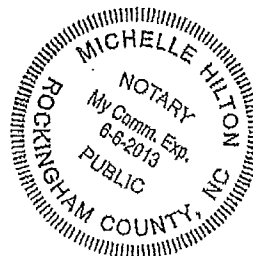
North Carolina, *Forsyth* County

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

Date: *8/3/12*

Place notary seal below this line:

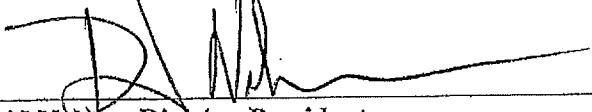
*Michelle Hilton*  
 Notary Public  
 Print/Type Name: *Michelle Hilton*  
 My Commission Expires: *6/6/2013*



Lots 6,9,12,13; Septic Lots 9,12 and 13, Chloe's Creek

IN WITNESS WHEREOF, **Eastwood Construction, LLC dba Eastwood Homes** has caused this instrument to be signed in its corporate name by its duly authorized officer by authority of its Board of Directors.

**Eastwood Construction, LLC dba Eastwood Homes**

  
 \_\_\_\_\_ (Seal)  
**David Nelson, Division President**

North Carolina, Forsyth County

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

Date: 10/5/12

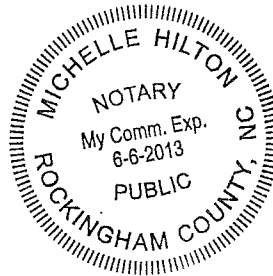
Place notary seal below this line:



Notary Public

Print/Type Name: Michelle Hilton

My Commission Expires: 6/6/2013



**Lot 8, Chloe's Creek**

IN WITNESS WHEREOF, **Thomas McCray, Jr.** has hereunto his hand and seal to this instrument.

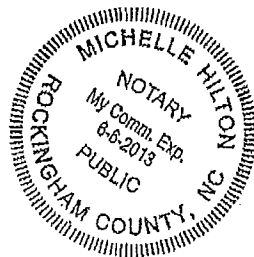
Thomas McCray Jr. (Seal)  
**Thomas McCray, Jr.**

North Carolina, Forsyth County  
 I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: **Thomas McCray, Jr.**

Date: 8/3/12

Place notary seal below this line:

Michelle Hilton  
 Notary Public  
 Print/Type Name: Michelle Hilton  
 My Commission Expires: 6/6/2013



**Lot 5, Chloe's Creek**

IN WITNESS WHEREOF, **John Edward Fitzgerald** and **Robert Craig Hunter** have hereunto set their hand and seal to this instrument.

\_\_\_\_\_(Seal)  
**John Edward Fitzgerald**

\_\_\_\_\_(Seal)  
**Robert Craig Hunter**

North Carolina, \_\_\_\_\_ County

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

**John Edward Fitzgerald and Robert Craig Hunter**

Date: \_\_\_\_\_

Place notary seal below this line:

\_\_\_\_\_  
Notary Public  
Print/Type Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_