

Prepared by and Hold for: Whitaker & Hamer, PLLC
121 E. Main Street, Clayton, NC 27520

NORTH CAROLINA
JOHNSTON COUNTY

**AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND
RESTRICTIONS FOR EAST RIVER SUBDIVISION**

THIS AMENDMENT TO DECLARATION is made this 10 day of Janaury, 2024, by Buffalo Road, LLC, a North Carolina limited liability company (hereinafter referred to as "Declarant").

WITNESSETH

WHEREAS, Buffalo Road, LLC previously executed that certain Declaration of Covenants, Conditions, and Restrictions for East River Subdivision, recorded in Deed Book 5557, Page 557, Johnston County Registry (as amended and supplemented from time to time, the "Declaration"); and

WHEREAS, Article I entitled "Creation of the Community" establishes the East River Community Association (hereinafter referred to as the "Association"); and

WHEREAS, Article VI entitled "The Association and Its Members" addresses the classes of membership in the Association. More specifically, Article 6.3(a)(ii)(A) states that the Declarant shall be a "Class B Member" in the Association; and

WHEREAS, at the time of this amendment, the Declarant's Class B Membership remains active and has not been terminated; and

WHEREAS, pursuant to Article XVII entitled "Amendment of Declaration", until termination of the Class B membership, the Declarant has the authority to unilaterally amend the Declaration for any purpose; and

WHEREAS, Article VIII entitled "Association Finances" establishes that Base Assessments may be increased by a maximum of 5% per year, *provided, however*, there may be no more than four such increases in any five-year period; and

WHEREAS, the Declarant wishes to exercise its unilateral authority to amend the Declaration and revise the existing limitation on the annual increase of Base Assessments by replacing the existing text of Article VIII, Section 8.12 as follows:

Article VIII, Section 8.12. Limitations on Increase in Base Assessments.

Base Assessments may be increased by a maximum of 20% per year.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged by all parties hereto, the Declarant exercises its unilateral authority to amend the Declaration in the manner described above by execution of this Amendment.

[signature page follows]

IN WITNESS WHEREOF, the undersigned has executed this Amendment under seal the date and year first written above.

DECLARANT:

BUFFALO ROAD, LLC
a North Carolina limited liability company

By: [Signature]
Name: Reid M. Smith
Title: Member/Manager

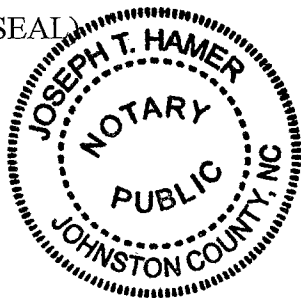
STATE OF NORTH CAROLINA
COUNTY OF Johnston

I certify that Reid M. Smith personally appeared before me this day and acknowledged that he or she is the Member/Manager of Buffalo Road, LLC a North Carolina limited liability company and by that authority duly given and as an act of the corporation the forgoing instrument was signed in its name by its duly authorized member.

Date: 1/10/24

By: [Signature]

(SEAL)



Joseph T. Hamer, Notary Public

My Commission expires: 10/3/28