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WILKES COUNTY
RICHARD L. WOODRUFF
REGISTER OF DEEDS**

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INSTRUMENT # 06947
EXCISE TAX (None)

**WILKES COUNTY
NORTH CAROLINA**

**PREPARED BY AND RETURN TO:
Nelson Mullins (CMR)
4140 Parklake Avenue
Suite 200
Raleigh, NC 27612**

**AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS AND LIENS FOR THE TIMBER RIDGE COMMUNITY**

THIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND LIENS FOR THE TIMBER RIDGE COMMUNITY (the "Amendment") is made and effective as of September 25, 2012 by HBGB INVESTMENTS, LLC (the "Declarant").

WITNESSETH:

THAT WHEREAS, Declarant previously executed a Declaration of Covenants, Conditions, Restrictions and Liens for the Timber Ridge Community recorded in Book 1076, Page 82, Wilkes County Registry (the "Declaration"); and

WHEREAS, Declarant desires to amend the Declaration pursuant to the terms hereof; and

WHEREAS, Declarant confirms that it is duly authorized to execute this Amendment and that no other person or entity must consent to the provisions hereof.

NOW, THEREFORE, Declarant hereby declares as follows:

1. Withdrawal of Property.
 - (a) Article XI provides the right to Declarant to withdraw property from the Declaration. Declarant hereby declares that the property described on Exhibit A, attached hereto and made a part hereof (the "Withdrawn Property") shall be withdrawn and removed from the Declaration and the Withdrawn Property shall no longer be encumbered or restricted by the terms of the Declaration. Any

Common Area located on the Withdrawn Property shall no longer be Common Area under the Declaration and Declarant releases all rights thereto.

- (b) Membership in Association. Notwithstanding the provisions of this Amendment or of the Declaration to the contrary, Declarant covenants and agrees that any and all of the owners of the Withdrawn Property and their successors in interest have the right to join the Association by written notice to the Association. The Association shall not have the right to charge the owners of the Withdrawn Property any fees, charges or assessments that are greater than those paid by HBGB, its successor and assigns. Once an owner of the Withdrawn Property becomes a member of the HOA, any portion of their land that was previously Common Area for the HOA shall once again become Common Area for the HOA (such as trails), and each such owner shall be required to pay any and all require HOA fees, charges, and assessments.

2. Miscellaneous. The Recitals above are incorporated into this Amendment. This Amendment shall be construed in accordance with the laws of the State of North Carolina. Any capitalized term not defined herein shall have the meaning set forth in the Declaration. The provisions hereof shall be binding upon the parties hereto and their heirs, successors and assigns. Except as modified hereby, the Declaration remains unmodified and in full force and effect.

IN WITNESS WHEREOF, this Amendment was executed as of the day and year first above written.

DECLARANT:

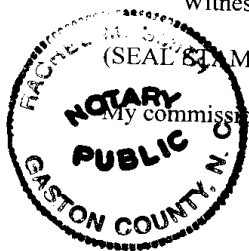
HBGB INVESTMENTS, LLC

By: [Signature]
Print Name: HARRY L. BERZACK
Title: MANAGER

STATE OF NORTH CAROLINA
COUNTY OF DECKENBURG

I, the undersigned Notary Public of the County and State aforesaid, do hereby certify that Harry L. Berzack, Manager of HBGB INVESTMENTS, LLC, a North Carolina limited liability company, personally appeared before me this day and acknowledged the due execution of the foregoing instrument on behalf of said limited liability company.

Witness my hand and official seal, this the 25th day of September, 2012.



(SEAL & AMP)

My commission expires: 12.28.2013

Rachel M. Smith
Notary Public

EXHIBIT A

LEGAL DESCRIPTION

BEING Lots 1, 2, 3, 21, 22, 23, 25, 31, 32, 33, 34, 35, and 36, and additional lots described as 2.47 acre common area and roadway as shown on plat recorded in Book of Maps 11, Pages 260 - 262, Wilkes County Registry and also described as follows:

Tract 1 (Skeet range):

A certain tract or parcel of land containing 2.47 acres, lying and being in Elk Township, Wilkes County, North Carolina Ridge as shown in Map Book 10, Page 434, Wilkes County Registry (WCR). Bounded on the north by David L. Ott, on the east by Lot 36, on the south by a centerline fifty (50) feet wide R/W, and Allan & Delores Haller, on the west by Alfred Karlowitsch, and the remainder by Lot 33 and being more particularly described by bearing rotated to Deed North - Db. 829, pg. 40 (WCR) as surveyed by Russell N. Vogel, P.L.S., L-3106 on June 18, 2009:

BEGINNING on a five-eighths inch re-bar set in the centerline of an existing fifty (50) feet wide right-of-way as previously shown in Mb. 10, pg. 429 - 435 (WCR) at a branch, said five-eighths inch re-bar being the northwest corner of the land as conveyed to Allan & Delores Haller by deed recorded in Db. 916, pg. 147 (WCR), said five-eighths inch re-bar being located North $12^{\circ} 15' 25''$ East 321.41 feet from an existing five-eighths inch re-bar and running thence from the point of BEGINNING leaving said R/W a new line North $24^{\circ} 59' 24''$ West 81.84 feet to an existing five-eighths inch re-bar at a branch; thence North $17^{\circ} 12' 35''$ West 49.92 feet to an existing five-eighths inch re-bar; thence North $16^{\circ} 59' 08''$ West 274.05 feet to an existing five-eighths inch iron pipe, said iron pipe being a common corner of the land as conveyed to Alfred Karlowitsch by deed recorded in Db. 890, pg. 75 (WCR), David L. Ott by deed recorded in Db. 788, pg. 197 (WCR), and Alfred Karlowitsch by deed recorded in Db. 822, pg. 261 (WCR); thence with said Ott's southern line South $83^{\circ} 50' 25''$ East 393.88 feet to an existing one inch iron pipe in the western line of Lot 36, said one inch iron pipe being located South $04^{\circ} 07' 27''$ West 320.02 feet from a five-eighths inch re-bar set; thence with the western line of Lot 36 South $00^{\circ} 59' 17''$ East 241.48 feet to a five-eighths inch re-bar set; thence continuing the same line South $00^{\circ} 59' 17''$ East 30.00 feet to a point in the centerline of an existing fifty (50) feet wide right-of-way as previously shown in Mb. 10, pg. 429 - 435 (WCR); thence with the centerline of said right-of-way with the northern line of the land as conveyed to Allan & Delores Haller by above mentioned deed the following two (2) courses and distances; (1) South $89^{\circ} 29' 00''$ West 86.50 feet, (2) crossing a branch South $68^{\circ} 56' 15''$ West 193.31 feet to the point of BEGINNING, containing 2.47 acres by coordinate geometry.

The above described tract is subject to a centerline fifty (50) feet wide R/W as previously described in Db. 1008, pg. 387 (WCR) and as being shown in Mb. 10, pg. 429 - 435 (WCR).

The above described tract is also subject to a thirty (30) feet wide R/W as previously

described in Db. 890, pg. 75 (WCR) and as being shown in Mb. 10, pg. 429 – 435 (WCR).

Tract 2 (Roadway):

BEGINNING on a five-eighths inch re-bar set in the center of an existing road, said five-eighths inch re-bar being a corner of Lot 22 of Timber Ridge as recorded in Mb. 10, pg. 429 – 435, Wilkes County Registry (WCR), said five-eighths inch re-bar being located North 76° 42' 37" East 30.00 feet from a five-eighths inch re-bar set and running thence from the point of BEGINNING with the centerline of a fifty (50) feet wide right-of-way (lying 25' on each side of the described centerline) the following twenty six (26) courses and distances: (1) North 65° 52' 14" West 67.15 feet to a five-eighths inch re-bar set, (2) North 54° 21' 36" West 136.34 feet to a five-eighths inch re-bar set, (3) North 80° 26' 02" West 108.46 feet to a five-eighths inch re-bar set, (4) North 74° 13' 50" West 146.94 feet to a five-eighths inch re-bar set, (5) North 76° 26' 51" West 78.07 feet, (6) North 64° 38' 40" West 61.82 feet, (7) North 63° 59' 13" West 111.06 feet, (8) North 74° 11' 20" West 91.08 feet, (9) North 88° 00' 28" West 147.90 feet, (10) North 84° 40' 48" West 204.99 feet to a five-eighths inch re-bar set, (11) North 75° 07' 43" West 139.55 feet, (12) North 81° 21' 21" West 104.45 feet, (13) South 80° 40' 05" West 52.72 feet, (14) South 79° 38' 21" West 104.27 feet, (15) South 86° 10' 30" West 96.47 feet, (16) South 89° 29' 00" West 160.13 feet, (17) South 68° 56' 15" West 193.31 feet to a five-eighths inch re-bar set, (18) South 70° 17' 48" West 96.56 feet, (19) South 47° 10' 22" West 123.57 feet, (20) South 60° 02' 32" West 138.22 feet, (21) South 71° 05' 09" West 252.56 feet, (22) South 84° 29' 24" West 128.62 feet to a five-eighths inch re-bar set, (23) South 85° 11' 49" West 61.68 feet, (24) South 66° 58' 24" West 77.21 feet, (25) South 44° 46' 57" West 105.99 feet, (26) South 08° 22' 43" East 51.98 feet to a five-eighths inch re-bar set, said five-eighths inch re-bar being the ending point to the above described centerline fifty (50) feet wide right-of-way, said five-eighths inch re-bar being a common corner of Lot 31 & Lot 32 of Timber Ridge as recorded in Mb. 10, pg. 429 – 435, Wilkes County Registry, said five-eighths inch re-bar being located North 36° 01' 32" East 50.00 feet from a five-eighths inch re-bar set.

Tract 3 (13 lots):

BEING Lots 1, 2, 3, 21, 22, 23, 25, 31, 32, 33, 34, 35, and 36 as shown on plat recorded in Book of Maps 10, Page 429-435, Wilkes County Registry.

LESS AND EXCEPT the following:

A certain tract or parcel of land containing 0.23 acres, lying and being in Elk Township, Wilkes County, North Carolina being a portion of Lot 1 of Timber Ridge as shown in Map Book 10, pg. 430, Wilkes County Registry (WCR). Bounded on the north by Willie & Wanda Ayers, on the east by Willie & Wanda Ayers, and Timber Ridge, on the south by Timber Ridge, on the west by Darcy P. Groce, and being more particularly described by bearing rotated to Deed North – Db. 829, pg. 40 (WCR) as surveyed by Russell N. Vogel, P.L.S., L-3106 on June 18, 2009:

BEGINNING on an existing five-eighths inch re-bar in the center of S.R. 1170 (gravel) at the end of state maintenance, said five-eighths inch re-bar being a corner of the land as conveyed to Willie & Wanda Ayers by deed recorded in Db. 785, pg. 749 (WCR), said five-eighths inch re-bar being located North $57^{\circ} 33' 03''$ West 57.91 feet from an existing five-eighths inch re-bar in the centerline of a fifty (50) feet wide right-of-way as shown in Mb. 10, pg. 429 – 435 (WCR) and running thence from the point of BEGINNING leaving said road with the line of the land as conveyed to Willie & Wanda Ayers by deed recorded in Db. 785, pg. 749 (WCR) North $36^{\circ} 58' 41''$ East 80.89 feet to a point in the center of a branch; thence with the center of said branch South $26^{\circ} 26' 16''$ East 34.91 feet; thence a new line leaving said branch South $74^{\circ} 46' 47''$ East 62.67 feet to a five-eighths inch re-bar set in the centerline of a fifty (50) feet wide right-of-way as shown in Mb. 10, pg. 429 – 435 (WCR); thence a new line leaving said right-of-way South $12^{\circ} 03' 54''$ West 81.61 feet to a five-eighths inch re-bar set; thence a new line North $88^{\circ} 19' 49''$ West 77.73 feet to a five-eighths inch re-bar set in an existing gravel road in the eastern line of the land as conveyed to Darcy P. Groce by deed recorded in Db. 1042, pg. 241 (WCR); thence with said gravel road with said Groce's eastern line North $26^{\circ} 15' 40''$ West 67.61 feet to the point of BEGINNING, containing 0.23 acres by coordinate geometry.