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CHATHAM COUNTY NC
TREVA B. SEAGROVES
REGISTER OF DEEDS

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BOOK 1550 PAGE 0121

Prepared by / Upon recording,
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Atlanta, GA 30303

NOTE TO CLERK: Please Cross-Reference to:
Declaration at Book 1372
Page 884

STATE OF NORTH CAROLINA

COUNTY OF CHATHAM

**FOURTH AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
BRIAR CHAPEL**

This Fourth Amendment to the Declaration of Covenants, Conditions and Restrictions for Briar Chapel ("**Amendment**") is made by NNP-Briar Chapel, LLC, a Delaware limited liability company (the "**Declarant**").

Background Statement

The Declarant is the developer of the planned community located in Chatham County, North Carolina known as Briar Chapel. The Declarant executed and filed that certain Declaration of Covenants, Conditions, and Restrictions for Briar Chapel which was recorded on November 16, 2007 in Deed Book 1370, Page 1020, *et seq.*, re-recorded November 28, 2007 in Deed Book 1372, Page 884, *et seq.*, and amended by those instruments recorded on June 12, 2009 in Book 1465, Page 482, *et seq.* ("**First Amendment**"), on June 19, 2009 in Book 1466, Page 675, *et seq.* ("**Second Amendment**"), and on August 20, 2010 in Book 1525, Page 464, *et seq.* ("**Third Amendment**"), all in the Office of the Register of Deeds of Chatham County, North Carolina; and supplemented by those instruments ("**Supplemental Declarations**") recorded June 19, 2009 at Book 1466, Page 674; December 18, 2007 at Book 1376, Page 288, and amended September 10, 2009 at Book 1479, Page 1142; June 19, 2009 at Book 1466, Page

674; March 16, 2010 at Book 1504, Page 878; April 21, 2010 at Book 1509, Page 167; August 20, 2010 at Book 1525, Page 458; and November 15, 2010 at Book 1539, Page 664 (as amended and supplemented, the "**Declaration**").

Pursuant to Section 19.1 of the Declaration, the Declarant reserved the right to unilaterally amend the Declaration for any purpose until termination of the Class "B" Control Period (as defined in the Declaration), provided that any such unilateral amendment which materially adversely affects the allocation of voting rights or assessment burdens among the Units or title to any Unit shall require the written consent of the Owner of the affected Unit.

The Class "B" Control Period has not yet terminated and the Declarant desires to amend the restrictions on leasing of Units established by the Second Amendment. This amendment does not affect the allocation of voting rights or assessments among the Units or materially adversely affect title to any Unit.

NOW, THEREFORE, the Declarant hereby amends the Declaration as follows:

1.

Section 2.1, "Defined Terms," is hereby amended by deleting the third sentence of the paragraph defining "Unit," which reads, "In the case of a structure containing multiple dwellings, each dwelling shall be deemed to be a separate Unit" and substituting in its place the following:

In the case of a structure containing multiple dwellings which has been submitted to a condominium regime with the Declarant's approval, each "unit" as defined by state law and/or the recorded condominium instruments shall constitute a separate "Unit" hereunder.

2.

Exhibit "F," as added by the First Amendment, is hereby by stricken and Exhibit "F" attached to this Amendment is substituted in its place. All Supplemental Declarations which have supplemented Exhibit "F" shall remain in full force and effect, it being the intent that this Amendment shall only replace that portion of Exhibit "F" attached to the First Amendment.

[continued on next page]

In witness of the foregoing, the Declarant has executed this Amendment by and through its duly authorized representatives as of this 19th day of January, 2011.

DECLARANT: **NNP-BRIAR CHAPEL, LLC**, a Delaware limited liability company

By: [Signature]
Name: Keith Hurand
Its: Vice President

STATE OF NORTH CAROLINA)
)
COUNTY OF CHATHAM)

I, Amy M. Meacham, a Notary Public in and for Chatham County, North Carolina, certify that Keith Hurand personally came before me this day and acknowledged that he is Vice President of NNP-BRIAR CHAPEL, LLC, a Delaware limited liability company, and that by authority duly given and as a fact of said limited liability company, he executed the foregoing instrument on behalf of said limited liability company.

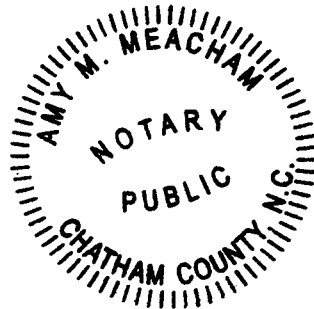
Witness my hand and official stamp or seal, this 19th day of January, 2011.

Amy M. Meacham
Notary Public

My Commission Expires:
3-3-2011

[NOTARY SEAL]

530402/cadocs/Amendmt /011411/jps



EXHIBITS "A" THROUGH "E" TO THIS AMENDMENT

INTENTIONALLY OMITTED

EXHIBIT "F"

Maximum Permitted Building Area

<u>Record Plat Slide/Page*</u>	<u>Record Plat Lot No.</u>	<u>Maximum Impervious Area</u>	<u>Water Quality Pond No.</u>
2007/519	198	4,600	N/A
2007/519	197	4,600	N/A
2007/519	196	4,600	N/A
2007/519	195	4,600	N/A
2007/519	194	4,600	N/A
2007/519	193	4,600	N/A
2007/519	192	4,600	N/A
2007/519	191	4,600	N/A
2007/519	190	4,600	N/A
2007/519	189	4,600	N/A
2007/519	188	4,600	N/A
2007/464	86	4,600	N/A
2007/464	85	4,600	N/A
2007/464	84	4,600	N/A
2007/464	83	4,450	3
2007/464	82	4,200	3
2007/464	81	4,200	3
2007/464	80	4,300	3
2007/464	79	4,300	3
2007/464	78	4,300	3
2007/464	77	4,450	3
2007/464	76	4,450	3
2007/464	75	4,300	3
2007/464	74	4,300	N/A
2007/464	73	4,300	N/A
2010/150	72	3,400	N/A
2010/150	71	3,400	N/A
2010/150	70	3,400	N/A
2010/150	69	3,400	N/A
2010/150	68	3,400	N/A
2010/150	442	3,400	N/A
2010/150	443	3,400	N/A
2010/150	444	3,400	N/A
2010/150	15	3,400	N/A
2010/150	14	3,400	N/A
2007/430	13	4,000	5
2007/430	12	4,000	5
2007/430	18	4,300	3

Maximum Permitted Building Area
(continued)

<u>Record Plat Slide/Page*</u>	<u>Record Plat Lot No.</u>	<u>Maximum Impervious Area</u>	<u>Water Quality Pond No.</u>
2007/430	17	4,300	3
2007/430	16	4,300	3
2007/464	92	4,600	3
2007/464	91	4,600	3
2007/464	90	4,600	3
2007/464	89	4,600	3
2007/464	88	4,600	3
2007/464	87	4,600	3
2007/519	208	4,300	1
2007/519	207	4,300	1
2007/519	206	4,300	1
2007/519	205	4,300	1
2007/519	204	4,300	1
2007/519	203	4,300	1
2007/519	202	4,300	1
2007/519	201	4,300	1
2007/519	200	4,300	1
2007/519	199	4,300	1
2010/149	441	4,000	1
2010/149	440	4,000	1
2010/149	214	3,700	1
2010/149	213	3,700	1
2010/149	212	3,700	1
2010/149	211	3,700	1
2010/149	210	3,700	1
2010/149	209	3,700	1
2010/149	439	3,700	3
2010/149	438	3,700	3
2010/149	97	3,700	3
2010/149	96	3,700	3
2010/149	95	3,700	3
2010/149	94	3,700	3
2010/149	93	3,700	3
2010/149	19	3,700	3
2009/175	377	2,400	5
2009/175	376	2,400	5
2009/175	375	2,400	5

Maximum Permitted Building Area
(continued)

<u>Record Plat Slide/Page*</u>	<u>Record Plat Lot No.</u>	<u>Maximum Impervious Area</u>	<u>Water Quality Pond No.</u>
2009/175	374	2,400	5
2009/175	373	2,400	5
2009/175	372	2,400	5
2009/175	371	2,400	5
2009/175	370	2,400	5
2009/175	369	2,400	5
2009/175	368	2,400	5
2009/175	367	2,400	5
2009/175	366	2,400	5
2009/175	365	2,400	5
2009/175	364	2,400	5
2009/175	363	2,400	5
2009/175	362	2,400	5
2009/175	361	2,400	5
2009/175	360	2,400	5
2009/175	359	2,400	5
2009/175	358	2,400	5
2007/430	5	3,700	5
2007/430	6	3,400	5
2007/430	7	3,700	5
2007/430	9	4,500	5
2007/430	10	4,500	5
2007/430	11	8,200	5
2007/430	35	4,100	2
2007/430	34	5,200	2
2007/430	33	4,300	2
2007/430	32	4,000	2
2007/430	31	4,000	2
2007/430	30	4,000	2
2007/430	29	4,000	2
2007/430	28	3,700	2
2007/430	27	3,700	2
2007/430	26	3,700	2
2007/430	25	3,700	2
2007/430	41	4,700	2
2007/430	40	4,000	2
2007/430	39	4,000	2

Maximum Permitted Building Area
(continued)

<u>Record Plat Slide/Page*</u>	<u>Record Plat Lot No.</u>	<u>Maximum Impervious Area</u>	<u>Water Quality Pond No.</u>
2007/430	38	4,000	2
2007/430	37	4,000	2
2007/430	36	4,000	2
2007/430	20	4,600	2
2007/464	98	4,700	1&2
2007/464	99	4,600	1
2007/464	100	4,600	1
2007/464	101	4,600	1
2007/464	102	3,700	1
2007/464	103	3,700	1
2007/464	104	3,700	1
2007/464	105	3,700	1
2007/464	106	3,700	1
2007/464	107	3,700	1
2007/464	108	3,700	2
2007/430	24	4,000	1&2
2007/430	23	4,000	2
2007/430	22	4,000	2
2007/430	21	4,000	2
2007/464	109	3,700	N/A
2007/464	110	3,700	1
2007/464	111	3,700	1
2007/464	112	3,700	1
2007/464	113	3,700	1&2
2007/464	114	3,500	2
2007/464	118	3,700	2
2007/464	117	3,700	2
2007/464	116	3,700	2
2007/464	115	3,900	2
2007/464	131	3,700	2
2007/464	130	3,700	2
2007/464	129	3,700	2
2007/464	128	3,700	2
2007/464	127	3,700	2
2007/464	126	4,300	2
2007/464	125	4,300	2
2007/464	124	4,300	2

EXHIBIT "F"

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Maximum Permitted Building Area
(continued)

<u>Record Plat Slide/Page*</u>	<u>Record Plat Lot No.</u>	<u>Maximum Impervious Area</u>	<u>Water Quality Pond No.</u>
2007/464	123	3,700	2
2007/464	122	3,700	2
2007/464	121	3,700	2
2007/464	120	3,700	2
2007/464	119	3,700	2
2010/152	215	3,700	N/A
2010/152	216	3,700	N/A
2010/152	217	3,700	N/A
2010/152	218	3,700	N/A
2010/152	219	3,700	N/A
2010/152	220	3,700	N/A
2010/152	445	3,700	N/A
2010/152	446	3,700	N/A
2007/464	154	3,700	4
2007/464	153	3,700	4
2007/464	152	3,700	4
2007/464	151	3,700	4
2007/464	150	3,700	4
2007/464	149	3,700	2&4
2007/464	148	3,700	2
2007/464	147	3,700	2
2007/464	146	3,700	2
2007/464	145	3,700	2
2007/464	144	3,700	2
2007/464	143	3,700	2
2007/464	142	3,600	2
2007/464	141	3,400	2
2007/464	140	3,400	2
2007/464	139	3,400	2
2007/464	138	3,400	2
2007/464	137	3,400	2
2007/519	257	3,400	4
2007/519	256	3,400	4
2007/519	255	3,400	4
2007/519	254	3,400	4
2007/519	253	3,400	4
2007/519	252	3,400	4

EXHIBIT "F"

Maximum Permitted Building Area
(continued)

<u>Record Plat Slide/Page*</u>	<u>Record Plat Lot No.</u>	<u>Maximum Impervious Area</u>	<u>Water Quality Pond No.</u>
2007/519	251	3,400	4
2007/519	250	3,400	4
2007/519	249	3,400	4
2007/519	248	3,400	4
2007/519	247	3,400	4
2007/519	246	3,400	4
2010/152	452	2,300	4
2010/152	451	2,300	4
2010/152	450	2,200	4
2010/152	449	2,200	4
2010/152	448	2,100	4
2010/152	447	1,900	4
2010/152	160	1,900	4
2010/152	159	2,100	4
2010/152	158	2,300	4
2010/152	157	2,400	4
2010/152	156	2,300	4
2010/152	155	2,200	4
2007/519	221	4,000	N/A
2007/519	222	4,000	N/A
2007/519	223	4,000	N/A
2007/519	224	4,300	N/A
2007/519	225	4,300	N/A
2007/519	226	4,300	N/A
2007/519	227	4,300	N/A
2007/519	228	4,300	N/A
2007/519	229	4,300	N/A
2007/519	230	4,300	N/A
2007/519	231	4,300	N/A
2007/519	232	3,300	4
2007/519	233	3,700	4
2007/519	234	3,700	4
2007/519	235	3,700	4
2007/519	236	3,700	4
2007/519	237	3,400	4
2007/519	238	3,400	4
2007/519	239	3,400	4

Maximum Permitted Building Area
(continued)

<u>Record Plat Slide/Page*</u>	<u>Record Plat Lot No.</u>	<u>Maximum Impervious Area</u>	<u>Water Quality Pond No.</u>
2007/519	240	3,400	4
2007/519	241	3,400	4
2007/519	242	3,400	4
2007/519	243	3,400	4
2007/519	244	3,400	4
2007/519	245	3,400	4
2007/464	132	3,400	2
2007/464	133	3,400	2
2007/464	134	3,400	2
2007/464	135	3,400	2
2007/464	136	3,400	2
2007/519	258	3,400	4
2007/519	259	3,400	4
2007/519	260	3,400	4
2007/519	261	3,400	4
2007/519	262	3,800	4
2007/519	263	3,700	4
2007/519	264	3,700	4
2007/519	265	3,200	4
2007/519	266	3,400	4
2007/519	267	3,400	4
2007/519	268	3,400	4
2007/519	269	3,400	4
2007/430	46	3,400	4
2007/430	45	3,400	4
2007/430	44	3,400	2
2007/430	43	3,400	2
2007/430	42	2,900	2
2007/430	66	4,000	2
2007/430	65	3,800	2
2007/430	64	3,500	2
2007/430	63	3,600	2
2007/430	62	4,000	2
2007/430	61	4,000	2
2007/430	60	4,000	2
2007/430	58	3,100	4
2007/430	57	3,100	4

Maximum Permitted Building Area
(continued)

<u>Record Plat Slide/Page*</u>	<u>Record Plat Lot No.</u>	<u>Maximum Impervious Area</u>	<u>Water Quality Pond No.</u>
2007/430	56	2,700	4
2007/430	55	3,100	4
2007/430	54	3,400	4
2007/430	53	3,400	4
2007/430	52	3,500	4
2007/430	51	3,600	4
2007/430	50	3,100	2&4
2007/430	49	3,400	2
2007/430	48	3,400	2
2007/430	47	2,900	2
2007/519	270	3,200	4
2007/519	271	3,700	4
2007/519	272	3,700	4
2007/519	273	3,800	4
2007/519	274	3,700	4
2007/519	275	3,700	4
2007/519	276	3,500	4
2007/519	277	4,100	4
2007/464	167	2,400	4
2007/464	166	3,400	4
2007/464	165	3,800	4
2007/464	164	3,600	4
2007/464	163	3,400	4
2007/464	162	3,600	4
2007/464	161	3,500	4
2007/464	187	3,400	6
2007/464	186	3,400	6
2007/464	185	3,400	6
2007/464	184	2,500	6
2007/464	183	3,400	6
2007/464	182	3,400	6
2007/464	181	3,400	6
2007/430	4	3,400	5&6
2007/430	3	3,400	5&6
2007/430	2	3,400	5&6
2007/430	1	3,400	5&6
2007/519	316	3,400	5&6

Maximum Permitted Building Area
(continued)

<u>Record Plat Slide/Page*</u>	<u>Record Plat Lot No.</u>	<u>Maximum Impervious Area</u>	<u>Water Quality Pond No.</u>
2007/519	296	2,400	5
2007/519	297	2,300	5
2007/519	298	2,300	5
2007/519	299	2,400	5
2007/519	300	2,300	5
2007/519	301	2,400	5
2007/430	59	4,000	2
2007/430	8	4,350	5
2007/519	295	2,800	6
2007/519	294	2,400	6
2007/519	293	2,400	6
2007/519	292	2,400	6
2007/519	291	2,400	6
2007/519	290	2,400	6
2007/519	289	2,400	6
2007/519	288	2,400	6
2007/519	287	2,400	6
2007/519	286	2,400	6
2007/519	285	2,400	6
2007/519	284	2,400	6
2007/519	283	2,400	6
2007/519	282	2,400	6
2007/519	281	2,400	6
2007/519	280	2,400	6
2007/519	279	2,400	6
2007/519	278	2,400	6
2010/151	168	2,400	6&7
2010/151	169	2,400	6
2010/151	170	2,400	6
2010/151	171	2,400	6
2008/334	172	2,400	6
2008/334	173	2,400	6
2010/151	174	2,500	6
2010/151	175	2,500	6
2007/464	176	2,400	6
2007/464	177	2,400	6
2007/464	178	2,500	6

EXHIBIT "F"

Maximum Permitted Building Area
(continued)

<u>Record Plat Slide/Page*</u>	<u>Record Plat Lot No.</u>	<u>Maximum Impervious Area</u>	<u>Water Quality Pond No.</u>
2007/464	179	2,500	6
2007/464	180	2,500	6
2007/519	302	2,400	5
2007/519	303	2,400	5
2007/519	304	2,400	5
2007/519	305	2,400	5
2007/519	306	2,400	5
2007/519	307	2,400	5
2007/519	308	2,500	5

Declarant reserves the right to amend this Exhibit "F" from time to time to include additional lots and/or to modify the maximum impervious area allocated to any lot so long as the total maximum impervious area allocated to all lots served by the same storm water management facility does not exceed that permitted by the Water Quality Certification.

**As such plat may be revised or amended*