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Granville County, NC  
Kathy M. Adcock Reg of Deeds  
BK **1461** PG **728-730**

PREPARED BY AND MAIL TO: WARREN SHACKLEFORD, ATTORNEYS P.L.L.C.  
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NORTH CAROLINA

**SUPPLEMENTAL DECLARATION TO SUBJECT  
ADDITIONAL PROPERTY TO THE  
DECLARATION OF COVENANTS, CONDITIONS  
AND RESTRICTIONS FOR THE PRESERVE AT  
SMITH CREEK**

GRANVILLE COUNTY

THIS SUPPLEMENTAL DECLARATION TO SUBJECT ADDITIONAL PROPERTY TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE PRESERVE AT SMITH CREEK is entered into this 26 day of February, 2013, by GARNER ROAD ASSOCIATES, LLC, a North Carolina limited liability company and by SUMNER CONSTRUCTION, INC., a North Carolina corporation, together hereinafter referred to as "DECLARANT";

WITNESSETH:

WHEREAS, DECLARANT, subjected certain real property to the provisions of the Declaration of Covenants, Conditions and Restrictions for the Preserve at Smith Creek as recorded in Book 1113, Page 379, Granville County Registry and Book 1187, Page 671, Granville County Registry and amended in Book 1218, Page 938, Granville County Registry, and by other documents recorded in Granville County Registry, (hereinafter collectively referred to as "Declaration"); and

WHEREAS, DECLARANT, reserved in Article II of the Declaration of Covenants, Conditions and Restrictions for the Preserve At Smith Creek in Book 1113, Page 379 and Book 1187, Page 671, entitled "Property Rights", the right to subject other real property to the Declaration and to bring such additional property within the jurisdiction of the Association without the consent of other members by filing a Supplemental Declaration in the Granville County, North Carolina registry; and,

WHEREAS, DECLARANT, wishes to subject other real property to the Declaration;

NOW THEREFORE, the Declarant, pursuant to the authority granted in the Declaration, hereby declares that

All of Lots 94 through 133 as shown on plat entitled "The Preserve at Smith Creek,

Phase 3-B", which is recorded in Plat Book 41, Page 121, Granville County Registry and that 0.922 acre lot shown as Lot 194 on plat recorded in Plat Book 40, Page 156, Granville County Registry shall be subject to the Declaration recited above, with the following exception.

Article IV entitled "Easements" shall be amended as follows:

- a. The first sentence of Section 9 which is stated below shall be omitted:  
Date of commencement of annual assessments: The annual assessments provided for herein shall commence as to all lots on the first day of the month following the conveyance of the Common Area.
- b. Replacing the first sentence in Section 9 shall be the following sentence:  
Date of commencement of annual assessments: The annual assessments provided for herein shall commence as to all lots on the first day of the month following month that a Certificate of Occupancy is issued for a residential dwelling on a lot.

IN WITNESS WHEREOF, the undersigned, being the DECLARANT herein, has signed and sealed this instrument the 26th day of February, 2013.

GARNER ROAD ASSOCIATES, LLC

BY: R. Wayne Bailey  
Member/Manager

SUMNER CONSTRUCTION, INC.

BY: [Signature]  
President

NORTH CAROLINA  
WAKE COUNTY

I, Carole Findley, a Notary Public for said County and State, do hereby certify that R. Wayne Bailey personally came before me this day and acknowledged that he is Member/Manager of **GARNER ROAD ASSOCIATES, LLC**, a North Carolina limited liability company and that by authority duly given, and as the act of the corporation on behalf of the limited liability company, the foregoing instrument was signed in its name by its Member/Manager.

Witness my hand and official stamp or seal, this the 26th day of February, 2013

My Commission Expires: 11/14/2015

Carole Findley  
Notary Public

Notary Public

NORTH CAROLINA  
WAKE COUNTY

I, Carole Findley, a Notary Public for said County and State, do hereby certify that Bobby Sumner personally came before me this day and acknowledged that he is President of **SUMNER CONSTRUCTION COMPANY, INC.**, a North Carolina corporation, and that by authority duly given and as an act of the corporation, the foregoing instrument was signed in its name by its President.

Witness my hand and official stamp or seal, this 26th day of February, 2013.

My Commission Expires: 11/14/2015

Carole Findley  
Notary Public