

STATE OF NORTH CAROLINA

COUNTY OF UNION

**AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
OF
MAGNOLIA RIDGE SUBDIVISION**

This Amendment to Declaration of Covenants, Conditions and Restrictions of Magnolia Ridge Subdivision is made as of this _____ day of _____, 2006, by Magnolia Ridge Homeowners Association, Inc., referred to as the "HOA", and being the successor to Waxhaw Development Group I, a North Carolina limited partnership, in the common areas of Magnolia Ridge Subdivision by deed dated January 15, 2002 and recorded in Book 1735 at Page 778, and any and all persons, firms, or corporations hereinafter acquiring any of the within described property or any of the property hereinafter made subject to this Declaration, and the persons, firms, or corporations that heretofore have acquired property that has been made subject to the Declaration.

WITNESSETH

WHEREAS, the HOA is the governing association and body politic of the homeowners of Magnolia Ridge Subdivision (the "Subdivision"), portions of which are shown and described on the following plats recorded in the Union County Public Registry (the "Registry"): Plat Cabinet E, Files 777,778 and 779, to which reference is hereby made for a more thorough and complete description of such property; and

WHEREAS, the HOA has the authority to impose certain covenants, conditions and restrictions upon the Subdivision by and through Article III of the Declaration of Covenants, Conditions and Restrictions of Magnolia Ridge dated the 20th day of August, 1997 and being recorded in the Registry in Book 1003 at Page 25 (the "Declaration"); and

WHEREAS, the HOA and a at least 75% of the Lot Owners voting at a duly called meeting of the Lot Owners at which a quorum was present and acting throughout, have decided that it is appropriate to amend the Declaration as hereinafter set forth;

NOW, THEREFORE, in accordance with the above recitals, which by this reference are made a substantive part hereof, HOA, by a 75% or greater vote of the Lot Owners, and upon execution and recordation of this Amendment, declare that all of the property described on said plats of the Subdivision and all of the property hereafter made subject to this Declaration, by recorded amendments or supplements, shall be held, purchased, sold and conveyed subject to the Declaration as hereby amended, and that the Declaration as hereby amended shall run with said real property and be binding on the heirs, successors and assigns having any right, title or interest in the properties now or hereafter made subject to the Declarations as hereby amended, and that such shall run with the land.

A M E N D M E N T S

1. Article 5(b) of the Declaration is hereby amended to read, after amendment, as follows:

Dwelling Area. *Each single family dwelling constructed after April 26, 2006 shall have an enclosed, heated living area of the main structure, exclusive of open porches, garages, and other unheated spaces, of not less than one thousand eight hundred (1,800) square feet.*

2. Article 5(c) of the Declaration is hereby amended to read, after amendment, as follows:

Garages. *Garages are required for any new home construction after April 26, 2006. Such garages shall have an exterior of similar materials as the primary residence. All driveways shall be constructed either of concrete, asphalt or other decorative type of material as approved by the HOA.*

3. Article 5(d) of the Declaration is hereby amended to read, after amendment, as follows:

Fences and Walls. *No chain link fences are permitted. Wood picket, brick, stone, stucco and split rail wood fences (with animal control wire on the interior side of such split rail fences) are permitted, provided the maximum height shall be six (6) feet above ground, and no fences shall be permitted between the mid-point of the side elevations of each residence and the street fronting each such residence. All fence construction shall be first approved in writing by the Architectural Committee.*

4. Article 5(f) of the Declaration is hereby amended to read, after amendment, as follows:

New Construction. *Construction of new residential buildings only shall be permitted, it being the intent of this covenant to prohibit the moving of any existing building or portion*

thereof on a lot and remodeling or converting the same into a dwelling unit in this subdivision. Any structure exceeding six (6) feet in height must be approved by the Architectural Committee.

5. Article 5(l) of the Declaration is hereby amended to read, after amendment, as follows:

Outside Clotheslines and Satellite Dishes. Outside clotheslines shall be permitted if not visible from the street. No satellite dishes in excess of 25 inches in diameter shall be permitted.

6. Article 5(n) of the Declaration is hereby amended to read, after amendment, as follows:

Signs. No signs of any description shall be displayed upon any lot with the exception of Sales signs.

7. A new Article 5 (p) of the Declaration is hereby published and declared, as follows:

Rental Properties. No residences may be purchased for the sole purpose of being rental units. Current residents will retain their right to rent their personal home, but must notify the Homeowners Association of their intentions. The current property owner would be responsible for maintaining the property to meet community standards.

8. A new Article 5 (q) of the Declaration is hereby published and declared, as follows:

On Street Parking. Vehicle parking is allowed in garages and driveways only. On street parking will not be permitted except for temporary instances and for guests. (24 hour temporary parking for residents).

[SIGNATURES APPEAR ON FOLLOWING PAGE]

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IN WITNESS WHEREOF, the HOA has caused this Amendment to the Declaration of Covenants, Conditions and Restrictions of the Magnolia Ridge to be executed this 20 day of June, 2006.

Magnolia Ridge Homeowners Association, Inc.

By: [Signature]
Robert Brown, President

ATTEST:

[Signature]
Paul Sherwood, Corporate Secretary



STATE OF NORTH CAROLINA

COUNTY OF UNION

I, Victor K. Breece, a Notary Public of the county and state aforesaid, certify that Paul Sherwood personally came before me this day and acknowledged that he is the secretary of Magnolia Ridge Homeowners Association, Inc., a North Carolina corporation, and by authority duly given and as the act of the corporation, this instrument was signed by the corporation's President, sealed with the corporation's corporate seal and attested by him as its Secretary, all being the duly authorized act of the corporation.

Witness my hand and official seal this the 20th day of June, 2006.

[Signature]
Notary Public

My Commission Expires: 9/20/2006