

Prepared by and return to:
Roger W. Knight, P.A.
8510 Six Forks Road, Suite 102
Raleigh, NC 27615

STATE OF NORTH CAROLINA

COUNTY OF WAKE

AMENDMENT TO DECLARATION OF RESTRICTIVE
COVENANTS, CONDITIONS AND RESTRICTIONS FOR
WELLINGTON PARK SUBDIVISION

THIS TENTH AMENDMENT TO DECLARATION OF RESTRICTIVE
COVENANTS, CONDITIONS AND RESTRICTIONS FOR WELLINGTON PARK
SUBDIVISION, made and entered into this 7th day of May, 2021.

WITNESSETH:

WHEREAS, the Declaration for Restrictive Covenants, Conditions and Restrictions for Wellington Park Subdivision was recorded on or about December 30, 1986 in Book 3905, Page 355 of the Wake County Registry, and previously amended by instruments recorded in the Wake County Registry (collectively referred to as the "Declaration"); and

WHEREAS, the lot owners of Wellington Park Subdivision wish to amend certain subparagraphs of Section 1.6 and Section 1.9 of the Declaration; and

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WITNESSETH:

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WHEREAS, the lot owners of Wellington Park Subdivision wish to amend certain subparagraphs of Section 1.6 and Section 1.9 of the Declaration; and

WHEREAS, Article III, Section 3.13 of the Declaration, provides that the Declaration may be amended by the assent of at least two-thirds (2/3) of the owners of the lots within the Subdivision, as shown by the Wake County records; and

WHEREAS, such lot owners, having received the required assent and having such assent certified by the authority of the Board of Directors of Wellington Park Homeowners Association, have supported an Amendment to the Declaration.

NOW THEREFORE, Wellington Park Homeowners Association does hereby declare and set forth as follows:

1. The Declaration of Wellington Park Subdivision is hereby amended to delete the original Sections 1.6(b), 1.6(e), 1.6(j), 1.6(n), 1.6(q), and 1.6(v) under “Uses Specifically Prohibited” and insert the amended corresponding Sections 1.6(b), 1.6(e), 1.6(j), 1.6(n), 1.6(q), and 1.6(v), as follows:

(b) No boat, marine craft, hovercraft, aircraft, recreational vehicle, motorcycle, commercial pick-up truck, camper, travel or other types of trailer, motor home, camper body or similar vehicle or equipment may be parked for storage in the Subdivision, except on such areas as may be designated by the Wellington Park Homeowners Association and subject to such rules and conditions as may be set forth by Wellington Park Homeowners Association. This restriction shall not apply to any vehicle, machinery or equipment temporarily parked (for no more than ten (10) consecutive days) and in use for the construction, maintenance or repair of a residence in the immediate vicinity.

(e) Overnight on street parking is prohibited. No vehicles or similar equipment shall be parked or stored in an area visible from any street except passenger automobiles, vans, motorcycles, pick-up trucks and pick-up trucks with attached bed campers that are in operating condition and have current license plates and inspection stickers and are in use as motor vehicles on the streets and highways of the State of North Carolina. Portable storage and moving units must be approved in advance, by the Board, and shall be parked in the users driveway for a period not to exceed 10 days.

(j) No individual potable water supply system shall be permitted in the Subdivision. Rain barrels shall be placed in such a manner as to not be visible from the street.

(n) No antennas, discs or other equipment for receiving or sending sound or video messages shall be permitted in this Subdivision except antennas for AM or FM radio reception and UHF and VHF television reception. All antennas shall be located inside the attic of the main residential structure; however, nothing in this subparagraph shall restrict the use or mounting of satellite dishes to the extent such is protected by federal law.

(q) Generally outbuildings of any nature are not allowed, however structures such as but not limited to dog houses, sheds, storage buildings, or children's play houses, regardless of whether assembled on site or pre-fabricated, may be allowed and must be submitted to the architectural committee for approval prior to installation. Any such structure must be less than 100 sq. feet in area, and be located so as to not to be visible by a person standing on any adjacent street.

(v) Except within fireplaces in the main residential dwelling and except for outdoor cooking and firepits, no burning of anything shall be permitted within the Subdivision. Firepits must have a device to prevent any flying debris and must conform with Town of Cary regulations.

2. The Declaration of Wellington Park Subdivision is hereby further amended to delete the original Section 1.9 entitled "Fences and Walls" and insert the amended corresponding Section 1.9 as follows:

Section 1.9. Fences and Walls. Any fence or wall must be constructed of stained, oiled or painted wood, or similar looking material, and according to specifications provided by the Committee. Chain link fences are not permitted. No portion of any fence shall extend beyond six (6) feet in height. A to-scale drawing and elevation of the fence or wall must be provided to the Committee for its approval. No fence or wall shall be permitted to extend more than three (3) feet closer to the street in front of the residence than the A/C unit and a comparable distance on the other side of the residence. Fence or walls on the side or back of the residence must be placed at least fifteen (15) feet from any street. Existing or erected walls or fences shall become the property of the owner of the lot on which the same are erected and, as such, shall be maintained and repaired by such owner as provided in Article III. All Committee approvals shall be documented, and a running list compiled and passed from each Secretary to its successor.

3. This Amendment is effective as of the date of recording with the Office of the Wake County Register of Deeds.

4. Except as amended herein, the Declaration shall remain in full force and effect.

End of Page; Execution Pages Follow

WELLINGTON PARK HOMEOWNERS ASSOCIATION

By: Nora C. Roehm

President

Print Name: Nora C. Roehm

ATTEST:

Adam Powell

Secretary

STATE OF NORTH CAROLINA

COUNTY OF Wake

I, the undersigned, a Notary Public in and for said State and County, do hereby certify that Adam Powell personally appeared before me this day and acknowledged that he or she is the Secretary of Wellington Park Homeowners Association, a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, and attested by himself/herself as its Secretary.

Witness my hand and notarial seal this the 7th day of May, 2021.

Troy K. Weisner

Notary Public

My Commission Expires: 11/20/2023

