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Register of Deeds, Orange Co., NC  
Recording Fee: \$41.00  
NC Real Estate TX: \$.00 *SWB*

Prepared By and Return To:  
William D. Bernard  
Brown & Bunch, PLLC  
101 North Columbia Street  
Chapel Hill, NC 27514

PIN 9887-85-5313 9897-04-5214  
9887-85-0620 9887-72-3856  
9897-27-9426 9887-95-6164  
9887-85-9548 9887-86-5012  
9887-93-3457 9897-06-3538  
9887-83-8702 9887-84-3497  
9887-83-2446 *JA*

**THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS,  
RESTRICTIONS AND EASEMENTS FOR PLEASANT GREEN FARMS**

**THIS THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR PLEASANT GREEN FARMS** ("Amendment") is made and executed effective as of the 20<sup>th</sup> day of FEBRUARY, 2009, by **PLEASANT GREEN LAND DEVELOPMENT CO.**, a North Carolina corporation, 1000 Corporate Drive, Suite 109, Hillsborough, North Carolina 27278 ("Declarant"); **STEPHEN ARVAD FRASHER** and wife, **SANDRA SPENCER FRASHER**, 3641 Mathers Avenue, West Vancouver, British Columbia V7V 2K8 (collectively the "Frashers"); **WILLAM R. PETERS** ("Peters") and spouse, **MARIA DEL PILAR LOTERO** (also known as Maria D. Montoya) ("Lotero"), 105 Edgehill Place, Chapel Hill, North Carolina 27516; **JEFFREY J. RUSSELL** and wife, **GWYN M. RUSSELL**, 4041 Pleasant Green Road, Durham, North Carolina 27705 (collectively the "Russells"); **DRAYTON T. VIRKLER** and spouse, **LAURA HORTON VIRKLER**, 4500 Schley Road, Hillsborough, North Carolina 27278 (collectively the "Virklers"); and **PLEASANT GREEN FARMS HOMEOWNERS ASSOCIATION, INC.**, a North Carolina nonprofit corporation, 1000 Corporate Drive, Suite 109, Hillsborough, North Carolina 27278 (the "Association").

**WITNESSETH THAT:**

**WHEREAS**, Declarant and the Virkler have made and executed that certain Declaration of Covenants, Conditions, Restrictions and Easements for Pleasant Green Farms recorded in Book 4211, Page 290, Orange County Registry; that certain First Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for Pleasant Green Farms recorded in Book 4272, Page 570, Orange County Registry; and that certain Second Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for Pleasant Green Farms recorded in Book 4564, Page 301, Orange County Registry (collectively the "Declaration"); and



**WHEREAS**, Declarant, the Frashers, Peters, Lotero, the Russells and the Virklers constitute the Owners of all of the Lots; and

**WHEREAS**, Declarant, the Frashers, Peters, Lotero, the Russells and the Virklers desire to further amend and/or modify the Declaration as provided below; and

**WHEREAS**, the Association has joined in the execution of this Amendment for the limited purpose stated below.

**NOW, THEREFORE**, Declarant, the Frashers, Peters, Lotero, the Russells and the Virklers hereby amend, modify and/or supplement the Declaration as follows:

**Section 1.01(h)** of the Declaration shall henceforth provide as follows:

(hh) "Subdivision Plat" shall mean that certain plat of survey recorded in the Office of the Register of Deeds of Orange County, North Carolina in Plat Book 100, Pages 188 and 189, Orange County Registry, as amended, modified and/or supplemented by those certain plats of survey recorded in Plat Book 101, Pages 64 and 65, Plat Book 101, Pages 134 and 135, Plat Book 101, Pages 150 and 151, Plat Book 102, Pages 69 and 70, Orange County Registry, and as hereafter amended, modified and/or supplemented from time to time.

**ARTICLE IV** of the Declaration is hereby supplemented by adding thereto the following **Section 4.19**:

**Section 4.19. Removal of Trees.** Except to the limited extent required for the construction, maintenance, repair, replacement and/or safety of any Building, Private Road, Trail or other Improvement contemplated by this Declaration, or to reasonably provide for the health and/or safety of any Person using any such Building, Private Road, Trail or other Improvement, no living tree greater than twenty (20) feet in height or six (6) inches in diameter (as measured twelve (12) inches from ground level), shall be cut or removed from any Lot or Common Area for the purpose of creating any pasture or other open area, or for any other purpose, without the prior written consent of the Declarant during the Period of Declarant Control or, thereafter, the Architectural Review Board.

**Section 5.05** of the Declaration shall henceforth provide as follows:

**Section 5.05 Minimum Square Footage.** The heated area of the main structure (exclusive of basements, porches, garages and storage areas) of any single family residential structure (exclusive of any guest house) located on any Lot shall be not less than three thousand five hundred (3,500) square feet, regardless of the number of floors of heated living area.

**Section 11.05(b)** of the Declaration shall henceforth provide as follows:

(b) Attach to the amendment a certification as to its validity, which certification shall be executed by the Association in the same manner that deeds are executed. The following form of certification is suggested:



CERTIFICATION OF VALIDITY OF AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR PLEASANT GREEN FARMS

By authority of its Board of Directors, the Pleasant Green Farms Homeowners Association, Inc. hereby certifies that the foregoing instrument has been duly approved by the Owners of \_\_\_\_\_ percent of the Lots in Pleasant Green Farms and is, therefore, a valid amendment to the Declaration of Covenants, Conditions, Restrictions and Easements for Pleasant Green Farms.

This the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

PLEASANT GREEN FARMS HOMEOWNERS ASSOCIATION, INC., a North Carolina nonprofit corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Except to the limited extent expressly amended and/or modified above, all of the terms, covenants, conditions, restrictions and easements contained in the Declaration shall remain in full force and effect.

The Association joins in the execution of this Amendment for the limited purpose of rendering the following certification:

By authority of its Board of Directors, Pleasant Green Farms Homeowners Association, Inc. hereby certifies that this Amendment has been duly approved by the Owners to which at least sixty-seven percent (67%) of the Association's Class A membership votes are allocated, and the Declarant, and is, therefore, a valid amendment to the Declaration.

**IN WITNESS WHEREOF**, Declarant, the Frashers, Peters, Lotero, the Russells the Virklers and the Association have each caused this Declaration to be duly executed as of the day and year first above written.

**[SIGNATURES BEGIN ON NEXT PAGE]**



**PLEASANT GREEN LAND DEVELOPMENT CO.**, a North Carolina corporation

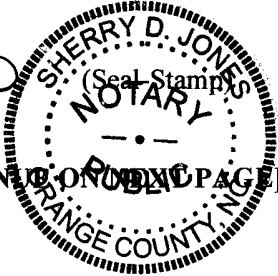
By: *George A. Horton III* (SEAL)  
George A. Horton, III, President

STATE OF NORTH CAROLINA  
COUNTY OF Orange

I, Sherry D. Jones, a Notary Public in and for said county and State, do hereby certify that George A. Horton, III, the President of **PLEASANT GREEN LAND DEVELOPMENT CO.**, a North Carolina corporation, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing instrument for and as the act of the corporation for the purposes therein expressed. Witness my hand and notarial seal this 30 day of March, 2009.

*Sherry D. Jones*  
Notary Public  
Sherry D. Jones  
Printed or Typed Name of Notary Public

My Commission expires: 5/20/2010



[SIGNATURES CONTINUED ON REVERSE PAGE]



Stephen Arvad Frasher

(SEAL)

Stephen Arvad Frasher

Sandra Spencer Frasher

(SEAL)

Sandra Spencer Frasher

STATE OF NORTH CAROLINA  
COUNTY OF DURHAM

I, KIERAN K. GUNNIGLE, a Notary Public in and for said county and State, do hereby certify that Stephen Arvad Frasher personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing instrument for the purposes therein expressed. Witness my hand and notarial seal this 20<sup>th</sup> day of FEBRUARY, 2009.

**KIERAN K. GUNNIGLE**  
Notary Public  
Orange County, NC  
My Commission Expires May 3, 2011

Kieran K. Gunnigle  
Notary Public  
KIERAN K. GUNNIGLE  
Printed or Typed Name of Notary Public

My Commission expires: MAY 3, 2011

(Seal-Stamp)

STATE OF NORTH CAROLINA  
COUNTY OF DURHAM

I, KIERAN K. GUNNIGLE, a Notary Public in and for said county and State, do hereby certify that Sandra Spencer Frasher personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing instrument for the purposes therein expressed. Witness my hand and notarial seal this 20<sup>th</sup> day of FEBRUARY, 2009.

**KIERAN K. GUNNIGLE**  
Notary Public  
Orange County, NC  
My Commission Expires May 3, 2011

Kieran K. Gunnigle  
Notary Public  
KIERAN K. GUNNIGLE  
Printed or Typed Name of Notary Public

My Commission expires: MAY 3, 2011

(Seal-Stamp)

[SIGNATURES CONTINUE ON NEXT PAGE]



[Signature] (SEAL)  
William R. Peters

[Signature] (SEAL)  
Maria Del Pilar Lotero (also known as Maria D. Montoya)

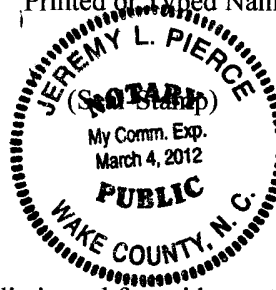
STATE OF NC  
COUNTY OF Orange

I, Jeremy L. Pierce, a Notary Public in and for said county and State, do hereby certify that William R. Peters personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing instrument for the purposes therein expressed. Witness my hand and notarial seal this 19<sup>th</sup> day of March, 2009.

[Signature]  
Notary Public

Jeremy L. Pierce  
Printed or Typed Name of Notary Public

My Commission expires: March 4<sup>th</sup>, 2012



STATE OF NC  
COUNTY OF Orange

I, Jeremy L. Pierce, a Notary Public in and for said county and State, do hereby certify that Maria Del Pilar Lotero (also known as Maria D. Montoya) personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing instrument for the purposes therein expressed. Witness my hand and notarial seal this 19<sup>th</sup> day of March, 2009.

[Signature]  
Notary Public

Jeremy L. Pierce  
Printed or Typed Name of Notary Public

My Commission expires: March 4<sup>th</sup>, 2012



[SIGNATURES CONTINUE ON NEXT PAGE]



Jeffrey J. Russell (SEAL)

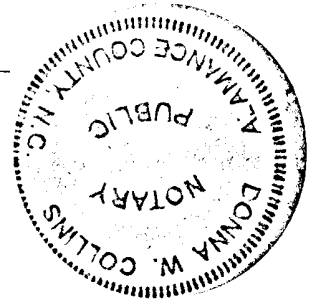
Gwyn M. Russell (SEAL)

STATE OF North Carolina  
COUNTY OF Orange

I, Donna W. Collins, a Notary Public in and for said county and State, do hereby certify that Jeffrey J. Russell personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing instrument for the purposes therein expressed. Witness my hand and notarial seal this 20<sup>th</sup> day of March, 2009.

Donna W. Collins  
Notary Public

Donna W. Collins  
Printed or Typed Name of Notary Public



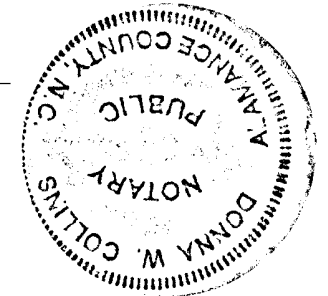
My Commission expires: My Commission Expires 2-18-2012. (Seal-Stamp)

STATE OF North Carolina  
COUNTY OF Orange

I, Donna W. Collins, a Notary Public in and for said county and State, do hereby certify that Gwyn M. Russell personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing instrument for the purposes therein expressed. Witness my hand and notarial seal this 20<sup>th</sup> day of MARCH, 2009.

Donna W. Collins  
Notary Public

Donna W. Collins  
Printed or Typed Name of Notary Public



My Commission expires: My Commission Expires 2-18-2012. (Seal-Stamp)

[SIGNATURES CONTINUE ON NEXT PAGE]



[Handwritten Signature]  
(sign)

DRAYTON T. VIRKLER  
(print)

North Carolina

Durham County

I, September D. Oakley, a Notary Public for said County and State,

do hereby certify that Drayton T. Virkler

personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

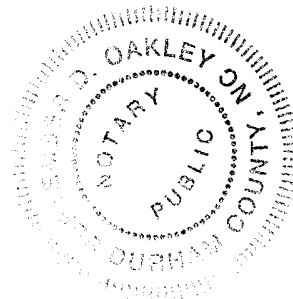
Witness my hand and official seal, this the

24<sup>th</sup> day of March, 2009.

September D. Oakley  
Notary Public

My commission expires June 8, 2010, 20  

[SIGNATURES CONTINUE ON NEXT PAGE]





[Signature] (SEAL)  
Drayton Timms Virkler

[Signature] (SEAL)  
Laura Horton Virkler

STATE OF NORTH CAROLINA  
COUNTY OF \_\_\_\_\_

I, Drayton Timms Virkler, a Notary Public in and for said county and State, do hereby certify that Drayton Timms Virkler personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing instrument for the purposes therein expressed. Witness my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Printed or Typed Name of Notary Public

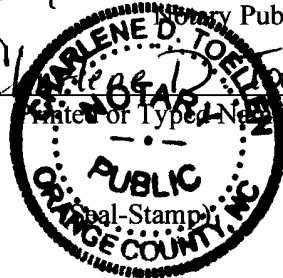
My Commission expires: \_\_\_\_\_ (Seal-Stamp)

STATE OF NORTH CAROLINA  
COUNTY OF Orange

I, Charlene D. Toellen, a Notary Public in and for said county and State, do hereby certify that Laura Horton Virkler personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing instrument for the purposes therein expressed. Witness my hand and notarial seal this 23rd day of March, 2009.

[Signature]  
Notary Public

[Signature]  
Printed or Typed Name of Notary Public



My Commission expires: 2/23/2010

[SIGNATURES CONTINUE ON NEXT PAGE]



**PLEASANT GREEN FARMS HOMEOWNERS ASSOCIATION, INC.**, a North Carolina nonprofit corporation

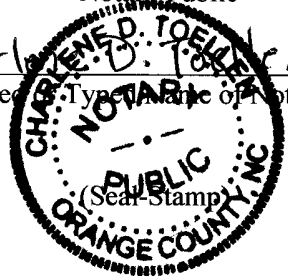
By: George A. Horton III (SEAL)  
Name: George A. Horton III  
Title: President

STATE OF NORTH CAROLINA  
COUNTY OF Orange

I, Charlene D. Toellen, a Notary Public in and for said county and State, do hereby certify that George A. Horton III, the President of **PLEASANT GREEN FARMS HOMEOWNERS ASSOCIATION, INC.**, a North Carolina nonprofit corporation, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing instrument for and as the act of the nonprofit corporation for the purposes therein expressed. Witness my hand and notarial seal this 7<sup>th</sup> day of April, 2009.

Charlene D. Toellen  
Notary Public

Charlene D. Toellen  
Printed Name of Notary Public



My Commission expires: 2/23/2010

[SIGNATURE PAGES CONCLUDE]