

Prepared by:  
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Recorded in Register of Deeds  
Mecklenburg County, NC  
June 17, 2002  
Book 13704, Page 80 - 83

Return to:  
Douglas L. Boone  
Boone Communities  
P.O. Box 339  
Davidson, North Carolina 28036

Cross Reference:

Deed Book 11326  
Page 875

**THIRD AMENDMENT TO THE COVENANT FOR  
THE NEW NEIGHBORHOOD AROUND ST. ALBAN'S SQUARE IN  
DAVIDSON, NORTH CAROLINA**

THIS AMENDMENT is made as of the date set forth below by BOONEcommunities/Davidson, L.L.C., a North Carolina limited liability company ("Founder").

WHEREAS, on June 1, 2000, Founder recorded The Covenant for The New Neighborhood Around St. Alban's Square in Davidson, North Carolina in Deed Book 11326, Page 875 *et seq.*, in the office of the Register of Deeds of Mecklenburg County, North Carolina, ("Covenant"); and

WHEREAS, pursuant to the terms Section 20.1 of the Covenant, so long as the Class "B" membership exists the Class "B" Member may unilaterally amend the Covenant for any purpose provided the amendment has no materially adverse effect upon the rights of the Members; and

WHEREAS, the Founder desires to amend the Covenant; and

WHEREAS, pursuant to the terms of the Covenant the Founder is the Class "B" Member;  
and

WHEREAS, the Class "B" membership still exists; and

WHEREAS, the proposed amendment does not have a material adverse effect on the rights of the Members.

NOW, THEREFORE: pursuant to the powers retained by Founder under the Covenant, Founder hereby amends the Covenant as follows:

The definition of "Limited Common Area" contained in Article III makes reference to "Article XII." The reference is changed to "Article XIII" and in all other respects the definition shall remain the same.

A new sentence is inserted into Section 4.5(a) between the second and third sentence of that section which shall state as follows:

The limited business activities that may be conducted within a "Live/Work Unit" shall include, but not be limited to, all activities permitted for "Live/Work" and "Workplace" buildings as provided in the Davidson Planning Ordinance for the Town of Davidson.

Paragraph Number 2 of Exhibit "A" to the Covenant is amended by striking that paragraph in its entirety and inserting the following provision in its place:

Peer Group Designation: Live/Work  
Limited Common Area Designation : None

ALL THAT TRACT OR PARCEL OF LAND lying and being in Deweese Township, Mecklenburg County, North Carolina, including Lots 89 and 239 as shown and more particularly described on that recorded Final Plat of a New Neighborhood in Old Davidson – Phase 1, Map 2, prepared by Mitcham & Associates, P.A., containing the seal of Jeffrey C. Allen, which plat was recorded with the Mecklenburg County, North Carolina Register of Deeds on June 7, 2002, in Map Book 37, Page 647, and Lot 240 as shown and more particularly described on that recorded Final Plat of a New Neighborhood in Old Davidson – Phase 1, Map 2, prepared by Mitcham & Associates, P.A., containing the seal of Jeffrey C. Allen, which plat was recorded with the Mecklenburg County, North Carolina Register of Deeds on June 7, 2002, in Map Book 37, Page 645. Such final recorded plats have the metes and bounds set forth therein.

Section 9 under the heading "Live/Work Units" on Exhibit "E" to the Covenant is deleted in its entirety.

**[SIGNATURES ON FOLLOWING PAGE]**

IN WITNESS WHEREOF, Founder has caused this instrument to be executed by its duly authorized representative this 13<sup>th</sup> day of June, 2002.

**FOUNDER:** BOONE*communities*/Davidson, LLC, a North Carolina limited liability company

By: BOONE*communities*, LLC, Manager

By: Signed  
Douglas L. Boone, Manager  
[SEAL]

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I, Theresa M. Frey, a Notary Public of the County and State aforesaid, certify that Douglas L. Boone personally came before me this day and acknowledged that he is Manager of BOONE*communities*, LLC, a North Carolina limited liability company, and that by authority duly given and as the act of the limited liability company, the foregoing instrument was signed, sealed, and delivered in its name by Douglas L. Boone, its Manager.

Witness my hand and official stamp or seal, this 13<sup>th</sup> day of June, 2002.

Signed  
Notary Public  
[NOTARY SEAL]

My Commission Expires:  
August 15, 2006