

FILED FOR REGISTRATION
 SEPTEMBER 10, 2004 3:51 P.M.

 DATE TIME
AND RECORDED IN BOOK 570 PAGE 735
M. BRENT SHOAF, REGISTER OF DEEDS
DAVIE COUNTY, NC
 BY Mallory M. Oldham
 DEPUTY

Drafted By and Return After Recording to:
 Mallory M. Oldham, Bell, Davis & Pitt, P.A.
 100 North Cherry St., Suite 600, Winston-Salem, NC 27101

STATE OF NORTH CAROLINA)
)
 COUNTY OF DAVIE) FOURTH AMENDMENT
) TO DECLARATION OF COVENANTS,
) CONDITIONS AND RESTRICTIONS

THIS FOURTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (the "Fourth Amendment") is made this the 8th day of September, 2004 and is effective as of the 1st day of September 2004 by BR 549, LLC, a North Carolina limited liability company (hereinafter referred to as the "Developer").

RECITALS:

A. Ramey Development Corporation, a North Carolina corporation caused to be recorded a certain Declaration of Covenants, Conditions and Restrictions for Bermuda Run West the same being recorded in Deed Book 204, page 573, Davie County Registry.

B. The Declaration of Covenants, Conditions and Restrictions was amended pursuant to a First Amendment to Declaration of Covenants, Conditions and Restrictions recorded in Book 314, page 150, Davie County Registry; a Second Amendment to Declaration of Covenants, Conditions and Restrictions recorded in Book 347, page 558, Davie County Registry; and a Third Amendment to Declaration of Covenants, Conditions and Restrictions recorded in Book 385, page 865, Davie County Registry.

C. Ramey Development Corporation assigned all of its rights under the Declaration of Covenants, Conditions and Restrictions, as amended, (the "Declaration") to BV West, LLC pursuant to an Assignment of Rights Concerning Restrictions for Bermuda Run West recorded in Book 353, page 259, Davie County Registry and BV West, LLC assigned all of its rights under the Declaration to the Developer pursuant to an Assignment or Rights under Declaration of Covenants, Conditions and Restriction recorded in Book 385, page 875, Davie County Registry.

D. Pursuant to the terms of the Declaration, the Developer has the right to extend, remove, modify or change any restriction, covenant or condition set forth in the Declaration.

E. Developer desires to amend the Declaration as more particularly set forth herein.

NOW, THEREFORE, the Developer hereby modifies the Declaration of Covenants, Conditions and Restrictions recorded in Book 204, page 573, Davie County Registry, as the same has been amended all as more particularly set forth above, to provide as follows:

1. Article VII, Section 1(l) is hereby deleted and substituted in its place is the following:

“Outdoor Recreational Areas. No tennis court, outdoor swimming pool or permanent play equipment such as swing sets and basketball goals may be constructed on any Lot; provided, however, this provision shall not be deemed to prohibit the construction on any Lot of aquatic exercise equipment such as an in-ground lap pool or spa.”

2. Except as expressly set forth herein, the remaining terms of the Declaration shall remain in full force and effect and unaffected hereby.

IN WITNESS WHEREOF, the Developer has executed this Fourth Amendment as of the day and year set forth above.

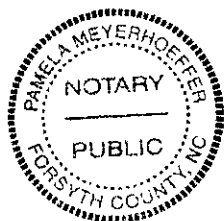
BR 549, LLC

By: Garry L. Merritt
Title: member/manager

STATE OF NORTH CAROLINA - DAVIE COUNTY

I, Pamela Meyerhoeffer, a Notary Public of the County and State aforesaid, certify that Garry L. Merritt personally appeared before me this day and acknowledged that (s)he is the member/manager of **BR 549, LLC**, a North Carolina limited liability company, and that by authority duly given and as the act of the company, the foregoing instrument was signed by him/her as its member/manager. Witness my hand and official stamp or seal, this 8th day of Sept, 2004.

(Stamp/Seal)



Pamela Meyerhoeffer
Notary Public

My Commission expires: 1-19-08

STATE OF NORTH CAROLINA, DAVIE COUNTY

The foregoing certificate of Pamela Weyerhoeffer NP of Forsyth County is certified to be correct. This the 10th day of September, 2004.

#295089

M. BRENT SHOAF REGISTER OF DEEDS BY: Nautilus Smith DEPUTY