

05152

FILED FOR REGISTRATION
OCTOBER 13, 2010 9:44 A.M.
DATE TIME
AND RECORDED IN BOOK 839 PAGE 500
M. BRENT SHOAF, REGISTER OF DEEDS
DAVIE COUNTY, NC
BY Robin L. Vogler
ASSISTANT

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) FIFTH AMENDMENT
) TO DECLARATION OF COVENANTS,
COUNTY OF DAVIE) CONDITIONS AND RESTRICTIONS

THIS FIFTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (the "Fifth Amendment") is made this the 12 day of October, 2010 and is effective as of the 12 day of October 2010 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; a Third Amendment to Declaration of Covenants, Conditions and Restrictions recorded in Book 385, page 865, Davie County Registry; and a Fourth Amendment to Declaration of Covenants, Conditions and Restrictions recorded in Book 570, Page 735, 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(r) is hereby deleted and substituted in its place is the following:

“(r) Signage. Except with respect to any street address or other street address marking approved by ARB, no sign of any kind shall be displayed to the public view on any Lot or Living Unit. Notwithstanding the above, an Owner may display one (1) “for sale” sign on such Owner’s vacant Lot or on such Owner’s Lot on which a Living Unit has been constructed provided that in the case of a Living Unit the sign must be installed facing the street within six feet (6’) of the front of the Living Unit constructed on the Lot. Any such “for sale” sign shall not exceed three feet (3.00’) by four feet (4.00’) in size and shall comply with all applicable zoning and other such land use laws, rules, ordinances and regulations.”

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 Fifth Amendment as of the day and year set forth above.

BR 549, LLC

By: Garry Merritt
Title: Member / Manager

STATE OF NORTH CAROLINA - DAVIE COUNTY

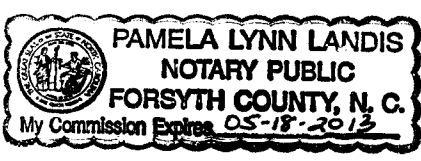
I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated herein and in the capacity indicated: *Garry Merritt, Member/Manager of BR 549, LLC, a North Carolina limited liability company*

Date: October 12, 2010

Pamela Lynn Landis
Official Signature of Notary

(Official Seal)

Pamela Lynn Landis
Notary’s printed or typed name



My commission expires: 05-18-2013