

FILED
CHATHAM COUNTY NC
LUNDAY A. RIGGSBEE
REGISTER OF DEEDS

FILED	Apr 23, 2021
AT	11:36:38 am
BOOK	02208
START PAGE	0550
END PAGE	0553
INSTRUMENT #	06477
EXCISE TAX	(None)

PREPARED BY AND RETURN TO: William B. Aycok II, Schell Bray PLLC, 100 Europa Dr., Suite 271, Chapel Hill, NC 27517 (without title exam)

Note to Registrar: Please file this document under "The Preserves at Haw River" in addition to "Hawthorne at Haw River".

STATE OF NORTH CAROLINA

COUNTY OF CHATHAM

SUPPLEMENTAL DECLARATION TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, EASEMENTS,
CHARGES, AND LIENS FOR HAWTHORNE AT HAW RIVER HOMEOWNERS ASSOCIATION,
INC.

THIS SUPPLEMENTAL DECLARATION (this "**Supplemental Declaration**") is made and entered into as of April 20, 2021, by PRIMO INVESTMENTS, LLC, a North Carolina limited liability company ("**Declarant**").

BACKGROUND STATEMENTS

WHEREAS, Declarant is the Declarant under that certain Declaration of Covenants, Conditions and Restrictions, Easements, Charges, and Liens for The Preserves at Haw River Homeowners Association, Inc., recorded in Book 2033, Pages 960-986, Chatham County Registry, as Supplemented by that certain Supplemental Declaration to Declaration of Covenants, Conditions and Restrictions, Easements, Charges, and Liens for the Preserves At Haw River Homeowners Association, Inc., recorded in Book 2111, Page 844, and that certain First Amendment to Declaration of Covenants, Conditions and Restrictions, Easements, Charges, and Liens for the Preserves At Haw River Homeowners Association, Inc., recorded in Book 2117, Page 1096, all of the Chatham County Registry (collectively, the "**Declaration**");

WHEREAS, Pursuant to its authority under the Declaration, Declarant desires to dedicate new recreational easements for the benefit of the Association, and withdraw certain property from the Declaration, all on the terms and conditions set forth herein.


NOW, THEREFORE, Declarant, by this Supplemental Declaration, does undertake the following:

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1. **Dedication of Easements.** Declarant hereby dedicates as Common Area, for the benefit of the Association and its Members, those two (2) certain easements identified as "Variable Width Recreation & Access Easements" (the "*Recreation Easements*") on that certain plat of survey entitled "Hawthorne at Haw River Tract 4, Easement Modification" by CE Group and bearing the seal of Shane Strickland PLS, dated January 18, 2021 and recorded April ~~21~~, 2021 in Plat Book ~~2021~~, Page ~~122~~ Chatham County Registry, which is incorporated herein by reference for a more particular description of same, for the benefit, use, and enjoyment of the Association, the Owners and their invitees (the "*Benefitted Parties*").
2. **Withdrawal of Property.** Pursuant to its authority under Article IX, Section 7 of the Declaration, Declarant hereby withdraws from the Declaration, but subject to the Recreation Easements, the real property identified on Exhibit "A" attached hereto and incorporated herein by reference (the "*Withdrawn Property*") such that the Withdrawn Property is no longer subject to the Declaration, and is not and shall not be held, transferred, sold, conveyed, occupied or used subject to the covenants, conditions, restrictions and other matters set forth in the Declaration or in any Supplemental Declaration hereafter recorded; and the Withdrawn Property shall not be subject to the jurisdiction, rights and powers of Declarant, the Association, or their successors and assigns **EXCEPT THAT** the owner of the Withdrawn Property, its successors and assigns shall have free and full use of the portions of the Withdrawn Property subject to the Recreation Easements, but such owners shall not interfere with the Benefitted Parties' use of the Recreation Easements as Common Area under the Declaration, including, but not limited to, erecting any obstructions, or permitting any obstructions to be erected, on any portion of the Withdrawn Property subject to the Recreation Easements, that may impair the rights of the Benefitted Parties.
3. **Access Easement not Common Area.** The sixty-foot (60') access and utility easement, identified as "New 60' Access & Utility Easement" (the "*Access Easement*"), as shown on that certain plat of survey entitled "The Preserves at Haw River Lot 8 Exempt Subdivision Plat" dated November 12, 2018, and recorded March 6, 2019 on Plat Book 2019, Page 50 of the Chatham County Registry is not Common Area under the Declaration, and neither the Declarant, nor the Association shall have any obligation to improve or maintain the Access Easement.
4. **No Third-Party Beneficiaries.** Nothing contained herein is intended to make the fee owner of the Withdrawn Property a third-party beneficiary with respect to the terms and conditions of the Covenants, including, but not limited to the Association's obligations for the care and maintenance of Common Areas.
5. **Remedies.** The terms and conditions of this Supplemental Declaration shall be enforceable by actions for specific performance or injunction, in addition to any other remedies available at law or in equity.
6. **Capitalized Terms, Ratification.** All capitalized terms not otherwise defined in this Supplemental Declaration shall have the same meanings as in the Declaration. All covenants, conditions, restrictions, and easements established by and contained in the Declaration shall remain in full force and effect, as supplemented hereby.

IN WITNESS WHEREOF, Declarant has executed this Supplemental Declaration the day, month and year first above written.

PRIMO INVESTMENTS, LLC

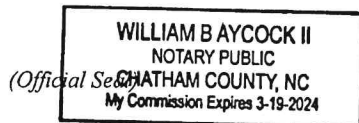
By: 
Name: Antonio McBroom
Title: Manager

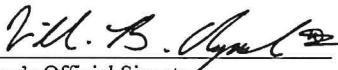
STATE OF NORTH CAROLINA

COUNTY OF CHATHAM

I certify that **Antonio McBroom, Manager of Primo Investments, LLC** personally appeared before me this day, acknowledging to me that he signed the foregoing document in the capacity herein indicated.

WITNESS my hand and official seal, this 20th day of April, 2021.




Notary's Official Signature
William B. Aycock II
Notary's Printed or Typed Name

My commission expires: 3/19/24

Exhibit A
Legal Description

Lying and being situate in Chatham County, North Carolina, and being more particularly described as:

All of Tract #4 as shown on that certain plat of survey entitled "Hawthorne at Haw River Tract 4, Easement Modification" by CE Group and bearing the seal of Shane Strickland PLS, dated January 18, 2021 and recorded April 21, 2021 in Plat Book 2021, Page 22, Chatham County Registry, which is incorporated herein by reference for a more particular description of same.

FILED	Jun 02, 2020
AT	11:42:22 AM
BOOK	02117
START PAGE	1096
END PAGE	1099
INSTRUMENT #	06130
EXCISE TAX	\$0.00

PREPARED BY AND RETURN TO: William B. Aycock II, Schell Bray PLLC, 100 Europa Dr., Suite 271, Chapel Hill, NC 27517 (without title exam)

STATE OF NORTH CAROLINA

COUNTY OF CHATHAM

Note to Registrar: Please index this document under "Preserves at Haw River" and "Hawthorne at Haw River".

FIRST AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, EASEMENTS,
CHARGES, AND LIENS FOR THE PRESERVES AT HAW RIVER HOMEOWNERS
ASSOCIATION, INC.

THIS FIRST AMENDMENT TO DECLARATION (this "**Amendment**") is made and entered into as of April 30, 2020, by PRIMO INVESTMENTS, LLC, a North Carolina limited liability company ("**Declarant**").

BACKGROUND STATEMENTS

WHEREAS, Declarant is the Declarant under that certain Declaration of Covenants, Conditions and Restrictions, Easements, Charges, and Liens for the Preserves At Haw River Homeowners Association, Inc., recorded in Book 2033, Pages 960-986, Chatham County Registry, supplemented by that certain Supplemental Declaration recorded in Book 2111, Page 844-846, Chatham County Registry (collectively, the "**Declaration**");

WHEREAS, pursuant to Article IX, Section 3 of the Declaration, the Declaration may be amended during the first twenty-five year period by an instrument signed by the Owners of not less than eighty percent of the Lots;

WHEREAS, Declarant wishes to change the name of the Development and the corresponding Association from "The Preserves at Haw River" to "Hawthorne at Haw River";

WHEREAS, Declarant and the Association have filed the appropriate paperwork with the Office of the Secretary of State of North Carolina;

Submitted electronically by "Schell Bray PLLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Chatham County Register of Deeds.

WHEREAS, the undersigned constitute one hundred percent of the owners of the Lots subject to the Declaration;

NOW THEREFORE, Declarant, and the Owners wish to amend the Declaration as herein provided.

1. The name of the development is hereby amended to be "HAWTHORNE AT HAW RIVER SUBDIVISION." All references in the Declaration to "The Preserves at Haw River Subdivision," the "Subdivision," or derivatives thereof are hereby amended to refer to "Hawthorne at Haw River Subdivision".
2. The name of the Declaration is hereby amended to be "Declaration of Covenants, Conditions, and Restrictions, Easements, Charges, and Liens for Hawthorne at Haw River Subdivision."
3. "Association" as defined in Paragraph 2 of Article I is hereby amended to mean HAWTHORNE AT HAW RIVER HOMEOWNERS ASSOCIATION, INC., a North Carolina nonprofit corporation, its successors and assigns.
4. Except as otherwise defined in this Amendment, all capitalized terms used in this Amendment shall have the meaning subscribed to them in the Declaration. In the event a capitalized term is defined in both the Declaration and this Amendment, the definitions subscribed to such term in this Amendment shall supersede and replace any previous definition.
5. All other terms and conditions of the Declaration shall remain in full force and effect and unaffected hereby. All capitalized terms not otherwise defined herein, shall have the same meaning as assigned in the Declaration.
6. In the event of any conflicting terms of the Declaration and this Amendment, this Amendment shall be controlling.

Signature continue on the following page.

IN WITNESS WHEREOF, Declarant and Owners join in the execution of this Amendment to evidence their consent hereto.

PRIMO INVESTMENTS, LLC
It its capacity as Declarant and Owner

By: *Antonio McBroom*
Name: Antonio McBroom
Title: CEO

STATE OF NORTH CAROLINA

COUNTY OF CHATHAM

I certify that **Antonio McBroom, Chief Executive Officer of Primo Investments, LLC** personally appeared before me this day, acknowledging to me that he signed the foregoing document in the capacity herein indicated.

WITNESS my hand and official seal, this 30th day of April, 2020.

(Official Seal)



WILLIAM B AYCOCK II NOTARY PUBLIC CHATHAM COUNTY, NC My Commission Expires 3-19-2024

William B. Aycock II
Notary's Official Signature

William B. Aycock II
Notary's Printed or Typed Name

My commission expires: 3/19/2024

IN WITNESS WHEREOF, Declarant and Owners join in the execution of this Amendment to evidence their consent hereto.

OWNER

Seth Maxwell Packham

Aubrey Anne Packham

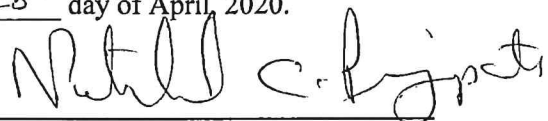
STATE OF NORTH CAROLINA

COUNTY OF Wake

I certify that **Seth Maxwell Packham and Aubrey Anne Packham** personally appeared before me this day, acknowledging to me that he signed the foregoing document.

WITNESS my hand and official seal, this 28th day of April, 2020.





Notary's Official Signature

NATVARLAL C. PRAJAPATI

Notary's Printed or Typed Name

My commission expires: Oct-29, 2020



FILED	May 07, 2020
AT	02:06:45 PM
BOOK	02111
START PAGE	0844
END PAGE	0846
INSTRUMENT #	04986
EXCISE TAX	\$0.00

PREPARED BY AND RETURN TO: William B. Aycock II, Schell Bray PLLC, 100 Europa Dr., Suite 271, Chapel Hill, NC 27517 (without title exam)

STATE OF NORTH CAROLINA

COUNTY OF CHATHAM

SUPPLEMENTAL DECLARATION TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, EASEMENTS,
CHARGES, AND LIENS FOR THE PRESERVES AT HAW RIVER HOMEOWNERS
ASSOCIATION, INC.

THIS SUPPLEMENTAL DECLARATION (this “**Supplemental Declaration**”) is made and entered into as of April 30, 2020, by PRIMO INVESTMENTS, LLC, a North Carolina limited liability company (“**Declarant**”).

BACKGROUND STATEMENTS

WHEREAS, Declarant is the Declarant under that certain Declaration of Covenants, Conditions and Restrictions, Easements, Charges, and Liens for the Preserves At Haw River Homeowners Association, Inc., recorded in Book 2033, Pages 960-986, Chatham County Registry (the “**Declaration**”);

WHEREAS, Declarant is the owner of the real property identified on Exhibit “A” attached hereto and incorporated herein by reference (the “**Additional Property**”);

WHEREAS, pursuant to Article II, Section 2 of the Declaration, Declarant has the right, without the consent of the Members to annex additional, contiguous property into the Preserves at Haw River community (the “**Community**”) and subject it to the Declaration;

WHEREAS, Declarant desires to annex The Additional Property into the Community and subject it to the Declaration.

NOW, THEREFORE, Declarant, by this Supplemental Declaration, does hereby declare that all of the Additional Property is and shall be held, transferred, sold, conveyed, occupied and used subject to the covenants, conditions, restrictions and other matters set forth in the Declaration and in this Supplemental Declaration, and said Declaration and Supplemental Declaration shall be construed as covenants running with the land, which shall be binding on all parties having or acquiring any right, title or interest in the Additional Property, or any part thereof, and which shall inure to the benefit of each submitted electronically by "Schell Bray PLLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Chatham County Register of Deeds.

Owner thereof, for and during the time specified in the Declaration. Every party hereafter acquiring a Lot or portion thereof, or any interest therein, within the Additional Property by acceptance of a deed conveying title thereto or by execution of a contract for the purchase thereof, whether from Declarant or a subsequent Owner of such Lot or interest therein, shall accept such deed or contract subject to each and all of the covenants, conditions, restrictions and other matters set forth in the Declaration and in this Supplemental Declaration, as well as any additions or amendments thereto or hereto, and also subject to the jurisdiction, rights and powers of Declarant, the Association, and their successors and assigns, as set forth herein and in the Declaration. Each grantee of any Lot subject to this Supplemental Declaration, by accepting the deed or contract thereto, shall for such grantee and such grantee's heirs, personal representatives, successors and assigns, be deemed to covenant, consent and agree to and with Declarant, the Association, and with current and successor Owners of other Lots, to keep, observe, comply with and perform the obligations of such grantee under the Declaration, this Supplemental Declaration, and any additions or amendments thereto and hereto.

All capitalized terms not otherwise defined in this Supplemental Declaration shall have the same meanings as in the Declaration. All covenants, conditions, restrictions, and easements established by and contained in the Declaration shall remain in full force and effect, as supplemented hereby.

IN WITNESS WHEREOF, Declarant has executed this Supplemental Declaration the day, month and year first above written.

PRIMO INVESTMENTS, LLC

By: Antonio McBroom
 Name: Antonio McBroom
 Title: CEO

STATE OF NORTH CAROLINA

COUNTY OF CHATHAM

I certify that **Antonio McBroom, Chief Executive Officer of Primo Investments, LLC** personally appeared before me this day, acknowledging to me that he signed the foregoing document in the capacity herein indicated.

WITNESS my hand and official seal, this 30th day of April, 2020.

(Official Seal) **WILLIAM B AYCOCK II**
 NOTARY PUBLIC
 CHATHAM COUNTY, NC
 My Commission Expires 3-19-2024

William B. Aycock II
 Notary's Official Signature

William B. Aycock II
 Notary's Printed or Typed Name

My commission expires: 3/19/24

EXHIBIT "A"
Additional Property

BEING all of that certain lot or parcel of land located in Chatham County, North Carolina and identified as follows:

ALL of Tract 1, containing 20.19 acres, more or less, as identified on that certain plat of survey entitled "A Boundary Survey for Property Owners William Burnette Heirs" Map 2 of 2 by Joseph D. Moore, PLS L- 3210, dated December 17, 2007 and recorded in Book 2009, Page(s) 87-88 in the Chatham County Register of Deeds.

Pursuant to this Supplemental Declaration, the whole of Lots 1, 2, & 3 as shown on that certain plat of survey entitled "The Preserves at Haw River Lots 1, 2, & 3 Exempt Subdivision Plat, Property of Primo Investments, LLC" bearing the seal of Jamie Shane Strickland PLS L-4669, dated February 28, 2019 and recorded in Plat Book 2019, Page 189 are subject to the Declaration, and said plat is incorporated herein by reference.