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INDEXING NOTE TO CLERK'S OFFICE:

Please index in Grantor index under "NASH Wendell Falls, LLC"
Please index in Grantee index under "Wendell Falls," and "Wendell Falls Community Association, Inc."
Please cross-reference to Declaration at Book 15834, Page 1690
Please cross-reference to Amended and Restated Supplemental Declarations at:

Book 17244, Page 1326
Book 17288, Page 2391
Book 17489, Page 0001
Book 17624, Page 2086

STATE OF NORTH CAROLINA

COUNTY OF WAKE

**FIRST AMENDMENT TO FOURTH AMENDED AND RESTATED
SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR**

WENDELL FALLS

(PHASES 5C, 5D, 5E, 5F, AND 8A,
COMMON AREAS #37, #38, #41, #43, #44, #45, #46, #50, #51, #52, #53, #54 AND R/W)

This First Amendment to Fourth Amended and Restated Supplemental Declaration of Covenants, Conditions and Restrictions for Wendell Falls ("**Amendment**") is made by NASH Wendell Falls, LLC, a Delaware limited liability company (the "**Declarant**").

Background Statement

The Declarant is the developer of the planned community located in Wake County, North Carolina known as Wendell Falls. The Declarant executed and filed that certain Declaration of Covenants, Conditions, and Restrictions for Wendell Falls recorded on November 10, 2014 in

Deed Book 15834, Page 1690, *et seq.*, in the Office of the Register of Deeds of Wake County, North Carolina ("**ROD Office**"), which has been amended by that instrument recorded November 29, 2016 at Book 16618, Page 1624, *et seq.* (as it may be amended and supplemented, the "**Declaration**").

Pursuant to Sections 9.1 and 9.3 of the Declaration, the Declarant reserved the right to expand the Wendell Falls residential community by recording one or more Supplemental Declarations submitting to the terms of the Declaration all or any portion of the property described on Exhibit "B" of the Declaration ("**Expansion Property**") and/or imposing on the property described therein additional covenants and easements, with the consent of the owner of such property (if not the Declarant).

The Declarant previously executed and filed that Supplemental Declaration of Covenants, Conditions and Restrictions for Wendell Falls recorded in the ROD Office on February 8, 2018 in Book 17040, Page 769, which was amended and restated by that instrument recorded August 27, 2018 in Book 17225, Pages 1874-1886 and re-recorded September 18, 2018 at Book 17244, Pages 1326-1339, and further amended and restated by that instrument recorded November 8, 2016 at Book 17288, Pages 2391-2402, by that instrument recorded June 27, 2019 at Book 17489, Pages 1-13, and by that instrument recorded October 24, 2019 at Book 17624, Pages 2086-2098 (as amended, the "**Prior Supplement**").

Pursuant to Section 4.1 of the Prior Supplement, the Declarant reserved the right to amend the Prior Supplement for any reason until termination of the Class "B" Control Period (as defined in the Declaration). The Class "B" Control Period has not terminated and the Declarant desires to amend the Prior Supplement: (i) to correct an error in the introductory paragraph thereof; (ii) to reference a correction plat correcting the Phase 8A Plat referenced in Exhibit "A" thereof; and (iii) to correct lot numbers of certain lots assigned to Service Area No. 2 in Exhibit "A" thereof to reference Lots 1041 through 1066 rather than Lots 1061 through 1086.

NOW, THEREFORE, the Declarant hereby amends the Prior Supplement as follows:

1.

The first paragraph of the Prior Supplement is hereby amended by deleting the word "Third" in the first paragraph of that instrument recorded October 24, 2019 at Book 17624, Pages 2086-2098, and replacing it with the word "Fourth".

2.

Exhibit "A" of the Prior Supplement is amended by deleting that exhibit and substituting in its place Exhibit "A" attached to this First Amendment.

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In witness of the foregoing, the Declarant has executed this Amendment on the 1st day of November, 2019.

DECLARANT: NASH WENDELL FALLS, LLC, a Delaware limited liability company

By: [Signature]
Name: Mike Scisciani
Its: Authorized Signatory

STATE OF NORTH CAROLINA)
)
COUNTY OF Wake)

I, Amy L. Kingrea, a Notary Public in and for Durham County, North Carolina, certify that Mike Scisciani personally came before me this day and acknowledged that he is an Authorized Signatory of NASH WENDELL FALLS, LLC, a Delaware limited liability company, and that by authority duly given and as the act of said limited liability company, he executed the foregoing instrument on behalf of said limited liability company.

Witness my hand and official stamp or seal, this 1 day of Nov, 2019.

[Signature]
Notary Public
[NOTARY SEAL]

My Commission Expires:
6/23/2020

530410/cadoos/ 1st Amend-4th A&R Supp Decl - Ph 5C,D,E,F, 8A/110319/jps

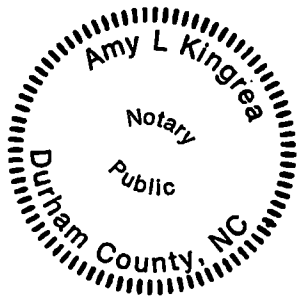


EXHIBIT "A"

Additional Property

Phase 5C:

ALL THOSE TRACTS OR PARCELS OF LAND lying and being in Wake County, North Carolina, and being more particularly described on that certain Final Subdivision, Easement and Right-of-Way Dedication Plat of Wendell Falls Development Phase 5C recorded on February 8, 2018, in Book of Maps 2018, Pages 281-284, in the office of the Register of Deeds of Wake County, North Carolina, as such plat may be revised from time to time (the "**Phase 5C Plat**");

TOGETHER WITH:

Phase 5D:

ALL THOSE TRACTS OR PARCELS OF LAND lying and being in Wake County, North Carolina, and being more particularly described on that certain Final Subdivision, Easement and Right-of-Way Dedication Plat of Wendell Falls Development Phase 5D recorded in the office of the Register of Deeds of Wake County, North Carolina on August 22, 2018, in Book of Maps 2018, Pages 1655-1658, as revised by that correction plat recorded in Book of Maps 2018, Pages 1770 and 1771, and as such plat may be further revised from time to time (the "**Phase 5D Plat**");

TOGETHER WITH:

Phase 5E:

ALL THOSE TRACTS OR PARCELS OF LAND lying and being in Wake County, North Carolina, and being more particularly described on that certain Final Subdivision, Easement and Right-of-Way Dedication Plat of Wendell Falls Development Phase 5E recorded in the office of the Register of Deeds of Wake County, North Carolina on November 8, 2018, in Book of Maps 2018, Pages 2244-2247, as modified by that Correction Plat recorded on November 28, 2018 at Book of Maps 2018, Page 2355 and by that Recombination Plat recorded on December 20, 2018 at Book of Maps 2018, Page 2487, as such plat may be further revised from time to time (the "**Phase 5E Plat**").

TOGETHER WITH:

Phase 5F:

ALL THOSE TRACTS OR PARCELS OF LAND lying and being in Wake County, North Carolina, and being more particularly described on that certain Final Subdivision, Easement and Right-of-Way Dedication Plat of Wendell Falls Development Phase 5F recorded in the office of the Register of Deeds of Wake County, North Carolina on June 27, 2019, in Book of Maps 2019, Pages 1096-1099, as such plat may be revised from time to time ("**Phase 5F Plat**").

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EXHIBIT "B"**Additional Covenants, Restrictions, and Easements**

(continued)

Phase 8A:

ALL THOSE TRACTS OR PARCELS OF LAND lying and being in Wake County, North Carolina, and being more particularly described on that certain Final Subdivision, Easement and Right-of-Way Dedication Plat of WENDELL FALLS DEVELOPMENT PHASE 8A recorded in the office of the Register of Deeds of Wake County, North Carolina on October 23, 2019, in Book of Maps 2019, Pages 1865-1868, as revised by that Correction Plat to Book of Maps 2019, Page 1868 recorded October 28, 2019 at Book of Maps 2019, Page 1914, as such plat may be further revised from time to time ("**Phase 8A Plat**").

Service Area Assignments:

Lots 722 through 732 shown on the Phase 5C Plat and Lots 882 through 891 shown on the Phase 5F Plat are hereby assigned to **Service Area No. 3** (with certain lots in Phase 5B assigned thereto by separate Supplemental Declaration) for the purposes described in Exhibit "B".

Lots 733 through 765 shown on the Phase 5C Plat, Lots 799 through 809 shown on the Phase 5D Plat, Lots 865 through 877 shown on the Phase 5E Plat, and Lots 1041 through 1066 shown on the Phase 8A Plat, are hereby assigned to **Service Area No. 2** (with certain lots in Phase 5A assigned thereto by separate Supplemental Declaration) for the purposes described in Exhibit "B".