

**AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
THE VILLAGE AT TINKER CREEK**

THIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS for THE VILLAGE AT TINKER CREEK, is made this 25th day of May, 2011, by TINKER CREEK DEVELOPERS, LLC, Declarant, and Jeffrey P. JANSSEN, TRUSTEE, of the JANSSEN LIVING TRUST DATED SEPTEMBER 8, 2005, George J. FULK and Wanda L. FULK, Brian S. CLEMMER and Joann M. CLEMMER, and Samuel MURDOCK, JR., parties of the second part.

- WITNESSETH -

WHEREAS, the Declaration of Covenants, Conditions and Restrictions for the Village at Tinker Creek ("the Declaration") was recorded in the Clerk's Office of the Circuit Court of Roanoke County, Virginia, on September 9, 2002, as Instrument # 200217807, and has thereafter been amended by amendments thereto recorded in the aforesaid Clerk's office; and

WHEREAS, Tinker Creek Developers, LLC ("Declarant"), is the developer and Declarant of the Village at Tinker Creek, and was assigned all rights as Declarant by the prior developer and declarant, Star City Developers, Inc., by Assignment dated May 9, 2008, and recorded as Instrument # 20080648; and

WHEREAS, the Declaration provides in Article VI, Section 3, that it may be amended by Declarant as long as it owns a lot within the subject property; and

WHEREAS, Declarant owns lots within the subject property and desires to amend the Declaration as set forth herein; and

WHEREAS, parties of the second part are the owners of Lots within Section 2 of the Village at Tinker Creek.

NOW, THEREFORE, the Declarant hereby amends the Declaration as follows:

1. The lots and parcels of land identified and set forth in that Plat of The Village at Tinker Creek, Section 2, prepared by Parker Design Group dated June 30, 2009, and recorded in the aforesaid Clerk's Office as Instrument # 2009-09319, are

hereby incorporated into The Village at Tinker Creek, and are governed by the Declaration of Covenants, Conditions and Restrictions for The Village at Tinker Creek as previously recorded and amended hereby.

2. Article I, Section 1 is hereby amended and replaced with the following:

Section 1. "Declarant" or "Declarants" shall mean and refer to TINKER CREEK DEVELOPERS, LLC, and its successors and assigns.

3. Article I, Section 4, is hereby amended and replaced with the following:

Section 4. "Lot" shall mean and refer to any parcel of real property designated as a lot on the recorded subdivision plats for the Property. "Townhouse Lot" shall mean and refer to Lots 15A-32A of Section 2 of the Village at Tinker Creek, and any other lots which are presently and in the future platted for and constructed with townhomes within the Property.

4. The following new provision is added to Article V:

Section 2. The Board is authorized in its discretion to determine and establish assessments for Townhouse Lots which are different than assessments for other Lots in the Property. This authority shall extend retroactively for reductions in assessments for Townhome Lots for a period of 9 months prior to the date of this Amendment.

5. The following new Article VII is added:

ARTICLE VII MEMBERSHIP AND VOTING RIGHTS

Section 1. Every Owner of a Lot shall be a member of the Association; provided however, that any person or entity who holds an interest merely as security for the performance of an obligation shall not be a Member, unless and until such person or entity has succeeded to such Owner's interest by enforcement of such security interest. Membership shall be appurtenant to and may not be separated from ownership of any Lot.

- 1.1. The Association shall have two (2) classes of voting membership:

1.1.1. Class A. Class A members shall be all Lot Owners (with the exception of the Declarant) and shall be entitled to one (1) vote for each Lot owned. When more than one person holds an interest in a Lot, all persons shall be members. The vote of each such Lot shall be exercised as they among themselves determine, but in no event shall more than one vote be cast with respect to any one Lot.

1.1.2. Class B. Class B members shall be the Declarant, or such affiliate as may be designated by the Declarant. The Declarant shall be entitled to a total number of votes equal to the total number of votes of all Class A members plus one (1) so long as Declarant owns any Lot, portion of the Property, or any adjoining land which may be added to the Property; it being the express intention that Declarant shall retain a majority vote in the Association as a Class B member for so long as Declarant owns any Lot, portion of the Property, or adjoining land. At such time as Declarant does not own any Lot or portion of the Property, then the Class B membership shall automatically terminate. Declarant may also terminate the Class B membership at any time by providing written notice thereof to the Association.

The parties of the second part sign this Amendment to acknowledge their consent and to bind their respective lots to the terms hereof.

WITNESS the following signatures and seals as of the day and year first hereinabove written.

TINKER CREEK DEVELOPERS, LLC

By: [Signature] (SEAL)
Norman D. Mason, Sole Member

COMMONWEALTH OF VIRGINIA)
COUNTY OF ROANOKE)

The foregoing instrument was acknowledged before me this 26th day of MAY, 2011, by Norman D. Mason, Sole Member of Tinker Creek Developers, LLC, on behalf of the Company.

[Signature]
Notary Public



George J. Fulk
George J. Fulk

COMMONWEALTH OF VIRGINIA)
CITY/COUNTY OF Roanoke)

June, 2011, by George J. Fulk. The foregoing instrument was acknowledged before me this 1st day of



Tricia M. Tate
Notary Public

Wanda L. Fulk
Wanda L. Fulk

COMMONWEALTH OF VIRGINIA)
CITY/COUNTY OF Roanoke)

June, 2011, by Wanda L. Fulk. The foregoing instrument was acknowledged before me this 1st day of



Tricia M. Tate
Notary Public

Brian S. Clemmer
Brian S. Clemmer

COMMONWEALTH OF VIRGINIA)
CITY/COUNTY OF Roanoke)

June, The foregoing instrument was acknowledged before me this 1st day of
2011, by Brian S. Clemmer.



Tricia M. Tate
Notary Public

Joann M. Clemmer
Joann M. Clemmer

COMMONWEALTH OF VIRGINIA)
CITY/COUNTY OF Roanoke)

June, The foregoing instrument was acknowledged before me this 1st day of
2011, by Joann M. Clemmer.



Tricia M. Tate
Notary Public

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Samuel Murdock Jr.
Samuel Murdock, Jr.

COMMONWEALTH OF VIRGINIA)
(CITY/COUNTY OF Roanoke)

June, 2011, The foregoing instrument was acknowledged before me this 1st day of
by Samuel Murdock, Jr.



Tricia M. Tate
Notary Public

INSTRUMENT #201105668
RECORDED IN THE CLERK'S OFFICE OF
ROANOKE COUNTY ON
JUNE 14, 2011 AT 09:57AM
STEVEN A. MCGRAW, CLERK
RECORDED BY: FRS