

BK 4594 PG 0367

AMENDED AND RESTATED  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR  
HEDINGHAM

THIS AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR HEDINGHAM ("Declaration") is adopted on the date hereinafter set forth by Fred Smith Associates ("Declarant"). The real property described in Exhibit "A" of this Declaration, including the improvements constructed or to be constructed thereon, and any additional property which is hereafter subjected to this Declaration, as set forth herein, shall be held, sold, transferred, conveyed, used, occupied, and mortgaged or otherwise encumbered subject to the covenants, conditions, restrictions, easements, contributions and liens, hereinafter set forth, which are for the purpose of protecting the value and desirability of, and which shall run with the title to, the Declaration, and shall be binding on all persons having any right, title, or interest in all or any portion of such real property, their respective heirs, legal representatives, successors, successors-in-title, and assigns and shall inure to the benefit of each and every owner of all or any portion thereof.

Article I  
Definitions

Section 1. "Area of Common Responsibility" shall mean and refer to the Common Area, together with all those lakes and ponds within the Properties, if any, which by the terms of this Declaration or by contract or agreement with any Neighborhood become the responsibility of the Association, portions of public right-of-way which are either within the Properties or adjacent thereto, medians in any public rights-of-way, private streets, private sewer pump stations, if any, landscape, sign or buffer easements, and the common area of any Neighborhood association, if any, which by the terms of this Declaration or by contract or agreement with any Neighborhood become the responsibility of the Association. The office of any property manager employed by or contracting with the Association, if located on the Properties, may be part of the Area of Common Responsibility.

Section 2. "Articles of Incorporation" or "Articles" shall mean and refer to the Articles of Incorporation of Hedingham Community Association, as filed with the Secretary of State of North Carolina.

Section 3. "Association" shall mean and refer to Hedingham Community Association, a North Carolina non-profit corporation, its successors or assigns. The "Board of Directors" or "Board" shall be the elected body having its normal meaning under North Carolina corporate law. The use of the term "association" or "associations"