

WAKE COUNTY, NC 183  
LAURA M RIDDICK  
REGISTER OF DEEDS  
PRESENTED & RECORDED ON  
02/10/2015 15:30:16

BOOK:015915 PAGE:00918 - 00926

Prepared by and return to: Lori P. Jones, Jordan Price, P.O. Box 10669, Raleigh, NC 27605

Indexing: Grantor: K. Hovnanian Sherwood at Regency, LLC  
Grantee: Cambridge and Wyndfall Community Association, Inc.

NORTH CAROLINA

SUPPLEMENTARY DECLARATION OF  
ANNEXATION

WAKE COUNTY

THIS DECLARATION made this 9th day of February, 2015, by Cambridge and Wyndfall Community Association, Inc. ("Association") and K. Hovnanian Sherwood at Regency, LLC ("Owner").

WITNESSETH:

WHEREAS, Penny Road Associates L.L.C., a North Carolina limited liability company, caused to be recorded a document entitled Covenants, Conditions and Restrictions for Cambridge and Wyndfall, in Book 6014, Page 811 of the Wake County Registry ("Covenants"); and

WHEREAS, the Covenants were thereafter amended and supplemented via recordings in the Wake County Registry, including in Book, 6047, Page 745; Book 6196, Page 56; Book 6209, Page 67; Book 6406, Page 887; Book 6779, Page 407; Book 6538, Page 646; Page 6588, Page 154; Book 7109, Page 673; Book 7135, Page 559; Book 7205, Page 229; Book 7230, Page 43; Book 7239, Page 729; Book 7382, Page 675; Book 7427, Page 419; Book 7497, Page 860; Book 7616, Page 233; Book 7638, Page 256; Book 7693, Page 793; Book 7862, Page 649; Book 7946, Page 128; Book 8027, Page 664; Book 8234, Page 1789; Book 8265, Page 1259; Book 8271, Page 2184; Book 8284, Page 172; Book 8619, Page 1604; Book 8636, Page 2495; and Book 8479, Page 1451; and

WHEREAS, the Covenants, as amended and supplemented in the Wake County Registry, are applicable to those communities more commonly referred to as Cambridge, Wyndfall, Barrington, Danbury, and Kensington @ Regency; and

WHEREAS, the Association is empowered pursuant to Article IX, Section 4 of the Covenants to bring additional real property within the plan and operation of said Covenants, upon the approval of Members entitled to cast two-thirds (2/3) of the votes of each class of Members in the Association; and

WHEREAS, at this time there is only one class of Members in the Association; and

WHEREAS, Owner is the owner of that real property identified on Exhibit A attached hereto and incorporated by reference ("Property"), and intends to develop the same as a residential community; and

WHEREAS, Owner desires that the Property be annexed and made subject to the Covenants under the terms set forth herein, which shall be for the benefit of the Property and for each and every owner thereof, and shall inure to the benefit of and pass and run with the Property, and each and every lot or parcel or further subdivision thereof, and shall apply to and bind the successors in title, successors in interest and any owner thereof; and

WHEREAS, the Association, having the requisite approval of Members entitled to cast two-thirds (2/3) of the votes in the Association, has consented to the annexation of Property;

NOW, THEREFORE, the Association and Owner declare that the Property is and shall be held, transferred, sold and conveyed subject to the Covenants, as amended and supplemented, and Owner, and each and every successor in interest, successor in title, or owner of any lot or parcel or other subdivision of the Property shall be a member of the Association, and shall be entitled to all of the rights, privileges, obligations, duties, and benefits conferred upon a member of the Association as set forth in the Covenants, subject to the following:

1. The Property shall be subject to those terms in the Covenants applicable to lots within the Wyndfall portion of the community, except as set forth herein.
2. The Property may be subdivided into no more than twenty (20) residential lots which shall be used for single family detached housing. Only one residential dwelling may be located upon each such lot.
3. Upon the initial conveyance of a lot by Owner to another person or entity, the purchaser shall pay to the Association a capital contribution in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) which shall be transferred upon closing of the lot to the Association. Amounts paid into the fund shall not be considered advance payment of regular assessments.
4. The Covenants shall be effective as to all of the Property upon the recording of this Supplemental Declaration of Annexation.

IN TESTIMONY WHEREOF, Cambridge and Wyndfall Community Association, Inc. and K. Hovnanian Sherwood at Regency, LLC have caused this instrument to be executed in their respective names as of the day and year set forth herein.

CERTIFICATION OF VALIDITY OF SUPPLEMENTARY  
DECLARATION OF ANNEXATION

By authority of its Board of Directors, Cambridge and Wyndfall Community Association, Inc. hereby certifies that the foregoing instrument has been duly approved by Members entitled to cast at least two-thirds (2/3) of the votes of each class of Members in the Association and is, therefore, a valid declaration of annexation.

CAMBRIDGE AND WYNDFALL  
COMMUNITY ASSOCIATION, INC.

BY: Brian Gallagher

TITLE: President

STATE OF NORTH CAROLINA

ACKNOWLEDGEMENT

COUNTY OF WAKE

I, Caroline J. Herring, a Notary Public of the County and State aforesaid, certify that Brian Gallagher, personally appeared before me and acknowledged that the signature on the record presented is his signature and that he voluntarily executed the foregoing instrument for the purpose stated therein and in the capacity indicated.

Witness my hand and official stamp or seal, this 9<sup>th</sup> day of February, 2015.



Caroline J. Herring  
Notary Public

Caroline J. Herring  
Printed Name

My Commission Expires: 4-20-19

K. HOVNANIAN SHERWOOD  
AT REGENCY, LLC

By: K. Hovnanian Homes of North Carolina, Inc.

Title: Member

By: *[Handwritten Signature]*

Title: DIVISION PRESIDENT

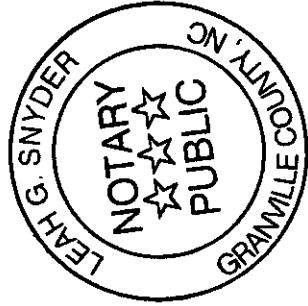
STATE OF NORTH CAROLINA

ACKNOWLEDGEMENT

COUNTY OF WAKE

I, Leah G. Snyder, a Notary Public of the County and State aforesaid, certify that Kurt Burger of whose identity I have personal knowledge, personally appeared before me and acknowledged that the signature on the record presented is his/her signature and that he/she voluntarily executed the foregoing instrument for the purpose stated therein and in the capacity indicated.

Witness my hand and official stamp or seal, this 28th day of January, 2015.



*Leah G. Snyder*  
Notary Public

Leah G. Snyder  
Printed Name

My Commission Expires: 11-15-16

## EXHIBIT A

TRACT 1:

BEGINNING AT AN EXISTING IRON PIPE LOCATED ON THE EASTERN RIGHT-OF-WAY LINE OF ROYAL GLEN DRIVE AND ALSO BEING THE SOUTHWESTERN PROPERTY CORNER OF LOT 142 AS SHOWN IN BOOK OF MAPS 1995, PAGE 956, WAKE COUNTY REGISTRY; THENCE LEAVING SAID RIGHT-OF-WAY ALONG AND WITH SAID SOUTHERN PROPERTY LINE SOUTH 59°14'42" EAST A DISTANCE OF 177.94 FEET TO AN EXISTING IRON PIPE; THENCE NORTH 05°51'27" EAST A DISTANCE OF 102.93 FEET TO AN EXISTING IRON PIPE; THENCE SOUTH 84°26'21" EAST A DISTANCE OF 182.73 FEET TO AN EXISTING IRON PIPE; THENCE SOUTH 84°26'24" EAST A DISTANCE OF 316.09 FEET TO AN EXISTING IRON PIPE; THENCE SOUTH 84°26'13" EAST A DISTANCE OF 31.06 FEET TO A POINT; THENCE SOUTH 84°26'24" EAST A DISTANCE OF 68.92 FEET TO A POINT; THENCE NORTH 05°48'12" EAST A DISTANCE OF 9.13 FEET TO A POINT LOCATED ON THE SOUTHERN RIGHT-OF-WAY LINE OF GREYFRIARS LANE; THENCE ALONG AND WITH SAID SOUTHERN RIGHT-OF-WAY SOUTH 75°14'42" EAST A DISTANCE OF 44.49 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT AN ARC DISTANCE OF 99.01 FEET, SAID CURVE HAVING A RADIUS OF 400.00 FEET, A CHORD DIRECTION OF SOUTH 82°20'10" EAST AND A CHORD DISTANCE OF 98.76 FEET TO A POINT; THENCE AS SAID RIGHT-OF-WAY TRANSITIONS INTO THE WESTERN RIGHT-OF-WAY OF MORELAND COURT ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 36.06 FEET, SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CHORD DIRECTION OF SOUTH 48°06'20" EAST AND A CHORD DISTANCE OF 8.01 FEET TO A POINT; THENCE SOUTH 06°42'55" EAST A DISTANCE OF 38.68 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 144.80 FEET, SAID CURVE HAVING A RADIUS OF 750.00 FEET, A CHORD DIRECTION OF SOUTH 01°14'05" EAST AND A CHORD DISTANCE OF 144.58 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 22.01 FEET, SAID CURVE HAVING RADIUS OF 25.00 FEET, A CHORD DIRECTION OF SOUTH 29°30'44" WEST AND A CHORD DISTANCE OF 21.30 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT AN ARC DISTANCE OF 123.50 FEET, SAID CURVE HAVING A RADIUS OF 50.00 FEET, A CHORD DIRECTION OF SOUTH 16°01'55" EAST AND A CHORD DISTANCE OF 94.41 FEET TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 03°12'21" WEST A DISTANCE OF 193.46 FEET TO AN EXISTING IRON PIPE LOCATED ON THE NORTHERN RIGHT-OF-WAY LINE OF PENNY ROAD; THENCE SOUTH 19°34'50" WEST A DISTANCE OF 9.01 FEET TO A POINT; THENCE SOUTH 18°36'31" WEST A DISTANCE OF 11.94 FEET TO A POINT; THENCE SOUTH 67°30'47" WEST A DISTANCE OF 181.35 FEET TO A POINT; THENCE SOUTH 67°32'07" WEST A DISTANCE OF 188.76 FEET TO A POINT; THENCE SOUTH 69°45'45" WEST A DISTANCE OF 37.56 FEET TO A POINT; THENCE SOUTH 69°11'29" WEST A DISTANCE OF 99.65 FEET TO A POINT; THENCE SOUTH 73°44'52" WEST A DISTANCE OF 98.83 FEET TO A POINT; THENCE SOUTH 78°43'14" WEST A DISTANCE OF 98.42 FEET TO A POINT; THENCE SOUTH 81°36'06" WEST A DISTANCE OF 99.29 FEET TO A POINT; THENCE SOUTH 82°48'40" WEST A

DISTANCE OF 97.36 FEET TO A POINT; THENCE NORTH 05°51'27" EAST A DISTANCE OF 9.15 FEET TO A POINT; THENCE SOUTH 85°23'45" WEST A DISTANCE OF 100.34 FEET TO A POINT; THENCE SOUTH 88°05'38" WEST A DISTANCE OF 71.94 FEET TO A POINT; THENCE AS SAID RIGHT-OF-WAY TRANSITIONS INTO THE EASTERN RIGHT-OF-WAY LINE OF KILLINGSWORTH DRIVE ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 49.76 FEET, SAID CURVE HAVING A RADIUS OF 30.00 FEET, A CHORD DIRECTION OF NORTH 44°23'25" WEST AND A CHORD DISTANCE OF 44.25 FEET TO A POINT; THENCE ALONG AND WITH SAID EASTERN RIGHT-OF-WAY NORTH 03°07'32" EAST A DISTANCE OF 52.36 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT AN ARC DISTANCE OF 141.80 FEET, SAID CURVE HAVING A RADIUS OF 300.00 FEET, A CHORD DIRECTION OF NORTH 10°24'55" WEST AND A CHORD DISTANCE OF 140.48 FEET TO A POINT; THENCE AS SAID EASTERN RIGHT-OF-WAY TRANSITIONS IN SAID EASTERN RIGHT-OF-WAY LINE OF ROYAL GLEN DRIVE ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 38.99 FEET, SAID CURVE HAVING A RADIUS OF 30.00 FEET, A CHORD DIRECTION OF NORTH 13°16'04" EAST AND A CHORD DISTANCE OF 36.30 FEET TO A POINT; THENCE ALONG AND WITH SAID EASTERN RIGHT-OF-WAY ALONG A CURVE TO THE LEFT AN ARC DISTANCE OF 230.49 FEET, SAID CURVE HAVING A RADIUS OF 260.00 FEET, A CHORD DIRECTION OF NORTH 25°05'40" EAST AND A CHORD DISTANCE OF 223.02 FEET TO A POINT; THENCE NORTH 00°18'09" WEST A DISTANCE OF 223.08 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 90.40 FEET, SAID CURVE HAVING A RADIUS OF 325.00 FEET, A CHORD DIRECTION OF NORTH 07°39'57" EAST AND A CHORD DISTANCE OF 90.11 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 90.16 FEET, SAID CURVE HAVING A RADIUS OF 325.00 FEET, A CHORD DIRECTION OF NORTH 23°34'55" EAST AND A CHORD DISTANCE OF 89.87 FEET TO THE POINT OF BEGINNING, CONTAINING 17.0339 ACRES MORE OR LESS.

The above tract is generally depicted on that unrecorded plat entitled "Overall Ogburn Tract Exhibit for Sherwood at Regency" by Bass, Nixon & Kennedy, Inc. dated December 17, 2014, a copy of which is attached hereto as Exhibit A-1.

TRACT 2:

Beginning at a point in the northern right of way line of Penny Road, S.R. 1379, said point having North Carolina grid coordinates of N=714,757.364 and E=2,058,909.014; runs thence leaving the northern right of way line of Penny Road North 3° 15' 57" East 193.44 feet to a point in the southern right of way line of the cul de sac of Moreland Court; runs thence with the southern right of way line of Moreland Court in a generally northeastern direction along a curve to the left having a radius of 50.00 feet an arc distance of 51.16 feet to a point (said curve having a chord bearing and distance of North 65° 57' 00" East 48.96 feet); runs thence leaving the right of way line of Moreland Court South 55° 21' 39" East 205.54 feet to a point in the northern right of way line of Penny Road; runs thence with the northern right of way line of Penny Road 66°25' 29" West 244.52 feet to a point, the point and place of Beginning,

containing 0.580 acres and being all of Lot 214, Wyndfall Subdivision, Phase II, Section One, Map 2, as shown on the map recorded in Book of Maps 1995, Page 26, Wake County

LESS AND EXCEPTING FROM ABOVE DESCRIBED PROPERTY THE FOLLOWING PARCEL:

PARCEL 1:

COMMENCING AT AN EXISTING IRON PIPE LOCATED AT THE SHARED SOUTHERN PROPERTY CORNER OF LOTS 143 & 144 AS SHOWN IN BOOK OF MAPS 1995, PAGE 954, WAKE COUNTY REGISTRY; THENCE SOUTH 19°57'48" EAST A DISTANCE OF 182.62 FEET TO THE POINT OF BEGINNING; THENCE NORTH 68°42'17" EAST A DISTANCE OF 211.93 FEET TO A POINT; THENCE SOUTH 04°15'29" WEST A DISTANCE OF 241.97 FEET TO A POINT; THENCE NORTH 66°11'03" WEST A DISTANCE OF 227.04 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT AN ARC DISTANCE OF 9.42 FEET, SAID CURVE HAVING A RADIUS OF 25.00 FEET, A CHORD DIRECTION OF NORTH 46°22'36" EAST AND A CHORD DISTANCE OF 9.37 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT AN ARC DISTANCE OF 75.33 FEET, SAID CURVE HAVING RADIUS OF 55.00 FEET, A CHORD DIRECTION OF NORTH 17°56'24" EAST AND A CHORD DISTANCE OF 69.58 FEET TO THE POINT OF BEGINNING, CONTAINING 0.7169 ACRES MORE OR LESS AND BEING LOT 14 AS SHOWN ON AN UNRECORDED PLAT ENTITLED "RECOMBINATION, EASEMENT & RIGHT-OF-WAY DEDICATION PLAT FOR SHERWOOD AT REGENCY" BY BASS, NIXON & KENNEDY, INC. DATED DECEMBER 8, 2014.

EXHIBIT A-1

SCALE: 1" = 100'  
NO GRID (MAY 20/2011)

LINE	LENGTH	BEARING	AREA
L1	283.07	N 72° 22' 41" W	283.07
L2	283.07	N 72° 22' 41" W	283.07
L3	100.00	N 0° 00' 00" W	100.00
L4	283.07	N 72° 22' 41" W	283.07
L5	100.00	N 0° 00' 00" W	100.00
L6	283.07	N 72° 22' 41" W	283.07
L7	100.00	N 0° 00' 00" W	100.00
L8	283.07	N 72° 22' 41" W	283.07
L9	100.00	N 0° 00' 00" W	100.00
L10	283.07	N 72° 22' 41" W	283.07
L11	100.00	N 0° 00' 00" W	100.00
L12	283.07	N 72° 22' 41" W	283.07
L13	100.00	N 0° 00' 00" W	100.00
L14	283.07	N 72° 22' 41" W	283.07
L15	100.00	N 0° 00' 00" W	100.00
L16	283.07	N 72° 22' 41" W	283.07
L17	100.00	N 0° 00' 00" W	100.00
L18	283.07	N 72° 22' 41" W	283.07
L19	100.00	N 0° 00' 00" W	100.00
L20	283.07	N 72° 22' 41" W	283.07

LINE	LENGTH	BEARING	AREA
L1	283.07	N 72° 22' 41" W	283.07
L2	283.07	N 72° 22' 41" W	283.07
L3	100.00	N 0° 00' 00" W	100.00
L4	283.07	N 72° 22' 41" W	283.07
L5	100.00	N 0° 00' 00" W	100.00
L6	283.07	N 72° 22' 41" W	283.07
L7	100.00	N 0° 00' 00" W	100.00
L8	283.07	N 72° 22' 41" W	283.07
L9	100.00	N 0° 00' 00" W	100.00
L10	283.07	N 72° 22' 41" W	283.07
L11	100.00	N 0° 00' 00" W	100.00
L12	283.07	N 72° 22' 41" W	283.07
L13	100.00	N 0° 00' 00" W	100.00
L14	283.07	N 72° 22' 41" W	283.07
L15	100.00	N 0° 00' 00" W	100.00
L16	283.07	N 72° 22' 41" W	283.07
L17	100.00	N 0° 00' 00" W	100.00
L18	283.07	N 72° 22' 41" W	283.07
L19	100.00	N 0° 00' 00" W	100.00
L20	283.07	N 72° 22' 41" W	283.07

1. THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE A CONTRACT. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THIS MAP IS NOT TO BE USED AS A BASIS FOR LEGAL ACTION.

2. THE INFORMATION SHOWN ON THIS MAP WAS OBTAINED FROM THE RECORDS OF THE LOCAL GOVERNMENT AND IS SUBJECT TO CHANGE WITHOUT NOTICE.

3. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION SHOWN ON THIS MAP BEFORE USING IT FOR ANY PURPOSE.

4. THIS MAP IS PROVIDED AS-IS AND WITHOUT WARRANTY OF ANY KIND.

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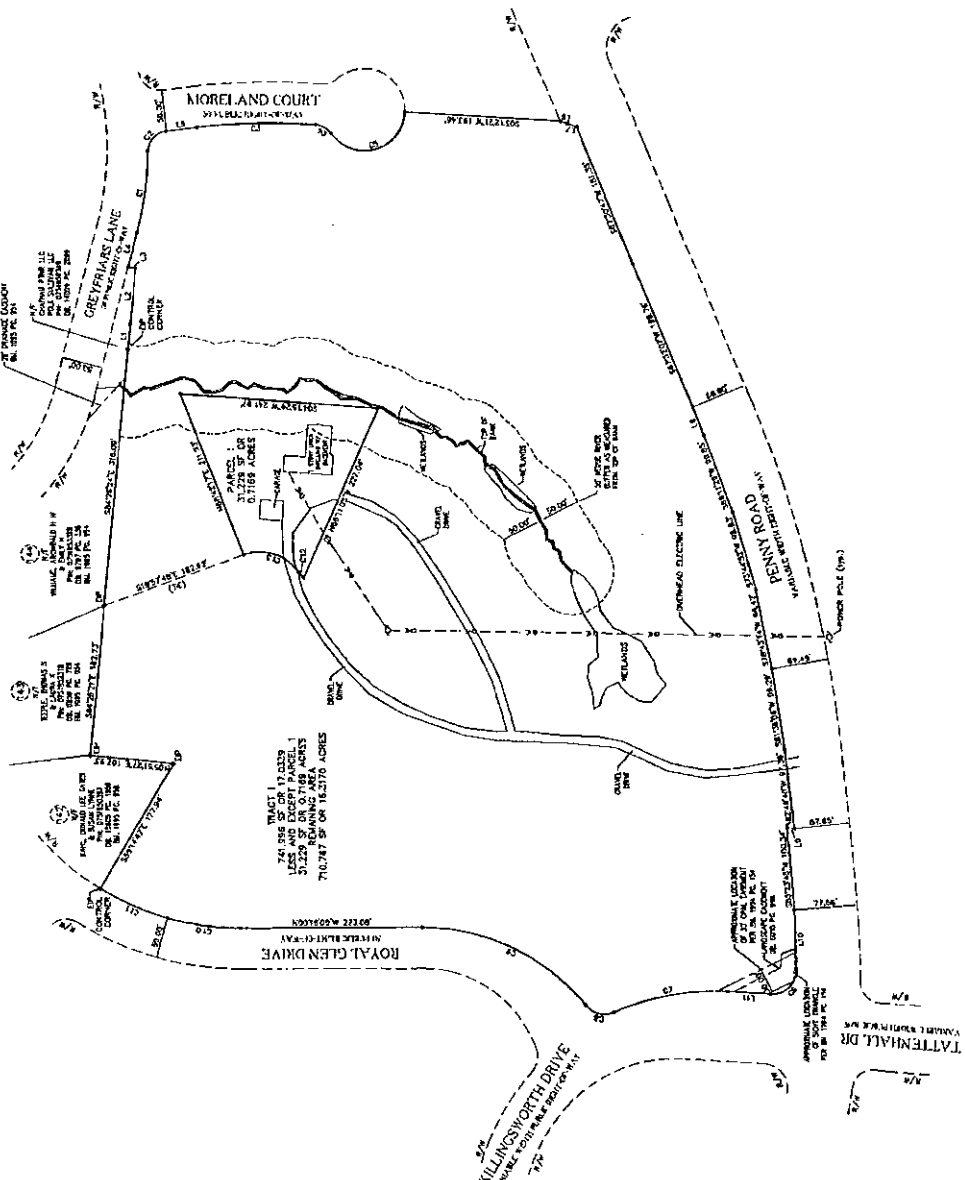


REFERENCES:

04/1/1984 PL 15A
04/1/1984 PL 15B
04/1/1984 PL 15C
04/1/1984 PL 15D
04/1/1984 PL 15E
04/1/1984 PL 15F
04/1/1984 PL 15G
04/1/1984 PL 15H
04/1/1984 PL 15I
04/1/1984 PL 15J
04/1/1984 PL 15K
04/1/1984 PL 15L
04/1/1984 PL 15M
04/1/1984 PL 15N
04/1/1984 PL 15O
04/1/1984 PL 15P
04/1/1984 PL 15Q
04/1/1984 PL 15R
04/1/1984 PL 15S
04/1/1984 PL 15T
04/1/1984 PL 15U
04/1/1984 PL 15V
04/1/1984 PL 15W
04/1/1984 PL 15X
04/1/1984 PL 15Y
04/1/1984 PL 15Z

LEGEND:  
 LOT LINES  
 UTILITY LINES  
 EASEMENTS  
 PROPOSED BOUNDARIES  
 OTHER BOUNDARIES

OWNER:  
 HUGH D. OGBURN  
 1112 PENNY RD  
 CARY NC 27518-8035



**OVERALL OGBURN TRACT EXHIBIT**  
FOR  
**SHERWOOD AT REGENCY**

TOWN OF CARY WAKE COUNTY NORTH CAROLINA

DATE: 12-17-14

BY: [Signature]

REV. DATE DESCRIPTION

BY: [Signature]

DATE: [Date]

DESCRIPTION: [Description]

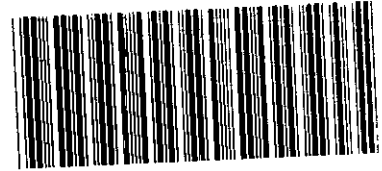
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BASS, NIXON & KENNEDY, INC.  
 CONSULTING ENGINEERS  
 6310 CHAPEL HILL ROAD, SUITE 250  
 RALEIGH, NORTH CAROLINA 27607  
 TELEPHONE: (919) 681-4422 OR (800) 354-1879  
 FAX: (919) 681-8968  
 CERTIFICATION NUMBER: NBEELS-C(0110); NBEELA-C(0287)

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BZZ





BOOK:015915 PAGE:00918 - 00926



**WAKE  
COUNTY**  
NORTH CAROLINA

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**Please retain yellow trailer page**

It is part of the recorded document and must be submitted with the original for re-recording.

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**Laura M. Riddick**  
**Register of Deeds**  
Wake County Justice Center  
300 South Salisbury Street, Suite 1700  
Raleigh, NC 27601

New Time Stamp

\$25 Non-Standard Fee

Additional Document Fee

Additional Reference Fee

**This Customer Group**

\_\_\_\_\_ # of Time Stamps Needed

**This Document**

\_\_\_\_\_ 9 # of Pages P