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CUMBERLAND COUNTY NC
J. LEE WARREN, JR.
REGISTER OF DEEDS

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LC

AMENDMENT AND SUPPLEMENT TO DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR
CYPRESS LAKES VILLAGE SECTION FIVE
AND ANNEXATION OF CYPRESS LAKES VILLAGE SECTION FIVE ADDITION

Prepared by/return to: *RF* Rebecca F. Person, 2401 Robeson Street, Fayetteville, NC 28305

THIS AMENDMENT AND SUPPLEMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR CYPRESS LAKES VILLAGE SECTION FIVE AND ANNEXATION OF CYPRESS LAKES VILLAGE SECTION FIVE ADDITION (this "Amendment") is made and entered into this 20th day of March, 2015 by BIRCHWOOD FARMS, INC., a North Carolina corporation, hereinafter referred to as "Declarant":

WITNESSETH:

Declarant executed and caused to be recorded a certain Declaration of Covenants, Conditions, and Restrictions for Cypress Lakes Village Section Five in Book 9416, Page 609 of the Cumberland County, NC, Registry, the terms of which are incorporated herein by this reference. Declarant caused said Declaration to be amended by written instruments recorded in Book 9534, Page 362, and Book 9588, Page 614, of the aforesaid Registry. (The aforesaid Declaration of Covenants, Conditions, and Restrictions for Cypress Lakes Village Section Five, as amended, is hereinafter referred to as the "Declaration").

The Declaration provides that additional lots and future sections of Cypress Lakes Village would become subject to the Declaration after recording of the plat for said new lots or new section and recording

of a Supplemental Declaration which expressly made the new lots or new section subject to them. Additionally, the Declaration provides that the Declarant may alter or amend the Declaration as long as Declarant owns any Lot or any portion of the Property (as those terms are defined in the Declaration).

Declarant is the owner of and has caused to be recorded a plat of "A Revision of Lot 234 and An Addition to: CYPRESS LAKES VILLAGE SECTION 5 Lots 305-308 & 408-410" (the "New Section") as recorded in Plat Book 134, Page 134, Cumberland County, North Carolina Registry. Declarant desires the New Section as set forth above be subject to and bound by the Declaration, except as may be amended below, and further desires that the said real property as shown on said plat of the New Section held, transferred, sold, conveyed, given, donated, leased, occupied and used subject to the Declaration, except as amended below.

NOW, THEREFORE, in consideration of the premises, the Declarant hereby expressly declares that the New Section as described above be and hereby is subject to the Declaration, except as amended herein:

1. Annexation of Additional Lots.

- a. All references to a recorded plat in the Declaration shall include the plat of the New Section.
- b. "Lot" as defined in the Declaration shall include a numbered lot as shown on the plat of the New Section, excluding any "well lots", "open spaces" or "detention basins" as may be shown on the plat.
- c. "Common Area" as defined in the Declaration shall include common area as shown on the plat of the New Section.

2. Amendment of Declaration.

- a. Section 4 of Article III is deleted and in lieu thereof the following is substituted:

Section 4. All structures shall comply with the **Cumberland County Code of Ordinances** with regard to all set-back requirements. When consistent with the zoning ordinances (or any variance granted), the building line set-back as provided for in this paragraph may be varied by as much as ten (10) percent with the express consent of Declarant, which said consent document need not be on record in the Office of the Register of Deeds of Cumberland County, North Carolina.

b. A new Section 16 of Article III is added as follows:

Section 16. Each Owner shall maintain all improvements constructed upon such Owner's Lot to the standards of their original construction. Each Owner shall maintain in good condition and repair all improvements constructed upon such Owner's Lot, including, without limitation, the dwelling. Such maintenance obligations include keeping the exterior of all such improvements free of mold and mildew. Now Owner shall change the exterior design or color of the dwelling on such Owner's Lot, including the roof thereof, except in compliance with Section 3.

3. Additional Provisions Applicable to Lots 408, 409, and 410 of Cypress Lakes Village Section 5 as shown on plat in Plat Book 134, Page 134 and Lot 411 of Cypress Lakes Village Section 5 as shown on plat in Plat Book 134, Page 64. The provisions of Article III, Section 3 of the Declaration are amended to add the following provisions which shall apply to Lots 408 409, 410 and 411 described above only:

All dwellings shall be built over a crawl space. No slab shall be permitted except where required by the Americans with Disabilities Act (the "ADA"). Slab foundations may be permitted with approval by Declarant on a case by case basis when not required by ADA, but only when the dwelling is being constructed for a buyer or buyers with a disability or disability. All other provisions of the Declaration shall apply to Lots 408 through 411. In any such latter event, slab construction must be approved, if at all, prior to commencement of construction. Additionally, no building may be constructed with vinyl siding unless approved prior to construction by Declarant, in its sole discretion.

IN WITNESS WHERE, Declarant has hereunto set its hand and seal.

(Signatures continued on next page)

BIRCHWOOD FARMS, INC.

By: Thomas R. Prewitt (SEAL)

Name: Thomas R. Prewitt

Title: President

NORTH CAROLINA
CUMBERLAND COUNTY

I certify that the following person(s) personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Name of Principal: Thomas R. Prewitt, President

Date: 4/1/15

Angela L. Graack

Notary Public

Angela L. Graack

Printed or Typed Name of Notary Public

My commission expires: 1/14/2019

(N.P. SEAL)

