

BK 09590 PG 0597

FILED  
CUMBERLAND COUNTY NC  
J. LEE WARREN, JR.  
REGISTER OF DEEDS  
FILED Feb 09, 2015  
AT 01:22:00 pm  
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END PAGE 0598  
INSTRUMENT # 03856  
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EXCISE TAX (None)  
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**SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR THE PRESERVE AT LAKE UPCHURCH COMMUNITY,  
PHASE ONE, SECTION TWO**

Prepared by/return to: Richard A. Galt, Esq., 2533 Raeford Road, Fayetteville, NC 28305

THIS SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("Supplemental Declaration") is made and entered into this 6<sup>th</sup> day of February, 2015 by Bill Clark Homes of Fayetteville, LLC, a North Carolina limited liability company (hereinafter referred to as "BCH").

WITNESSETH:

WHEREAS, BCH executed and caused to be recorded a certain "Declaration of Covenants, Conditions And Restrictions For The Preserve At Lake Upchurch Community" in Book 9577, Page 767, of the Cumberland County, North Carolina Registry (hereinafter, the "Declaration"), the terms of which are incorporated herein by this reference; and

WHEREAS, said Declaration, by its terms, applied to and covered that portion of The Preserve At Lake Upchurch subdivision as is shown on the plat entitled "SUBDIVISION SURVEY OF THE PRESERVE AT LAKE UPCHURCH, PHASE ONE, SECTION ONE" recorded in Plat Book 135, Pages 105 through 106 of the Cumberland County, North Carolina Registry; and

WHEREAS, said Declaration provided that future sections of The Preserve At Lake Upchurch subdivision would become subject to the Declaration after recording of the plat for said new section(s) and recording of a Supplemental Declaration which expressly makes the new section(s) subject to the Declaration; and

WHEREAS, BCH is the owner of said new section(s) and has caused a plat entitled "SUBDIVISION SURVEY OF THE PRESERVE AT LAKE UPCHURCH, PHASE ONE, SECTION TWO" recorded in Plat Book 135, Pages 119 through 120 of the Cumberland County, North Carolina Registry; and

WHEREAS, BCH desires that the portion of The Preserve At Lake Upchurch subdivision as is shown on plat on the plat entitled "SUBDIVISION SURVEY OF THE PRESERVE AT LAKE UPCHURCH, PHASE ONE, SECTION TWO" recorded in Plat Book 135, Pages 119 through 120, of the Cumberland County, North Carolina Registry be subject to bound by the Declaration and the covenants and restrictions contained therein, and further desires that the said real property as shown on said plat be held, transferred, sold, conveyed, given, donated, leased, occupied and used subject to the Declaration;

NOW, THEREFORE, in consideration of the premises, BCH hereby expressly declares that the portion of The Preserve At Lake Upchurch subdivision shown on the plat entitled "SUBDIVISION SURVEY OF THE PRESERVE AT LAKE UPCHURCH, PHASE ONE, SECTION TWO" recorded in Plat Book 135, Pages 119 through 120, of the Cumberland County, North Carolina Registry, be and hereby is subject to that certain Declaration of Covenants, Conditions And Restrictions recorded Book 9577, Page 767, of the Cumberland County, North Carolina Registry.

Defined terms not defined herein shall have the meanings ascribed to them in the Declaration.

IN WITNESS WHERE, BCH has set its hand and seal the day and year first above written.

BILL CLARK HOMES OF FAYETTEVILLE, LLC,  
A North Carolina limited liability company

By: *Brian Walker* (SEAL)  
Brian Walker, Manager

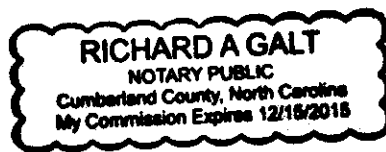
STATE OF NORTH CAROLINA     )  
   )  
COUNTY OF CUMBERLAND     )

I, *Richard A Galt*, a Notary Public for *Cumberland County NC*, do hereby certify that Brian Walker, Manager of Bill Clark Homes of Fayetteville, LLC, a NC limited liability company, personally appeared before me this day and acknowledged the due execution of the foregoing instrument on behalf of said limited liability company.

Witness my hand and seal this *6<sup>th</sup>* day of *February*, 2015.

*[Signature]*  
Notary Public

My comm. expires: *Dec 15, 2015*



(N.P. SEAL)