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CUMBERLAND COUNTY NC
J. LEE WARREN, JR.
REGISTER OF DEEDS
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START PAGE 0604
END PAGE 0606
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EXCISE TAX (None)
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**SUPPLEMENTAL DECLARATION OF RESTRICTIVE COVENANTS AND EASEMENTS
WITH AMENDMENTS
FOR STONEGATE, SECTION FOUR**

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

THIS SUPPLEMENTAL DECLARATION OF COVENANTS AND EASEMENTS WITH AMENDMENTS ("Supplemental Declaration") is made and entered into this 2nd day of August, 2017 by BILL CLARK HOMES OF FAYETTEVILLE, LLC, a North Carolina limited liability company (hereinafter referred to as "Declarant").

WITNESSETH:

WHEREAS, CRA Home Builders, Inc. executed and caused to be recorded a certain "Declaration of Covenants and Easements applicable to Stonegate subdivision, Section Three, in Book 9666, Page 65 of the Cumberland County, North Carolina Registry (the "Declaration"), the terms of which are incorporated herein by this reference; and

WHEREAS, by that certain "Assignment and Transfer of Declarant Rights" recorded in Book 9926, Page 444, Cumberland County, North Carolina Registry (the "Assignment"), CRA Home Builders, Inc. assigned, transferred and conveyed to Declarant any and all of its right, title and interest in and to its status as Declarant under the Declaration and all of the rights and easements associated therewith, and delegated, transferred and conveyed to Declaration all of its obligations as Declarant under the Declaration first arising from and after the effective date of the Assignment; and

WHEREAS, said Declaration, by its terms, applied to and covered that portion of Stonegate, subdivision as is shown on the plat recorded in Plat Book 135, Pages 190 of the Cumberland County, North Carolina Registry; and

WHEREAS, said Declaration provided that future sections of Stonegate 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, Declarant is the owner of said new section(s) and has caused a plat entitled "STONEGATE SECTION FOUR - PHASE ONE" to be recorded in Plat Book 139, Page 183, of the Cumberland County, North Carolina Registry; and

WHEREAS, Declarant desires that the portion of Stonegate subdivision as shown on the plat entitled "STONEGATE SECTION FOUR - PHASE ONE" recorded in Plat Book 139, Page 183, 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; and

WHEREAS, Article XII, Section 2, of the Declaration provides that the Declarant may unilaterally amend the Declaration during the Period of Declarant Control; and

WHEREAS, as of the date hereof, the Period of Declarant Control has not terminated and Declarant desires to amend the Declaration in accordance with Article XII, Section 2.

NOW, THEREFORE, in consideration of the premises, Declarant hereby expressly declares that the portion of Stonegate subdivision shown on the plat entitled "STONEGATE SECTION FOUR - PHASE ONE" recorded in Plat Book 139, Page 183, of the Cumberland County, North Carolina Registry, be and hereby is subject to that certain Declaration of Covenants and Easements recorded in Book 9666, Page 65 of the Cumberland County, North Carolina Registry.

Further, Declarant hereby amends the Declaration as follows:

1. Article IX, Section 3, of the Declaration is hereby deleted in its entirety and replaced with the following:

"Section 3. The initial annual assessment for Common Expenses shall be \$250.00 annually based on the calendar year, such annual assessment for each Lot to commence on the date of conveyance of a Lot within that phase to an Owner other than the Declarant or a Declarant approved builder), and shall be prorated according to the number of days remaining in said calendar year. In addition, such transferee shall be assessed a one time or initial start-up fee of \$250.00, which shall be collected upon the purchase of such Lot by such transferee. Any buyer of a Lot upon which a newly-constructed residence has already been built and an initial start-up fee paid shall not be responsible for paying an additional start-up fee. The Association, acting by and through its board of directors, shall have the fiduciary discretion to adjust the annual assessment for Common Expenses and the amount of the initial start-up fee on an annual (or more frequent) basis, as reasonably necessary; and shall have the authority to determine when such assessments shall be due and payable. The Declarant shall have no liability to the Owners or the Association if assessments are not collected during the Period of Declarant Control. Notwithstanding anything to the contrary herein, it is understood and agreed that the Declarant and/or any building company having common ownership with Declarant shall be fully exempt from any and all assessment and/or start-up fee requirements as set forth herein."

Except as modified by this Supplemental Declaration, all other terms and conditions contained in the Declaration remain in full force and effect.

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

IN WITNESS WHERE, Declarant 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

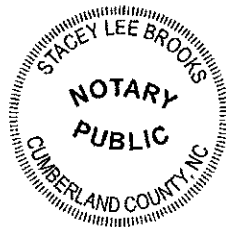
STATE OF NORTH CAROLINA)
)
COUNTY OF CUMBERLAND)

I, Stacey Lee Brooks, a Notary Public for Cumberland County, North Carolina, do hereby certify that Brian Walker, Manager of Bill Clark Homes of Fayetteville, LLC, a North Carolina 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 3rd day of August, 2017.

Stacey Lee Brooks
Notary Public

My comm. expires: 7-21-18



(N.P. SEAL)