



FOR REGISTRATION REGISTER OF DEEDS
 KIMBERLY S. HARGROVE
 HARNETT COUNTY, NC
 2009 JUN 30 11:26:21 AM
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INSTRUMENT # 2009010059

Drawn by and Mail To: Weatherspoon & Voltz LLP, 203 E. Whitaker Mill Road, Suite 109, Raleigh, NC 27608

NORTH CAROLINA

HARNETT COUNTY

**SECOND AMENDMENT TO
 DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS
 FOR THE VILLAGE OF LEXINGTON SUBDIVISION
 RECORDED IN BOOK 2426, PAGE 485, HARNETT COUNTY REGISTER OF DEEDS**

THIS SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS (the "Second Amendment") made this 4th day of June, 2009, by Village of Lexington, LLC, a North Carolina limited liability company (the "Developer"), Caviness & Cates Building & Development Company, a North Carolina corporation ("C&C"), Homeco Builders, Inc., a North Carolina corporation ("Homeco"), Classic Home Creations, LLC, a North Carolina limited liability company ("Classic"), Silverado Homes, LLC, a North Carolina limited liability company ("Silverado"), Lex Anthony Briese ("Briese"), New Century Homes, LLC, a North Carolina limited liability company ("New Century"), Mary Mack's Development, LLC, a North Carolina limited liability company ("Mary Mack's") and Jason Price Construction, Inc., a North Carolina corporation ("Price").

WITNESSETH:

WHEREAS, Developer previously recorded in Book 2426, Page 485 of the Harnett County Register of Deeds that certain Declaration of Covenants, Conditions, Easements and Restrictions for the Village of Lexington Subdivision dated September 18, 2007 (hereinafter the "Declaration") with respect to certain real property described in that certain plat entitled "Subdivision Plat for Lexington Plantation, Village of Lexington, Part 1", prepared by Enoch Engineers, P.A., and recorded in Plat Book 2007, Pages 805-807 in the Harnett County Public Registry (the "Property"); and

WHEREAS, Developer previously recorded in Book 2515, Page 863 of the Harnett County Register of Deeds that certain First Amendment to Declaration of Covenants, Conditions, Easements and Restrictions for the Village of Lexington Subdivision dated May 12, 2008; and

WHEREAS, Article XI, Section 3 of the Declaration provides that the Declaration may be amended by a written agreement executed by not less than seventy-five percent (75%) of the Lot Owners and recordation of such amendment in the Harnett County Public Registry; and

WHEREAS, as of the date hereof, Developer, C&C, Homeco, Classic, Silverado, Briese, New Century, Mary Mack's and Price own greater than seventy-five percent (75%) of the Lots subject to the Declaration; and

WHEREAS, Developer, C&C, Homeco, Classic, Silverado, Briese, New Century, Mary Mack's and Price desire to amend the Declaration by the execution of this Second Amendment for the purpose of revising various aspects of the Declaration.

NOW THEREFORE, in consideration of the foregoing, Developer, C&C, Homeco, Classic, Silverado, Briese, New Century, Mary Mack's and Price do hereby declare as follows:

1. A new Article XI, Section 7 is hereby added to the Declaration as follows:

"Section 7. Utility Company. The Declarant reserves the right to subject the Property to a contract with the Central Electric Membership Corporation, or any successor electric company, for the installation of underground electric cables and/ or the installation of street lighting (such easement is provided in Article VIII, Section 3 of the Declaration), either or both, of which may require a continuing monthly payment to the Central Electric Membership Corporation, or any successor electric company, by the Owner of a Lot."

2. Except as amended and modified herein the Declaration remains in full force and effect.

3. Whenever defined terms and words of art are used herein, as indicated by the initial capitalization thereof, such defined words and terms of art, if not defined herein, shall have the same meaning ascribed thereto in the Declaration.

[THE REMAINDER OF THIS PAGE INTENTIONALLY BLANK – SIGNATURES AND NOTARIES FOLLOW]

IN WITNESS WHEREOF, Developer, C&C, Homcco, Classic, Silverado, Briese, New Century, Mary Mack's and Price have caused this First Amendment to be executed as of the day and year first above written.

DEVELOPER:

VILLAGE OF LEXINGTON, LLC,
a North Carolina limited liability company

By: *Jimmy A. Pierce*
Name: Jimmy A. Pierce
Title: Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF ~~WAKE~~ Pender

I, Sandy H. Minnich, Notary Public for said County and State, certify that Jimmy A. Pierce, Member/Manager of Village of Lexington, LLC, a North Carolina limited liability company, personally came before me this day and acknowledged the due execution of the foregoing instrument on behalf of Village of Lexington, LLC.

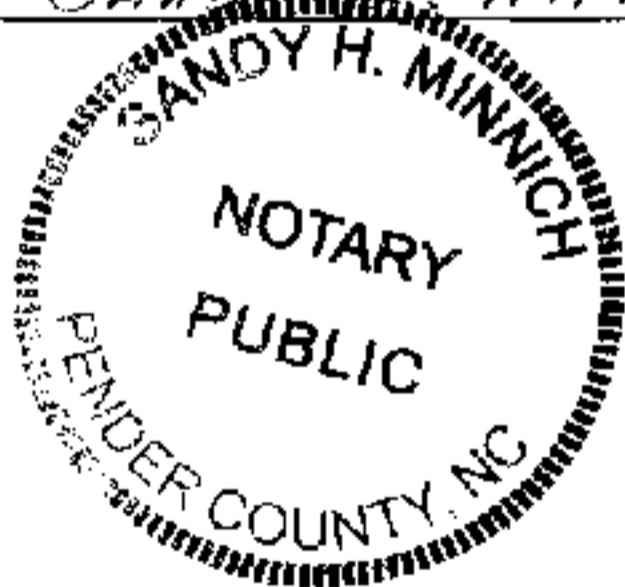
Witness my hand and official stamp or seal, this 24th day of June, 2009.

Sandy H. Minnich
Notary Public

My Commission Expires: 10-9-10

Printed Name of Notary: Sandy H. Minnich


[Notarial Seal or Stamp]



IN WITNESS WHEREOF, Developer, C&C, Homcco, Classic, Silverado, Bricse, New Century, Mary Mack's and Price have caused this First Amendment to be executed as of the day and year first above written.

C&C:

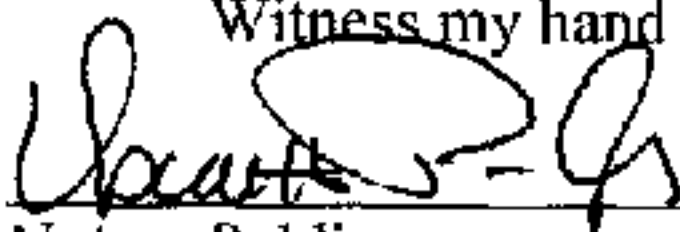
Caviness & Cates Building & Development Company,
a North Carolina corporation,

By: 
Name: CHRIS CATES
Title: Vice President

STATE OF NORTH CAROLINA
COUNTY OF ~~WAKE~~ Harnett

I, Oscar H. Pace, Jr., notary public of the County and State aforesaid, certify that Chris Cates personally came before me this day and acknowledged that he is Vice President of Caviness & Cates Building & Development Company, a North Carolina corporation, and that he, as Vice President, being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official stamp or seal, this 17 day of June, 2009.



My Commission Expires: 6/3/14

Notary Public

Printed Name of Notary: Oscar H. Pace, Jr.

[Notarial Seal or Stamp]



IN WITNESS WHEREOF, Developer, C&C, Homeco, Classic, Silverado, Briese, New Century, Mary Mack's and Price have caused this First Amendment to be executed as of the day and year first above written.

HOMEICO:

Homeco Builders, Inc.,
a North Carolina corporation

By: Jimmy Pierce
Name: Jimmy Pierce
Title: President

STATE OF NORTH CAROLINA
COUNTY OF ~~WAKE~~ Pender

I, Sandy H Minnick, notary public of the County and State aforesaid, certify that Jimmy Pierce personally came before me this day and acknowledged that he is President of Homeco Builders, Inc., a North Carolina corporation, and that he, as President, being authorized to do so, executed the foregoing on behalf of the corporation.

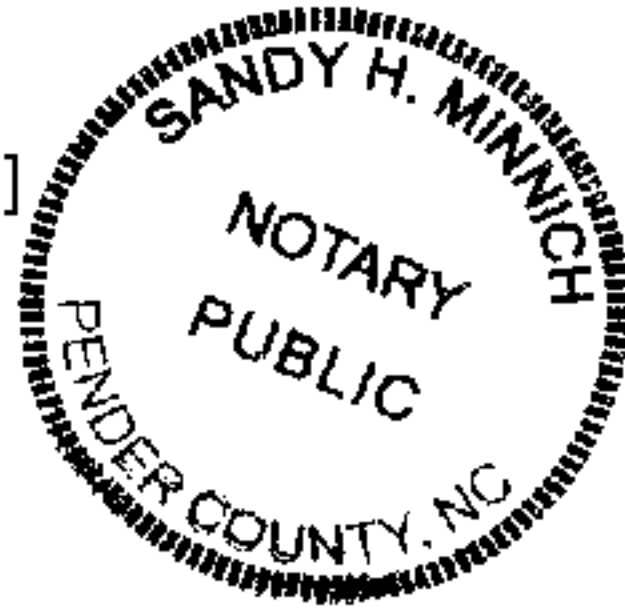
Witness my hand and official stamp or seal, this 4th day of June, 2009.

Sandy H Minnick
Notary Public

My Commission Expires: 10-9-10

Printed Name of Notary: Sandy H Minnick

[Notarial Seal or Stamp]



IN WITNESS WHEREOF, Developer, C&C, Homeco, Classic, Silverado, Briese, New Century, Mary Mack's and Price have caused this First Amendment to be executed as of the day and year first above written.

CLASSIC:

Classic Home Creations, LLC,
a North Carolina limited liability company

By: [Signature]
Name: Matthew H. Norris
Title: Owner / Member / Manager

STATE OF NORTH CAROLINA
COUNTY OF ~~WAKE~~ Harnett

I, Oscar H. Pace, Jr., Notary Public for said County and State, certify that Matthew H. Norris Manager of Classic Home Creations, LLC, a North Carolina limited liability company, personally came before me this day and acknowledged the due execution of the foregoing instrument on behalf of Classic Home Creations, LLC.

Witness my hand and official stamp or seal, this 11 day of June, 2009.

[Signature]
Notary Public

My Commission Expires: 6/3/14

Printed Name of Notary: Oscar H. Pace, Jr.

[Notarial Seal or Stamp]



IN WITNESS WHEREOF, Developer, C&C, Homeco, Classic, Silverado, Briese, New Century, Mary Mack's and Price have caused this First Amendment to be executed as of the day and year first above written.

SILVERADO:

Silverado Homes, LLC,
a North Carolina limited liability company

By: [Signature]
Name: Danny E. Norris
Title: MANAGER

STATE OF NORTH CAROLINA
COUNTY OF ~~WAKE~~ Harnett

I, Oscar H. Pace, Jr., Notary Public for said County and State, certify that Danny E. Norris, Manager of Silverado Homes, LLC, a North Carolina limited liability company, personally came before me this day and acknowledged the due execution of the foregoing instrument on behalf of Silverado Homes, LLC.

Witness my hand and official stamp or seal, this 11 day of June, 2009.
[Signature] My Commission Expires: 6/3/14
Notary Public
Printed Name of Notary: Oscar H. Pace, Jr.

[Notarial Seal or Stamp]



IN WITNESS WHEREOF, Developer, C&C, Homeco, Classic, Silverado, Briese, New Century, Mary Mack's and Price have caused this First Amendment to be executed as of the day and year first above written.

Lex Anthony Briese
Lex Anthony Briese

STATE OF NORTH CAROLINA
COUNTY OF WAKE

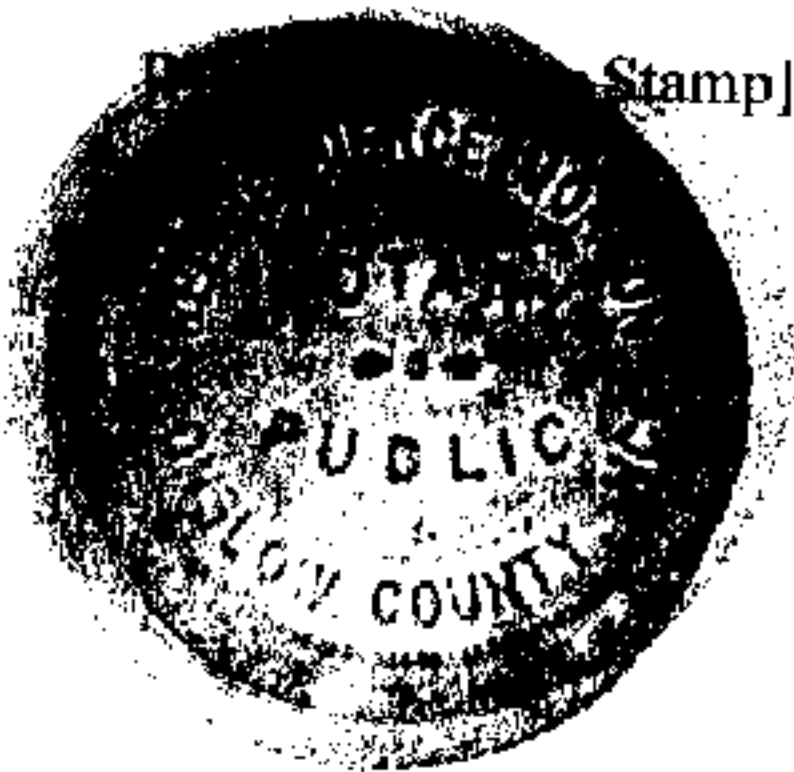
I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Lex Anthony Briese.

Witness my hand and official stamp or seal, this 16 day of June, 2009.

Kellie Pierce Morton
Notary Public

My Commission Expires: 9-18-2010

Printed Name of Notary: Kellie Pierce Morton



IN WITNESS WHEREOF, Developer, C&C, Homeco, Classic, Silverado, Briese, New Century, Mary Mack's and Price have caused this First Amendment to be executed as of the day and year first above written.

NEW CENTURY:

New Century Homes, LLC,
a North Carolina limited liability company

By: *Joan Norris*
Name: *Joan Norris*
Title: *Member Manager*

STATE OF NORTH CAROLINA
COUNTY OF ~~WAKE~~ Harnett

I, *Oscar H. Pace, Jr*, Notary Public for said County and State, certify that *Joan Norris*, Manager of New Century Homes, LLC, a North Carolina limited liability company, personally came before me this day and acknowledged the due execution of the foregoing instrument on behalf of New Century Homes, LLC.

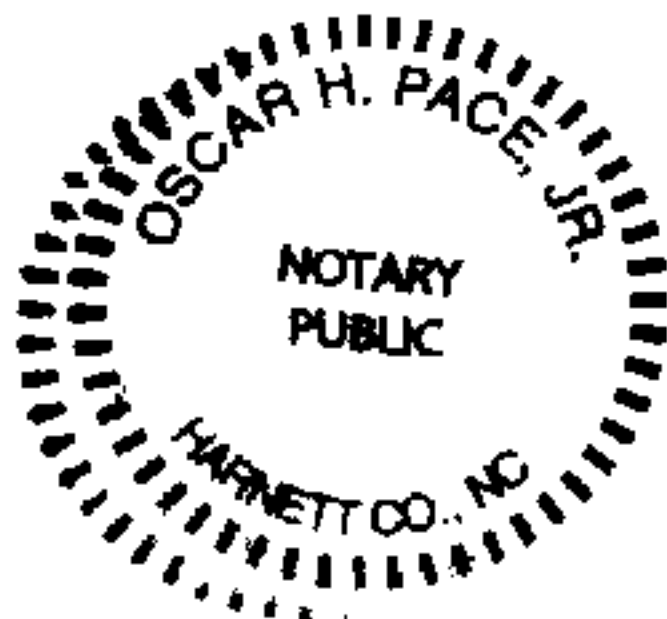
Witness my hand and official stamp or seal, this *11* day of *June*, 2009.

Oscar H. Pace, Jr
Notary Public

My Commission Expires: *6/3/14*

Printed Name of Notary: *Oscar H. Pace, Jr*

[Notarial Seal or Stamp]



IN WITNESS WHEREOF, Developer, C&C, Homeco, Classic, Silverado, Briese, New Century, Mary Mack's and Price have caused this First Amendment to be executed as of the day and year first above written.

MARY MACK'S:

Mary Mack's Development, LLC,
a North Carolina limited liability company

By: [Signature]
Name: Jason R. Price
Title: Member Manager

STATE OF NORTH CAROLINA
COUNTY OF ~~WAKE~~ Harnett

I, Oscar H. Pace, Jr., Notary Public for said County and State, certify that Jason R. Price, Manager of Mary Mack's Development, LLC, a North Carolina limited liability company, personally came before me this day and acknowledged the due execution of the foregoing instrument on behalf of Mary Mack's Development, LLC.

Witness my hand and official stamp or seal, this 11 day of June, 2009.

[Signature]
Notary Public

My Commission Expires: 6/3/14

Printed Name of Notary: Oscar H. Pace, Jr.

[Notarial Seal or Stamp]



IN WITNESS WHEREOF, Developer, C&C, Homeco, Classic, Silverado, Briese, New Century, Mary Mack's and Price have caused this First Amendment to be executed as of the day and year first above written.

PRICE:

Jason Price Construction, Inc.,
a North Carolina corporation

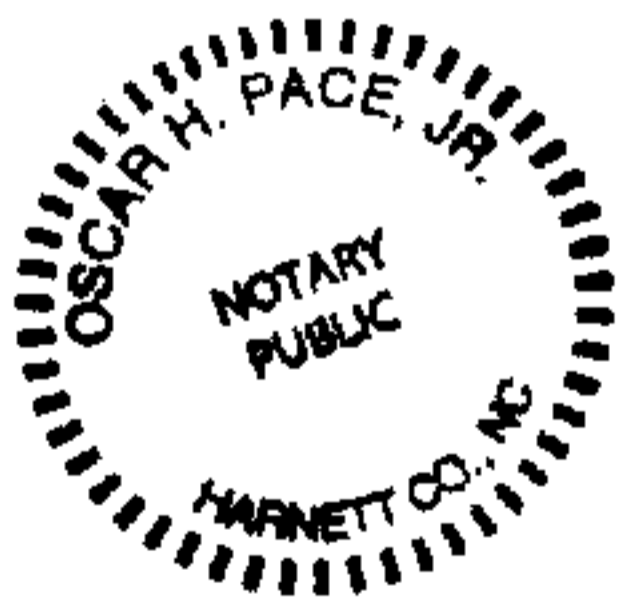
By: [Signature]
Name: Jason R. Price
Title: President

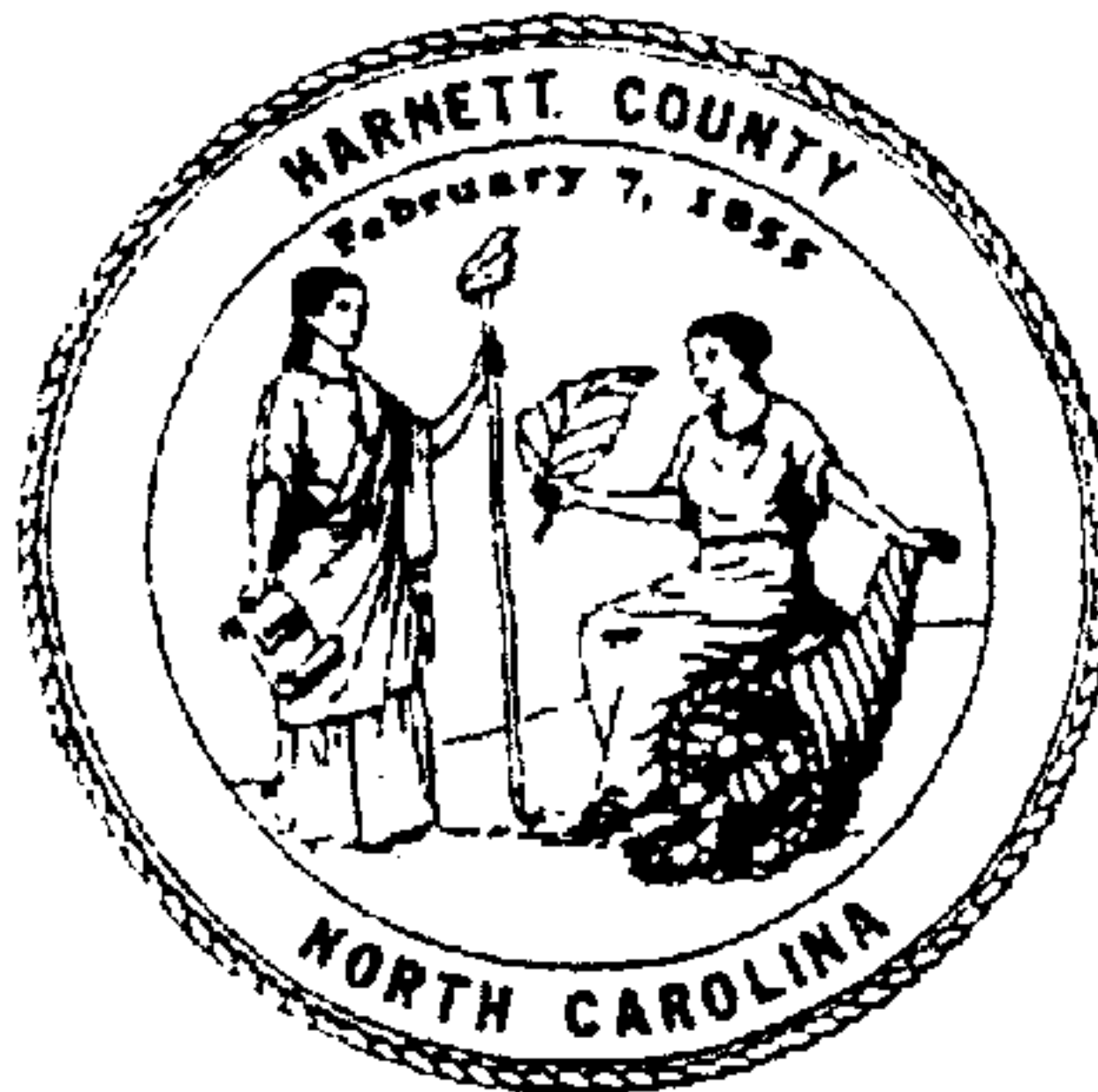
STATE OF NORTH CAROLINA
COUNTY OF ~~WAKE~~ Harnett

I, Oscar H. Pace, Jr., notary public of the County and State aforesaid, certify that Jason R. Price personally came before me this day and acknowledged that he is President of Jason Price Construction, Inc., a North Carolina corporation, and that he, as President, being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official stamp or seal, this 11 day of June, 2009.
[Signature]
Notary Public
Printed Name of Notary: 6/3/14 ^{OAP} Oscar H. Pace, Jr.

[Notarial Seal or Stamp]





KIMBERLY S. HARGROVE
REGISTER OF DEEDS, HARNETT
305 W CORNELIUS HARNETT BLVD
SUITE 200
LILLINGTON, NC 27546

Filed For Registration: 06/30/2009 11:26:21 AM
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Recorder: MARY ANNE WOOD

State of North Carolina, County of Harnett

KIMBERLY S. HARGROVE , REGISTER OF DEEDS

DO NOT DISCARD

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