

8422  
0357

BK 08422 PGO 357

FILED  
CUMBERLAND COUNTY NC  
J. LEE WARREN, JR.  
REGISTER OF DEEDS  
FILED Jun 25, 2010  
AT 02:01:00 pm  
BOOK 08422  
START PAGE 0357  
END PAGE 0358  
INSTRUMENT # 19836  
RECORDING \$17.00  
EXCISE TAX (None)  
DJ

**THIRD AMENDMENT TO DECLARATION OF  
COVENANTS FOR  
LONG BRANCH VILLAGE**

Prepared By and Return to: John G. Briggs III, Attorney at Law Lewis, Deese & Nance, LLP,  
Post Office Drawer 1358, Fayetteville, NC 28302

THIS FIRST AMENDMENT TO THE DECLARATION OF COVENANTS FOR LONG BRANCH VILLAGE is made and entered into this the 25<sup>th</sup> day of June, 2010, by LANDTEC DEVELOPMENT COMPANY, INC., a North Carolina Corporation, hereinafter referred to as "Declarant" or "Developer";

WITNESSETH

WHEREAS, Declarant is the original maker and Declarant of the Declaration of Covenants for Long Branch Village recorded in Book 7505, at Page 874, Cumberland County Registry, North Carolina (the "Declaration"); and

WHEREAS, the Declaration provides in Part Four, Article II that the Declaration may be amended at any time by Declarant as long as Declarant owns any lot or any portion of the property located in Long Branch Village; and

WHEREAS, Declarant, at the time of this amendment, owns lots located in Long Branch Village; and

NOW THEREFORE, Declarant does hereby amend the following portions of the Declaration as follows:

---

1) As to Part Two, Article I, Section 9, Subpart (a) entitled, "Foundations", the minimum foundation grade height a Patio Home Lot is hereby amended to Six (6) inches above grade instead of Twelve (12) inches above grade.


2) As to Part Two, Article I, Section 9, Subpart (d) entitled, "Exterior Finishes", vinyl siding (including eaves and soffits) shall now be allowed for use in construction.

3) As to Part Two, Article I, Section 9, Subpart (a) entitled, "Landscaping", the language set forth in the restrictive covenants in this Part, Article, Section and Subpart shall be removed in its entirety and replaced with the following language: Prior to commencement of construction on any lot within the subject development, landscaping plans must be submitted to the Architectural Review Board for approval, and all such plans must be in full and complete compliance with all State, local and township ordinances, regulations, rules and laws, including but not limited to the installation and placement of street trees.

THIS AMENDMENT shall be construed under the laws, statutes and ordinances of such governmental authority having jurisdiction. The provisions hereof are independent covenants and should any provision or provisions contained in this Amendment be declared by a Court or other tribunal of competent jurisdiction to be void, unenforceable or illegal, then such provision or provisions shall be severable and the remaining provisions hereof shall remain in full force and effect. The terms, covenants, conditions and agreements herein contained shall be binding upon and inure to the benefit of an shall be enforceable by the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, Declarant has caused this Amendment to be signed as of the date first written above.

LANDTEC DEVELOPMENT COMPANY, INC.  
Declarant and Developer

By:   
John P. Stephenson, President of  
Landtec Development Company, Inc.

STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

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(s) for the purposes stated therein and in the capacity indicated:

**Name of Principals: John P. Stephenson, President of Landtec Development Company, Inc.**

Date: 6/25/2010   
Notary Public

My Comm. Expires: 04/02/2012 TERRY J REAVES  
Printed Name



(N.P. SEAL)