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FILED
CUMBERLAND COUNTY NC
J. LEE WARREN, JR.
REGISTER OF DEEDS
FILED Jun 30, 2008
AT 04:14:00 pm
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START PAGE 0874
END PAGE 0878
INSTRUMENT # 27188
RECORDING \$26.00
EXCISE TAX (None)

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Return to and Prepared by: Steven J. O'Connor, Attorney at Law
P.O. Box 87009
Fayetteville, North Carolina 28304-0079

NORTH CAROLINA

AMENDMENT TO RESTRICTIVE COVENANTS
OF JAMES CREEK AT TREYBURN
(NORTH and SOUTH)

CUMBERLAND COUNTY

THIS AMENDMENT TO RESTRICTIVE COVENANTS is made this 27th day of June, 2008 by HOKE LOOP PARTNERS, LLC, a North Carolina limited liability company ("Hoke Loop") and FLOYD PROPERTIES AND DEVELOPMENT, INC. f/k/a FLOYD CONSTRUCTION CO., INC., a North Carolina corporation ("Floyd"), hereinafter collectively referred to as ("Developer");

WITNESSETH:

WHEREAS, Hoke Loop was the owner of a certain tract of land located in Seventy-First Township in Cumberland County, which was and is known as James Creek South at Treyburn; and

WHEREAS, Floyd was the owner of a certain tract of land located in Seventy-First Township, Cumberland County, North Carolina which lies immediately north of Hoke Loop's property and is known as James Creek North at Treyburn; and

WHEREAS, Hoke Loop and Floyd intended to develop James Creek South and North jointly with a shared homeowners' association and amenities, and desired to provide for the preservation of the values and amenities of both tracts of land and for the maintenance of common properties

under a joint development plan or scheme of improvement and thus desired to subject said properties to covenants, restrictions, easements, affirmative obligations, charges and liens, and did so in a set of written restrictive covenants, which were declared to be for the benefit of said properties and each and every owner of any and all parts thereof; and

WHEREAS; Hoke Loop previously recorded such restrictive covenants for James Creek at Treyburn at Deed Book 6740, Page 325 of the Cumberland County Registry, which restrictive covenants were restated in the instrument recorded in Deed Book 6987, Page 5, Cumberland County Registry; and

WHEREAS, Additional sections of James Creek Subdivision were added to the subdivision pursuant to the instruments recorded in Book 7147, Page 534, Book 7370, Page 788 and Book 7812, Page 714, Cumberland County Registry;

WHEREAS, Developer desires to amend the restrictive covenants as restated in Book 6987, Page 5 to correct a mistake contained in Article IV, Section 4.1 of said restated restrictive covenants; and

WHEREAS, the Developer has reserved the right to amend the restrictive covenants as long as the developer, or either of them, their successors or assigns, owns any one lot in James Creek at Treyburn.

NOW, THEREFORE, in consideration of the premises, the Developer, still owning one or more lots in James Creek at Treyburn, hereby amends the restrictive covenants of James Creek at Treyburn (North and South), restated in Deed Book 6987, Page 5, Cumberland County Registry, as follows:

1. Section 4.1 Homeowners Association. shall be deleted in its entirety and the following substituted therefor:

There is or will be created a North Carolina non-profit Corporation, known as James Creek at Treyburn Homeowners Association, Inc., which shall be responsible for the maintenance, management and control of the Common Areas and upon each Lot and Dwelling Unit as more specifically set forth in this Declaration.

2. Except as herein amended, the restrictive covenants as restated at Deed Book 6987, Page 5 of the Cumberland County Registry shall remain in full force and effect.

IN WITNESS WHEREOF, Developer has caused this instrument to be executed as the day and year first above written.

HOKE LOOP PARTNERS, LLC, a North Carolina limited liability company

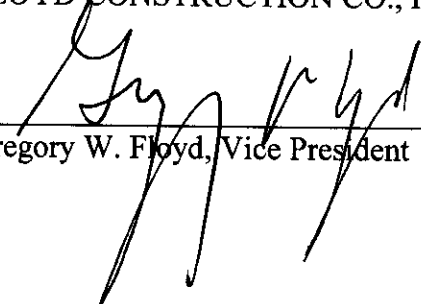
By: ELMWOOD PARTNERS, LLC, Manager

By: 
D. Ralph Huff, Member/Manager

By: 
Thomas L. Bradford, Member/Manager

FLOYD PROPERTIES AND DEVELOPMENT, INC.

f/k/a FLOYD CONSTRUCTION CO., INC.

By: 
Gregory W. Floyd, Vice President

NORTH CAROLINA

CUMBERLAND COUNTY

I certify that the following person personally appeared before me this day, acknowledging to me that ~~he~~ voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Ralph D. Huff, III, Member/Manger - Elmwood Partners, LLC.

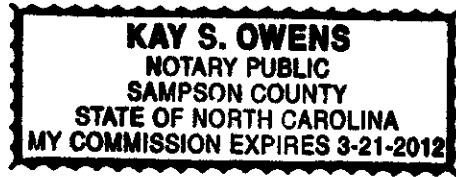
This the 12 day of June, 2008.

My Commission Exp: 3/21/12

Kay S. Owens
Official Signature of Notary

Kay S. Owens
Notary's Printed or Typed Name

NORTH CAROLINA (N.P. SEAL)



CUMBERLAND COUNTY

I certify that the following person personally appeared before me this day, acknowledging to me that ~~he~~ voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Thomas L. Bradford, Member/Manger - Elmwood Partners, LLC.

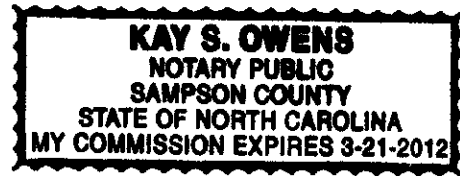
This the 12 day of June, 2008.

My Commission Exp: 3/21/12

Kay S. Owens
Official Signature of Notary

Kay S. Owens
Notary's Printed or Typed Name

(N.P. SEAL)



NORTH CAROLINA

CUMBERLAND COUNTY

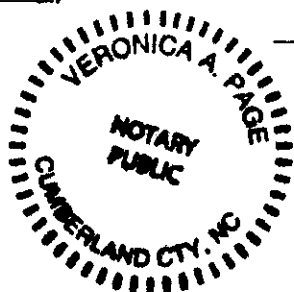
I certify that the following person personally appeared before me this day, acknowledging to me that ~~he~~ voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Gregory W. Floyd, Vice President, Floyd Properties and Development, Inc. f/k/a Floyd Construction Co., Inc.

This the 27 day of JUNE, 2008.

Veronica A. Page
Official Signature of Notary

My Commission Exp: 05-23-2011

VERONICA A. PAGE
Notary's Printed or Typed Name



(N.P. SEAL)