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Prepared By and Return To:  
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**FIFTH AMENDMENT TO DECLARATION OF PLANNED COMMUNITY  
OF "RIVERBLUFF"**

THIS FIFTH AMENDMENT TO DECLARATION OF PLANNED COMMUNITY OF "RIVERBLUFF" (this "Amendment") is made and entered into by River Bluff Partners, LLC, a North Carolina limited liability company ("Declarant").

W I T N E S S E T H:

WHEREAS, Declarant is the developer of the Riverbluff planned residential community (the "Subdivision");

WHEREAS, Declarant imposed upon the Subdivision certain master restrictive covenants as set forth in that certain instrument recorded in Book 7577, Page 690, as amended by first amendment in Book 7851, Page 239, as amended by second amendment in Book 7977, Page 843 (the "Second Amendment"), as amended by third amendment in Book 11199, Page 716, as amended by fourth amendment in Book 11331, Page 319, Cumberland County, NC Registry (together, the "Declaration");

WHEREAS, the Declarant continues to be a Class B member of the Association that governs the Subdivision;

WHEREAS, pursuant to Article XII, Section 12.5 of the Declaration, Declarant reserved the right to amend the Declaration without the consent Class A membership so long as Class B membership exists;

WHEREAS, Declarant desires to amend the Declaration to provide for a technical correction;

WHEREAS, Declarant amends the Declaration as follows:

NOW, THEREFORE, for and in consideration of the mutual covenants herein contained, and other good and valuable consideration, and pursuant to authority set forth in Article XII, Section 12.5 of the Declaration (as well as authority as may be found elsewhere in the Declaration), the Declarant hereby modifies the Declaration as follows:

1. Article VI, Section 6.10 of the Declaration (see the Second Amendment for current restated version of Section 6.10) is amended to add the following sentence at the end thereof:

“The above notwithstanding, the Declarant (as long as the Declarant is a Class B member) and the Executive Board shall have the discretion and authority to override the fencing requirements set forth herein and to approve different fencing styles, materials, colors, height and placement, on a Lot by Lot basis, pursuant to its authority as reserved in Article VII of the Declaration.”

2. Except as specifically amended by this Amendment, the Declaration remains unchanged and in full force and effect, and the undersigned by its execution hereof hereby ratifies, affirms and approves the Declaration, as specifically amended hereby. All capitalized terms in this Amendment that are not defined herein shall have the same meanings given to them in the Declaration.

**[The Remainder of This Page Intentionally Left Blank;  
Signature Page Attached Hereto]**

IN WITNESS WHEREOF, the undersigned has executed this Amendment as of the date set forth in the below notary acknowledgment.

**DECLARANT:**

**RIVER BLUFF PARTNERS, LLC**

By: Anthony M. Cimaglia

Print Name: Anthony M. Cimaglia

Title: Manager

**STATE OF NORTH CAROLINA**

**COUNTY OF CUMBERLAND**

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: Anthony M. Cimaglia in his capacity as Manager of River Bluff Partners, LLC, a North Carolina limited liability company.

Date: 10/17/2022

Official Signature of Notary: Kennesha S. Bennett

Notary's Printed Name: Kennesha S. Bennett

My commission expires: May 18, 2026

[Affix Notary Seal or Stamp]

