

BK:00992 PG:1008
FILED
HOKE COUNTY NC
ONNIE B. DUDLEY
REGISTER OF DEEDS
FILED Jun 28, 2012
TIME 11:28:24 am
BOOK 00992
START PAGE 1008
END PAGE 1010
INSTRUMENT # 04245
RECORDING \$26.00
EXCISE TAX ELB (None)

Prepared by and return to: F. Stuart Clarke, THORP AND CLARKE, PA
Post Office Box 670, Fayetteville, NC 28302

NORTH CAROLINA

**AMENDMENT TO
DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS
FOR BRENTHAVEN, SECTION TWO**

HOKE COUNTY

THIS AMENDMENT TO DECLARATION, made this the 20th day of June, 2012, by
**FLOYD PROPERTIES AND DEVELOPMENT, INC. f/k/a FLOYD CONSTRUCTION CO.,
INC.**, a North Carolina Corporation with its principal place of business in Cumberland County,
North Carolina, hereinafter referred to as "**Declarant**" and "**Owner**".

WITNESSETH:

WHEREAS, Declarant is the owner of at least one (1) lot in Brenthaven, Section Two, as
shown on plat recorded in Plat Cabinet 4, Slide 4-16, Map 008, McLaughlin Township, Hoke County
Registry; and

WHEREAS Floyd Properties and Development, Inc. is the Declarant of the original
Declaration of Covenants, Conditions and Restrictions for Section One, Brenthaven recorded in
Book 835, Page 231, and amended in Book 848, Page 298, Hoke County, NC Registry; and

WHEREAS, pursuant to Article X, Section 1. Amendment, Declarant desires to amend the
Declaration of Covenants, Conditions and Restrictions as they pertain to Section Two and previously

filed in Book 930, Page 323, Hoke County NC Registry.

NOW, THEREFORE, Declarant and Owner, pursuant to Article X, Section 1. Amendment.

does hereby amend said Declarations in pertinent part as follows:

1. **ARTICLE III, USE RESTRICTIONS**, is amended by deleting Section 3. Set Back Requirements. in its entirety and substituting therefor the following:

Section 3. Set Back Requirements. All structures shall comply with (I) the Hoke County ordinances with regard to all set-back requirements and (ii) such set-back requirements as are set forth on the plats of BRENTHAVEN, SECTION TWO recorded in Plat Book 4, Slide 4-16, Map 008, Hoke County, NC Registry.”

2. **ARTICLE III, USE RESTRICTIONS**, is amended by deleting Section 10. Fences. in its entirety and substituting therefor the following:

Section 10. Fences. All proposed fences must be approved by the Architectural Control Committee. Only wood, vinyl, wrought iron and aluminum fences, measuring no more than fifty-four (54) inches from the ground may be erected on any Lot. Fences measuring no more than seventy-two (72) inches from the ground may be erected on the rear Lot line only of Lots 38 through 48. The rear lot line of each Lot set out in the previous sentence shall mean that portion of the property line which is the perimeter of the subdivision. Lot 48 shall have a fence measuring no more than fifty-four (54) inches from the ground on its portion of the shared property line with Lot 20. Lot 38 shall have a fence measuring no more than fifty-four (54) inches from the ground on its western property line facing Scull Road. No fence or wall shall be erected or maintained nearer to any street than the rear corners of the principal dwelling structure on improved Lots or nearer to any street than the setback line on any vacant lot or nearer to any street than thirty (30) feet. On corner

lots, no fences shall be erected any closer to the street than the back, rear corner of the principal dwelling structure. No fence shall be erected on the property designated as "landscape easement". Any variation or deviation may be allowed only with the written consent of Floyd Properties and Development, Inc. and/or the Architectural Control Committee."

Except as specifically amended herein, the original Declaration of Covenants, Conditions and Restrictions for Brenthaven, Section Two, recorded in Book 930, Page 323, Hoke County, NC Registry, shall remain in full force and effect as written.

TO THE TRUE AND FAITHFUL PERFORMANCE OF THESE COVENANTS AND AGREEMENTS, FLOYD PROPERTIES AND DEVELOPMENT, INC., has caused this instrument to be signed in its name by its Vice President all by proper authority duly granted by its Board of Directors, this the 20th day of June, 2012.

FLOYD PROPERTIES AND DEVELOPMENT, INC.

By:

Gregory W. Floyd
Gregory W. Floyd, Vice President

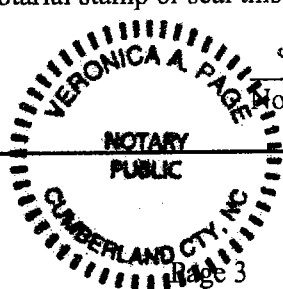
NORTH CAROLINA
CUMBERLAND COUNTY

I, VERONICA A. PAGE, the undersigned Notary Public of the County and State aforesaid, certify that GREGORY W. FLOYD, personally came before me this day and acknowledged that he is the Vice President of FLOYD PROPERTIES AND DEVELOPMENT, INC., a North Carolina corporation and that by authority duly given and as an act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed.

Witness my hand and notarial stamp or seal this the 20 day of June, 2012.

My Commission expires:

5-23-2016



Veronica A. Page
Notary Public