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J. LEE WARREN JR.
REGISTER OF DEEDS
CUMBERLAND CO., N.C.

Prepared by and return to: J. Thomas Neville, THORP, CLARKE, NEVILLE & KIRBY, PA
Post Office Box 670, Fayetteville, NC 28302

NORTH CAROLINA
CUMBERLAND COUNTY

FIRST AMENDMENT TO
DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS
FOR CAPE FEAR CROSSING

THIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF CAPE FEAR CROSSING, entered into this the 13th day of November, 2007, by **FLOYD PROPERTIES AND DEVELOPMENT, INC.**, hereinafter referred to as "Declarant";

WITNESSETH:

WHEREAS, pursuant to Article IX of the original Declaration of Covenants, Conditions and Restrictions of Cape Fear Crossing recorded in Book 7723, Page 582, Cumberland County Registry, Floyd Properties and Development, Inc. has authority to amend said Covenants, Conditions and Restrictions of Cape Fear Crossing subdivision;

NOW THEREFORE, Declarant does hereby amend said Declaration of Covenants, Conditions and Restrictions of Cape Fear Crossing by adding to Article III - Use Restrictions - Section 23 as follows:

"Section 23. Wetlands. A portion of this property has been determined to meet the requirements for designation as a regulatory wetland. Any subsequent fill or alteration of this wetland shall conform to the requirements of the state wetland rules adopted by State of North Carolina in force at the time of the proposed alteration. The intent of this provision is to prevent additional wetland fill, so the property owner should not assume that a future application for fill would be approved. The property owner shall report the name of the subdivision in any application pertaining to said wetland rules. This covenant is intended to ensure continued compliance with wetland rules adopted by the State of North Carolina and therefore benefits may be enforced by the State of North Carolina. This covenant is to run with the land and shall be binding on all parties and

all persons claiming under them.

IN WITNESS WHEREOF, FLOYD PROPERTIES AND DEVELOPMENT, INC., the

Declarant herein has caused this Amendment to Covenants, Conditions and Restrictions of Cape Fear Crossing Subdivision to be signed this 13th day of November, 2007.

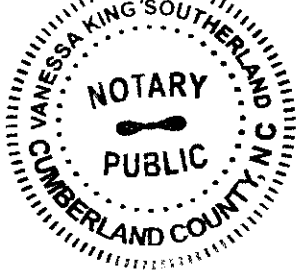
FLOYD PROPERTIES AND DEVELOPMENT, INC.

By: *Gregory W. Floyd*
Name: Gregory W. Floyd
Title: Vice President

NORTH CAROLINA
CUMBERLAND COUNTY

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 GREGORY W. FLOYD, Vice President of FLOYD PROPERTIES AND DEVELOPMENT, INC.

This the 13th day of November, 2007.



Vanessa King Southerland
Official Signature of Notary
Notary's printed/typed name: Vanessa King Southerland
My Commission Expires: 11/29/2008