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FILED
CUMBERLAND COUNTY NC
J. LEE WARREN, JR.
REGISTER OF DEEDS

FILED Mar 27, 2009
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END PAGE 0261
INSTRUMENT # 10857
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EXCISE TAX (None)

DJ

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

NORTH CAROLINA
CUMBERLAND COUNTY

**SECOND 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 25th day of ~~February~~ ^{March},
2009, 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,
and amended in Book 7745, Page 206, Cumberland County Registry and 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 as follows:

By deleting ARTICLE III, Section 10. Fences in its entirety and substituting therefor the

following:

“Section 10. Fences. Only wood, vinyl and wrought iron fences, measuring no more than forty-eight (48) inches from the ground may be erected on any Lot. However, any vinyl fences shall not be solid vinyl panels. No fence or wall shall be erected or maintained nearer to any street than the rear corner 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. The design and location of any fencing to be erected must be approved by the Architectural Control Committee prior to commencement.

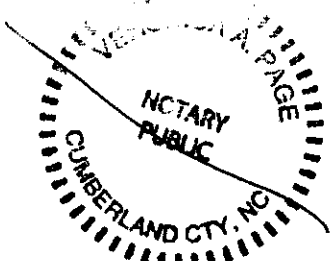
In the event any Lot Owner elects to erect a dog kennel, the fencing for same shall be no higher than four (4') feet high. Plans for any kennel must be approved by the Architectural Control Committee prior to commencement.

A six (6') foot high wood privacy fence may be placed along the perimeter of the within described property on Lots 10 and 11, Lots 27 through 29 and Lots 43 through 55 as shown on plat of Cape Fear Crossing. The design and location of any perimeter fencing to be erected on said Lots must be approved by the Architectural Control Committee prior to commencement.

Any variation or deviation may be allowed only with the written consent of Floyd Properties and Development, Inc.”

Except as specifically amended herein, the original Declaration of Covenants, Conditions and Restrictions for Cape Fear Crossing, Section One, recorded in Book 7723, Page 582, and amended in Book 7745, Page 206, Cumberland County, NC Registry, shall remain in full force and effect as written.

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 25th March day of ~~February~~, 2009.



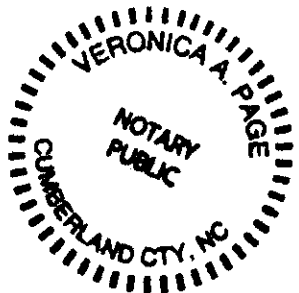
FLOYD PROPERTIES AND DEVELOPMENT, INC.

By: *Gregory W. Floyd*
Gregory W. Floyd, 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 25 day of ^{MARCH} ~~February~~, 2009.



Veronica A. Page
Official Signature of Notary
Notary's printed/typed name: VERONICA A. PAGE
My Commission Expires: 05/23/2011

(N.P. SEAL)