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

FILED Sep 16, 2010
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BOOK 08478
START PAGE 0529
END PAGE 0536
INSTRUMENT # 29820
RECORDING \$35.00
EXCISE TAX (None)

KSJ

Prepared by and mail to: Steven J. O'Connor, Attorney at Law
P.O. Box 87009, Fayetteville, NC 28304

NORTH CAROLINA FIRST AMENDMENT TO DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR CROSSWINDS,
SECTION 4, PART 2 SUBDIVISION (TO INCLUDE
CUMBERLAND COUNTY CROSSWINDS, SECTION 4, PHASE ONE, PART TWO)

THIS AMENDMENT to Declaration of Covenants, Conditions and Restrictions for Crosswinds, Section 4, Part 2 Subdivision is made this 15th day of September, 2010, by KAS DEVELOPERS, LLC, a North Carolina limited liability company, whose address is 1763 Wilmington Highway, Fayetteville, North Carolina (the "Declarant"), Cates Building, Inc. ("Cates"), Prestige Homes of Fayetteville, Inc. ("Prestige"), ~~Travis Damon Smith~~ ~~Smith~~ ~~Karen Nicola Brooks~~ ~~Worth~~ ~~Worth~~, Bill Clark Homes of Fayetteville, LLC ("Clark") and Caviness & Cates Building and Development Company ("Caviness & Cates").

WITNESSETH:

WHEREAS, Declarant is the owner and developer of certain real estate in Cumberland County, North Carolina, more particularly described on the plat entitled "Crosswinds, Section Four, Phase One, Part Two" per the plat recorded at Plat Book 125, Page 115, Cumberland County Registry, with the exception of Lots 15, 118, 122, 112, 113, 114, 119, 16, 17, 18 and 19 of said subdivision which have been previously conveyed as set forth below; and

WHEREAS, Cates, Prestige, ~~Smith~~ ~~Worth~~, Clark and Caviness & Cates are the owners of ~~and~~ Lots 15, 118, ~~122~~, 112, 113, 114, 119, 16, 17, 18 and 19 of "Crosswinds, Section Four, Phase One, Part Two" recorded at Plat Book 125, Page 115, Cumberland County Registry; and

WHEREAS, Declarant has recorded a "Declaration of Covenants, Conditions and Restrictions for Crosswinds, Section 4, Part 2 Subdivision" at Deed Book 8467, Page 673, Cumberland County Registry, (the "Declaration") under which Declarant reserves the right to unilaterally amend the Declaration to include within the property subject to the Declaration the real property within Crosswinds, Section 4, Phase One, Part 2; and

WHEREAS, Declarant desires to hereby amend the Declaration to include within the property subject to the Declaration the real property within Crosswinds, Section 4, Phase One, Part 2 not previously conveyed, and Cates, Prestige, ~~Smith, Ward~~, Clark and Caviness & Cates desire to make Lots 15, 118, ~~122~~ 112, 113, 114, 119, 16, 17, 18, and 19 of "Crosswinds, Section Four, Phase One, Part Two" recorded at Plat Book 125, Page 115, Cumberland County Registry subject to the covenants, conditions and restrictions of the Declaration.

NOW, THEREFORE, in consideration of the premises contained herein, and other good and valuable consideration, the parties hereto agree as follows:

1. Amendment to Declaration. Pursuant to Article XIII of the Declaration, Declarant hereby amends the Declaration as follows:

- a. The first line of B. on page 1 is amended to read as follows:

Declarant is developing the Properties known as "Crosswinds, Section 4, Part 2" and "Crosswinds Section 4, Phase One, Part 2"...

- b. The first two lines of the last paragraph beginning on page 1 are amended to read as follows:

THEREFORE the Declarant hereby declares that all of the Lots and Common Areas (defined below) located within the Crosswinds, Section 4, Part 2 Subdivision and the Crosswinds, Section 4, Phase One, Part 2 Subdivision (collectively the "Subdivision")...

- c. The third line of Section 1.25 shall be amended to read as follows:

...Common Area "on the Plats recorded in Plat Book 127, Page 55, or Plat Book 125, Page 115, and the related grounds..."

- d. Exhibit "A" shall be amended to read as follows:

North Carolina
Cumberland County

All of that land designated and known as "Crosswinds, Section 4, Part 2" as shown on that certain plat recorded in Plat Book 127, Page 55, Cumberland County Registry, together with all that land designated and known as "Crosswinds, Section 4, Phase One, Part 2" as shown on that certain plat recorded in Plat Book 125, Page 115, Cumberland County Registry.

2. Lots Previously Conveyed Held Subject to Declaration. Cates, Prestige, ~~Smith, Ward~~, Clark and Caviness & Cates hereby declare that Lots 15, 118, ~~122~~ 112, 113, 114, 119, 16, 17, 18 and 19 of "Crosswinds, Section Four, Phase One, Part Two" recorded at Plat Book 125, Page 115, Cumberland County Registry are held and shall be held, conveyed,

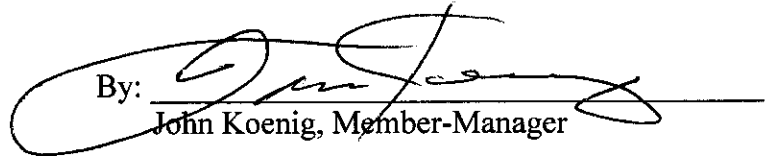
hypothecated or encumbered, leased, rented, used, occupied and improved subject to the covenants, conditions and restrictions of the Declaration, as amended herein, all of which are established and agreed upon for the purpose of enhancing and protecting the value, desirability and attractiveness of the Subdivision as a whole and of each said Lots. All of the restrictions in the Declaration, as amended herein, shall run with the land and shall be binding upon Cates, Prestige, ~~SHILLY WORTH~~, Clark and Caviness & Cates and upon the parties having or acquiring any right, title or interest, legal or equitable in and to said Lots or any part or parts thereof subject to such restrictions, and shall inure to the benefit of Cates, Prestige, ~~SHILLY WORTH~~, Clark and Caviness & Cates and every one of their successors in title to any of said Lots.

3. Except as herein amended, the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed as of the day and year first above written.

Declarant:

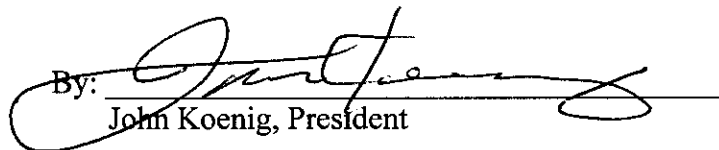
KAS DEVELOPERS, LLC

By: 
John Koenig, Member-Manager

CATES BUILDING, INC.

By: 
Christopher E. Cates, President


PRESTIGE HOMES OF FAYETTEVILLE, INC.

By: 
John Koenig, President

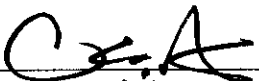
~~Travis Damon Smith~~

~~Karen Nicole Brooks~~

BILL CLARK HOMES OF FAYETTEVILLE, LLC

By: 
Name: Jerry J. Brenning
Title: Manager

CAVINESS & CATES BUILDING AND
DEVELOPMENT COMPANY

By: 
Name: CANDIS CATES
Title: vice president

STATE NORTH CAROLINA

COUNTY OF CUMBERLAND

I, Steven J. O'Connor Notary Public of Cumberland County, North Carolina, certify that JOHN KOENIG, personally came before me this day and acknowledged that he is Member-Manager of KAS DEVELOPERS, LLC, a North Carolina limited liability company, and that he, as Member-Manager, being authorized to do so, executed the foregoing on behalf of the limited liability company.

Witness my hand and official stamp or seal this 15th day of September, 2010.

My Commission Expires:
2-24-2015

Steven J O'Connor
Notary Public



[NOTARY SEAL]

(N.P. SEAL)

STATE NORTH CAROLINA

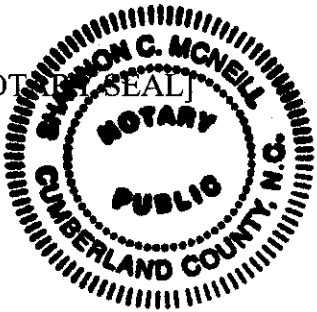
COUNTY OF CUMBERLAND

I, Shannon C McNeill a Notary Public of Cumberland County, North Carolina, certify that CHRISTOPHER E. CATES, personally came before me this day and acknowledged that he is President of CATES BUILDING, INC., a corporation, and that he, as President, being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official stamp or seal this 13th day of September, 2010.

My Commission Expires:
6/9/2015

Shannon C McNeill
Notary Public



[NOTARY SEAL]

(N.P. SEAL)

STATE NORTH CAROLINA

COUNTY OF CUMBERLAND

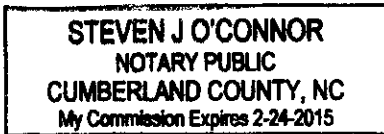
I, Steven J. O'Connor, a Notary Public of Cumberland County, North Carolina, certify that JOHN KOENIG, personally came before me this day and acknowledged that he is President of PRESTIGE HOMES OF FAYETTEVILLE, INC., a corporation, and that he, as President, being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official stamp or seal this 15th day of September, 2010.

My Commission Expires:
2-24-2015

Steven J. O'Connor
Notary Public

[NOTARY SEAL]



(N.P. SEAL)

STATE NORTH CAROLINA

COUNTY OF CUMBERLAND

I, _____, a Notary Public of _____ County, North Carolina, certify that TRAVIS LAMONTE SMITH, personally came before me this day and, being duly sworn, acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and official stamp or seal this _____ day of _____, 2010.

My Commission Expires:

Notary Public

[NOTARY SEAL]

STATE NORTH CAROLINA

COUNTY OF CUMBERLAND

I, _____, a Notary Public of _____ County, North Carolina, certify that KAREN NICOLE BROOKS, personally came before me this day and, being duly sworn, acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and official stamp or seal this _____ day of _____, 2010.

My Commission Expires:

Notary Public

[NOTARY SEAL]

STATE NORTH CAROLINA

COUNTY OF CUMBERLAND

I, Steven J. O'Connor, a Notary Public of Cumberland County, North Carolina, certify that Jerry J. Brenning, personally came before me this day and acknowledged that he/she is Manager of BILL CLARK HOMES OF FAYETTEVILLE, LLC, a North Carolina limited liability company, and that he/she, as Manager, being authorized to do so, executed the foregoing on behalf of the limited liability company.

Witness my hand and official stamp or seal this 15th day of September, 2010.

My Commission Expires:

2-24-2015

Steven J O'Connor
Notary Public

STEVEN J O'CONNOR
NOTARY PUBLIC
CUMBERLAND COUNTY, NC
My Commission Expires 2-24-2015

[NOTARY SEAL]

(N.P. SEAL)

STATE NORTH CAROLINA

COUNTY OF CUMBERLAND

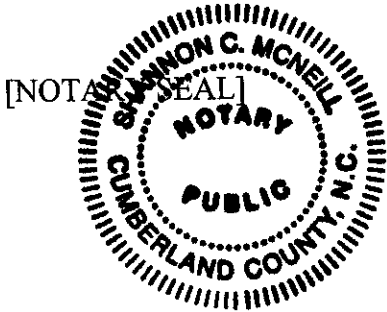
I, Shannon C McNeill a Notary Public of Cumberland County, North Carolina, certify that Christopher E Cates, personally came before me this day and acknowledged that he/~~she~~ is Vice-President of CAVINESS & CATES BUILDING AND DEVELOPMENT COMPANY, a corporation, and that he/~~she~~, as Vice-President, being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official stamp or seal this 13th day of September, 2010.

My Commission Expires:

6/9/2015

Shannon C McNeill
Notary Public



(N.P. SEAL)