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2-23-2006 PM 1:40: 5  
J. LEE WARREN JR.  
REGISTER OF DEEDS  
CUMBERLAND CO., N.C.

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Prepared by and return to: Thorp, Clarke & Neville, PA  
Post Office Box 670, Fayetteville, NC 28302-0670

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**NORTH CAROLINA**  
  
**CUMBERLAND COUNTY**

**DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS  
AND ANNEXATION OF PHASE TWO,  
BUILDING 1, THE VILLAS OF  
LOCKWOOD PARK CONDOMINIUMS**

THIS DECLARATION, made this the 17<sup>th</sup> day of February, 2006, by FOX AND LOYD PROPERTIES, LLC, a North Carolina limited liability company, herein referred to as "Declarant" and "Owner":

WITNESSETH:

WHEREAS, Owner owns certain property in Cumberland County, North Carolina, more particularly described on Exhibit "A" attached hereto and incorporated herein.

WHEREAS, Declarant and Owner desire to have the above described property annexed to The Declaration of the Villas of Lockwood Park Condominiums as "Phase Two, Building One, The Villas of Lockwood Park Condominiums".

NOW THEREFORE, Declarant and Owner hereby declare that all of the properties described above shall be held, sold and conveyed subject to the following easements, restrictions, covenants and conditions which are for the purpose of protecting the value and desirability of, and which shall run with, the real property and be binding on all parties having any right, title or interest in the described properties, or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof said easement, restrictions, covenants and conditions are as follows:

That certain Declaration of Covenants, Conditions and Restrictions dated August 17, 2005 and recorded in Book 6997, Page 35, Cumberland County, NC Registry, which said Declaration of Covenants, Conditions and Restrictions are incorporated herein and made a part of this instrument as though fully set out herein.

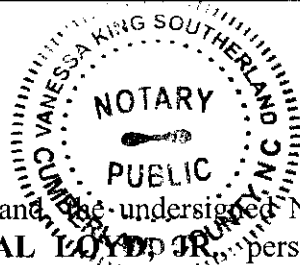
IN WITNESS WHEREOF, FOX AND LOYD PROPERTIES, LLC, the Declarant and

Owner herein has caused this Declaration to be executed in its name by its Managing Member as an act of the entity.

**FOX AND LOYD PROPERTIES, LLC**

By: *F. Royal Loyd Jr*  
Name: F. ROYAL LOYD, JR  
Title: MEMBER - MANAGER

NORTH CAROLINA  
CUMBERLAND COUNTY



I, Vanessa King Southerland, undersigned Notary Public of the County and State aforesaid, certify that **F. ROYAL LOYD JR.** personally came before me this day and acknowledged that he is the Managing Member of **FOX AND LOYD PROPERTIES, LLC**, a North Carolina limited liability company, 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 17<sup>th</sup> day of February, 2006.

My Commission expires:  
11/29/2008

*Vanessa King Southerland*  
Notary Public

February 23, 2006

EXHIBIT "A"

Legal Description

2.996 Acre Tract Total

**The Villas of LOCKWOOD PARK CONDOMINIUMS  
PHASE TWO**

Tract 1-Area adjacent to and north of Lockwood Road (Private Street) which includes building 1, and garages 1 and 2:

BEGINNING at an existing iron at the northeastern corner of the 8.27 acre property recorded as The Villas of LOCKWOOD PARK CONDOMINIUMS in Condo Plat Book 7, Page 03, Cumberland County, North Carolina Registry, said iron being the common rear corner of lots 9 and 10 of the subdivision South Lockwood Park, Section Two, as recorded in Plat Book 22, Page 19, also of said registry, and running with the common property line between said condominiums and subdivision South 18 degrees 01 minutes 37 seconds East, 225.53' to a point in the northern line of Lockwood Road (Private Street) as previously recorded in said Condo Book 7, Page 03, said point being South 18 degrees 01 minutes 37 seconds East, 9.38 feet from an existing iron at the intersection with said common property line and the northern right-of-way margin of Lockwood Road (Public Street, 50 foot right-of-way);

Thence running with said northern line of said private street the following courses and distances:

North 83 degrees 29 minutes 00 seconds West, 12.85 feet to a point of curvature;

With a curve to the right on a radius of 102.00 feet, an arc distance of 44.64 feet (chord: North 70 degrees 56 minutes 39 seconds West, 44.29 feet) to a point of tangency;

North 58 degrees 24 minutes 18 seconds West, 150.56 feet to a point;

North 33 degrees 02 minutes 47 seconds West, 45.83 feet to a point;

North 24 degrees 46 minutes 17 seconds West, 83.28 feet to a point;

North 14 degrees 45 minutes 11 seconds East, 18.99 feet to a point;

North 75 degrees 14 minute 49 seconds West, 73.00 feet to a point;

South 14 degrees 45 minutes 11 seconds West, 21.50 feet to a point;

North 75 degrees 14 minutes 49 seconds West, 60.00 feet to a point;

Thence leaving said street on a new line North 14 degrees 45 minutes 11 seconds East, 52.00 feet to a point in the northern line of The Villas of LOCKWOOD PARK CONDOMINIUMS tract and with the common line of an addition to South Lockwood Park, Section Two, as recorded in Plat Book 49, Page 13, also of said Cumberland County Registry;

Thence running with said common line South 75 degrees 14 minutes 49 seconds East, 298.82 feet to the beginning.

Containing **0.857 acres.**

Tract 2-Area adjacent to and south of Lockwood Road (Private Street) which includes pool amenities and open space.

Beginning at a point in the southern line of Lockwood Road (Private Street) of The Villas of LOCKWOOD PARK CONDOMINIUMS with its intersection with the eastern line of said Condominium tract as recorded in the aforementioned Condo Book 7, Page 03, said point being North 18 degrees 01 minutes 37 seconds West, 9.07 feet from an existing iron at the northwestern corner of lot 26 in the southern right-of-way margin of Lockwood Road (Public Street, 50 foot right-of-way) as recorded in the aforementioned South Lockwood Park Plat at Book 22, Page 19, and running with said eastern line of the Condominium tract South 18 degrees 01 minutes 37 seconds East, 346.17 feet to a point at the southeastern corner of said Condominium tract;

Thence with the southern property line of the Condominium tract North 57 degrees 20 minutes 01 seconds West, 549.98 feet to the southern most corner of the Phase One of the Villas of LOCKWOOD PARK CONDOMINIUMS in the previously mentioned Condo Book 7, Page 03 plat;

Thence running with the eastern line along building 2 of said Phase One, North 15 degrees 06 minutes 36 seconds East, 235.77 feet to a point;

Thence North 53 degrees 48 minutes 12 seconds East, 27.20 feet to a point in the aforementioned southern line of Lockwood Road (Private Street);

Thence running with said southern line of said street the following courses and distances:

- South 33 degrees 00 minutes 35 seconds East, 109.89 feet to a point of curvature;
- With a curve to the left on a radius of 28.00 feet, an arc distance of 12.41 feet (chord: South 45 degrees 42 minutes 27 seconds East) to a point of tangency;
- South 58 degrees 24 minutes 18 seconds East, 66.64 feet to a point of curvature;
- With a curve to the right on a radius of 52.00 feet, an arc distance of 39.94 feet (chord: South 36 degrees 24 minutes 13 seconds East, 38.96 feet) to a point of tangency;
- South 14 degrees 24 minutes 08 seconds East, 5.66 feet to a point of curvature;
- With a curve to the left on a radius of 48.00 feet, an arc distance of 36.86 feet (chord: South 36 degrees 24 minutes 13 seconds East, 35.96 feet) to a point of tangency;
- South 58 degrees 24 minutes 18 seconds East, 34.74 feet to a point of curvature;
- With a curve to the left on a radius of 38.00 feet, an arc distance of 39.69 feet (chord: South 88 degrees 19 minutes 32 seconds East, 37.91 feet) to a point of tangency;
- North 61 degrees 45 minutes 15 seconds East, 9.94 feet to a point of curvature;
- With a curve to the right on a radius of 42.00 feet, an arc distance of 25.74 feet (chord: North 79 degrees 18 minutes 33 seconds East, 25.34 feet) to the beginning.

Containing **2.139 acres**.

Total Phase Two tract contains **2.996 acres** and is subject to a 20 foot sanitary sewer easement to Public Works Commission of Fayetteville and any other easements of record.

Prepared by MOORMAN, KIZER & REITZEL, INC.

AND BEING THE SAME PROPERTY DESCRIBED IN CONDOMINIUM PLAT BOOK 7, PAGES 39 - 42, CUMBERLAND COUNTY REGISTRY.