

BK 4172 PG 0569

Prepared by and mail to:
Steven J. O'Connor
P.O. Box 1239
Fayetteville, NC 28302

STATE OF NORTH CAROLINA
30352
COUNTY OF CUMBERLAND

AMENDMENT TO DECLARATION
OF COVENANTS, CONDITIONS
AND RESTRICTIONS
RECEIVED
JUN -9 PM 12:10
100
GEORGE E. TATUM
REGISTER OF DEEDS
CUMBERLAND CO., N.C.

THIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS, made the 6th day of May, 1994 by the undersigned
owners of Lots 1 through 13 of Briarwood Manor per the map of same recorded in Plat
Book 49, Page 63, Cumberland County Registry, hereinafter referred to as "Amending Lot
Owners."

WITNESSETH:

WHEREAS, the Amending Lot Owners are the owners of ninety percent (90%) of
Lots 1 through 13 of Briarwood Manor as per map of same recorded in Plat Book 49, Page
63, Cumberland Registry; and

WHEREAS, the owners of Lots 1 through 13 of Briarwood Manor are subject to a
Declaration of Covenants, Conditions and Restrictions dated April 9, 1981, recorded at
Book 2815, Page 413 of the Cumberland County Registry (the "Declaration"); and

WHEREAS, said Declaration provides in Article XI, Section 3. that the Declaration
may be amended during the first twenty (20) year period by an instrument signed by not less
than ninety (90) percent of the lot owners; and

WHEREAS, the undersigned Amending Lot Owners desire to hereby amend the
Declaration.

NOW, THEREFORE, in consideration of the mutual covenants and promises
contained herein, and other good and valuable consideration, the receipt and sufficiency of
which is acknowledged, the undersigned Amending Lot Owners hereby agree as follows:

1. Article IV, Section 2 of the Declaration is deleted in its entirety and the
following substituted therefor:

Purpose of Assessments. The assessments levied by the
Association shall be used exclusively to promote the recreation,
health, safety and welfare of the residents in the Properties, and
for the improvements and maintenance of the Common Area,
including driveways and parking areas established thereon, and
for the maintenance and repair of homes situated on the

BK4172PG0570

properties only upon a failure by the individual lot owner to maintain or repair his or her home, in accordance with Article VII herein.

2. Article IV, Section 4 of the Declaration is deleted in its entirety and the following is substituted therefor:

Special Assessments for Capital Improvements. In addition to the annual assessments authorized above, the Association may levy, in any assessment year, a special assessment applicable to that year only for the purpose of defraying, in whole or part, the cost of any construction, reconstruction, repair or replacement of a capital improvement upon a Common Area, including fixtures and personal property related thereto, provided that any such assessment shall have the assent of two-thirds (2/3) of the votes of the members who are voting in person or by proxy at a meeting duly called for this purpose. In addition thereto, the Association may levy a special assessment against an individual lot owner pursuant to Article VII herein, provided that any such assessment shall have the assent of two-thirds (2/3) of the votes of the members who are voting in person or by proxy at a meeting duly called for this purpose.

3. Article IV, Section 7 of the Declaration is hereby deleted in its entirety and the following is substituted therefor:

Uniform Rate of Assessment. Both annual and special assessments must be fixed at a uniform rate for all lots and may be collected on a monthly basis, excepted as provided in Article VII and Article IV, Section 4 herein.

4. Article VII - Exterior Maintenance of the Declaration is deleted in its entirety and the following is substituted therefor:

Repair and Maintenance of Lots. The owner of each lot shall keep the lot, and the buildings and other improvements

BK4172PG0571

thereon, in good order and repair, and free of debris. Painted exterior surfaces shall be repainted and gutters, downspouts, exterior building surfaces and other exterior improvements shall be maintained and repaired in a manner and with such frequency as is consistent with good property management. In the event the owner of a lot shall fail to maintain the lot and the buildings and other improvements thereon as provided herein, the Association, after notice to the owner and with the approval of the Board of Directors, shall have the right to enter upon the lot to perform such work as is reasonably required to restore the lot and the buildings and other improvements thereon to a condition of good order and repair. All costs incurred by the Association in connection with the restoration shall be reimbursed to the Association by the owner of the lot, upon demand. All unreimbursed costs shall be a lien upon the lot until reimbursement is made as is more particularly set forth in Article IV of this Declaration, subject, however, to the terms and provisions of Article IV of this Declaration (including, without limitation, the terms and provisions in favor of mortgagees or beneficiaries under deeds of trust). Notwithstanding anything contained herein to the contrary, the Association shall repair and maintain the roofs of the buildings on the lots, as funds are available from annual and special assessments.

5. This Amendment shall not affect the validity, enforcement or later collection of any special assessment or annual assessment levied by Briarwood Manor Homeowners Association, Inc. prior to the recording of this Amendment, whether or not such assessment or assessments shall have been fully collected before the recordation of this Amendment.

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

IN WITNESS WHEREOF, the undersigned Amending Lot Owners have executed this Amendment under seal the day and year first above written.

BK4172PG0572

OWNER OF LOT 1, BRIARWOOD MANOR

Donald L. Hinton (SEAL) ✓
DONALD L. HINTON

Marie C. Hinton (SEAL) ✓
MARIE C. HINTON

OWNER OF LOT 2, BRIARWOOD MANOR

Charles Graham (SEAL) ✓
CHARLES GRAHAM

_____(SEAL)

OWNER OF LOT 3, BRIARWOOD MANOR

Ida Jean Autry (SEAL) ✓
IDA JEAN AUTRY

_____(SEAL)

OWNER OF LOT 4, BRIARWOOD MANOR

Donald U. Lucas (SEAL) ✓
DONALD U. LUCAS

Frances S. Lucas (SEAL) ✓
Wanda L. Black POA FRANCES S. LUCAS
WANDA L. BLACK, POA

OWNER OF LOT 5, BRIARWOOD MANOR

Hugh Dan Burton, III (SEAL) ✓
HUGH DAN BURTON, III

Maria Tierney Burton (SEAL) ✓
MARIA TIERNEY BURTON

OWNER OF LOT 6, BRIARWOOD MANOR

Glen R. Jernigan (SEAL) ✓
GLEN R. JERNIGAN

Jane L. Jernigan (SEAL) ✓
JANE L. JERNIGAN

BK4172PG0573

OWNER OF LOT 7, BRIARWOOD MANOR

Celia E. YARBOROUGH (SEAL) ✓
CELIA E. YARBOROUGH
_____(SEAL)

OWNER OF LOT 8, BRIARWOOD MANOR

George M. Sullivan III (SEAL) ✓
GEORGE M. SULLIVAN, III
_____(SEAL)

OWNER OF LOT 9, BRIARWOOD MANOR

Rudy W. Stankwytsch (SEAL) ✓
RUDY W. STANKWYTSCH
_____(SEAL)

OWNER OF LOT 10, BRIARWOOD MANOR

~~_____ (SEAL)~~
~~_____ (SEAL)~~

OWNER OF LOT 11, BRIARWOOD MANOR

Ronald D. Pride (SEAL) ✓
RONALD D. PRIDE
_____(SEAL)

OWNER OF LOT 12, BRIARWOOD MANOR

Janet Hargadon (SEAL) ✓
JANET HARGADON
_____(SEAL)

OWNER OF LOT 13, BRIARWOOD MANOR

Sandra C. Fisher (SEAL) ✓
SANDRA C. FISHER
_____(SEAL)

BK4172PG0574

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

I, Nancy R. Godwin, a Notary Public, do hereby certify that Ronald D. Peile personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this 15th day of March, 1994.

Nancy R. Godwin
Notary Public

My Commission Expires:



STATE OF NORTH CAROLINA

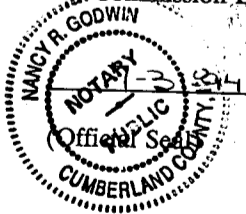
COUNTY OF CUMBERLAND

I, Nancy R. Godwin, a Notary Public, do hereby certify that Donald U. Lucas ~~Donald U. Lucas with power of attorney for Francis L. Lucas~~ personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this 16th day of March, 1994.

Nancy R. Godwin
Notary Public

My Commission Expires:



BK4172PG0575

STATE OF NORTH CAROLINA

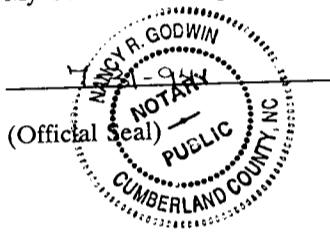
COUNTY OF CUMBERLAND

I, Nancy R. Godwin, a Notary Public, do hereby certify that Shirley C. Fisher personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this 16th day of March, 1994.

Nancy R. Godwin
Notary Public

My Commission Expires:



STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

I, Nancy R. Godwin, a Notary Public, do hereby certify that Hugh Lee Buxton, III & Maria Tierney Buxton personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

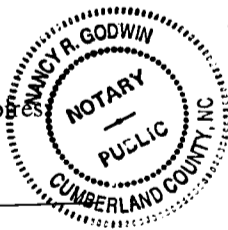
Witness my hand and official seal, this 22 day of March, 1994.

Nancy R. Godwin
Notary Public

My Commission Expires

7-31-94

(Official Seal)



BK4172PG0576

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

I, Nancy R. Godwin, a Notary Public, do hereby certify that Rudy W. Stankevitch personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this 22 day of March, 1994



Nancy R. Godwin
Notary Public

My Commission Expires:

7-31-94

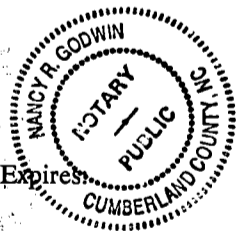
(Official Seal)

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

I, Nancy R. Godwin, a Notary Public, do hereby certify that Janet Hargason personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this 6th day of April, 1994.



Nancy R. Godwin
Notary Public

My Commission Expires:

7-31-94

(Official Seal)

BK 4172PG0577

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

I, Nancy R. Godwin, a Notary Public, do hereby certify that Blair Juniper James Juniper personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

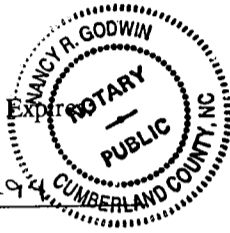
Witness my hand and official seal, this 7th day of April, 1994.

Nancy R. Godwin
Notary Public

My Commission Expires

7-31-94

(Official Seal)



STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

I, Nancy R. Godwin, a Notary Public, do hereby certify that John Jean Autey personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

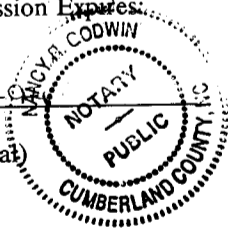
Witness my hand and official seal, this 27th day of April, 1994.

Nancy R. Godwin
Notary Public

My Commission Expires

7-31-94

(Official Seal)



BK4172PG0578

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

I, GREGORY P. MCDANIEL, a Notary Public, do hereby certify that CELIA E. YARBOROUGH personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

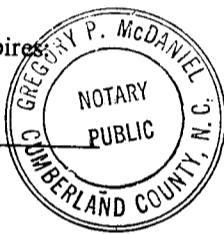
Witness my hand and official seal, this 28TH day of APRIL, 1994.

Gregory P. McDaniel
Notary Public

My Commission Expires

9-10-96

(Official Seal)



STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

I, Nancy R. Godwin, a Notary Public, do hereby certify that Donald S. Hinton & Marie C. Hinton personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

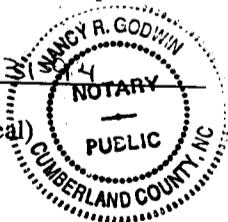
Witness my hand and official seal, this 16th day of May, 1994.

Nancy R. Godwin
Notary Public

My Commission Expires:

7-31-94

(Official Seal)



BK4172PG0579

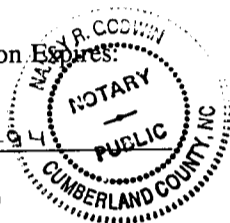
STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

I, Nancy B. Godwin, a Notary Public, do hereby certify
that Charles Graham personally appeared before me this
day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this 6th day of May, 1994

Nancy B. Godwin
Notary Public

My Commission Expires:
7-31-94
(Official Seal)



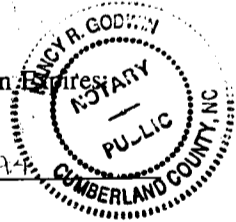
STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

I, Nancy B. Godwin, a Notary Public, do hereby certify
that George M. Sullivan III personally appeared before me this
day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this 6th day of May, 1994

Nancy B. Godwin
Notary Public

My Commission Expires:
7-31-94
(Official Seal)



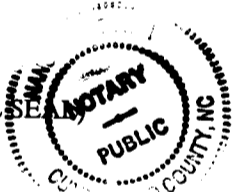

BK4172PG0580

NORTH CAROLINA
CUMBERLAND COUNTY

I, NANCY R. GODWIN, a Notary Public for said County and State, do hereby certify that WANDA L. BLACK, attorney in fact for FRANCES L. LUCAS, personally appeared before me this day, and being by me duly sworn, says that she executed the foregoing and annexed instrument for and in behalf of the said FRANCES L. LUCAS, and that her authority to execute and acknowledge said instrument is contained in an instrument duly executed and acknowledged and recorded in the Cumberland County Register of Deeds, and that this instrument was executed under and by virtue of the authority given by said instrument granting her power of attorney.

I do further certify that the said WANDA L. BLACK acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and in behalf of the said FRANCES L. LUCAS.

Witness my hand and official seal, this the 6th day of June, 1994.

(OFFICIAL SEAL)   Nancy R. Godwin
NOTARY PUBLIC

My Commission Expires: July 31, 1994.

The foregoing Certificate(s) of Nancy R. Godwin, Gregory P. McDaniel

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

By GEORGE E. TATUM REGISTER OF DEEDS FOR CUMBERLAND COUNTY,
Deputy/Assistant - Register of Deeds