

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

FILED	May 05, 2010
AT	03:59:00 pm
BOOK	08388
START PAGE	0129
END PAGE	0134
INSTRUMENT #	13519
RECORDING	\$29.00
EXCISE TAX	(None)

DJ

Prepared by / AMENDMENT TO DECLARATION OF RESTRICTIVE  
Return to: COVENANTS FOR MARINER'S POINTE  
Rebecca F. Person SECTION ONE AND SECTION ONE PART TWO

THIS AMENDMENT TO DECLARATION OF RESTRICTIVE COVENANTS is made the 26th day of April, 2010 by HUFF-CAVINESS, LLC, a North Carolina limited liability company, ("Declarant"); H & H CONSTRUCTORS, INC., ("H&H"); WATERMARK HOMES, INC., ("Watermark"); and MARINER'S POINTE HOMEOWNERS ASSOCIATION OF BRAGG, INC., a North Carolina non-profit corporation (the "Association");

WITNESSETH:

Watermark is the owner of Lot 40 of Mariners Pointe as shown on plat entitled "RECOMBINATION OPEN SPACE & LOT 40 MARINERS POINTE SECTION 1" recorded in Plat Book 126, Page 56, of the Cumberland County Registry ("Lot 40"). Lot 40 is a recombination of the original Lot 40 of Mariners Pointe Section 1, Part 1 as shown in Plat Book 118, Page 108 and a portion of the "Open Space" as shown on plat of "MARINERS POINTE SEC. 1, PART 2" recorded in Plat Book 119, Page 116. Watermark desires to have the Declaration of Restrictive Covenants for Mariners Pointe, Section One, and for Mariners Pointe, Section One, Part Two as recorded in Book 7416, Page 741 and Book 7582, Page 473, of the aforesaid Registry, respectively, (collectively, the "Covenants") amended such that all references to plats shall include the plat recorded in Plat Book 126, Page 56 .

The Covenants may be amended by a change being approved by written recorded instrument

signed by all of the owners of all lots requesting an amendment, by the majority of owners of lots to both sides within ninety (90) feet of any lot requesting the change and by the Developer. Declarant is the Developer under the Covenants; said declarant rights having been transferred to Declarant by written instrument recorded in Book 8202, Page 660, of the aforesaid Registry. Lots 39, 41 and 42 of Mariners Pointe are the lots within ninety (90) feet of Lot 40. H&H is the owner of Lots 39 and 41. Watermark is the owner of Lot 42. The Association has joined in the execution of this instrument to signify its consent to the amendment of the Covenants. The parties have agreed to amend the Covenants as follows:

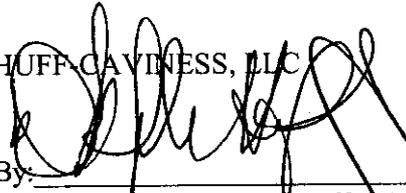
All references to a recorded plat in the Covenants shall include the plat entitled "RECOMBINATION OPEN SPACE & LOT 40 MARINERS POINTE SECTION 1" recorded in Plat Book 126, Page 56, of the Cumberland County Registry. In Article I, Section 5 of the Covenants, the word "Properties" shall include the property shown on the plat entitled "RECOMBINATION OPEN SPACE & LOT 40 MARINERS POINTE SECTION 1" recorded in Plat Book 126, Page 56, of the Cumberland County Registry. In Article I, Section 6, the word "Lot" shall include Lot 40 as shown on plat entitled "RECOMBINATION OPEN SPACE & LOT 40 MARINERS POINTE SECTION 1" recorded in Plat Book 126, Page 56, of the Cumberland County Registry.

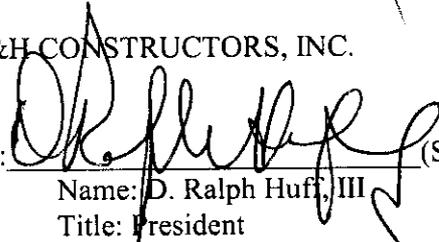
This Amendment shall be construed under the laws, statutes and ordinances of such jurisdiction. The provisions hereof are independent covenants and should any provision or provisions contained in this Amendment be declared by a court or other tribunal of competent jurisdiction to be void, unenforceable or illegal, then such provision or provisions shall be severable and the remaining provisions hereof shall remain in full force and effect. The terms, covenants, conditions and agreements herein contained shall be binding upon and inure to the benefit of and

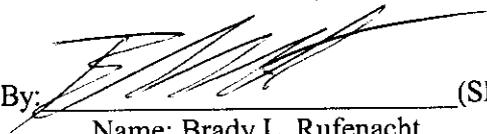
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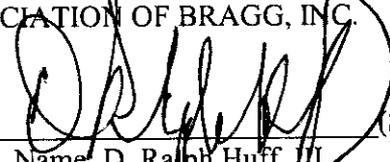
shall be enforceable by the parties hereto and by their respective successors and assigns.

IN WITNESS WHEREOF, the parties have caused this Amendment to be signed the day and year first above written.

HUFF-CAVINESS, LLC  
  
By: \_\_\_\_\_ (SEAL)  
Name: D. Ralph Huff, III  
Title: Manager

H&H CONSTRUCTORS, INC.  
  
By: \_\_\_\_\_ (SEAL)  
Name: D. Ralph Huff, III  
Title: President

WATERMARK HOMES, INC.  
  
By: \_\_\_\_\_ (SEAL)  
Name: Brady L. Rufenacht  
Title: President

MARINER'S POINTE HOMEOWNERS  
ASSOCIATION OF BRAGG, INC.  
  
By: \_\_\_\_\_ (SEAL)  
Name: D. Ralph Huff, III  
Title: President

Attest:

  
\_\_\_\_\_  
Mark Little, Secretary

NORTH CAROLINA  
CUMBERLAND COUNTY

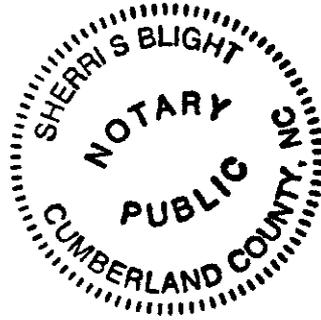
I certify that the following person(s) personally appeared before me this day and I have personal knowledge of the identity of the principal(s) or have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a driver's license or a credible witness has sworn to the identity of the principal(s); each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Name of Principal: D. Ralph Huff, III, Manager

Date: 4-26-10

Sherris S Blight  
Notary Public

SHERRI S BLIGHT  
Printed or Typed Name of Notary Public

My commission expires: FEB 7 2011



(N.P. SEAL)

NORTH CAROLINA  
CUMBERLAND COUNTY

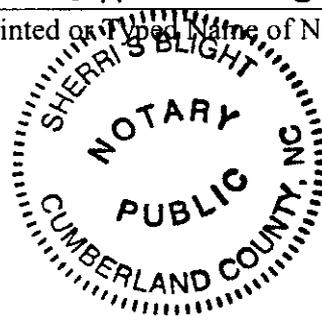
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Date: 4-26-10

Sherris S Blight  
Notary Public

SHERRI S BLIGHT  
Printed or Typed Name of Notary Public

My commission expires: FEB 7 2011



(N.P. SEAL)

NORTH CAROLINA  
CUMBERLAND COUNTY

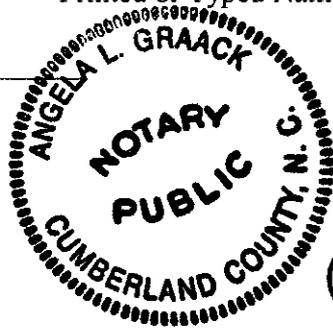
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Date: 4-28-2010

Angela Graack  
Notary Public

Angela L. Graack  
Printed or Typed Name of Notary Public

My commission expires: 1/14/2014



(N.P. SEAL)

NORTH CAROLINA  
CUMBERLAND COUNTY

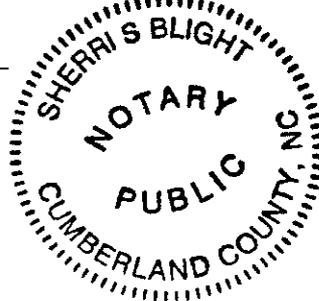
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Date: 4-26-10

Sherris S. Blight  
Notary Public

SHERRI S BLIGHT  
Printed or Typed Name of Notary Public

My commission expires: FEB 7 2011



(N.P. SEAL)

NORTH CAROLINA  
CUMBERLAND COUNTY

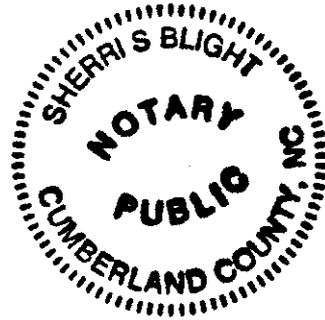
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Date: 4-27-10

Sherris S Blight  
Notary Public

SHERRI S BLIGHT  
Printed or Typed Name of Notary Public

My commission expires: FEB 7 2011



(N.P. SEAL)