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

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DJ

Prepared by and mail to:

Steven J. O'Connor, McCoy Wiggins Cleveland & O'Connor, PLLC, P.O. Box 87009, Fayetteville, NC 28304

NORTH CAROLINA

FIRST AMENDMENT TO DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS
OF RIVER GLEN SUBDIVISION

CUMBERLAND COUNTY

THIS AMENDMENT to Declaration of Covenants, Conditions and Restrictions of River Glen Subdivision is made this 10th day of February, 2011, by ESTATE BUILDERS, LLC, a North Carolina limited liability company.

WITNESSETH:

WHEREAS, a majority of the owners of lots in River Glen Subdivision by written consent proposed an amendment to the Declaration of Covenants, Conditions and Restrictions of River Glen Subdivision recorded at Deed Book 8213, Page 392, Cumberland County Registry (the "Declaration"); and

WHEREAS, the proposed amendment was transmitted in writing to all current owners and a special meeting was called to vote on such proposed amendment, as is required by Section 12.1 of the Declaration; and

WHEREAS, at such special meeting held on February 10, 2011, the amendment set out below was approved by the affirmative vote of 67 percent or more of the votes of the owners entitled to vote for such amendment; and

WHEREAS, the Declarant has evidenced this Amendment below and the officers of the River Glen Homeowners Association, Inc. have certified this amendment on Exhibit "A" attached hereto.

NOW, THEREFORE, in consideration of the premises contained herein, and other good and valuable consideration, the Declarant declares that the Declaration is amended pursuant to Section 12.1 of the Declaration as follows:

1. Article One, Section 1.2, Subsection a. is deleted in its entirety and the following is substituted therefor:

a. Other Additions

(1) The Declarant, its successors, and assigns, shall have the right for twenty (20) years from the date of this Declaration to bring within the operation and effect of this Declaration additional portions of the land more particularly described on Exhibit "B" attached as a part of this Declaration. The additions authorized under this Section 1.2 a. (1) shall be made by recording in the Office of the Register of Deeds of Cumberland County a supplement to this Declaration, which need be executed only by the Declarant and the owner of such additional land if the Declarant is not the Owner thereof, which shall describe the additional land and state that it is subject to this Declaration. The additions authorized by this Section 1.2 a. (1) shall not require the approval of the Association; or

(2) Upon the written approval of the Association after the Association has attained the assent of the holders of two-thirds (2/3) of the votes of each class of members present in person or by proxy at the meeting at which the vote is taken, the owner of any land who desires to subject it to the operation and effect of this Declaration may do so by recording in the Office of the Register of Deeds a supplement to this Declaration describing the additional land and stating that it is subject to this Declaration.

2. The definition of "Association" in Article Two is amended to read as follows:

"Association" shall mean and refer to River Glen Homeowners Association, Inc.

3. Article Two is amended to add the following definitions:

"Declarant" shall mean and refer to Estate Builders, LLC, a North Carolina limited liability company, its successors and assigns as a Declarant.

"Development Period" means the period on the date on which this Declaration is recorded in the Cumberland County Register of Deeds and terminating on the earlier to occur of: (i) when Declarant no longer owns a Lot in the Subdivision and no longer owns any of the land reserved for future development as set out in Section 1.2.a.(1) and as described in Exhibit "B" attached hereto; (ii) the date that Declarant relinquishes in writing Declarant's right to appoint members of the Board; or (iii) the occurrence of the date twenty (20) years from the date of recording the Declaration, renewable for an additional twenty (20) year period with the consent of a majority of the Lot Owners other than Declarant.

4. Article Four, Section 4.3, Subsection (a) shall be amended by deleting the last sentence in its entirety and substituting the following therefor:

The Declarant shall elect all individuals who constitute the architectural control committee until the expiration of the Development Period, or until the date that Declarant relinquishes in writing Declarant's specific right to elect the architectural control committee.

5. Article Seven, Section 7.2 shall be deleted in its entirety and the following substituted therefor:

Section 7.2 Membership/Voting Rights

The Association shall have two (2) classes of Membership:

a) Class A Members: Every person, group of persons, or entity which is a record Owner of a fee interest in any Lot shall automatically be a Class A Member of the Association except the Declarant during the Development Period; provided, however, that any such person, group of persons or entity who holds such interest solely as security for the performance of an obligation shall not be a Member. A Class A Membership shall be appurtenant to and may not be separated from ownership of any Lot. Class A Members shall be entitled to one (1) vote for each Lot in which they hold the interest required for membership. In the event that more than one person, group of persons or entity is the record Owner of a fee interest in any Lot, then the vote for the membership appurtenant to such Lot portion shall be exercised as they among themselves determine, but in no event shall more than one (1) vote be cast with respect to any Lot. In the event agreement is not reached, the vote attributable to such Lot shall not be cast.

b) Class B Members: The Class B Member during the Development Period shall be the Declarant. Class B Membership shall cease upon the expiration of the Development Period.

Each Class A Member shall have one vote with respect to each Lot owned by such Member, but a Class A Member shall not be entitled to exercise any vote until the expiration of the Development Period. The Class B Member shall be the only Member entitled to vote during the Development Period.

6. Article Twelve, Section 12.1 shall be amended to add the following:

Notwithstanding anything herein contained, the Declarant shall have the unfettered right to amend this Declaration without consent of the Class A Membership so long as Class B Membership exists.

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

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

Declarant:

ESTATE BUILDERS, LLC

By: *[Signature]*
Richard M. Wiggins, Manager

NORTH CAROLINA
CUMBERLAND COUNTY

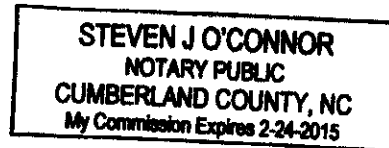
I certify that the following person personally appeared before me this day, acknowledging that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity stated: Richard M. Wiggins, Manager of Estate Builders, LLC.

Witness my hand and official stamp or seal this 10th day of February, 2011.

My Commission Expires:
2-24-2015

Steven J O'Connor
Notary Public

(Notarial Seal)



(N.P. SEAL)

Exhibit "A"

Certification by officers of River Glen Homeowners Association, Inc.

By authority of its Board of Directors, the River Glen Homeowners Association, Inc., hereby certifies that the foregoing instrument has been duly adopted and approved by the requisite percentage of owners of River Glen Subdivision and is, therefore, a valid amendment to the Declaration of Covenants, Conditions and Restrictions of River Glen Subdivision.

As of the 10th day of February, 2011.

RIVER GLEN HOMEOWNERS ASSOCIATION, INC.

By: [Signature]
John S. Koenig, President

By: [Signature]
Richard M. Wiggins, Secretary

NORTH CAROLINA
CUMBERLAND COUNTY

I certify that the following persons personally appeared before me this day, each acknowledging to me that he voluntarily signed the foregoing document for the purpose stated herein and in the capacity indicated: John S. Koenig, President and Richard M. Wiggins, Secretary.

Witness my hand and official stamp or seal this 10th day of February, 2011.

My Commission Expires:
2-24-2015

[Signature]
Notary Public

(Notarial Seal)



(N.P. SEAL)

EXHIBIT "B"

LAND SUBJECT TO ANNEXATION

Any portion or all of the lands described in the deeds recorded at Deed Book 7010, Page 805, and Deed Book 7172, Page 142, Cumberland County Registry, as described on the plat of River Glen recorded at Plat Book 120, Page 199, Cumberland County Registry, LESS AND EXCEPT the land described in the plat of River Glen Subdivision, Phase One, Section One, recorded at Plat Book 124, Page 177, Cumberland County Registry.

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