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BK 8162 PG 0276

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

FILED May 29, 2009  
AT 11:06:00 am  
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END PAGE 0279  
INSTRUMENT # 19846  
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EXCISE TAX (None)

KSJ

Prepared By and Return To:  
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P.O. Box 53187  
Fayetteville, NC 28305

**FIRST AMENDMENT TO  
DECLARATION OF COVENANTS AND RESTRICTIONS  
FOR CASTLEFIELD AT MILLSTONE**

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS AND RESTRICTIONS FOR CASTLEFIELD AT MILLSTONE (this "Amendment") is made and entered into this as of the dates set forth below by **LANDFALL PARTNERS, LLC**, a North Carolina limited liability company (the "Declarant") and **CASTLEFIELD AT MILLSTONE HOMEOWNERS ASSOCIATION, INC.**, a North Carolina non-profit corporation (the "Association").

**WITNESSETH:**

WHEREAS, the Declarant previously executed that certain Declaration of Covenants, Conditions and Restrictions for Castlefield at Millstone recorded in Book 8047, Page 135, Cumberland County Registry (the "Declaration");

WHEREAS, the Declaration subjected certain lots (the "Lots") located within the Castlefield at Millstone sub-division (the "Subdivision") to a planned, single-family residential covenant scheme, all as more particularly described in the Declaration;

WHEREAS, the Declarant continues to own all of the Lots, and the Subdivision remains within the Development Period (as defined in the Declaration); and

WHEREAS, pursuant to rights reserved within the Declaration, the Declarant and the Association desire to amend the Declaration to reserve the additional Declarant right to withdraw Lots from the Subdivision, all as set forth below.

NOW, THEREFORE, pursuant to the rights contained with Section 11.4 of the Declaration, and for and in consideration of the covenants herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Declarant (as owner of all the Lots) and the Association hereby amend the Declaration as follows:

1. The following sentence is added to the end of Section 11.5, which is entitled Reservation of Special Declarant Rights:

“Without limiting the foregoing, and notwithstanding anything herein to the contrary, during the Development Period, Declarant reserves the unilateral right to withdraw Lots from the Subdivision that Developer owns (and/ or Lots that are owned by consenting third parties) by filing a supplement to this Declaration in the Cumberland County Registry.

2. Except as specifically amended herein, the Declaration remains unchanged and in full force and effect and the Declarant and the Association by their execution hereof, hereby ratify, affirm and approve the Declaration, as specifically amended hereby. All capitalized terms that are not specifically defined herein shall have the meanings attributed to them in the Declaration.

**[The Remainder of This Page Intentionally Left Blank]**

IN WITNESS WHEREOF, the undersigned have executed this Amendment as of the dates set forth in the below notary acknowledgments, with the latter of said dates to comprise the effective date hereof.

DECLARANT:

LANDFALL PARTNERS, LLC

By: *[Signature]*  
D. Ralph Huff, III  
Member/ Manager

STATE OF NORTH CAROLINA

COUNTY OF Cumberland

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: D. Ralph Huff, III as Member/ Manager of Landfall Partners, LLC, a North Carolina limited liability company.

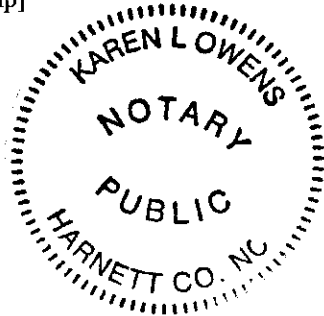
Date: 5.28.09

Official Signature of Notary: *Karen L Owens*

Notary's Printed Name: Karen L Owens

My commission expires: 4-02-2011

[Affix Notary Seal or Stamp]



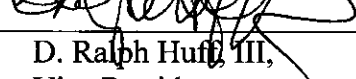
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BK 8162 PG 0279

**ASSOCIATION:**

**CASTLEFIELD AT MILLSTONE  
HOMEOWNERS ASSOCIATION, INC.**

By:   
D. Ralph Huff, III,  
Vice President

**STATE OF NORTH CAROLINA**

**COUNTY OF** Cumberland

I certify that the following person~~s~~ personally appeared before me this day, ~~each~~ acknowledging to me that he ~~or she~~ voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: D. Ralph Huff, III as Vice President of **Castlefield at Millstone Homeowners Association, Inc.**, a North Carolina non-profit corporation.

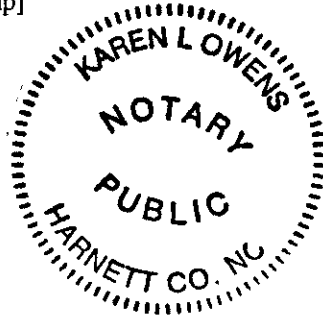
Date: 5-28-09

Official Signature of Notary: 

Notary's Printed Name: Karen L Owens

My commission expires: 4-02-2011

[Affix Notary Seal or Stamp]



(N.P. SEAL)