

NORTH CAROLINA

AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND
RESTRICTIONS

CUMBERLAND COUNTY

WHEREAS, E. NEWTON SMITH, JR. and RONALD CAREY SMITH are the declarants in those certain Covenants and Restrictions recorded in Book 2895, Page 797, Cumberland County Registry and Annexation of Additional Properties and Declaration of Covenants, Conditions and Restrictions recorded in Book 2927, Page 551, ~~Cumberland County~~ Registry; and

WHEREAS, the declarant desires to amend said Declaration of Covenants, Conditions and Restrictions and Annexation of Additional Properties and Declaration of Covenants, Conditions and Restrictions to provide that the "common area" as that term is defined in said Declaration of Covenants, Conditions and Restrictions include the private roads within the development; and

WHEREAS, ninety (90%) percent of the land-owners have consented to said amendment and have so indicated by the execution of this amendment;

NOW, THEREFORE, come E. NEWTON SMITH, JR. and RONALD CAREY SMITH as declarants of those certain Declarations of Covenants, Conditions and Restrictions recorded in Book 2895, Page 797, Cumberland County Registry and Annexation of Additional Properties and Declaration of Covenants, Conditions and Restrictions recorded in Book 2927, page 551, Cumberland County Registry, comprising in excess of ninety (90%) percent of the now existing lot owners in HAVILAH MANOR TOWNHOMES, PHASE ONE, PARTS A and B, all as will appear of record in the recorded plats in the Cumberland County Registry and expressly modify and amend the Declaration of Covenants, Conditions and Restrictions recorded in Book 2895, Page 797, Cumberland County Registry, by deleting Article I, Section 4 in its entirety and substituting therefore the following:

ARTICLE I

DEFINITIONS

Section 4. "Common Area" shall mean all real property (including the improvement thereon) owned by the Association for the common use and enjoyment of the owners. The Common Area to be owned by the

Association at the time of the conveyance of the first lot is described as follows:

All of that area shown as "Common Area" and as private roads on that certain map of Phase One, Havilah Manor Townhomes, which is recorded in Map Book 52, Page 58, in the Office of the Register of Deeds for Cumberland County, North Carolina, and in addition all of that area shown as "Common Area", private roads, and easements on that certain map of Phase One, Part B, Havilah Manor Townhomes which is recorded in Map Book 53, Page 66, in the Office of the Register of Deeds, Cumberland County, North Carolina, together with such future plats as may be put on record.

IN TESTIMONY WHEREOF, the declarants have set their hands and seals this 11th day of December, 1983.

E. Newton Smith, Jr. (SEAL)
E. NEWTON SMITH JR.

Ronald Carey Smith (SEAL)
RONALD CAREY SMITH

E. Newton Smith, Jr.
WITNESS:

Margie L. Rose (SEAL)
MARGIE L. ROSE

E. Newton Smith, Jr.
WITNESS:

Melvin V. Mauldin (SEAL)
MELVIN V. MAULDIN

E. Newton Smith, Jr.
WITNESS:

Becky P. Mauldin (SEAL)
BECKY P. MAULDIN

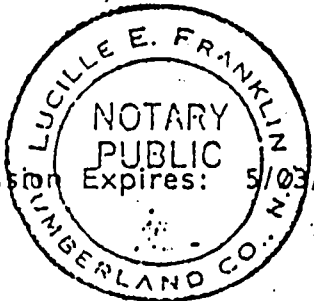
E. Newton Smith, Jr.
WITNESS:

Jerry D. Collins (SEAL)
JERRY D. COLLINS

NORTH CAROLINA - CUMBERLAND COUNTY

I, Lucille E. Franklin, a Notary Public, do hereby certify that E. NEWTON SMITH, JR. and RONALD CAREY SMITH, personally appeared before me this day and acknowledged the due execution of the forgoing instrument for the purposes therein expressed.

WITNESS my hand and Notarial Seal, this 11th day of December, 1983.



My Commission Expires:

5/03/87

Lucille E. Franklin
Notary Public