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

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EXCISE TAX (None)

RT

**FIRST AMENDMENT TO DECLARATION OF  
COVENANTS FOR  
LONG BRANCH VILLAGE**

Prepared By and Return to: John G. Briggs III, Attorney at Law, PO Drawer 1358, Fayetteville, NC 28302

THIS FIRST AMENDMENT TO THE DECLARATION OF COVENANTS FOR LONG BRANCH VILLAGE is made and entered into this the 27<sup>th</sup> day of January, 2009, by LANDTEC DEVELOPMENT COMPANY, INC., a North Carolina Corporation, hereinafter referred to as "Declarant" or "Developer";

WITNESSETH

WHEREAS, Declarant is the original maker and Declarant of the Declaration of Covenants for Long Branch Village recorded in Book 7505, at Page 874, Cumberland County Registry, North Carolina (the "Declaration"); and

WHEREAS, the Declaration provides in Part Four, Article II that the Declaration may be amended at any time by Declarant as long as Declarant owns any lot or any portion of the property located in Long Branch Village; and

WHEREAS, Declarant, at the time of this amendment, owns lots located in Long Branch Village; and

NOW THEREFORE, Declarant does hereby amend the following portions of the Declaration as follows:

1) As to Part Two, Article I, Section 7, Set-Back Requirements, the portion setting forth the rear set-back building line for Single Story and Two Story Patio Home Lots is hereby amended to Ten (10) feet, instead of Fifteen (15) feet; and the last paragraph of said section is hereby deleted in its entirety and is replaced with the following language: "The provisions of this Section 7 may be changed and modified with respect to any one or more lots so as to make the provisions less restrictive, provided said diminished restrictions comply with the Stedman Town Code, by: (a) the change being approved by a written recorded instrument signed by all of the members of the Architectural Review Board for the Home Owners Association, or (b) the recordation of a written instrument signed by the Declarant as long as Declarant continues to own any lot in Long Branch Village."


2) As to Part Two, Article I, Section 10, Fences, the entire paragraph is hereby deleted and replaced with the following language: "No fence(s) may be erected without the prior written approval of the Architectural Review Board. The Architectural Review Board shall have the sole and exclusive authority to review the proposed fencing materials and location of the fence(s) as provided in an application by the Lot Owner. At no time shall the fence(s) be made of concrete block material or what is commonly known as "chicken wire". Solid fences shall not exceed six (6) feet in height."

3) As to Part Three, Article III, Section 1, Creation of the Lien and Personal Obligation of Assessments, Paragraph 2 of said Section is hereby deleted and replaced with the following language: "The Association shall have the authority by and through the Board of Directors to establish, fix and levy a special assessment on any Lot to secure the liability of the Owner thereof to the Association arising from a breach by such Owner of any of the provisions of this Declaration. The Board of Directors have the sole and exclusive authority to fix and levy said special assessment without a vote or approval of the Lot Owners."

THIS AMENDMENT shall be construed under the laws, statutes and ordinances of such governmental authority having 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 an shall be enforceable by the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, Declarant has caused this Amendment to be signed as of the date first written above.

LANDTEC DEVELOPMENT COMPANY, INC.

By:   
John P. Stephenson, President of  
Landtec Development Company, Inc.

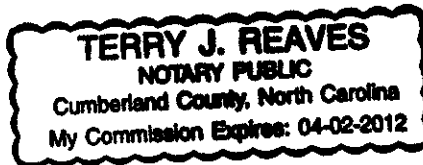
STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

I certify that the following person(s) personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document(s) for the purposes stated therein and in the capacity indicated:

**Name of Principals: John P. Stephenson, President of Landtec Development Company, Inc.**

Date: 01/27/2009   
Notary Public

My Comm. Expires: 04/02/2012  
Printed Name of Notary Public



(N.P. SEAL)