



FOR REGISTRATION REGISTER OF DEEDS
KIMBERLY S. HARGROVE
HARNETT COUNTY, NC
2008 JUN 04 08:41:22 AM
BK:2516 PG:863-877 FEE:\$53.00

INSTRUMENT # 2008009318

Drawn by and Mail To: Weatherspoon & Voltz LLP, 203 E. Whitaker Mill Road, Suite 109, Raleigh, NC 27608

NORTH CAROLINA

HARNETT COUNTY

**FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS
AND RESTRICTIONS FOR THE VILLAGE OF LEXINGTON SUBDIVISION
RECORDED IN BOOK 2426, PAGE 485, HARNETT COUNTY REGISTER OF DEEDS**

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS (the "First Amendment") made this 12 day of May, 2008, by Village of Lexington, LLC, a North Carolina limited liability company (the "Developer"), Caviness & Cates Building & Development Company, a North Carolina corporation ("C&C"), Homeco Builders, Inc., a North Carolina corporation ("Homeco"), Classic Home Creations, LLC, a North Carolina limited liability company ("Classic"), Silverado Homes, LLC, a North Carolina limited liability company ("Silverado"), Lex Anthony Briese ("Briese"), New Century Homes, LLC, a North Carolina limited liability company ("New Century"), Mary Mack's Development, LLC, a North Carolina limited liability company ("Mary Mack's"), B&B Land Investors, LLC, a North Carolina limited liability company ("B&B"), and Jason Price Construction, Inc., a North Carolina corporation ("Price").

WITNESSETH:

WHEREAS, Developer previously recorded in Book 2426, Page 485 of the Harnett County Register of Deeds that certain Declaration of Covenants, Conditions, Easements and Restrictions for the Village of Lexington Subdivision dated September 18, 2007 (hereinafter the "Declaration") with respect to certain real property described in that certain plat entitled "Subdivision Plat for Lexington Plantation, Village of Lexington, Part I", prepared by Enoch Engineers, P.A., and recorded in Plat Book 2007, Pages 805-807 in the Harnett County Public Registry (the "Property"); and

WHEREAS, Developer transferred all right, title and interest in and to Lots 1, 3-7, 17, 63 and 72-73 of the Property to C&C by deed recorded in Book 2452, Page 564, Harnett County Register of Deeds; and

WHEREAS, Developer transferred all right, title and interest in and to Lots 2, 18, 20, 22 and 64 of the Property to C&C by deed recorded in Book 2452, Page 582, Harnett County Register of Deeds; and

WHEREAS, Developer transferred all right, title and interest in and to Lots 9, 21, 25, 29 and 32-35 of the Property to C&C by deed recorded in Book 2504, Page 828, Harnett County Register of Deeds; and

WHEREAS, Developer transferred all right, title and interest in and to Lots 8, 23-24 and 61 of the Property to Homeco by deed recorded in Book 2453, Page 303, Harnett County Register of Deeds; and

WHEREAS, Developer transferred all right, title and interest in and to Lot 13 of the Property to Classic by deed recorded in Book 2461, Page 602, Harnett County Register of Deeds; and

WHEREAS, Developer transferred all right, title and interest in and to Lot 14 of the Property to Classic by deed recorded in Book 2448, Page 439, Harnett County Register of Deeds; and

WHEREAS, Developer transferred all right, title and interest in and to Lots 15-16 of the Property to Silverado by deed recorded in Book 2455, Page 537, Harnett County Register of Deeds; and

WHEREAS, Developer transferred all right, title and interest in and to Lots 30-31, 36-40 and 54 of the Property to Briese by deed recorded in Book 2475, Page 243, Harnett County Register of Deeds; and

WHEREAS, Developer transferred all right, title and interest in and to Lots 44-53 and 55-60 of the Property to New Century by deed recorded in Book 2429, Page 21, Harnett County Register of Deeds; and

WHEREAS, Developer transferred all right, title and interest in and to Lots 62 and 65 of the Property to Mary Mack's by deed recorded in Book 2454, Page 771, Harnett County Register of Deeds; and

WHEREAS, Developer transferred all right, title and interest in and to Lots 66-67 of the Property to B&B by deed recorded in Book 2455, Page 294, Harnett County Register of Deeds; and

WHEREAS, Developer transferred all right, title and interest in and to Lots 68-71 of the Property to Price by deed recorded in Book 2454, Page 800, Harnett County Register of Deeds; and

WHEREAS, Article XI, Section 3 of the Declaration provides that the Declaration may be amended by a written agreement executed by not less than seventy-five percent (75%) of the Lot Owners and recordation of such amendment in the Harnett County Public Registry; and

WHEREAS, as of the date hereof, Developer, C&C, Homeco, Classic, Silverado, Briese, New Century, Mary Mack's, B&B and Price own all of the Lots subject to the Declaration; and

WHEREAS, Developer, C&C, Homeco, Classic, Silverado, Briese, New Century, Mary Mack's, B&B and Price desire to amend the Declaration by the execution of this First Amendment for the purpose of revising various aspects of the Declaration.

NOW THEREFORE, in consideration of the foregoing, Developer, C&C, Homeco, Classic, Silverado, Briese, New Century, Mary Mack's, B&B and Price do hereby declare as follows:

1. Article VI, Section 9 is hereby deleted in its entirety and replaced with the following:

“Section 9. Fences, Walls and Hedges. No fence, wall, hedge or other mass planting shall be erected or permitted in front of a dwelling on any Lot, except as approved by the Architectural Review Board pursuant to Article V herein. Chain-link fencing is not permitted. All fences must be privacy or picket type fencing and must be five (5) feet in height. All fences which separate the front yard from the back yard of a Lot must be made of vinyl material, but fences on the sides and back of any back yard of any Lot may be made of vinyl or wood. The Association or its designee may issue guidelines detailing acceptable fence styles and other specifications consistent with the preceding sentence.”

2. Article VII, Section 1 is hereby deleted in its entirety and replaced with the following:

“Section 1. Square Footage. Any dwelling erected on a detached single-family residential Lot shall contain a minimum enclosed dwelling area of one thousand two hundred (1,200) square feet, and shall be two (2) stories in height. In addition thereto, and unless a variance is granted therefore as provided herein, all dwellings shall have at a minimum an enclosed one (1) car garage attached to the main dwelling. The term "enclosed dwelling area" as used in this Article VII, Section 1 shall mean the total enclosed area within a dwelling subject to heating and cooling, and upon approval by Declarant, may include basement space; provided however, that the term specifically does not include garages, terraces, open porches, decks, stoops and like areas regardless of heating or cooling. Variances of these square footage requirements in the amount of 10% may be granted by the Board of Directors of the Association pursuant to Article V hereof, but in no case will the size be less than that required by the governmental agency having jurisdiction over the Property.”

3. Except as amended and modified herein the Declaration remains in full force and effect.

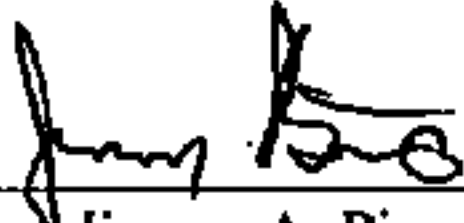
4. Whenever defined terms and words of art are used herein, as indicated by the initial capitalization thereof, such defined words and terms of art, if not defined herein, shall have the same meaning ascribed thereto in the Declaration.

[THE REMAINDER OF THIS PAGE INTENTIONALLY BLANK – SIGNATURES AND NOTARIES FOLLOW]

IN WITNESS WHEREOF, Developer, C&C, Homeco, Classic, Silverado, Briese, New Century, Mary Mack's, B&B and Price have caused this First Amendment to be executed as of the day and year first above written.

DEVELOPER:

VILLAGE OF LEXINGTON, LLC,
a North Carolina limited liability company

By: 
Name: Jimmy A. Pierce
Title: Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF ~~WAKE~~ Harnett

I, Carla W Pace, Notary Public for said County and State, certify that Jimmy A. Pierce, Member/Manager of Village of Lexington, LLC, a North Carolina limited liability company, personally came before me this day and acknowledged the due execution of the foregoing instrument on behalf of Village of Lexington, LLC.

Witness my hand and official stamp or seal, this 15th day of May, 2008.

Carla W Pace My Commission Expires: June 3, 2009
Notary Public
Printed Name of Notary: Carla W Pace

[Notarial Seal or Stamp]



IN WITNESS WHEREOF, Developer, C&C, Homeco, Classic, Silverado, Briese, New Century, Mary Mack's, B&B and Price have caused this First Amendment to be executed as of the day and year first above written.

C&C: Caviness & Cates Building & Development Company,
a North Carolina corporation,

By: [Signature]
Name: Chris Cates
Title: President

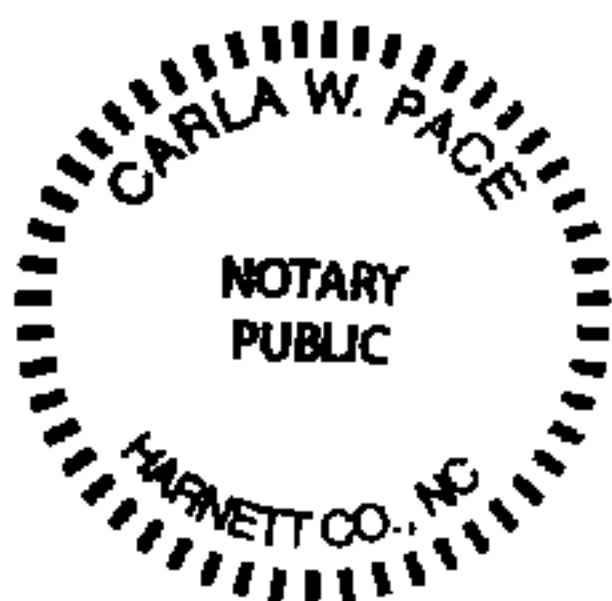
STATE OF NORTH CAROLINA
COUNTY OF WAKE Harnett

I, Carla W Pace, notary public of the County and State aforesaid, certify that Chris Cates personally came before me this day and acknowledged that he is President of Caviness & Cates Building & Development Company, a North Carolina corporation, and that he, as President, being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official stamp or seal, this 15th day of May, 2008.

Carla W Pace My Commission Expires: June 3, 2009
Notary Public
Printed Name of Notary: Carla W Pace

[Notarial Seal or Stamp]



IN WITNESS WHEREOF, Developer, C&C, Homeco, Classic, Silverado, Briese, New Century, Mary Mack's, B&B and Price have caused this First Amendment to be executed as of the day and year first above written.

HOMEKO:

Homeco Builders, Inc.,
a North Carolina corporation

By: [Signature]
Name: Donny B. Morris
Title: Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF WAKE Harnett

I, Carla W Pace, notary public of the County and State aforesaid, certify that Donny Morris personally came before me this day and acknowledged that he is Member/Manager of Homeco Builders, Inc., a North Carolina corporation, and that he, as Member/Manager, being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official stamp or seal, this 15th day of May, 2008.

Carla W Pace My Commission Expires: June 3, 2009
Notary Public
Printed Name of Notary: Carla W Pace

[Notarial Seal or Stamp]



IN WITNESS WHEREOF, Developer, C&C, Homeco, Classic, Silverado, Briese, New Century, Mary Mack's, B&B and Price have caused this First Amendment to be executed as of the day and year first above written.

CLASSIC:

Classic Home Creations, LLC,
a North Carolina limited liability company

By: Matthew Norris
Name: Matthew Norris
Title: Owner

STATE OF NORTH CAROLINA,
COUNTY OF WAKE Harnett

I, Carla W Pace, Notary Public for said County and State, certify that Matthew Norris, Manager of Classic Home Creations, LLC, a North Carolina limited liability company, personally came before me this day and acknowledged the due execution of the foregoing instrument on behalf of Classic Home Creations, LLC.

Witness my hand and official stamp or seal, this 15th day of May, 2008.

Carla W Pace My Commission Expires: June 3, 2009
Notary Public
Printed Name of Notary: Carla W Pace



IN WITNESS WHEREOF, Developer, C&C, Homeco, Classic, Silverado, Briese, New Century, Mary Mack's, B&B and Price have caused this First Amendment to be executed as of the day and year first above written.

SILVERADO:

Silverado Homes, LLC,
a North Carolina limited liability company

By: [Signature]
Name: Danny Norris
Title: President

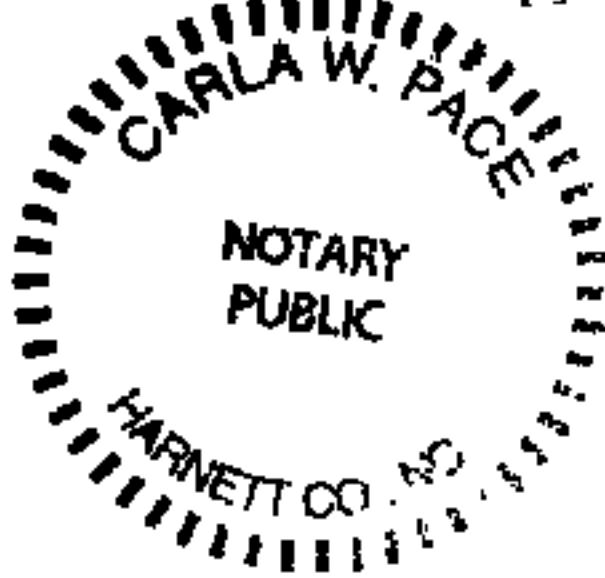
STATE OF NORTH CAROLINA
COUNTY OF WAKE HARNETT

I, Carla W Pace, Notary Public for said County and State, certify that Danny Norris, Manager of Silverado Homes, LLC, a North Carolina limited liability company, personally came before me this day and acknowledged the due execution of the foregoing instrument on behalf of Silverado Homes, LLC.

Witness my hand and official stamp or seal, this 15th day of May, 2008.

Carla W Pace My Commission Expires: June 3, 2009
Notary Public
Printed Name of Notary: Carla W Pace

[Notarial Seal or Stamp]



IN WITNESS WHEREOF, Developer, C&C, Homeco, Classic, Silverado, Briese, New Century, Mary Mack's, B&B and Price have caused this First Amendment to be executed as of the day and year first above written.


Lex Anthony Briese

STATE OF NORTH CAROLINA,
COUNTY OF ~~WAKE~~ Harnett

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: Lex Anthony Briese.

Witness my hand and official stamp or seal, this 15th day of May, 2008.

Carla W Pace My Commission Expires: June 3, 2009
Notary Public
Printed Name of Notary: Carla W Pace

[Notarial Seal or Stamp]



IN WITNESS WHEREOF, Developer, C&C, Homeco, Classic, Silverado, Briese, New Century, Mary Mack's, B&B and Price have caused this First Amendment to be executed as of the day and year first above written.

NEW CENTURY:

New Century Homes, LLC,
a North Carolina limited liability company

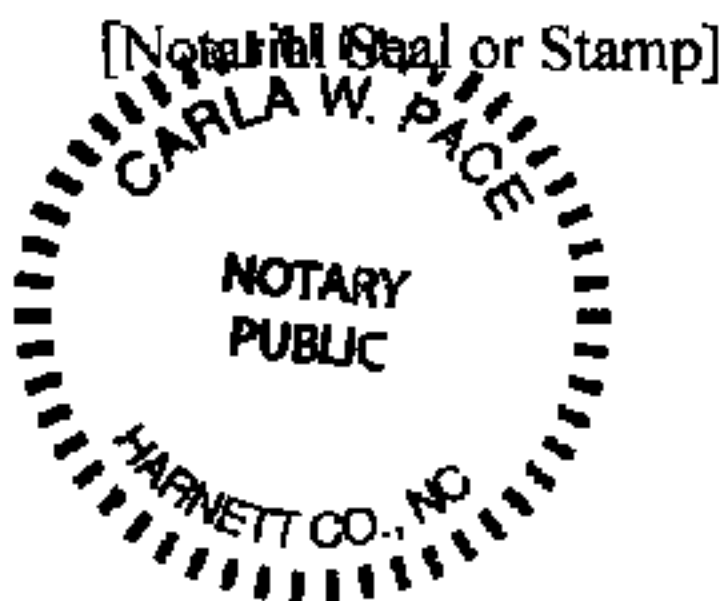
By: [Signature]
Name: Jimmy Norris
Title: President / Manager

STATE OF NORTH CAROLINA
COUNTY OF ~~WAKE~~ Harnett

I, Carla W Pace Notary Public for said County and State, certify that Jimmy Norris, Manager of New Century Homes, LLC, a North Carolina limited liability company, personally came before me this day and acknowledged the due execution of the foregoing instrument on behalf of New Century Homes, LLC.

Witness my hand and official stamp or seal, this 15th day of May, 2008.

Carla W Pace My Commission Expires: June 3, 2009
Notary Public
Printed Name of Notary: Carla W Pace



IN WITNESS WHEREOF, Developer, C&C, Homeco, Classic, Silverado, Briese, New Century, Mary Mack's, B&B and Price have caused this First Amendment to be executed as of the day and year first above written.

MARY MACK'S:

Mary Mack's Development, LLC,
a North Carolina limited liability company

By: [Signature]
Name: Jason Price
Title: Owner/Manager

STATE OF NORTH CAROLINA
COUNTY OF ~~WAKE~~ HARNETT

I, Carla W Pace, Notary Public for said County and State, certify that Jason Price, Manager of Mary Mack's Development, LLC, a North Carolina limited liability company, personally came before me this day and acknowledged the due execution of the foregoing instrument on behalf of Mary Mack's Development, LLC.

Witness my hand and official stamp or seal, this 15th day of May, 2008.

Carla W Pace My Commission Expires: June 3, 2009
Notary Public
Printed Name of Notary: Carla W Pace

[Notarial Seal or Stamp]



IN WITNESS WHEREOF, Developer, C&C, Homeco, Classic, Silverado, Briese, New Century, Mary Mack's, B&B and Price have caused this First Amendment to be executed as of the day and year first above written.

B&B:

B&B Land Investors, LLC,
a North Carolina limited liability company

By: Jason Price
Name: Jason Price
Title: Owner/Manager

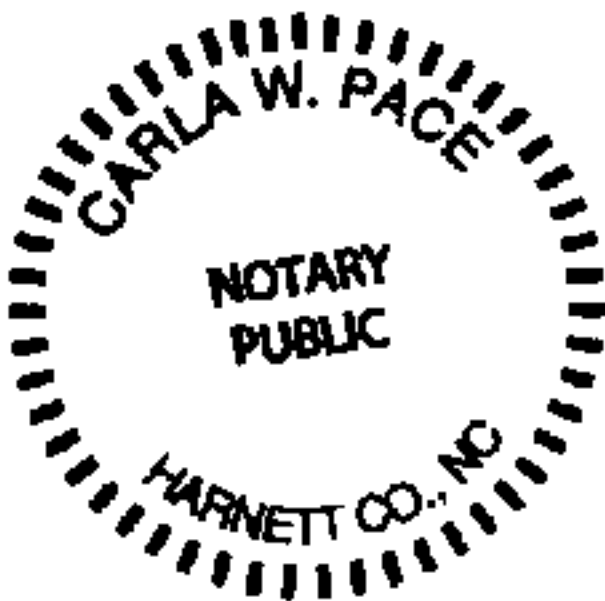
STATE OF NORTH CAROLINA
COUNTY OF ~~WAKE~~ HARNETT

I, Carla W Pace, Notary Public for said County and State, certify that Jason Price, Manager of B&B Land Investors, LLC, a North Carolina limited liability company, personally came before me this day and acknowledged the due execution of the foregoing instrument on behalf of B&B Land Investors, LLC.

Witness my hand and official stamp or seal, this 15th day of May, 2008.

Carla W Pace My Commission Expires: June 3, 2009
Notary Public
Printed Name of Notary: Carla W Pace

[Notarial Seal or Stamp]



IN WITNESS WHEREOF, Developer, C&C, Homeco, Classic, Silverado, Briese, New Century, Mary Mack's, B&B and Price have caused this First Amendment to be executed as of the day and year first above written.

PRICE:

Jason Price Construction, Inc.,
a North Carolina corporation

By: Jason Price
Name: Jason Price
Title: Owner/Manager

STATE OF NORTH CAROLINA
COUNTY OF ~~WAKE~~ HARNETT

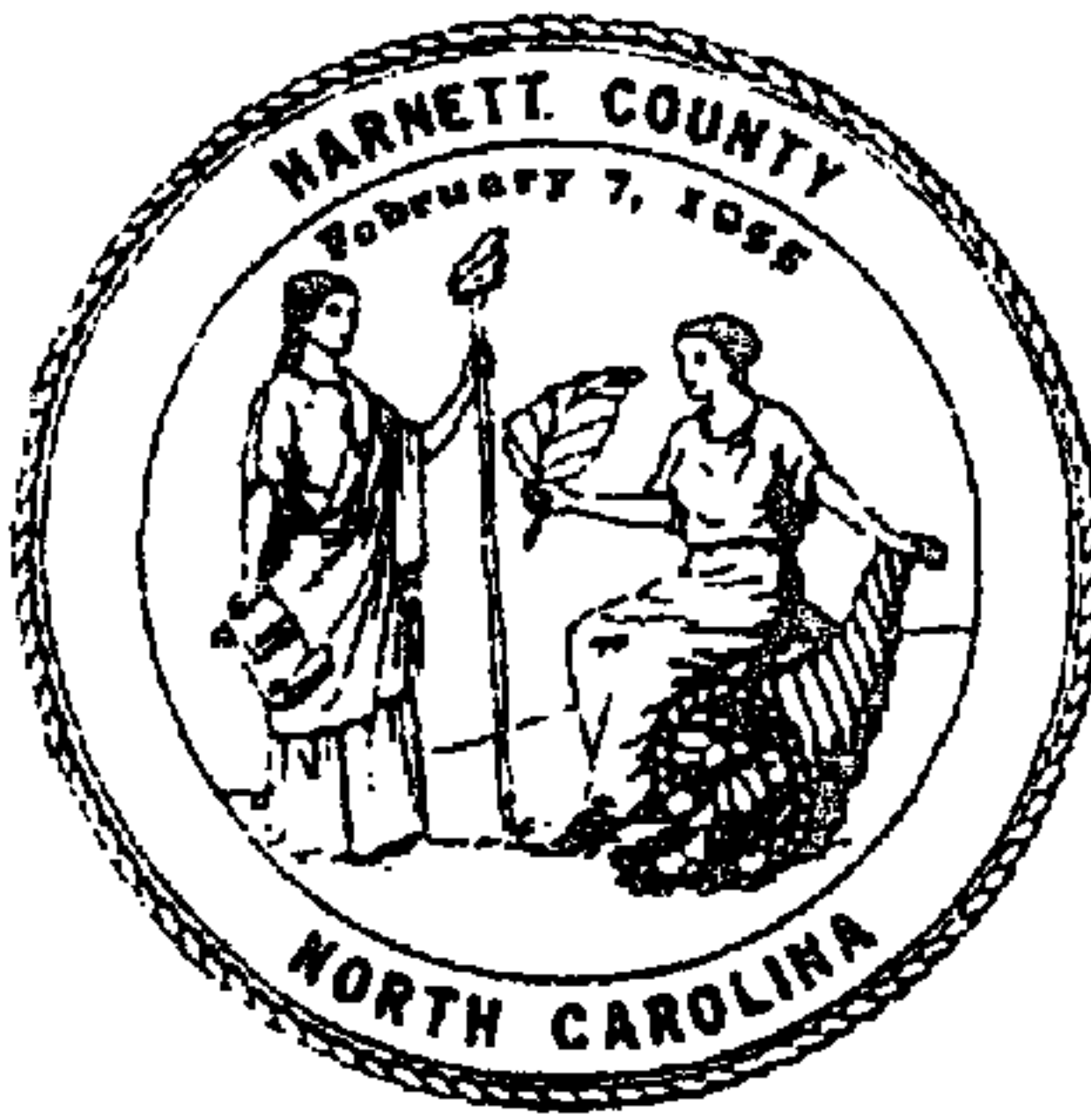
I, Carla W Pace, notary public of the County and State aforesaid, certify that Jason Price personally came before me this day and acknowledged that he is Owner/Manager of Jason Price Construction, Inc., a North Carolina corporation, and that he, as Owner/Manager, being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official stamp or seal, this 15th day of May, 2008.

Carla W Pace My Commission Expires: June 3, 2009
Notary Public
Printed Name of Notary: Carla W Pace

[Notarial Seal or Stamp]





KIMBERLY S. HARGROVE
REGISTER OF DEEDS, HARNETT
305 W CORNELIUS HARNETT BLVD
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Filed For Registration: 06/04/2008 08:41:22 AM
Book: RE 2516 Page: 863-877
Document No.: 2008009318
AMDT 15 PGS \$63.00
Recorder: TRUDI S WESTER

State of North Carolina, County of Harnett

KIMBERLY S. HARGROVE , REGISTER OF DEEDS

DO NOT DISCARD

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