

STATE OF NORTH CAROLINA

AMENDMENT TO
DECLARATION OF RESTRICTIONS
CREEK'S EDGE TOWNHOMES

COUNTY OF CUMBERLAND

BOOK OF PLATS 55, PAGE 76
AS AMENDED, BOOK OF PLATS 56, PAGE 33

THIS DECLARATION, made this the 3rd day of January, 1985, by CAJ, INC., a North Carolina Corporation with its principal office located at 593 South Reilly Road, Fayetteville, Cumberland County, North Carolina, hereinafter referred to as "DECLARANT":

W I T N E S S E T H :

WHEREAS, Declarant is the owner of certain property located in the Seventy-First Township, known as Creek's Edge Townhomes, as shown on a plat of the same duly recorded in Book of Plats 55, at Page 76, Cumberland County, North Carolina Registry.

AND WHEREAS, Declarant's predecessor in title, has caused to be recorded an amended plat of Creek's Edge Townhomes, said amended plat being recorded at Book of Plats 56, Page 33, Cumberland County, North Carolina Registry.

AND WHEREAS, said property is subject to those Declarations of Restrictions placed upon the property by THOMAS FAMILY BUSINESS, INC. by an instrument dated April 19, 1984, and recorded in Book 2989, Page 281, Cumberland County, North Carolina Registry; and amended by Declaration recorded in Book 3018, Page 503, Cumberland County, North Carolina Registry.

AND WHEREAS, the present Declarant, CAJ, INC., is presently the owner of more than one-half ($\frac{1}{2}$) of the lots in said subdivision and has the authority to amend the Restrictive Covenants, pursuant to Article 11, Section 3A, thereof.

NOW, THEREFORE, the Declaration of Restrictions, dated April 19, 1984 and recorded on Book 2989, Page 281, Cumberland County, North Carolina Registry are amended to read as follows:

ARTICLE VI

USE RESTRICTIONS

Section 2. (b) 2. All lots in the interior of said development shall have a rear yard depth of not less than 20 feet with the exception of lot 52, which shall have a rear yard depth of not less than 10 feet and lot 37, which shall have a rear yard depth of not less than 18 feet.

(c) Side Yard Requirements. Side Yard width shall be measured from exterior walls, not party walls, to the adjoining lot line.

Single Story Structures shall have a minimum side yard of not less than 10 feet in width on each side of the structure; and two story structures shall have a minimum side yard of not less than 12 feet in width on each side of the structure; provided however, that lot 40 shall have a side yard on the side adjoining lot 41 of not less than 8 feet.

END OF AMENDMENT

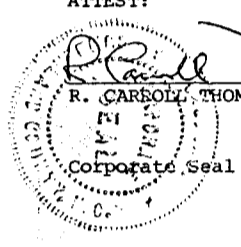
EXCEPT as herein amended, the Declaration of Restrictions dated April 19, 1984, recorded in Book 2989, Page 281, and amended in Book 3018, Page 503, Cumberland County, North Carolina Registry, shall remain in full force and

effect and the property known as Creek's Edge Townhomes as shown on that plat of the same recorded in Book of Plats 55, Page 76, Cumberland County, North Carolina Registry, as amended by plat recorded in Book of Plats 56, Page 33, shall be subject thereto.

TO THE TRUE AND FAITHFUL PERFORMANCE OF THESE COVENANTS AND AGREEMENTS, CAJ, INC. has caused this instrument to be signed in its name by its President, attested by its Secretary and its Corporate Seal to be hereto affixed, all by proper authority duly granted by its Board of Directors, this the 3rd day of January, 1985.

CAJ, INC.
BY: Alexander H. Thomas
ALEXANDER H. THOMAS, President

ATTEST:
R. Carroll Thomas
R. CARROLL THOMAS, Secretary



STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

I, Elizabeth P. Hager, a Notary Public of said County and State certify that R. CARROLL THOMAS personally came before me this day and acknowledged that he is Secretary of CAJ, INC., a corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its president, sealed with its corporate seal, and attested by R. Carroll Thomas as its Secretary.

WITNESS my hand and Notarial Seal, this the 3rd day of January, 1985.

Elizabeth P. Hager
NOTARY PUBLIC

My Commission Expires: 9-03-89

Prepared by H. Dolph Berry, Esquire

NORTH CAROLINA, CUMBERLAND COUNTY
The foregoing or annexed certificate of Elizabeth P. Hager
Notary Public/Notaries Public is/are certified to be correct.
This instrument was presented for registration and recorded in this Office at Book 3044, Page 23
This 7 day of January, 1985 at 10:10 o'clock 2 M.
George E. Tatum By George E. Tatum
Register of Deeds Deputy Register of Deeds