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FILED  
CUMBERLAND COUNTY NC  
J. LEE WARREN, JR.  
REGISTER OF DEEDS  
FILED Sep 04, 2008  
AT 04:43:00 pm  
BOOK 07977  
START PAGE 0843  
END PAGE 0846  
INSTRUMENT # 37037  
RECORDING \$23.00  
EXCISE TAX (None)  
DJ

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**SECOND AMENDMENT TO  
DECLARATION OF PLANNED  
COMMUNITY OF "RIVERBLUFF"**

**NORTH CAROLINA  
CUMBERLAND COUNTY**

THIS SECOND AMENDMENT TO DECLARATION OF PLANNED COMMUNITY OF RIVERBLUFF ("Declaration") is made this 4<sup>th</sup> day of September, 2008 by River Bluff Partners, LLC, a North Carolina limited liability company (hereinafter "Declarant").

**WITNESSETH:**

WHEREAS, Declarant was on May 3, 2007 the owner of that certain parcel of real estate located in the City of Fayetteville, Cumberland County, North Carolina, as more particularly described on Exhibit A attached hereto and incorporated herein by reference (hereinafter the "Property"); and

WHEREAS, on May 3, 2007, Declarant subjected the Property to a Declaration of Planned Community of RiverBluff by instrument recorded at Deed Book 7577, Page 690 of the Cumberland County Registry ( the "Declaration"), which Declaration was amended on April 2, 2008 by an instrument recorded at Deed Book 7851, Page 239 of the Cumberland County Registry (the "First Amendment"); and

WHEREAS, Declarant desires to further amend the Declaration ; and

WHEREAS, the Declaration is being amended solely by the Declarant under Article XII, Section 12.5 of the Declaration while Class B membership continues to exist.

NOW THEREFORE, the Declaration is amended as follows:

1. Article VI, Section 6.10 is amended to read as follows:

Section 6.10 Fences. No fence or wall shall be erected on any Lot closer to


the street than the front building setback line or the side street setback line of the Lot. Perimeter fencing shall be constructed of picketed wrought aluminum or wrought iron and must be painted black. Perimeter fencing cannot exceed four (4) feet in height. Chain link, wood privacy, vinyl privacy or any other type of privacy fencing is expressly prohibited. Dog pens are expressly prohibited.

2. Except as herein amended and modified, all provisions of the Declaration, as amended by the First Amendment, are confirmed and ratified, and shall remain in full force and effect.

IN WITNESS WHEREOF, Declarant, has caused this Amendment to be duly signed and sealed the day and year first above written.

DECLARANT:

River Bluff Partners, LLC

By:  (SEAL)  
Menno Pennink, Manager

By:  (SEAL)  
A. M. Cimaglia, 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: Menno Pennink, Manager River Bluff Partners, L.L.C.

This the 4<sup>th</sup> day of September, 2008.

  
Notary Public 

My commission expires: 4-16-2010

[Notarial Seal]

(N.P. SEAL)

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: A. M. Cimaglia, Manager River Bluff Partners, L.L.C.

This the 4<sup>th</sup> day of September, 2008.

  
Notary Public Dika M. Cole

My commission expires: 4-16-2010  
[Notarial Seal]

(N.P. SEAL)

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EXHIBIT "A"

Being all of the property shown on the plat entitled "River Bluff Development, Phase I", including all numbered Lots, Roads, Common Areas 1, 2 and 3, the Clubhouse Tract, Future Development Areas and the Condominium Tract ( Part of a Future Development Area), recorded at Plat Book 119, Page180, Cumberland County Registry.