

For Registration Kimberly S. Hargrove  
Register of Deeds  
Harnett County, NC  
Electronically Recorded  
2016 Jun 01 02:55 PM NC Rev Stamp: \$ 0.00  
Book: 3406 Page: 915 Fee: \$ 26.00  
Instrument Number: 2016007546

Prepared By and Return To:  
Holden Reaves, Esq.  
Reaves Law, PLLC  
P.O. Box 53187  
Fayetteville, NC 28305

**FIFTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS  
AND RESTRICTIONS FOR OAKMONT**

[Annexation of Phase Two, Section One Acreage]

**THIS FOURTH AMENDMENT TO DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS FOR OAKMONT** (this "Amendment") is  
made and entered into by **Oakmont Development Partners LLC**, a Delaware limited  
liability company (the "Declarant").

In addition, **McKee Homes LLC**, a Delaware limited liability company ("McKee  
Homes"), **H&H Constructors, Inc.**, a North Carolina corporation ("H&H  
Constructors"), and **H&H Constructors of Fayetteville, LLC**, a North Carolina limited  
liability company ("H&H of Fayetteville"), join in this Amendment for the purposes set  
forth herein.

**WITNESSETH:**

WHEREAS, Declarant previously executed that certain Declaration of Covenants,  
Conditions and Restrictions for Oakmont which was recorded in Book 2947, Page 545, as  
amended by First Amendment recorded in Book 3015, Page 183 (and re-recorded in  
Book 3015, Page 771), as amended by Second Amendment in Book 3033, Page 527, as  
amended by Third Amendment in Book 3123, Page 715, as amended by Fourth  
Amendment in Book 3168, Page 100, all Harnett County, NC Registry (collectively, the  
"Declaration");

WHEREAS, the Declaration applies to those certain residential lots and acreage

submitted electronically by "Reaves Law, PLLC"  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Harnett County Register of Deeds.

that comprise the Oakmont residential subdivision (the "Subdivision"), as more particularly described in the Declaration;

WHEREAS, Article II(f) of the Declaration provides that Declarant may unilaterally annex additional property into the Subdivision;

WHEREAS, the Declarant has caused to be recorded a plat entitled "Oakmont Subdivision Survey, Phase Two, Section One", said plat having been duly recorded in Map Book 2016, Pages 47 - 48, Harnett County, NC Registry (the "New Phase");

WHEREAS, the Declarant is the owner of all lots within the New Phase, except for Lots 172, 173, 191, 194, 195 (which are owned by McKee Homes), as well as any other lots within the New Phase owned by McKee Homes (together the "McKee Lots"); and except for Lots 174, 196, 197 (which are owned by H&H Constructors), as well as any other lots within the New Phase owned by H&H Constructors (together, the "H&H Lots"); and except for Lots 175, 176 (which are owned by H&H of Fayetteville), as well as any other lots within the New Phase owned by H&H of Fayetteville (together, the "H&H of Fayetteville Lots");

WHEREAS, Declarant desires to annex all of the New Phase into the Subdivision and subject same to the terms of the Declaration; and

WHEREAS, Declarant hereby amends the Declaration, as follows:

NOW, THEREFORE, pursuant to its rights set forth in Article II(f), and as may be contained elsewhere within the Declaration; and in consideration of the covenants herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Declarant hereby amends the Declaration as follows:

1. The above recitals are hereby incorporated herein by reference;
2. The New Phase is hereby annexed into the Subdivision; and the New Phase shall be subject to all restrictions and obligations set forth in the Declaration, and shall also benefit from all easements and other rights set forth therein;

3. McKee Homes, H&H Constructors, and H&H of Fayetteville hereby join in this Amendment to provide their mutual consent to the terms contained herein; and the McKee Lots, the H&H Lots, and the H&H of Fayetteville Lots are hereby likewise annexed into the Subdivision;
4. Except as specifically amended herein, the Declaration remains unchanged and in full force and effect, and Declarant (and consenting parties), by their execution hereof, hereby ratify, affirm and approve the Declaration, as specifically amended hereby. All capitalized terms that are not specifically defined herein shall have the meanings attributed to them in the Declaration.

**[Signature Page Attached Hereto]**

**IN WITNESS WHEREOF**, the undersigned have executed this Amendment as of the dates set forth in the below notary acknowledgments, with the latter of said dates to comprise the effective date hereof.

DECLARANT:

**Oakmont Development Partners LLC**

By: [Signature]  
Patrick J. McKee, Member/Manager

STATE OF NORTH CAROLINA

COUNTY OF Cumberland

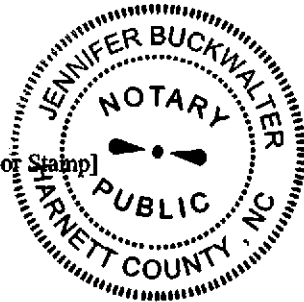
I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Patrick J. McKee, as Member/Manager of Oakmont Development Partners LLC., a Delaware limited liability company.

Date: 5/25/2016

Official Signature of Notary: [Signature]

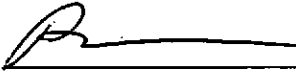
Notary's Printed Name: Jennifer Buckwalter

My commission expires: 12-7-2019 [Affix Notary Seal or Stamp]



CONSENTING PARTY:

**McKee Homes LLC**

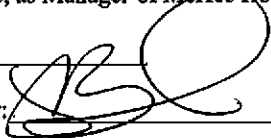
By:   
Patrick J. McKee, Manager

STATE OF NORTH CAROLINA

COUNTY OF Cumberland

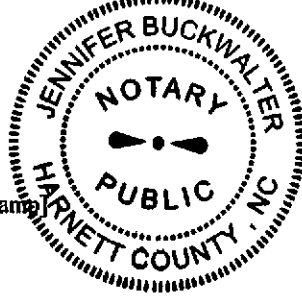
I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Patrick J. McKee, as Manager of McKee Homes LLC., a Delaware limited liability company.

Date: 5-25-2010

Official Signature of Notary: 

Notary's Printed Name: Jennifer Buckwalter

My commission expires: 12-7-2011 [Affix Notary Seal or Stamp]



CONSENTING PARTY:

H&H Constructors, Inc.

By: Warren L. Tillman

Print Name: Warren L. Tillman

Title: Vice President

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: Vice President, as Warren Tillman of H&H Constructors, Inc., a North Carolina corporation.

Date: 26 May 2016

Official Signature of Notary: Jill Riley

Notary's Printed Name: Jill Riley

My commission expires: 8-3-2020 [Affix Notary Seal or Stamp]



CONSENTING PARTY:

H&H Constructors of Fayetteville, LLC

By: Warren L Tillman

Print Name: Warren L Tillman

Title: Vice President

STATE OF NORTH CAROLINA

COUNTY OF Cumberland LLC,

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: Warren L Tillman, as Vice President of H&H Constructors of Fayetteville, a North Carolina limited liability company.

Date: 26 May 2016

Official Signature of Notary: Jill Riley



Notary's Printed Name: Jill Riley

My commission expires: 8-3-2020 [Affix Notary Seal or Stamp]