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0070

BK 08343 PG 0070

FILED
CUMBERLAND COUNTY NC
J. LEE WARREN, JR.
REGISTER OF DEEDS
FILED Feb 23, 2010
AT 02:04:00 pm
BOOK 08343
START PAGE 0070
END PAGE 0073
INSTRUMENT # 05223
RECORDING \$23.00
EXCISE TAX (None)

KSJ

Return after recording to:

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

Reference:

Deed Book: 7875

Page: 811

Hold
**FIFTH AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
THE COTTAGES AT NORTH RAMSEY**

This Fifth Amendment to the Declaration of Covenants, Conditions and Restrictions for The Cottages at North Ramsey is made this 19th day of February, 2010 by North Ramsey Partners, LLC a North Carolina limited liability company (hereinafter referred to as the "Declarant").

WITNESSETH:

WHEREAS, The Cottages at North Ramsey (hereinafter the "Property") is a residential townhome development located in Cumberland County, North Carolina, created pursuant to that certain Declaration of Covenants, Conditions and Restrictions for The Cottages At North Ramsey, recorded on April 30, 2008 in Deed Book 7875, Page 811, Cumberland County, North Carolina Records (hereinafter, as amended, the "Declaration"); and

WHEREAS, Plats relating to the Property are respectively recorded in the Cumberland County, North Carolina Records as follows:

<u>Phase</u>	<u>Buildings</u>	<u>Plat</u>
Phase 1	1, 11	Plat Book 122, Page 95
Phase 2	14	Plat Book 123, Page 27
Phase 3	12, 13	Plat Book 123, Page 71
Phase 4	10	Plat Book 124, Page 21
Phase 5	2, 19	Plat Book 124, Page 195
Phase 6	22	Plat Book 124 , Page 41

WHEREAS, by virtue of the recording of said Declaration, and the amendments thereto, certain real property and improvements more particularly described therein, including thirty-two (32) townhome Lots within Buildings 1, 2, 10, 11, 12, 13, 14 and 19 have been submitted to the townhome development known as The Cottages at North Ramsey and to the jurisdiction of The

Cottages at North Ramsey Homeowners Association, Inc. (hereinafter, the "Association"); and

WHEREAS, pursuant to Section 9 of the Declaration, the Declarant has the unilateral right and option, to be exercised in its sole discretion, to submit all or any portion of the Additional Property (as described in the Declaration) to the terms of the Declaration by adopting and recording an amendment to the Declaration; and

WHEREAS, pursuant to Section 9 of the Declaration, such an amendment does not require the consent of the Owners of Lots in the Property; and

WHEREAS, Declarant wishes to exercise its option to submit to the provisions of the Declaration a portion of the Additional Property more particularly described on **Exhibit "A"** attached hereto and by this reference made a part hereof, together with the four (4) townhome Lots and other improvements located within Building 22 thereon (hereinafter, the "Submitted Property") and to thereby cause the Submitted Property to become part of the Property; thus causing the Property to include thirty-six (36) townhome Lots;

NOW, THEREFORE, the Declarant hereby amends the Declaration in the following respects for the purpose of submitting the Submitted Property to the Declaration and to the jurisdiction of the Association:

1. Declarant hereby declares that the Submitted Property is hereby submitted to and made subject to the Declaration. The Submitted Property shall, from and after the date of recordation of this Amendment, be owned, held, transferred, sold, conveyed, used, occupied and mortgaged or otherwise encumbered subject to the provisions of the the Declaration, and every grantee of every interest in the Submitted Property, by acceptance of a deed or other conveyance of such interest, whether or not such deed or other conveyance is expressly made subject to the provisions of the Declaration, and whether or not such grantee shall consent thereto in writing, shall take such interest subject to the provisions of the Declaration and shall be deemed to have consented to the same. From and after the filing of this Amendment in the Cumberland County, North Carolina Records, the "Property", as such term is defined by and described in the Declaration, shall include the Submitted Property and the term "Lot" as used therein shall refer to and include the Lots located on the Submitted Property.
 2. Pursuant to Section 5 of the Declaration, each Lot in the Property, including the Lots located on the Submitted Property, are hereby allocated a vote equal in weight to each other Lot in the Property.
 3. Except as modified hereinabove, the Declaration shall remain in full force and effect and shall, from and after the effective date hereof, apply to the Submitted Property. This Amendment shall be effective upon its filing for record in the Public Records of Cumberland County, North Carolina and shall be binding upon and inure to the benefit of all Owners of Lots in the Property and their respective heirs, executors, administrators, legal representatives, successors and assigns.
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IN WITNESS WHEREOF, the undersigned has executed this instrument under seal this 19th day of February, 2010.

Signed, sealed and delivered
in the presence of:

NORTH RAMSEY PARTNERS, LLC, a
North Carolina limited liability company

Witness

By: [Signature] (SEAL)
Pat McKee,
Managing Member

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

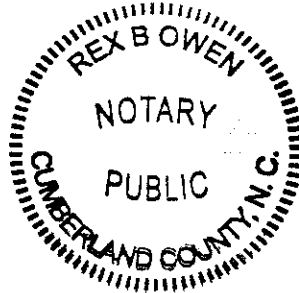
I, REX B. OWEN, a Notary Public for the above County and State do hereby certify that PAT MCKEE personally appeared before me this day and acknowledged that he/she is the Managing Member of NORTH RAMSEY PARTNERS, LLC, being authorized to do so, executed the foregoing on behalf of the corporation

Witness my hand and official seal, this 19th day of FEB, 2010.

[Signature]
Notary Public, State of North Carolina

My Commission Expires: 11-2-11

[Notary Seal]



(N.P. SEAL)

EXHIBIT "A"

SUBMITTED PROPERTY

**NORTH CAROLINA -- CUMBERLAND COUNTY
CARVERS CREEK TOWNSHIP
Property of
NORTH RAMSEY PARTNERS, LLC
THE COTTAGES AT NORTH RAMSEY
PHASE 6**

The following described tract of land lies on the western side of US Highway 401 North (Ramsey Street), being a portion of the lands of North Ramsey Partners, LLC, as described a deed recorded in Deed Book 7690, Page 835 and shown on a map recorded in Plat Book 121, Page 88 of the Cumberland County, North Carolina Registry.

Building #22 Tract

Commencing at an existing iron rod in the northern right of way margin of Nandina Court (40' wide right of way – private street) and being the northwest corner of the Cottages at North Ramsey-Phase 5, as recorded in Plat Book 124, Page 195 of the Cumberland County Registry; thence with said margin N 41°13'37" W, 235.33 feet to an iron rod set, the **Point of Beginning**; thence leaving said margin, S 48°46'23" W, 225.18 feet to an iron rod set in the northern line of Fairfield Farm, Section 2, Part 1, as recorded in Plat Book 108, Page 145 of the Cumberland County Registry; thence with the northern line of said subdivision, N 41°04'15" W, 146.67 feet to an iron rod set; thence N 48°46'23" E, 203.94 feet to an iron rod set; thence S 71°19'00" E, 107.57 feet to an iron rod set in the southern right of way margin of said Nandina Court; thence, along a non tangent curve to the left having a radius of 50.00 feet, an arc length of 61.28 feet, chord bearing and distance S 06°07'00" E, 57.52 feet to an iron rod set; thence S 41°13'37" E, 6.54 feet to the **Point of Beginning**, containing 0.78 acres, more or less.
