

15615

RECEIVED

4- 2-2004 PM 3:25:31

J. LEE WARREN JR.
REGISTER OF DEEDS
CUMBERLAND CO., N.C.

Prepared by/ return to: F. Stuart Clarke, THORP AND CLARKE, Attorneys, 937 S. McPherson Church Rd, Suite 102, Fayetteville, NC, 28303

NORTH CAROLINA) AMENDMENT TO DECLARATION OF COVENANTS
) CONDITIONS AND RESTRICTIONS OF
CUMBERLAND COUNTY) HARBOUR POINTE CONDOMINIUMS, LLC

THIS AMENDMENT TO DECLARATION, entered into this the 29th day of March, 2004, by **HARBOUR POINTE CONDOMINIUMS, LLC**, a NC limited liability company, being hereinafter referred to as "Declarant";

WITNESSETH:

WHEREAS, HARBOUR POINTE CONDOMINIUMS, LLC, pursuant to the provisions contained in Article XXVIII-A, of the Declaration of Harbour Pointe Condominiums, LLC, recorded in Book 6340, Page 309, Cumberland County Registry; desires to amend said Declaration of Harbour Pointe Condominiums, LLC.

NOW THEREFORE, Declarant does hereby amend said Declarations in pertinent part as follows:

1. The name on the heading for the Declaration is hereby changed to **"DECLARATION OF HARBOUR POINT CONDOMINIUMS, PHASE ONE"**.
2. The first paragraph under Article I - ESTABLISHMENT OF CONDOMINIUM, is hereby deleted in its entirety and the following is substituted in lieu thereof:

"Developer is the owner of the fee simple title to that certain real property situated in Fayetteville, Cumberland County, North Carolina, which property is more particularly described in Exhibit "A" - Phase I, attached hereto and incorporated herein by reference, and on which property there is to be constructed one (1) three-story building containing a total of twelve (12) condominium living units and their supporting facilities, areas designated for at least 24 parking spaces and other appurtenant improvements. There are no basements. The buildings are of wood frame construction. Developer does hereby submit the above described property and improvements to condominium ownership under the provisions of Chapter 47C of the General Statutes of North Carolina (North Carolina Condominium Act), and hereby declares the same to be a condominium to be known and identified as "Harbour Pointe Condominiums". Hereinafter in this Declaration, "Harbour Pointe Condominiums" is sometimes referred to as "Condominium".

3. The heading under Article X "ADMINISTRATION OF THE CONDOMINIUM BY HARBOUR POINTE HOMEOWNERS, INC." is hereby changed to read as follows::

"ADMINISTRATION OF THE CONDOMINIUM BY HARBOUR POINT CONDOMINIUM OWNER'S ASSOCIATION, INC."

4. **Item No. B under Article XXVIII** is hereby deleted in its entirety and the following is substituted in lieu thereof:

"B. Developer shall have the right to file an amendment to this Declaration at any time and from time to time prior to December 31, 2008, without the further consent of the Unit Owners, to incorporate into the Condominium (1) any and all of the additional land described in Exhibit "A", Phase 1, and Exhibit "A-1", Phases II through VII, respectively. In the event this Declaration is so amended, the terms "Condominium" and "Property" as used herein shall be deemed to mean and include the property described in Exhibit "A", Phase I and Exhibit "A-1", Phases II through VII, as the case may be and all improvements and structures now or hereafter placed by Developer thereon, all easements, rights and appurtenances thereto, and all articles of personal property provided by Developer and intended for use in connection therewith. Upon any such amendment that includes the land and additional Units in Phases II through VII, the undivided interest appurtenant to each Condominium Unit will change and shall be as set out in the appropriate column of Exhibit "C". The materials used in the construction of any additional Units in Phases II through VII shall be of comparable quality as those used in the original twelve (12) units, the layout, size and architectural style of the additional Units shall be substantially the same as and compatible with the original Units, and the Units will be substantially completed prior to being incorporated into the condominium. No amendment made by Developer in accordance with this paragraph shall divest as Owner of any portion of his dwelling Unit without the consent of such Owner and no such amendment shall materially alter the plan of development set forth herein without the consent of all Owners affected thereby. Each Unit Owner shall be deemed, by his acceptance of a deed to a Condominium Unit, to have consented to the powers of amendment therein reserved by Developer and to any amendments previously or thereafter executed by Developer pursuant thereto. Each Unit Owner and each Institutional Lender shall further be deemed by the Owner's acceptance of a deed to a Condominium Unit, to have appointed Developer their respective Attorney-in-Fact to give, execute and record the consent of said Owner and said Institutional Lender to any and all amendments to this Declaration which Developer may wish to execute pursuant to the powers herein reserved."

In all other respects, the Declaration of Covenants, Conditions and Restrictions of HARBOUR POINTE CONDOMINIUMS as recorded in Book 6340, Page 309, Cumberland County Registry, shall apply as originally recorded.

IN WITNESS WHEREOF, HARBOUR POINTE CONDOMINIUMS, LLC, a NC Limited Liability Company, the Declarant herein, has caused this Amendment to Declaration to be signed all on the day and year first above written.

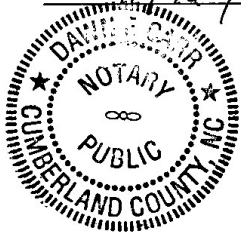
HARBOUR POINTE CONDOMINIUMS, LLC
By: [Signature]
F. Calvin Riddle, Jr., Manager

NORTH CAROLINA
CUMBERLAND COUNTY

I, DAWN F. CARR, a Notary Public in and for said County and State, do hereby certify that **F. CALVIN RIDDLE, JR.** personally came before me this day and acknowledged that he is the Manager of **HARBOUR POINTE CONDOMINIUMS, LLC**, A North Carolina Limited Liability Company, and that by authority duly given and as the act of the entity, he signed the foregoing instrument in its name on its behalf as its act and deed.

WITNESS my hand and Notarial Seal, this the 29th day of March, 2004.

MY COMMISSION EXPIRES: 11/16/2008
Dawn F Carr
NOTARY PUBLIC



BK6478PG547

The foregoing Certificate(s) of Dawn F. Coates

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

By J. Lee Warren, Jr. REGISTER OF DEEDS FOR CUMBERLAND COUNTY,
J. Lee Warren, Jr. Deputy/Assistant Register of Deeds