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Prepared by and return to: F. Stuart Clarke, THORP AND CLARKE, PA
Post Office Box 670, Fayetteville, NC 28302

NORTH CAROLINA

CUMBERLAND COUNTY

**AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND
RESTRICTIONS FOR WESTHAVEN
SUBDIVISION**

THIS AMENDMENT TO DECLARATION, made this the 20th day of June 2023, by **GREGORY W. FLOYD** hereinafter referred to as "**Declarant**" and **FLOYD PROPERTIES AND DEVELOPMENT, INC.**, a North Carolina Limited Corporation, hereinafter referred to as "**Owner**".

WITNESSETH:

WHEREAS, Floyd Properties and Development, Inc. is the owner of certain property in the City of Fayetteville, Cumberland County, North Carolina known as **Lots 73 through 79, 83 through 89, Lot 91, Lot 95 through 97, and Lots 101 through 103 of Section 3 Westhaven Subdivision**, on plat of which has been duly recorded in Plat Book 147, at Page 69, Cumberland County, North Carolina Registry;

WHEREAS, pursuant to the provision set forth in Article X, Section I: Amendments, the Declarant and Owner desires to amend the Declaration of Covenants, previously filed in Book 9495, Page 815, as amended, of the Cumberland County North Carolina Registry.

NOW, THEREFORE, Declarant and Owner, declare that all of the properties described above shall be held, sold, and conveyed subject to the following easements, restrictions, covenants, and conditions which are for the purpose of protecting the value and desirability of, and which shall run with, the real property and be binding on all parties having any right, title, or interest in the described properties, or any part thereof, their heirs, successors,, and assigns, and shall inure

to the benefit of each owner thereof, said easements, restrictions, covenants, and conditions as follows:

That Declaration of Covenants and Amendments and Annexations thereto, previously filed in Book 9495, Page 815, Cumberland County, North Carolina Registry, and any additional amendments thereto, which said Restrictive Covenants are incorporated herein and made a part of this instrument as though fully set out herein; and to the extent the provisions of the Declaration conflict with any applicable provisions of the Cumberland County Code or North Carolina General Statute, the conflicting provisions of the County Code and/or North Carolina General Statute shall control.

AND FURTHER, according to the provisions set forth in Article X, Section 1: Amendments, do hereby amend said Declaration in pertinent part as follows:

NOW, THEREFORE, Declarant and Owner, according to the provisions set forth in Article II: Use Restrictions, do hereby amend said Declaration in pertinent part as follows:

1. **Part 2, Article I, Section 21.** Driveways, shall be added:

“Section 21. Driveways. All driveways are limited to a two (2) car entrance from the street; however, a third car curve out may be added so long as the third driveway does not form an entrance from the street.”

2. **Part 2, Article I, Section 1. Residential Purpose.** Shall be amended to read as follows:

“Section 1. Residential Purpose. No structure, except as hereinafter provided, shall be erected altered, placed or permitted remain on any Lot other than a detached single-family dwelling not to exceed two stories in height unless the Declarant approves in writing a variance permitting a structure of more than two stories and a garage and

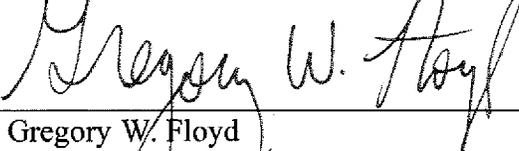
small accessory building (which may include a pool house, servants' quarters, or guest facilities), provided, the use of such dwelling or accessory building does not in the opinion of the Declarant overcrowd the site. Such accessory building may not be constructed prior to the construction of the primary dwelling and such garage and accessory building erected, altered, placed or permitted shall be of the same quality, workmanship and material as the principal dwelling structure, and will be erected and placed according to the setbacks herein."

- 3. **Part 2, Article 1, Section 9.** This section shall be modified to allow vinyl siding facades to be used in the construction of dwellings and outbuildings.
- 4. **Part 2, Article 1, Section 5.** This shall be modified to allow the square foot requirement to be greater than 1,300 square feet.

Except as specifically amended herein, the original Declaration of Covenants, recorded in Book 9565, Page 403, Cumberland County, North Carolina Registry, and all amendments thereto shall remain in full force and effect as written.

TO THE TRUE AND FAITHFUL PERFORMANCE OF THESE COVENANTS AND AGREEMENTS, the Owner, **FLOYD PROPERTIES AND DEVELOPMENT, INC.** and the Declarant, **GREGORY W. FLOYD** have caused this instrument to be signed, have hereunto set their hands and seals this the 20th day of June, 2023.

FLOYD PROPERTIES AND DEVELOPMENT, INC.

 (Seal)

By: Gregory W. Floyd
 Title: Vice President

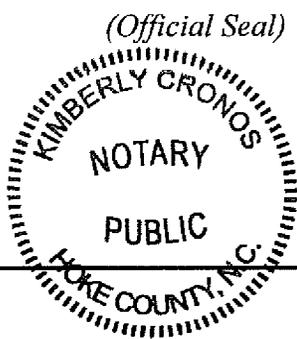
NOTARY FOLLOWS ON PAGE 4

STATE OF NORTH CAROLINA

COUNT OF CUMBERLAND

I certify that the following person 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: Gregory W. Floyd, President of Floyd Properties and Development, Inc., a North Carolina corporation

This the 20th day of June 2023.



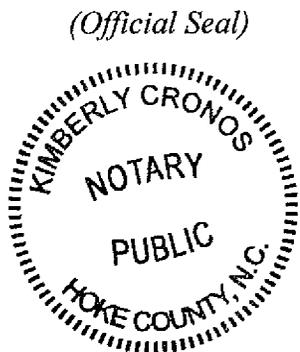
Kimberly Cronos
Notary Public: Kimberly Cronos
My Commission Expires: 05 Jul 26

Gregory W. Floyd (Seal)
Gregory W. Floyd

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

I, the undersigned Notary Public for Hoke County, North Carolina, certify that **Gregory W. Floyd** personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 20th day of June 2023.



Kimberly Cronos
Kimberly Cronos, Notary Public
My Commission Expires: 05 Jul 26