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

Prepared by and Return to:
Miranda R. McCoy, 5135 Morganton Road, Fayetteville, NC 28314

NORTH CAROLINA
CUMBERLAND COUNTY

SECOND AMENDED DECLARATION OF CONDOMINIUM
OF
CLIFFS OF ROCKFISH

The Second Amended Declaration of Condominium ("Second Amended Declaration") is made this 13th day of February, 2007, by WALTER M. JONES and wife, PATRICIA L. JONES of Cumberland County, North Carolina ("Declarant") pursuant to provisions of Chapter 47C of the North Carolina General Statutes, entitled: "North Carolina Condominium Act"

RECITALS

DECLARANT is the developer of that certain parcel of real estate located in or near the Town of Fayetteville, Cumberland County, North Carolina as more particularly described as "CLIFFS OF ROCKFISH" as shown on a duly recorded plat in Condominium Plat Book 6, Page 111, Cumberland County Registry, North Carolina. This Amended Declaration is in addition to and amends or supplements the DECLARATION OF CONDOMINIUM recorded in Book 2518 at Page 2177, Cumberland County Registry, North Carolina (hereinafter "Original Declaration"). If there are any contradictions listed in this amended declaration and the Original Declarations mentioned above, this document shall control and supersede the Original Declaration. The Original Declaration is being amended and supplemented pursuant to the authority granted in the Declarant in Section 16.6 Amendment as shown on page 14

of the Original Declaration. This Amended Declaration shall be deemed to run with the land and shall be a burden and benefit to the Declarant, his successors and assigns and any person or entity acquiring or owning an interest in the said real estate and improvements, and their grantees, successors, heirs, executors, administrators, devisee and assigns.

The Original Declarations are hereby supplemented or amended as follows:

1. **ARTICLE I PROTECTION OF MORTGAGEES.** The following new Sections are hereby added to the Declaration:

Section 1.1 Notice to Association. An owner who mortgages his unit shall notify the Association of such mortgage, giving the name and address of his mortgage. Each mortgagee shall be permitted to notify the Association of the fact that such mortgagee holds a deed in trust or mortgage on a Unit. The Board shall maintain such information in a book entitled "Mortgagees of Units".

Section 1.2 Notice of Default and Statement for Assessments. The Association shall notify any eligible Mortgagee in writing, upon written request, any default by an Owner in the performance of such Owner's obligations as set forth in this Declaration, and of any 60 day delinquency in payment of assessments by such Unit Owner. Each Mortgagee also has the right to a Statement of Assessments as provided in Section ___ hereof.

Section 1.3 Examination of Books. The Association shall permit any Mortgagee who has received Notice of Default pursuant to Section 16.18 to examine the books and records of the Association upon request.

Section 1.4 Notice of Meeting. The Association shall furnish each eligible Mortgagee, upon written request of such Mortgagee, prior written notice of all meetings of the Association within the six (6) month period after the date of such request by such Mortgagee, and shall permit the designation of a representative of such Mortgagee to attend such meetings.

Section 1.5 Approval for Amendment to Declaration and Bylaws. The prior written approval of at least fifty-one percent (51%) of eligible Mortgagees of units subject to Mortgages shall be required for any material amendment of the provisions of the Declaration or Bylaws which would have the following result:

- (a) Change in Voting Rights of owners;
- (b) Change the subordination of liens for assessments authorized herein;
- (c) Reduce the reserves for maintenance, repair and replacement of the Common Elements;
- (d) Eliminate any requirements herein to provide Insurance or change the hazard or fidelity insurance requirements;

- (e) Eliminate the rights to use of the Common Elements by Owners;
- (f) Eliminate more than fifty percent (50%) of the Association responsibilities for maintenance and repair of the Project;
- (g) Reallocation of interests of Owners in the General or Limited Common Elements, or rights to their use;
- (h) Restrictions of the Owners' rights to lease the Units
- (i) Imposition of any right of first refusal or similar restriction on the right of an Owner to sell, transfer, or otherwise convey this Unit;
- (j) Increase in assessments that raise the previously assessed amount by more than twenty-five percent (25%), or affect assessment liens or the priority of assessment liens;
- (k) Redefinition of any Unit boundaries;
- (l) Convertibility of Unit(s) into Common Elements or vice versa;
- (m) Except as contemplated in Section ___ of this Declaration, the expansion or contraction of the Condominium, or the addition, annexation, or withdrawal of property to or from the Condominium;
- (n) Changes to provisions regarding restoration or repair of the Condominium after damage or partial condemnation in a manner other than specified in the Declaration;
- (o) Any provisions which are for the express benefit of such Mortgagees;

Any such amendment must also be approved as provided in Section 1.14 hereof. No requirement for Mortgagee approval may operate to (i) delegate control over the general administrative affairs of the Association by the Owners or the Board, or (ii) prevent the Association or the Board from commencing, intervening in, or settling any litigation or proceeding, or receiving and disturbing any insurance proceeds except as provided in Article 16 thereof.

Section 1.22 Notice of Damage, Destruction, Lapse or Proposed Action. The Association shall furnish any eligible Mortgagee timely written notice of any substantial damage or destruction of any Unit if such loss exceeds FOUR THOUSAND DOLLARS (\$4,000.00). Such notice shall also be provided in the event of any lapse, cancellation or material modification of any insurance policy required to be maintained by Association, and, upon the commencement of any action in condemnation or eminent domain affecting the Property. Finally, such notice shall also be provided with regard to any proposed action relating to any matter described in Section 1.21 hereof.

ARTICLE II NUMBER OF UNITS

Section 2.2 Units The Original Declaration has the incorrect number of Units. The correct number of Units is 124.

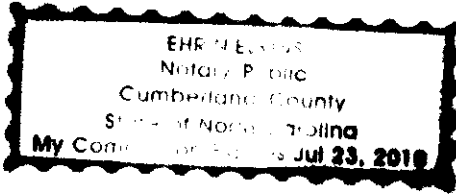
In witness whereof Declarant has caused this Declaration to be duly recorded and sealed this 20 Day of February, 2007.

Walter M. Jones (SEAL)
Walter M. Jones

Patricia L. Jones (SEAL)
Patricia L. Jones

State of North Carolina
County of Cumberland

I, Chris Elkins Notary Public of the County and State aforesaid, certify that Walter + Patricia Jones personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notaries stamp or seal this 20 day of February, 2007.



Chris Elkins
Notary Public

My commission expires: 7-23-2010