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

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

**FIFTH AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR KINGS GRANT TOWNHOMES**

(Building 4)

This Fifth Amendment to Declaration of Covenants, Conditions and Restrictions for Kings Grant Townhomes (this "Amendment") is made and entered into as of the 1st day of February, 2006 by **QUARTERMAIN CONSTRUCTION COMPANY, LLC**, a North Carolina limited liability company (the "Declarant").

WITNESSETH:

WHEREAS, Declarant executed and caused to be recorded that certain Declaration of Covenants, Conditions and Restrictions for Kings Grant Townhomes recorded in Book 6965, Page 420 (Building 26), as amended by first amendment recorded in Book 6982, Page 358 (Building 25), as further amended by second amendment recorded in Book 7017, Page 32 (Building 24), as further amended by third amendment recorded in Book 7038, Page 654 (Building 23), as further amended by fourth amendment recorded in Book 7054, Page 441, all Cumberland County Registry (as amended, the "Townhome Declaration"), the terms of which are incorporated herein by this reference; and

WHEREAS, said Townhome Declaration applied to and covered a portion of the Kings Grant townhome development as referenced therein (the "Townhome Development"); and

WHEREAS, Section 3 of said Townhome Declaration provided that Declarant may annex additional property into the Townhome Development.

WHEREAS, the Declarant is the owner of and has caused to be recorded a plat entitled "Kings Grant Section C, Phase 1, Building 4, Lots 1, 2, 3, & 4" of Kings Grant

Subdivision, as recorded in Plat Book 116, Page 63, Cumberland County Registry (the "Additional Townhome Section"); and

WHEREAS, the Declarant desires that the Additional Townhome Section also become subject to the terms of the Townhome Declaration.

NOW, THEREFORE, in consideration of the mutual covenants contained in the Townhome Declaration and other good and valuable consideration, the Declarant hereby expressly declares that the Additional Townhome Section is hereby incorporated and made subject to the Townhome Declaration. Said property shall be subject to the restrictions and obligations as described therein and shall also benefit from all easements and other rights as described therein.

[The Remainder of This Page Intentionally Left Blank]

IN WITNESS WHEREOF, Declarant has set its hand as of the day and year first above written.

DECLARANT:

**QUARTERMAIN CONSTRUCTION
COMPANY, LLC**

By: SRW Builders, Inc., Member/Manager

By: *Sharlene R. Williams*

President

COUNTY OF CUMBERLAND

STATE OF NORTH CAROLINA

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: Sharlene R. Williams as the _____ President of SRW BUILDERS, INC., a North Carolina corporation, said corporation being the Member/ Manager of Quartermain Construction Company, LLC, a North Carolina limited liability company

Date: February 1, 2006

Official Signature of Notary: _____

Notary's Printed Name: SUSAN M. LLANOS

My commission expires: August 21, 2010

[Affix Notary Seal or Stamp]

