

FILED

DATE 8/6/2010TIME: 2:22 PMBOOK 2201PAGE 725ELAINE N. HARMON
REGISTER OF DEEDS
LINCOLN COUNTY, NC.

#4400pd

Prepared by & Return to KENNEDY & WULFHORST, P.A. Denver, NC

STATE OF NORTH CAROLINA

AMENDMENT TO RESTRICTIVE COVENANTS

COUNTY OF LINCOLN

JAMES PLANTATION SUBDIVISION

THIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR JAMES PLANTATION SUBDIVISION (the "Amendment") is made and entered into this 10TH day of February, 2010, by HECHT PROPERTIES, LLC, a North Carolina Limited Liability Company, ("Declarant") and the undersigned being a majority of the then owners of the lots in James Plantation Subdivision.

The lot owners are:

<u>Name</u>	<u>Lot</u>	<u>Deed</u>
J.S. Testa, LLC	Lot 1	Book 1958, Page 345
Hecht Properties, LLC	Lot 2	Book 2164, Page 33
Future Development	Lot 3	Book 2164, Page 33
Future Development	Lot 4	Book 2164, Page 33
Future Development	Lot 5	Book 2164, Page 33
Future Development	Lot 6	Book 2164, Page 33
Future Development	Lot 7	Book 2164, Page 33
Future Development	Lot 8	Book 2164, Page 33
Future Development	Lot 9	Book 2164, Page 33
Future Development	Lot 10	Book 2164, Page 33
Future Development	Lot 11	Book 2164, Page 33
Future Development	Lot 12	Book 2164, Page 33
Future Development	Lot 13	Book 2164, Page 33
Future Development	Lot 14	Book 2164, Page 33
Future Development	Lot 15	Book 2164, Page 33
Future Development	Lot 16	Book 2164, Page 33
Future Development	Lot 17	Book 2164, Page 33
Future Development	Lot 18	Book 2164, Page 33
Future Development	Lot 19	Book 2164, Page 33
Future Development	Lot 20	Book 2164, Page 33
Future Development	Lot 21	Book 2164, Page 33
Future Development	Lot 22	Book 2164, Page 33
Hecht Properties, LLC	Lot 23	Book 2164, Page 33
J.S. Testa, LLC	Lot 24	Book 1956, Page 807

Veridian Custom Homes, LLC	Lot 25	Book 1956, Page 158
Patrick David Murchison and wife, Sarah Wood Murchison	Lot 26	Book 2024, Page 599
Taylor Made Custom Builders, LLC	Lot 27	Book 1955, Page 768
Smith & Son Home Builders, LLC	Lot 28	Book 1955, Page 550
Hecht Properties, LLC	Lot 29	Book 2164, Page 33
Hecht Properties, LLC	Lot 30	Book 2164, Page 33
Hecht Properties, LLC	Lot 31	Book 2164, Page 33
Hecht Properties, LLC	Lot 32	Book 2164, Page 33
Earl M. Wingate and wife, Sarah K. Wingate	Lot 33	Book 2013, Page 93
Peoples Bank	Lot 34	Book 2153, Page 822
Veridian Custom Homes, LLC	Lot 35	Book 1956, Page 174
Hecht Properties, LLC	Lot 36	Book 2164, Page 33
Hecht Properties, LLC	Lot 37	Book 2164, Page 33
Hecht Properties, LLC	Lot 38	Book 2164, Page 33
Dellinger Brothers Realty, LLC	Lot 39	Book 1955, Page 548
Hecht Properties, LLC	Lot 40	Book 2164, Page 33
Hecht Properties, LLC	Lot 41	Book 2164, Page 33
Hecht Properties, LLC	Lot 42	Book 2164, Page 33

WHEREAS, Declarant is the Declarant under that certain Declaration of Covenants, Conditions and Restrictions - James Plantation, dated June 29, 2007 and recorded in Book 1943, Page 155 in the Office of Register of Deeds of Lincoln County (as amended and supplemented from time to time, the "Declaration"), Declarant subjected certain real property located in Lincoln County, North Carolina, to the protective covenants, conditions and restrictions set forth in the Declaration; and

WHEREAS, Declarant pursuant to Article XIII, Section 3 of the Declaration, Declarant has the right to amend the Declaration with a majority of the then owners of the lots in James Plantation Subdivision; and

WHEREAS, Declarant desires to amend the Declaration to clarify the definition of certain terms.

NOW, THEREFORE, in consideration of the premises and for the purposes aforesaid, the undersigned for themselves, their successors and assigns and the future Grantees and Lessees, do hereby declare that the Restrictions set out in that certain Declaration of Covenants, Conditions and Restrictions - James Plantation recorded in Book 2011 at Page 491 and as amended thereafter from time to time, are hereby amended as follows:

AMENDMENT

Article IV of the Declaration is hereby amended as follows:

Section 3. Relinquishment of Control. Notwithstanding anything contained herein to the contrary, the Class B membership shall cease and be converted to the Class A membership upon the earliest to occur of (a) the date on which Declarant no longer owns any part of the Property (b) the date Declarant shall elect, in its sole discretion that the Class B membership shall cease and be converted to the Class A membership (which election may be made, if at all, upon Declarant giving written notice of the election to the Board); or (c) December 31, 2014. The earliest to occur of

(a), (b) or (c) above shall herein be referred to as the "Turnover Date." After the Turnover Date and for so long as Declarant owns any part of the Property, Declarant shall be a Class A member.

Article VII of the Declaration is hereby amended as follows:

Section 2. Dwelling Size. The square footage requirement set forth below are for enclosed heated floor area and are exclusive of the areas in heated or unheated basements, vaulted ceiling areas and attics, unheated porches of any type, attached or detached garages, porte-cocheres and unheated storage areas, decks and patios.

Any Dwelling erected upon any Lot shall contain not less than the following heated floor areas:

	<u>Minimum Total Heated Area</u>	<u>Minimum Ground Floor Heated Area</u>
1 Story	2,300	2,300
1 ½ Story	2,400	1,400
Multi-Level	2,600	1,400

IN WITNESS WHEREOF the undersigned as lot owners in James Plantation Subdivision, for the purpose of modifying and changing its restrictions have hereunto set their hands and seals this the 11th day of May, 2010.

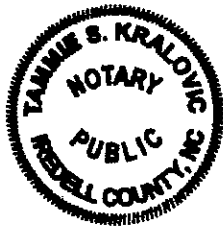
HECHT PROPERTIES, LLC

By: *Robert V. Hecht*
Robert V. Hecht, Member/Manager

NORTH CAROLINA
LINCOLN COUNTY

I, the undersigned, a Notary Public for said County and State aforesaid, certify that Robert V. Hecht personally appeared before me this day and acknowledged that he is Member/Manager of HECHT PROPERTIES, LLC, the foregoing instrument was signed in its name by its Member/Manager on behalf of the company.

WITNESS my hand and official stamp or seal, this 11th day of May, 2010.



Tammie S. Kralovic
Notary Public *Tammie S. Kralovic*
Expires December 26, 2011

Lot 1 and 24

J.S. Testa, LLC, a North Carolina limited liability company

By: _____
Michael J. Testa, Member/Manager

Member/Manager
NORTH CAROLINA
_____ COUNTY

I, the undersigned, a Notary Public for said County and State aforesaid, certify that
_____ personally appeared before me this day and acknowledged that he is
Member/Manager of J. S. Testa, LLC, a North Carolina Limited Liability Company; the foregoing instrument
was signed in its name by its Member/Manager on behalf of the company.

WITNESS my hand and official stamp or seal, this ____ day of May, 2010.

Notary Public

My Commission Expires: _____

Veridian Custom Homes, LLC, a North Carolina limited liability company

By: _____
Don Totillo, Member/Manager

NORTH CAROLINA
_____ COUNTY

I, the undersigned, a Notary Public for said County and State aforesaid, certify that _____ personally appeared before me this day and acknowledged that he is Member/Manager of Veridian Custom Homes, LLC, a North Carolina Limited Liability Company; the foregoing instrument was signed in its name by its Member/Manager on behalf of the company.

WITNESS my hand and official stamp or seal, this _____ day of May, 2010.

Notary Public

My Commission Expires: _____

Lot 26

Betty K. White
Witness:

Patrick David Murchison (SEAL)
Patrick David Murchison

Carolyn Hopper
Witness:

Sarah Wood Murchison (SEAL)
Sarah Wood Murchison

STATE OF NORTH CAROLINA
COUNTY OF LINCOLN.

I, Tammie S. Kralovic, a Notary Public for the County and State aforesaid, certify that Carolyn Hopper and Betty White personally appeared before me this day and being duly sworn, stated that in his presence Patrick David Murchison and wife, Sarah Wood Murchison, executed the foregoing instrument and acknowledged the due execution thereof.

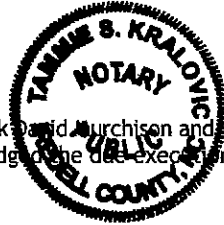
Witness my hand and seal this 6 day of August, 2010.

Tammie S. Kralovic
Notary Public Tammie S. Kralovic

My Commission Expires: December 26, 2011

STATE OF NORTH CAROLINA
COUNTY OF LINCOLN

I, a Notary Public of said County and State aforesaid, do hereby certify that Patrick David Murchison and wife, Sarah Wood Murchison personally appeared before me this day and acknowledged the due execution of the forgoing instrument.



Witness my hand and official seal this the _____ day of May, 2010.

Notary Seal
My commission expires: _____

Notary Public

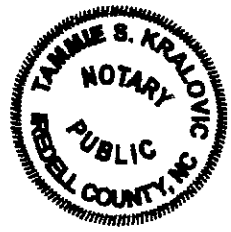
Smith & Sons, LLC, a North Carolina limited liability company

By: [Signature]
Matthew J. Smith, Member/Manager

NORTH CAROLINA
Lincoln COUNTY

I, the undersigned, a Notary Public for said County and State aforesaid, certify that Matthew J. Smith personally appeared before me this day and acknowledged that he is Member/Manager of Smith & Sons, LLC, a North Carolina Limited Liability Company; the foregoing instrument was signed in its name by its Member/Manager on behalf of the company.

WITNESS my hand and official stamp or seal, this 11 day of May, 2010.
[Signature]
Notary Public Tammie Skrdovic
My Commission Expires: December 26, 2011



Lot 33

Witness:

Earl M. Wingate (SEAL)

Witness:

Sarah K. Wingate (SEAL)

STATE OF NORTH CAROLINA
COUNTY OF LINCOLN.

I, _____, a Notary Public for the County and State aforesaid, certify that _____ personally appeared before me this day and being duly sworn, stated that in his presence Earl M. Wingate and wife, Sarah K. Wingate, executed the foregoing instrument and acknowledged the due execution thereof.

Witness my hand and seal this ____ day of _____, 2010.

Notary Public

My Commission Expires: _____

STATE OF NORTH CAROLINA
COUNTY OF LINCOLN

I, a Notary Public of said County and State aforesaid, do hereby certify that Earl M. Wingate and wife, Sarah K. Wingate personally appeared before me this day and acknowledged the due execution of the forgoing instrument.

Witness my hand and official seal this the _____ day of May, 2010.

Notary Public

Notary Seal
My commission expires: _____

Peoples Bank

By: _____

NORTH CAROLINA
_____ COUNTY

I, the undersigned, a Notary Public for said County and State aforesaid, certify that
_____ personally appeared before me this day and acknowledged that he is
_____ of Peoples Bank, a North Carolina Corporation; the foregoing instrument was signed in its
name by its Member/Manager on behalf of the company.

WITNESS my hand and official stamp or seal, this _____ day of May, 2010.

Notary Public

My Commission Expires: _____

Lot 39

Dellinger Brothers Realty, LLC, a North Carolina limited liability company

By: _____
Marcus C. Dellinger, Member/Manager

NORTH CAROLINA
_____ COUNTY

I, the undersigned, a Notary Public for said County and State aforesaid, certify that _____ personally appeared before me this day and acknowledged that he is Member/Manager of Dellinger Brothers Realty, LLC, a North Carolina Limited Liability Company; the foregoing instrument was signed in its name by its Member/Manager on behalf of the company.

WITNESS my hand and official stamp or seal, this _____ day of May, 2010.

Notary Public

My Commission Expires: _____