

Prepared by and mail to: *Rever Dell Co*
~~Smith Debram~~ *4880 NC 42 East Clayton NC 27520*
~~P. O. Drawer 26268, Raleigh, NC 27611~~

References: Development Agreement Book 1615
Page 601
Book 1657
Page 335
Book 1970
Page 599

**AMENDMENT
TO THE
DEVELOPMENT AGREEMENT
FOR
FLOWERS' PLANTATION**

THIS AMENDMENT is made as of the date set forth below by REBECCA DELL FLOWERS (formerly known as REBECCA FLOWERS FINCH) ("DECLARANT");

WHEREAS, Declarant recorded that certain Development Agreement for Flowers' Plantation in Deed Book 1615 at Page 601, *et seq.*, in the office of Register of Deeds, Johnston County, North Carolina, on July 11, 1997, as it may be amended from time to time (the "Development Agreement"); and

WHEREAS, Declarant amended the Development Agreement by those Amendments to the Development Agreement for Flowers' Plantation recorded in Deed Book 1657 at Page 335, and Book 1970, Page 599, in the office of Register of Deeds, Johnston County, North Carolina; and

WHEREAS, pursuant to the terms of Section 5(d) of the Development Agreement, the Declarant may unilaterally amend the Agreement, so long as it owns at least five percent (5%) of the property described in Exhibit "A" of the Agreement recorded in Book 1615, Page 601, Johnston County Registry; and

WHEREAS, the Declarant at the present time owns more that five percent (5%) of the property described in Exhibit "A" to the Agreement recorded in Book 1615, Page 601, Johnston County Registry; and

WHEREAS, the Declarant desires to clarify its intent in the original Development Agreement, where a 200-foot buffer on either side of streams and wetlands was established, and to amend the Development Agreement accordingly, as it intended to only to follow the minimum buffer as established and required by the State of North Carolina;

NOW, THEREFORE, pursuant to the powers retained by Declarant under the Development Agreement, Declarant hereby amends said Development Agreement, as recorded in Book 1615, Page 601, Johnston County Registry, by deleting Section 1 (b) of the Development Agreement in its entirety, and replacing it with the following:

- (b) Streams, Wetlands & Wildlife Habitat. Streams and wetlands shall be preserved by maintaining natural vegetation buffers and creating wildlife corridors. The Declarant shall review all parcel development plans to ensure that sufficient buffers are maintained around streams and wetlands. The minimum buffer required for streams and wetlands shall be that minimum as set forth in the General Statutes of the State of North Carolina applicable to said bodies of water; except that Declarant may require additional width buffers in order to maintain the natural and rural character of Flowers Plantation. Larger wetland areas may be conveyed to a land conservancy, conservation trust, the Flowers Plantation Foundation, or other public or private institution for perpetual ownership and maintenance. If such property is conveyed or maintained by Flowers Plantation Foundation, the cost thereof shall be allocated to all property subject to the Development Agreement and Covenant to Share Costs in the same manner as the costs of maintaining the 100-foot buffer along Neuse River Parkway.

Declarant acknowledges that it has served a copy of this Amendment on all developers subject to the Development Agreement, by mailing a copy of same, first class mail, to the last known address of each owner as named above.

IN WITNESS WHEREOF, Declarant executes this instrument under seal this the 04 day of December, 20 02

DECLARANT: REBECCA DELL FLOWERS (formerly known as REBECCA FLOWERS FINCH), individually)

Rebecca Dell Flowers (SEAL)

STATE OF NORTH CAROLINA)
)
COUNTY OF JOHNSTON)

I, the undersigned Notary Public of the aforesaid County and State, do hereby certify that Rebecca Dell Flowers personally appeared before me this day and acknowledged that she, in her individual capacity, executed the foregoing instrument.

Witness my hand and official stamp or seal this 4th day of December, 20 02.



Patricia S. Benson
Notary Public
My Commission Expires: September 3, 2006

State of North Carolina-Johnston County
The foregoing certificate(s) of Patricia S. Benson
Notary (Notaries) Public is (are) certified to be correct.
This instrument was prepared for registration and recorded in Book 2342 Page 631
This 9 Dec., 20 02 at 2:00 PM
Craig Olive Jan B. Blumhagen
Register of Deeds Deputy Register of Deeds