

28772

Please Return To:
River Dell Company
4880 N.C. 42 East
Clayton, N.C. 27520

References: Declaration Book 1615
Page 609

**AMENDMENT TO THE DECLARATION
OF EASEMENTS AND COVENANT TO SHARE COSTS
FOR FLOWERS' PLANTATION**

THIS AMENDMENT is made as of the date set forth below by Rebecca Flowers Finch ("Declarant").

WHEREAS, Declarant recorded that certain Declaration of Easements and Covenant to Share Costs for Flowers' Plantation in Deed Book 1615 at Page 609, et seq., in the office of Register of Deeds, Johnston County, North Carolina, on July 11, 1997, as it may be amended and supplemented from time to time and recorded in the aforesaid land records (the "Declaration"); and

WHEREAS, pursuant to the terms of Section 5.3 of the Declaration, the Declarant may unilaterally amend the Declaration at any time for any purpose as long as Declarant owns any land submitted to the Declaration or subject to annexation; and

WHEREAS, the Declarant owns land submitted to the Declaration; and

WHEREAS, the Declarant desires to amend the Declaration as provided herein.

NOW, THEREFORE, pursuant to the powers retained by Declarant under the Declaration, Declarant hereby amends the Declaration as provided herein. Such property shall be sold, transferred, used, conveyed, occupied, and mortgaged or otherwise encumbered pursuant to the provisions of this Amendment to the Declaration and the Declaration, both of which shall run with the title to such property and shall be binding upon all persons having any right, title, or any

interest in such property, their respective heirs, legal representatives, successors, successors-in-title, and assigns.

1. Section 2.2 of the Declaration is amended by striking the typed references to a 75 foot buffer and substituting therefor the handwritten references to a 100 foot buffer.

2. Section 2.2(c) of the Declaration is amended by striking the provision in its entirety and substituting the following provision therefor:

(c) the brick entrance walls and white fences located at the entrance to Flowers' Plantation and running along Highway 42 adjacent to Flowers' Plantation;

3. Section 5.3 of the Declaration is amended by striking the first paragraph of the provision in its entirety and substituting the following paragraph therefor:

5.3. Amendment. Declarant may unilaterally amend this Declaration if such amendment is necessary (a) to bring any provision into compliance with any applicable governmental statute, rule, regulation, or judicial determination; (b) to enable any reputable title insurance company to issue title insurance coverage on the Units; (c) to enable any institutional or governmental lender, purchaser, insurer or guarantor of mortgage loans, including, for example, the Federal National Mortgage Association or Federal Home Loan Mortgage Corporation, to make, purchase, insure or guarantee mortgage loans on the Units; or (d) to satisfy the requirements of any local, state or federal governmental agency. However, any such amendment shall not adversely affect the title to any Unit unless the Owner shall consent in writing.

Additionally, so long as Declarant owns any property described on Exhibit "A" or "B," Declarant may unilaterally amend this Declaration for any purpose; provided that such amendment shall not materially adversely affect the substantive or contractual rights of any Owner subject to this Declaration without such Owner's consent.

In addition to the foregoing, this Declaration may be amended upon the affirmative vote or written consent, or any combination thereof, of a majority of the members of the board of directors of the Foundation and the affirmative vote or written consent, or any combination thereof, of the Association Entities and Other Owners representing a majority of the total Units and Equivalent Units subject to this Declaration. So long as the Declarant owns any property described on Exhibits "A" or "B" to the Declaration, the Declarant's written consent shall be required.

[Signatures Begin on Next Page]

