

Prepared by: The Banks Law Firm, P.A.

Return to: Flowers Plantation Foundation, Inc., 120 Flowers Pkwy, Clayton, NC 27527

STATE OF NORTH CAROLINA  
COUNTY OF JOHNSTON

SUPPLEMENTAL DECLARATION AND  
AMENDMENTS TO DEVELOPMENT  
AGREEMENT FOR FLOWERS  
PLANTATION AND THE  
DECLARATION OF EASEMENTS AND  
COVENANTS TO SHARE COSTS FOR  
FLOWERS PLANTATION  
(Evergreen Phase 2)

THIS SUPPLEMENTAL DECLARATION AND AMENDMENT TO DEVELOPMENT AGREEMENT FOR FLOWERS PLANTATION AND THE DECLARATION OF EASEMENTS AND COVENANTS TO SHARE COSTS FOR FLOWERS PLANTATION (the "Amendment") is made and entered into effective as of the 6<sup>th</sup> day of July, 2017 by REBECCA D. FLOWERS, an individual, and DWF DEVELOPMENT, INC., a North Carolina corporation, jointly (together "Declarant"), and is executed by FLOWERS PLANTATION FOUNDATION, INC., a North Carolina non-profit corporation (the "Foundation") with respect to whatever rights, if any, the Foundation may have as a Declarant or otherwise under the "Development Agreement" (as defined herein) or the "Declaration"(as defined herein).

RECITALS:

WHEREAS, Declarant executed that certain Development Agreement for Flowers Plantation which is recorded in Deed Book 1615, Page 601, et seq., Johnston County Registry, on July 11, 1997, as amended from time to time (the "Development Agreement"); and

WHEREAS, Declarant executed that certain Declaration of Easements and Covenant to Share Costs for Flowers Plantation which is recorded in Deed Book 1615, Page 609, et seq., Johnston County Registry, on July 11, 1997, as amended from time to time (the "Declaration"); and

WHEREAS, pursuant to the terms of Section 5(a) of the Development Agreement, Declarant may unilaterally annex additional real property owned by Declarant to the Development

Agreement by recording a Supplemental Declaration within 40 years from the date of recording of the Development Agreement; and

WHEREAS, pursuant to the terms of Section 5(d) of the Development Agreement, Declarant may unilaterally amend the Development Agreement as long as Declarant has the right to annex additional property to the Development Agreement; and

WHEREAS, pursuant to the terms of Section 4.2 of the Declaration, Declarant may unilaterally subject to the Declaration the additional property described on Exhibit "B" therein by recording a Supplemental Declaration within 40 years from the date of recording of the Declaration; and

WHEREAS, pursuant to the terms of Section 5.3 of the Declaration, as long as Declarant owns any property described on Exhibit "A" or "B" to the Declaration, Declarant may unilaterally amend the Declaration for any purpose, and the real property described on Exhibit "A" attached hereto is part of the real property described on Exhibit "B" to the Declaration; and

WHEREAS, DWF owns the real property described herein on Exhibit A (the "Annexed Property"); and

WHEREAS, Declarant owns real property described on Exhibit "B" to the Declaration; and

WHEREAS, Declarant now desires to annex and submit the Annexed Property to the Development Agreement and Declaration;

NOW THEREFORE, pursuant to the powers retained by Declarant under the Development Agreement and Declaration, Declarant declares as follows:

Declarant hereby annexes and submits the Annexed Property to the Development Agreement and Declaration. The Annexed Property shall be sold, transferred, used, conveyed, occupied, and mortgaged or otherwise encumbered pursuant to the provisions of the Development Agreement and Declaration, which shall run with the title to such real property and shall be binding upon all persons having any right, title, or any interest in such real property, their respective, heirs, personal representatives, successors, successors-in-interest and assigns.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the undersigned Declarant and Association have caused this Amendment to be executed as of the day and year indicated in the acknowledgement block below.

DECLARANT

DWF Development, Inc., a North Carolina corporation

By: Rebecca D. Flowers  
Name: Rebecca D. Flowers  
Title: President

STATE OF NORTH CAROLINA

COUNTY OF JOHNSTON

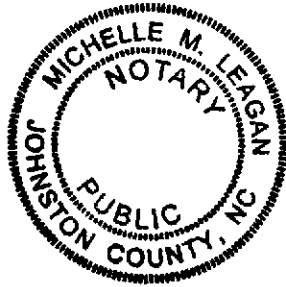
I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: **Rebecca D. Flowers.**

Date: 7-6-17

Michelle M. Leagan  
Official Signature of Notary Public

Michelle M. Leagan  
Notary printed or typed name

My commission expires: 1-31-2022



IN WITNESS WHEREOF, the undersigned Declarant and Association have caused this Amendment to be executed as of the day and year indicated in the acknowledgement block below.

DECLARANT

Rebecca D. Flowers  
Rebecca D. Flowers, as individual

STATE OF NORTH CAROLINA

COUNTY OF JOHNSTON

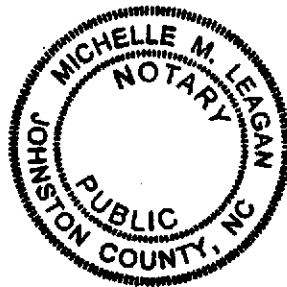
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Michelle M. Leagan  
Official Signature of Notary Public

Michelle M. Leagan  
Notary printed or typed name

My commission expires: 1-31-2022



IN WITNESS WHEREOF, the undersigned Declarant and Association have caused this Amendment to be executed as of the day and year indicated in the acknowledgement block below.

FOUNDATION

Flowers Plantation Foundation, Inc., a North Carolina corporation

By *Rebecca D. Flowers*

Name: Rebecca D. Flowers

Title: President

STATE OF NORTH CAROLINA

COUNTY OF JOHNSTON

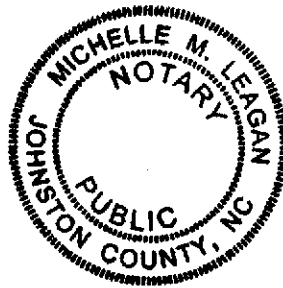
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**EXHIBIT A**

**BEING all of that certain tract or parcel of land containing 26.716 acres and identified as "Portion of DB 4584, PG 849" as shown on that certain map entitled "Subdivision Plat for DWF Development" recorded in Map Book 85, Pages 9-10, Johnston County Registry.**

4822-2060-9353, v. 1