

BOOK 1477
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Iredell County, NC
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No 9999-00187938 1 of 5 pages
Granda D. Bell, Register of Deeds

STATE OF NORTH CAROLINA
COUNTY OF IREDELL

AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR CURTIS POND SUBDIVISION

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THIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR CURTIS POND SUBDIVISION (the "Amendment") is made and entered into as of the 15th day of July, 2003 by CURTIS POND, LLC, a North Carolina limited liability company (hereinafter referred to as "Declarant").

WITNESSETH:

WHEREAS, by that certain Declaration of Covenants, Conditions and Restrictions for CURTIS POND SUBDIVISION (the "Declaration") dated November 11, 1999 and recorded in Book 1172 at Page 1162 in the Iredell County Public Registry, Declarant subjected real property in Iredell County, North Carolina to protective covenants conditions and restrictions as set forth therein; and

WHEREAS, by the recordation of Supplemental Declarations of Covenants, Conditions and Restrictions for Curtis Pond Subdivision, Declarant has subjected additional real property in Iredell County, North Carolina to the same protective covenants, conditions and restrictions as set forth in the Declaration; and

WHEREAS, Section 4 of Article XII of the Declaration provides that the Declaration may be amended by an instrument signed by the Owners of not less than sixty-six and two-thirds percent (66 2/3%) of the Lots; and

WHEREAS, Declarant and (i) Don Galloway Homes, Inc. ("Galloway") (ii) Eastwood Construction Co., Inc. ("Eastwood"), and (iii) Keystone Builders Resource Group of Charlotte, LLC ("Keystone", and together with Galloway and Eastwood collectively referred to as the "Builders") together own 122 Lots; and

WHEREAS, Declarant and the Builders desire to amend the Declaration to change the restrictions governing fences on Lots, as more particularly set forth hereinbelow; and

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WHEREAS, Declarant has obtained approvals of such changes to the restrictions governing fences on Lots from the Owners of 91 lots which, when combined with the number of Lots owned by Declarant and the Builders, exceeds sixty-seven percent (67%) of the Lots; and

WHEREAS, Declarant has obtained the necessary approvals of such changes to the restrictions governing fences on Lots from the Federal Housing Administration as required in Section 4 of Article X of the Declaration.

NOW, THEREFORE, in consideration of the above premises, Declarant hereby amends the Declaration as follows:

1. Fences. Section 19 of Article VII is hereby deleted in its entirety and replaced with the following new Section 19:

“Section 19. Fences. No fence or wall will be erected on any Lot closer to the street than fifteen feet (15’) from the front building line. Privacy fencing around patios, decks or pools may not exceed six (6’) in height. Rear yard fencing shall be split rail, picket or shadow box fencing of no greater than six feet (6’) in height. Picket fencing and shadow box fencing shall have no more than 25% openness visible from a direct line of sight perpendicular to the surface area of such fencing. Chain link or other metal fencing is expressly prohibited except that metal fencing attached to split rail fencing may be used to contain animals within a yard. Any fence not of a split rail type will be constructed of cedar, redwood or fir and shall be painted or stained. Split rail fences will be left natural and unfinished. All fences must be approved by the Architectural Control Committee prior to installation.”

2. Miscellaneous. Except as set forth above, the Declaration shall remain in full force and effect without further change or modification thereof. All capitalized terms herein which are not defined shall have the same meanings given such terms in the originally recorded Declaration. From and after the date hereof, all references to the Declaration shall mean and refer to the originally recorded Declaration, as previously supplemented and as amended hereby.

IN WITNESS WHEREOF, Declarant and the Builders have caused this Amendment to be executed by their duly authorized officers or managers, respectively, all as of the day and year first above written.

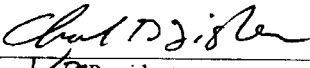
CURTIS POND, LLC

By: LCP Holding I, LLC, Member-Manager

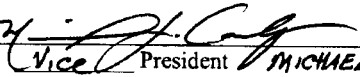
By: LandCraft Properties, Inc., Manager

By:  President

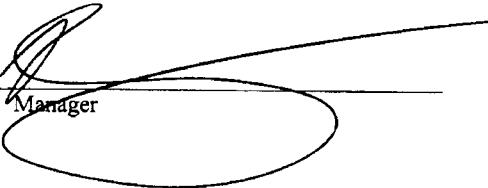
DON GALLOWAY HOMES, INC.

By:  President

EASTWOOD CONSTRUCTION CO., INC.

By:  Vice President MICHAEL J. CONLEY

KEYSTONE BUILDERS RESOURCE GROUP
OF CHARLOTTE, LLC

By:  Manager

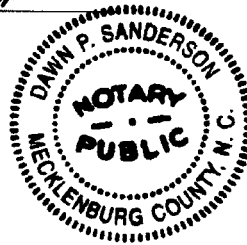
STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I, DAWN P. SANDERSON, a Notary Public, certify that MATTHEW A. McDONALD, personally came before me this day and acknowledged that he is E. V. President of LANDCRAFT PROPERTIES, INC., a North Carolina corporation, manager of LCP HOLDING I, LLC, a North Carolina limited liability company which itself is the manager of CURTIS POND SUBDIVISION, LLC, a North Carolina limited liability company, and that he as President, being authorized to do so, executed the foregoing on behalf of the corporation acting in its capacity as manager of LCP Holding I, LLC which itself is acting as manager of Curtis Pond Subdivision, LLC.

Witness my hand and official seal, this 26 day of June, 2003.

Dawn P. Sanderson
Notary Public



My commission expires: 10-30-07

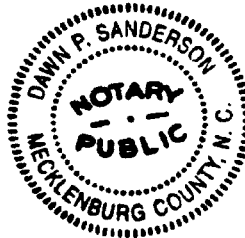
STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I, DAWN P. SANDERSON, a Notary Public, certify that CHUCK F. FISHER, personally came before me this day and acknowledged that he is VPC President of DON GALLOWAY HOMES, INC., a North Carolina corporation, and that he as VPC President, being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official seal, this 1st day of July, 2003.

Dawn P. Sanderson
Notary Public



My commission expires: 10-30-07

STATE OF NORTH CAROLINA

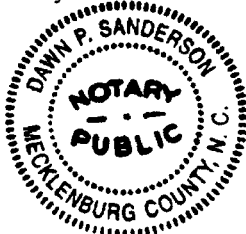
COUNTY OF MECKLENBURG

I, DAWN P. SANDERSON, a Notary Public, certify that MICHAEL J. CONLEY personally came before me this day and acknowledged that he is VICE President of EASTWOOD CONSTRUCTION CO., INC., a North Carolina corporation, and that he as VICE President, being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official seal, this 28th day of MAY, 2003.

Dawn P. Sanderson
Notary Public

My commission expires: 10-30-07



STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I, Joan M. Williams, a Notary Public of the County and State aforesaid, certify that Robert H. Tappert, Manager of KEYSTONE BUILDERS RESOURCE GROUP OF CHARLOTTE, LLC, a North Carolina limited liability company, personally appeared before me this day and acknowledged the execution of the foregoing instrument as the Manager of, and for and on behalf of said limited liability company.

Witness my hand and official stamp or seal this 10th day of June, 2003.

Joan M. Williams
Notary Public

My Commission Expires:

8-31-06



The foregoing Certificate(s) of

Dawn P. Sanderson & Joan M. Williams

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

Brenda D. Bell

REGISTER OF DEEDS FOR

Iredell

COUNTY

By Annette Williamson Deputy/Assistant-Register of Deeds.