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ELAINE N. HARMON  
REGISTER OF DEEDS  
LINCOLN COUNTY, NC

#23

Prepared by and Return to: Kennedy & Wulforst, P.A., Denver, NC 28037

STATE OF NORTH CAROLINA

COUNTY OF LINCOLN

**SUPPLEMENTAL DECLARATION AND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR KILLIAN CROSSING SUBDIVISION**

THIS SUPPLEMENTAL DECLARATION AND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR KILLIAN CROSSING SUBDIVISION (the "Supplemental and Amendment") is made and entered into this 5<sup>th</sup> day of October, 2006, by HECHT DEVELOPMENT CO., a North Carolina Corporation, THE SCHREINER GROUP, LLC, a North Carolina limited liability company, LEEWARD INVESTMENT, LLC, a North Carolina limited liability company ("Declarant").

WHEREAS, Declarant is the Declarant under that certain Declaration of Covenants, Conditions and Restrictions - Killian Crossing, dated May 3, 2006 and recorded in Book 1811, Page 585 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, pursuant to Article II, Section 2(a) of the Declaration, Declarant may cause Additional Property to be made subject to the terms and scheme of the Declaration by filing a supplemental declaration in the Office of the Lincoln County Register of Deeds; and

WHEREAS, Article II, Section 2(b) of the Declaration provides that any Supplemental Declaration may contain complementary additions to the covenants and restrictions as may be necessary in the judgment of the Declarant to reflect the different character of the Additional Property; and

WHEREAS, Declarant desires to supplement the Declaration to cause that portion of the Additional Property, being the numbered Lots shown on the map(s) of KILLIAN CROSSING, PHASES 2, located in Lincoln County, North Carolina, recorded in Plat Book 14 at Pages 68, all in the Office of the Register of Deeds for Lincoln County, North Carolina (the "Phase 2 Property Map(s)")(such portion of the Additional Property, being the numbered Lots hereinafter referred to as the "Phase 2 Property"), to be made subject to the terms and scheme of the Declaration; and

WHEREAS, Declarant pursuant to Article XX, Section 3 of the Declaration, has the right to

amend the Declaration; and

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

NOW, THEREFORE, Declarant, by this Supplemental Declaration, does declare that all of the numbered Lots as shown on the Phase 2 Property Map(s), are and shall be held, transferred, sold, conveyed and occupied subject to the Declaration and the covenants, conditions, restrictions, easements, charges and liens set forth therein and in this Supplemental Declaration, all of which shall run with the title to the Phase 2 Property and be binding upon all parties owning any right, title or interest in and to the Phase. Property, or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof, subject to the following additional terms and conditions:

ARTICLE 1  
DEFINITIONS

The definitions set forth in Article I of the Declaration are hereby supplemented and amended as follows:

~~Section 13.~~ "Lots" shall mean and refer to Lots 10, 11, 12, 100, 101, 102, 103, 104, 105, 107 and as shown on the Phase 2, Map 1 Property Map(s).

~~Section 14.~~ "Map" includes the Phase 2, Map 1 Property Map(s) with the Lots described above.

~~Section 21.~~ "Property" includes the numbered lots of the Phase 2, Map 1 Property Map(s).

~~Section 29.~~ "Subdivision" includes the numbered lots of the Phases 2, Map 1 Property Map(s).

ARTICLE 2  
ANNUAL ASSESSMENTS

Article V, Section 2 of the Declaration which provides the initial due dates for the Annual Assessments, are hereby supplemented as follows:

The initial Annual Assessment shall commence as to each Lot located within the Phase 2 Property on January 1, 2007 and shall be prorated between Declarant and Purchaser at closing.

ARTICLE 3  
AMENDMENT

Article VIII of the Declaration is hereby amended as follows:

~~Section 2.~~ Dwelling Size is hereby amended to adjust the Minimum Ground Floor Heated Area for multi-level dwellings will be 1250 square feet.

~~Section 7.~~ Chimneys is hereby amended to allow cantilevered chimneys. ON REAR

~~Section 29.~~ Construction Trailers. The designated location is hereby amended to designate Lot

ELEVATION  
W  
W

number 23 as a construction trailer location. Lot 12 is a temporary construction trailer location until the plat is recorded for Lot 23 at which time Lot 12 will be abandoned as a temporary construction trailer location.

ARTICLE 4  
GENERAL TERMS

All capitalized terms not otherwise defined in this Supplemental Declaration shall have the same meaning as in the Declaration. Except as expressly amended or modified hereby to reflect specific differences in character of the Phases 2 Property or to clarify the meaning of certain terms used in the Declaration, all covenants, conditions, restrictions and easements established by and contained in the Declaration shall remain unchanged and in full force and effect.

Except as expressly supplemented herein, the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, the Declarant has caused this instrument to be executed under seal by its duly authorized member as of the day and year first above written.

HECHT DEVELOPMENT CO., a North Carolina corporation

By: *Robert V. Hecht*  
Robert V. Hecht, President

NORTH CAROLINA  
WAKE COUNTY

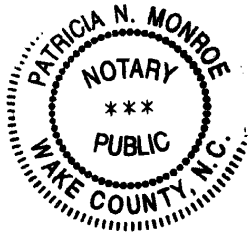
I, the undersigned, a Notary Public for said County and State aforesaid, certify that Robert V. Hecht personally appeared before me this day and acknowledged that he is President of Hecht Development Co., a North Carolina Corporation; the foregoing instrument was signed in its name by its President on behalf of the corporation.

WITNESS my hand and official stamp or seal, this 5<sup>th</sup> day of October, 2006.

*Patricia N. Monroe*

My Commission Expires: 9/16/2010

Notary Public



THE SCHREINER GROUP, LLC, a North Carolina limited liability company

By: Stephen M. Schreiner, Member/Manager

NORTH CAROLINA  
WAKE COUNTY

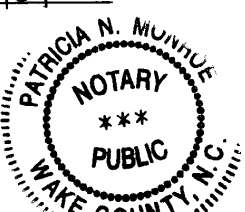
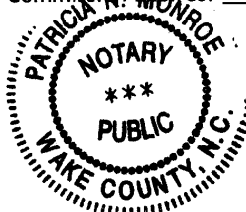
I, the undersigned, a Notary Public for said County and State aforesaid, certify that Stephen M. Schreiner personally appeared before me this day and acknowledged that he is Member/Manager of THE SCHREINER GROUP, LLC, a North Carolina Limited Liability Corporation; the foregoing instrument was signed in its name by its Member/Manager on behalf of the company.

WITNESS my hand and official stamp or seal, this 5<sup>th</sup> day of October, 2006.

Patricia N. Monroe

My Commission Expires: 9/6/2010

Notary Public



LEEWARD INVESTMENT, LLC  
a North Carolina limited liability company

By: Linda M. Whicker  
Linda M. Whicker, Member/Manager

NORTH CAROLINA  
WAKE COUNTY

I, the undersigned, a Notary Public for said County and State aforesaid, certify that Linda M. Whicker personally appeared before me this day and acknowledged that he is Member/Manager of LEEWARD INVESTMENT, LLC, a North Carolina Limited Liability 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 5<sup>th</sup> day of October, 2006.

Patricia N. Monroe

My Commission Expires: 9/6/2010

Notary Public

