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JOYCE H. SWICEGOOD  
REGISTER OF DEEDS  
PENDER COUNTY, NC

STATE OF NORTH CAROLINA

COUNTY OF PENDER

FIRST AMENDMENT TO  
RESTRICTIVE COVENANTS OF  
CROSS CREEK SUBDIVISION

This First Amendment to Restrictive Covenants of CROSS CREEK SUBDIVISION is made this the 23rd day of March, 1999 by the UNDERSIGNED OWNERS of not less than a sixty-six (66%) percent majority of the owners of the lots in Cross Creek Subdivision (hereinafter referred to as "OWNERS") and P M & M, INC., the Declarant (hereinafter referred to as "DECLARANT").

## WITNESSETH:

Whereas, OWNERS and DECLARANT are the OWNERS of lots in Cross Creek Subdivision as said lots are shown on map recorded in Map Book 31 at Page 118 as revised by map recorded in Map Book 32 at Page 87 of the Pender County Registry; and

Whereas, DECLARANT subject all of the lots in Cross Creek Subdivision to those certain Restrictive Covenants of Cross Creek Subdivision (hereinafter referred to as "DECLARATION") recorded in Book 1303 at Page 303 and rerecorded in Book 1310 at Page 207 of the Pender County Registry; and

Whereas, OWNERS and DECLARANT desire to amend the DECLARATION as provided in Section C entitled "These Restrictions Run With The Land" of the DECLARATION; and that such amendment shall provide for the preservation of the lot values and the desirability and attractiveness of the lots.

Now therefore, OWNERS and DECLARANT, in consideration of the premises, declare that the DECLARATION is amended as follows:

Paragraph 15 of Section B entitled "General Use Restrictions" as appears on pages 10 and 11 of the DECLARATION is amended to read as follows:

W. JAMES BRANDON  
ATTORNEY AT LAW

HAMPSTEAD VILLAGE  
POST OFFICE BOX 40  
HAMPSTEAD, NC 28443

15. No noxious or offensive trade or activity shall be carried on upon any lot, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood. No animals or poultry of any kind may be kept or maintained on any of said lots, except a reasonable number of dogs, cats and birds that are kept on the owner's property and except for horses on the designated lots as is hereinafter set forth. No dogs shall be permitted to roam the property, and the Association may have strays and dogs that are not leashed and are found off their owner's lot removed by government authorities. The throwing or dumping of trash, garbage and waste materials shall not be permitted. The interference of any stream or future waterways so as to cause pollution or stagnation in these waterways is prohibited. No clearing, filling or disturbing of the wetlands in violation of the governmental regulations shall be permitted. No clearing of any type shall be permitted without prior approval from the Committee. There shall be no excavation which does not pertain to the building or construction of a home. Bottled gas containers and oil tanks shall be screened from public view. No heating or cooling system shall discharge surface water from any lot without prior approval from the Committee. There shall be no above-ground swimming pools, unless approved by the Committee.

Lots 2, 3, 8, 10, 11, and 14 are designated as horse lots and are located adjacent to a Horse Exercise Area. Owners of lots designated as horse lots may keep and board one (1) horse per each lot owned. The horse must be stabled in an approved barn. Any fences erected on the lot must meet the criteria detailed in other sections of these Restrictions. The owner is responsible for the removal of any manure and/or debris generated by the horse; the removal must be done on a timely basis so as not to create any noxious odor, health hazard or breeding place for insects. The horse may roam within an enclosed fence area on the rear of the lot. Certain areas have been established as Horse Exercise Areas and only bridled horses shall be allowed in these areas and no horse shall be permitted to roam freely within these areas. The Maintenance of the Horse Exercise Areas shall be the responsibility of the Association and the Association shall establish a maintenance assessment to be paid by the owners of the lots utilizing the Horse Exercise Areas; said assessment to be in addition to the regular assessments and special assessments of the Association.

In Witness Whereof, OWNERS and DECLARANT have hereunto set their hands and seals, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its corporate seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

W. JAMES BRANDON  
ATTORNEY AT LAW

HAMPSTEAD VILLAGE  
POST OFFICE BOX 40  
HAMPSTEAD, NC 28443



DECLARANT approval:

P M & M, INC.  
a North Carolina Corporation

(Corporate Seal)

By: Jeff Morris  
Jeff Morris, President

Attest: Nora F. Morris  
Nora F. Morris, Secretary

STATE OF NORTH CAROLINA, COUNTY OF PENDER.

I, MARY A. EDENS, a Notary Public in and for the aforesaid County and State do hereby certify that Nora F. Morris personally appeared before me this day and acknowledged that she is Secretary of P M & M, INC., a North Carolina Corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by herself as its Secretary.

Witness my hand and official stamp or seal this the 29th day of March, 1999.

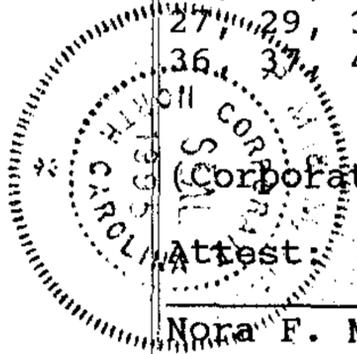
My Commission Expires: 4/20/03

Mary A. Edens  
Notary Public

Owner of Lots 1, 4, 7, 8, 9, 10, 11, 12, 13, 15, 18, 19, 22, 23, 25, 27, 29, 30, 33, 34, 35, 36, 37, 42 and 43:

P M & M, INC.  
a North Carolina Corporation

By: Jeff Morris  
Jeff Morris, President



(Corporate Seal)

Attest: Nora F. Morris  
Nora F. Morris, Secretary

STATE OF NORTH CAROLINA, COUNTY OF PENDER.

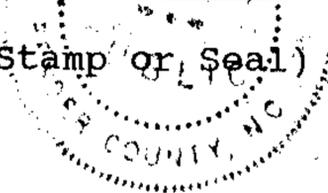
I, MARY A. EDENS, a Notary Public in and for the aforesaid County and State do hereby certify that Nora F. Morris personally appeared before me this day and acknowledged that she is Secretary of P M & M, INC., a North Carolina Corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by herself as its Secretary.

Witness my hand and official stamp or seal this the 29th day of March, 1999.

My Commission Expires: 4/20/03

Mary A. Edens  
Notary Public

(Notary Stamp or Seal)



V. JAMES BRANDON  
ATTORNEY AT LAW  
HAMPSTEAD VILLAGE  
POST OFFICE BOX 40  
HAMPSTEAD, NC 28443

Owner of Lot 2:

Marjorie Amanda Matteson (SEAL)  
Marjorie Amanda Matteson

\_\_\_\_\_ (SEAL)

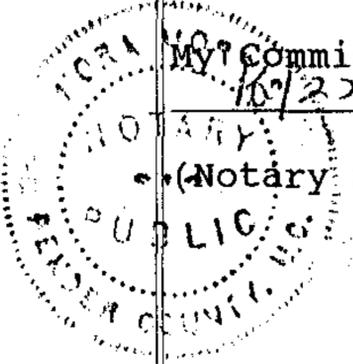
STATE OF NORTH CAROLINA, COUNTY OF Pender.

I, a Notary Public of the County and State aforesaid, certify that Marjorie Amanda Matteson personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness, my hand and official stamp or seal, this 25 day of March, 1999.

My Commission Expires:

10/22/2001

(Notary Seal)



Nora Morris  
Notary Public

W. JAMES BRANDON  
ATTORNEY AT LAW  
HAMPSTEAD VILLAGE  
POST OFFICE BOX 40  
HAMPSTEAD, NC 28443

Owner of Lot 3:

Jeffrey L. Morris (SEAL)  
Jeffrey L. Morris

Nora F. Morris (SEAL)  
Nora F. Morris

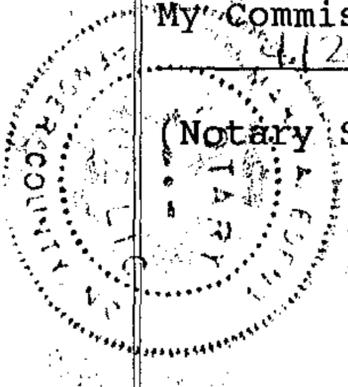
STATE OF NORTH CAROLINA, COUNTY OF PENDER.

I, a Notary Public of the County and State aforesaid, certify that Jeffrey L. Morris and wife, Nora F. Morris personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 29<sup>th</sup> day of March, 1999.

My Commission Expires: 4/20/03

Mary A. Edwards  
Notary Public

(Notary Seal)



Owner of Lot 5:

Woodrow W. Sullivan (SEAL)  
Woodrow W. Sullivan, III

\_\_\_\_\_ (SEAL)

STATE OF NORTH CAROLINA, COUNTY OF Pender.

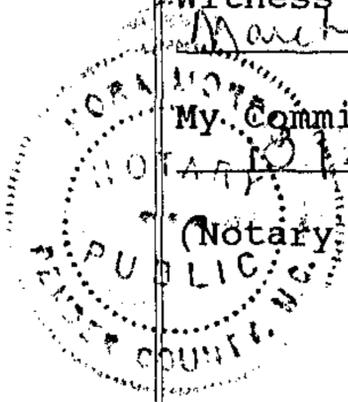
I, a Notary Public of the County and State aforesaid, certify that Woodrow W. Sullivan, III personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 28 day of March, 1999.

My Commission Expires:

03/22/2001

(Notary Seal)

Nora Morris  
Notary Public



N. JAMES BRANDON  
ATTORNEY AT LAW  
HAMPSTEAD VILLAGE  
POST OFFICE BOX 40  
HAMPSTEAD, NC 28443

Owner of Lot 6:

Gregory R. Davis (SEAL)  
Gregory R. Davis

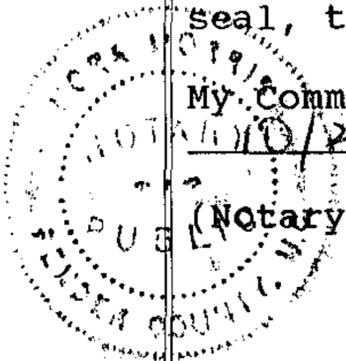
Claire Jane R. Davis (SEAL)  
Claire Jane R. Davis

STATE OF NORTH CAROLINA, COUNTY OF Pender.

I, a Notary Public of the County and State aforesaid, certify that Gregory R. Davis and wife, Claire Jane R. Davis personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 27 day of March, 1999.

My Commission Expires: 11/10/2001

Nora Morris  
Notary Public



(Notary Seal)

Owner of Lot 16:

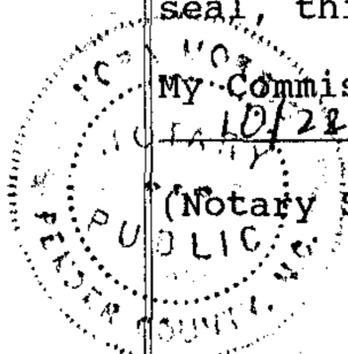
Willard A. West, Jr. (SEAL)  
Willard A. West, Jr.  
Debra D. West (SEAL)  
Debra D. West

STATE OF NORTH CAROLINA, COUNTY OF Pender.

I, a Notary Public of the County and State aforesaid, certify that Willard A. West, Jr. and wife, Debra D. West personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 27<sup>th</sup> day of March, 1999.

My Commission Expires: 10/22/2001

Nora Morris  
Notary Public



(Notary Seal)

W. JAMES BRANDON  
ATTORNEY AT LAW  
HAMPSTEAD VILLAGE  
POST OFFICE BOX 40  
HAMPSTEAD, NC 28443

Owner of Lot 17:

Jimmie R. Jennings (SEAL)  
Jimmie R. Jennings

Phyllis D. Jennings (SEAL)  
Phyllis D. Jennings

STATE OF NORTH CAROLINA, COUNTY OF Randolph.

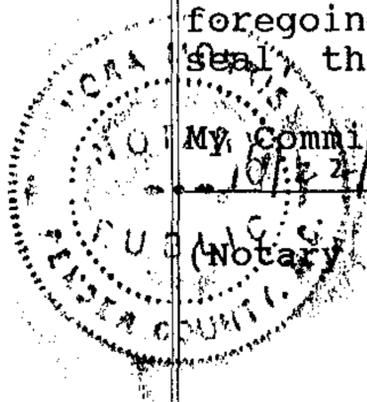
I, a Notary Public of the County and State aforesaid, certify that Jimmie R. Jennings and wife, Phyllis D. Jennings personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 27 day of March, 1999.

My Commission Expires:

10/27/2001

(Notary Seal)

Noah Morris  
Notary Public



W. JAMES BRANDON  
ATTORNEY AT LAW  
HAMPSTEAD VILLAGE  
POST OFFICE BOX 40  
HAMPSTEAD, NC 28443

Owner of Lot 21:

Joseph J. Morris (SEAL)  
Joseph J. Morris  
\_\_\_\_\_  
(SEAL)

STATE OF NORTH CAROLINA, COUNTY OF Perkin.

I, a Notary Public of the County and State aforesaid, certify that Joseph J. Morris personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 28<sup>th</sup> day of March, 1999.



My Commission Expires: 10/22/2001

(Notary Seal)

Nora Morris  
Notary Public

W. JAMES BRANDON  
ATTORNEY AT LAW  
HAMPSTEAD VILLAGE  
POST OFFICE BOX 40  
HAMPSTEAD, NC 28443

Owner of Lot 31 and 32:

Wendell A. Comeaux (SEAL)  
Wendell A. Comeaux

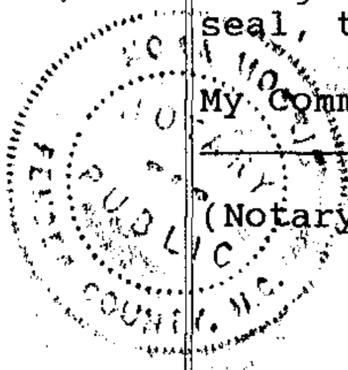
Jeanette B. Comeaux (SEAL)  
Jeanette B. Comeaux

STATE OF NORTH CAROLINA, COUNTY OF Pender.

I, a Notary Public of the County and State aforesaid, certify that Wendell A. Comeaux and wife, Jeanette B. Comeaux personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 29 day of March, 1999.

My Commission Expires: 10/22/2001

Nora Moss  
Notary Public



(Notary Seal)

W. JAMES BRANDON  
ATTORNEY AT LAW  
HAMPSTEAD VILLAGE  
POST OFFICE BOX 40  
HAMPSTEAD, NC 28443

Owner of Lot 39:

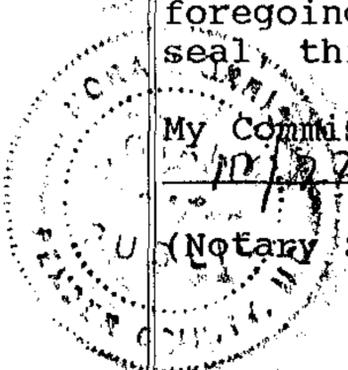
*John S. Stewart* (SEAL)  
 John S. Stewart  
*Lynn B. Stewart* (SEAL)  
 Lynn B. Stewart

STATE OF NORTH CAROLINA, COUNTY OF *Pender*.

I, a Notary Public of the County and State aforesaid, certify that John S. Stewart and wife, Lynn B. Stewart personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this *27* day of *March*, 1999.

My Commission Expires: *12/27/2001*

*Ada Morris*  
Notary Public



(Notary Seal)

W. JAMES BRANDON  
ATTORNEY AT LAW  
HAMPSTEAD VILLAGE  
POST OFFICE BOX 40  
HAMPSTEAD, NC 28443

Owner of Lot 44 and 45: MARK DOUGHERTY (SEAL)  
Mark A. Dougherty

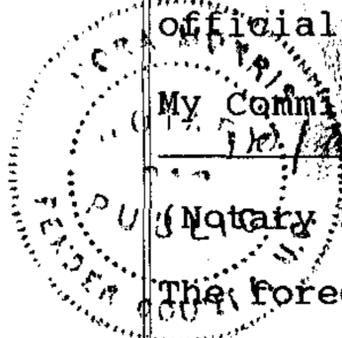
CATHERINE DOUGHERTY (SEAL)  
Catherine A. Dougherty

STATE OF NORTH CAROLINA, COUNTY OF Pender.

I, a Notary Public of the County and State aforesaid, certify that Mark A. Dougherty and wife, Catherine A. Dougherty personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 28<sup>th</sup> day of March, 1999.

My Commission Expires: 10/22/2001

Nora Morris  
Notary Public



(Notary Seal)

The foregoing certificate(s) of Mark A. Adams, Nora Morris

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.

**JOYCE M. SWICEGOOD** Register of Deeds for Pender County  
By Joyce M. Swicegood Deputy/Assistant - Register of Deeds