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JOYCE M. SWICEGOOD  
REGISTER OF DEEDS  
PENDER COUNTY, NC

Recorded and Verified  
Joyce M. Swicegood  
Register of Deeds  
Pender County, NC



Ladd

**FIRST AMENDMENT TO SUPPLEMENTAL RESTRICTIVE COVENANTS FOR  
CROSS CREEK SUBDIVISION ADDITION OF SECTION 5 CAMBRIDGE AT  
CROSS CREEK**

STATE OF NORTH CAROLINA  
COUNTY OF PENDER

Brief description for the index: First Amendment to  
Restrictions Section 5  
Cambridge at Cross Creek

THIS FIRST AMENDMENT TO SUPPLEMENTAL RESTRICTIVE  
CONVENANTS OF CROSS CREEK SUBDIVISION ADDITION OF SECTION 5  
CAMBRIDGE AT CROSS CREEK are made this the 11<sup>th</sup> day of  
September, 2006 by **COASTAL INVESTMENTS OF NC, LLC**, a North  
Carolina Limited Liability Company, hereinafter referred to  
as the "Declarant", and any and all persons, firms, or  
corporations hereinafter acquiring any of the within  
described property and any of the property hereinafter made  
subject to these Restrictive Covenants of Cross Creek  
Subdivision, Section 5 Cambridge at Cross Creek,  
hereinafter referred to as the "Section 5 Restrictions."

WITNESSETH:

Whereas, Declarant is the owner of certain property in  
Pender County, North Carolina known as Cross Creek  
Subdivision; and

Whereas, Section 5 Cambridge at Cross Creek (Lots 1  
thru 30, inclusive) of Cross Creek Subdivision is more  
particularly described by map(s) thereof recorded in Map  
Book 41 at Page 137 of the Pender County Registry, to which  
map reference is hereby made for a more particular  
description; and

Whereas, Declarant now owns all of Section 5 Cambridge at Cross Creek except for Lots 1, 2, 21, 6, 7, 23, 5, 8, 9, 10, 17, 19, 3, 4, 25, 29, 30 and 11;

Whereas the current owner of Lots 1, 2, and 21 is Elk Construction of NC, Inc. (hereinafter "Elk"); Whereas Elk joins in this Declaration in order to subject said lots to this Declaration; and

Whereas the current owner of Lot 6 is Brunson Home Builders, Inc., (hereinafter "Brunson"); Whereas Brunson joins in this Declaration in order to subject said lot to this Declaration;

Whereas the current owner of Lots 7 and 23 is B.J.'s Construction Co., Inc. (hereinafter "B.J.'s"); Whereas B.J.'s joins in this Declaration in order to subject said lots to this Declaration;

Whereas the current owner of Lots 5, 8, 9, 10, 17, and 19 is Reeves Builders, Inc. (hereinafter "Reeves"); Whereas Reeves joins in this Declaration in order to subject said lots to this Declaration;

Whereas the current owner of Lots 3, 4, 25, 29, and 30 is Southeast Homes, Inc. (hereinafter "Southeast"); Whereas Southeast joins in this Declaration in order to subject said lots to this Declaration;

Whereas the current owner of Lot 11 is Wende F. Chaucer and Matthew S. Chaucer (hereinafter "Chaucer"); Whereas Chaucer joins in this Declaration in order to subject said lots to this Declaration;

Whereas, Section 5 Cambridge at Cross Creek (Lots 1 thru 30) are now subject to the Restrictive Covenants of Cross Creek Subdivision recorded in Book 1303 at Page 303, rerecorded in Book 1310 at Page 207, amended by instrument recorded in Book 1455 at Page 189, and supplemented by instruments recorded in Book 1569 at Page 138, Book 1941 at Page 87, and Book 2478 at Page 252, and Book 2965 at Page 323, of the Pender County Registry, and

Now Therefore, in accordance with the recitals which by this reference are made a substantive part hereof, Declarant declares that all of Section 5 Cambridge at Cross Creek are subject to the following additional restrictions:

ARTICLE II  
CROSS CREEK SUBDIVISION  
SECTION 5 CAMBRIDGE AT CROSS CREEK  
IS SUBJECT TO THE FOLLOWING  
ADDITIONAL RESTRICTIONS

**B. GENERAL USE RESTRICTIONS**

Declarant does hereby covenant and agree with all persons, firms or corporations hereafter acquiring title to any portion of the Property that the Property is hereby subject to the following additional restrictions as to the use thereof and does agree, publish and declare that the deed hereinafter made by it to purchasers of the Property shall be made subject to the following additional restrictions (new paragraphs 42, 43, and 44):

- (42) Any and all damages caused to the curbing and gutter by a lot owner(s) or any agent of a lot owner (including but not limited to contractors and subcontractors) shall be the sole responsibility of the individual lot owner(s). The cost to repair any such damage shall be borne by the lot owner(s) and shall not be the responsibility of the Declarant unless Declarant causes said damage.
- (43) In the event the Owner of a Lot shall damage or through negligent failure to act allow damage to occur to any drainage or utility easement or Stormwater Management Facilities located in the Subdivision (including but not limited to storm water swales, storm water ponds, and drainage ditches), the Owner of said Lot shall be responsible and liable for the repair or replacement of said drainage or utility easement or the Stormwater Management Facilities as provided in these Restrictions and in compliance with NC-DENR standards. From and after the time the Permit is transferred to the Corporation, Declarant shall have no responsibility for maintaining any drainage easements or Stormwater Management Facilities in the

Subdivision except drainage easements or Stormwater Management Facilities located on Lots owned by Declarant. Within the drainage and utility easements set forth in these Restrictions or shown on the Maps, no structure, fencing, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation or maintenance of utilities or which may change the direction or flow of drainage channels in the easements or violate the provisions of the Permit.

- (44) Prior to their occupancy, all dwellings shall have a concrete driveway at least nine (9) feet in width running from the pavement of the street on which the Lot fronts to the front face of the dwelling located on the Lot.

**C. SPECIAL ASSESSMENTS FOR CURB AND GUTTER FOR SECTION 5 CAMBRIDGE AT CROSS CREEK**

Declarant does hereby covenant and agree with all persons, firms or corporations hereafter acquiring title to any portion of property designated as Section 5 Cambridge at Cross Creek that said property is hereby subject to the following additional restrictions as to Special Assessments for Section 5 Cambridge at Cross Creek pertaining to curb and gutter, and does agree, publish and declare that the deed hereinafter made by it to purchasers of the Property shall be made subject to the following additional restrictions (new sections C (1) & (2) ):

(1) POWER TO LEVY SPECIAL ASSESSMENT: Section 5 Cambridge at Cross Creek contains a curb and gutter system. All previous Sections of Cross Creek do not contain said curb and gutter system. Because of the likelihood of additional costs related to the maintenance and repair of the curb and gutter system, it will be necessary for the Cross Creek Homeowner's Association to levy Special Assessments under this section that will be limited to Lot owners in Section 5. It is expressly noted that no assessments under this section shall be levied on any other sections of

Cross Creek other than Section 5 Cambridge as Cross Creek. These special assessments are for the purpose of the maintenance, upkeep, and replacement (as deemed necessary) of the existing curb and gutter improvements located within the roadways shown in the Section 5 plat recorded in Map Book 41 at Page 137 of the Pender County Registry. The amount and frequency of said assessments shall be determined by the Association representing Cross Creek and shall be subject to and limited only by the Provisions of the North Carolina Planned Community Act.

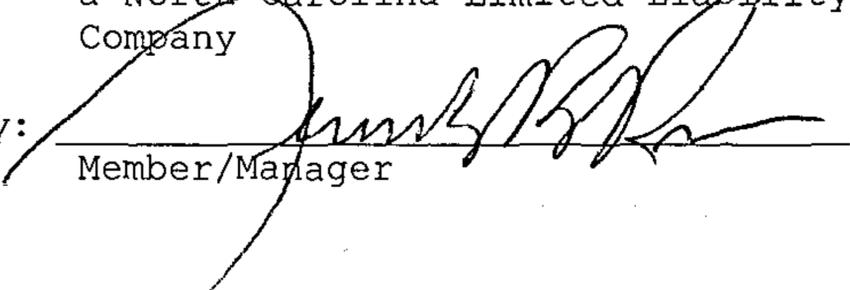
(2) PROCEDURE: On petition from any 3 lot owners in Section 5 Cambridge at Cross Creek, the Homeowner's Association (Cross Creek Homeowner's Association, Inc.) shall appoint a committee of not less than 5 members who are lot owners in Section 5 who shall investigate the concerns expressed in the petition and issue a recommendation to the Executive Committee of the Homeowner's Association.

(3) PURPOSE: The purpose of this section is to allow the existing Homeowner's Association (Cross Creek Homeowner's Association, Inc.) to properly provide for and ensure the maintenance, upkeep, and repair of the curb and gutter system in Section 5, with all expenses from said maintenance, upkeep and repair borne by special assessments only from Lot owners in Section 5.

IN TESTIMONY WHEREOF, Declarant, a North Carolina limited liability company, has caused this instrument to be executed in its company name by its authorized member/manager with full authority to act for all of its members and managers and said member/manager has hereunto set his hand as the act and deed of the limited liability company, all on the day and year of the first above written.

COASTAL INVESTMENTS OF NC, LLC,  
a North Carolina Limited Liability  
Company

By: \_\_\_\_\_  
Member/Manager



Notary  
Stamp-Seal  
here

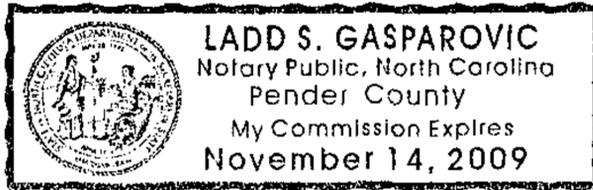
State of North Carolina, County of Pender. I, Ladd S. Gasparovic, a Notary Public in and for the County and State aforesaid, do hereby certify that Jeremiah B. Reeves, Jr. personally appeared before me this day and acknowledge that he is the authorized member/manager of COASTAL INVESTMENTS OF NC, LLC, a North Carolina limited liability company, and further that he acknowledged the due execution of the foregoing instrument on behalf of the limited liability company.

Witness my hand and official stamp or seal this the 11<sup>th</sup> day of September, 2006.

My Commission Expires:

11-14-2009

Ladd S. Gasparovic  
Notary Public



Joinder and Consent.

The undersigned, Owner(s) of Lots 1, 2, and 21 in Cambridge at Cross Creek Subdivision as shown on map recorded in Map Book 41 at Page 137 of the Pender County Registry, join in the foregoing First Amendment to Supplemental Restrictive Covenants for Cross Creek Subdivision Addition of Section 5 Cambridge at Cross Creek for the purpose of subjecting their lot to the foregoing Restrictive Covenants.

In witness whereof the undersigned have hereunto set their hands and seals, this the 17<sup>th</sup> day of October, 2006.

Carolyn H Kerby (SEAL)  
Elk Construction of NC, Inc.

BY: CAROLYN H KERBY  
Name & Title      PRESIDENT  
   ELK CONSTRUCTION OF NC, Inc

State of North Carolina, County of Pender

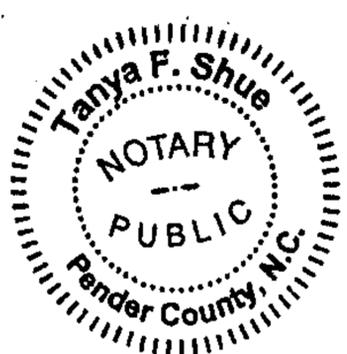
I certify that the following person(s), known to me or proved to me on the basis of satisfactory evidence to be the person(s) described, personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purposes stated therein and in the capacity indicated:

Date: 10-17-2006

Tanya F. Shue  
Signature of Notary

(Notary Stamp or Seal)

Tanya F. Shue, Notary Public  
Printed or typed name  
My Commission Expires: 5-30-2011



Joinder and Consent.

The undersigned, Owner(s) of Lot 6 in Cambridge at Cross Creek Subdivision as shown on map recorded in Map Book 41 at Page 137 of the Pender County Registry, join in the foregoing First Amendment to Supplemental Restrictive Covenants for Cross Creek Subdivision Addition of Section 5 Cambridge at Cross Creek for the purpose of subjecting their lot to the foregoing Restrictive Covenants.

In witness whereof the undersigned have hereunto set their hands and seals, this the 6<sup>th</sup> day of ~~September~~, 2006.  
OCTOBER

[Signature] (SEAL)  
Brunson Home Builders, Inc.

BY: Geoff G. Brunson - President  
(name & title)

State of North Carolina, County of Brunswick.

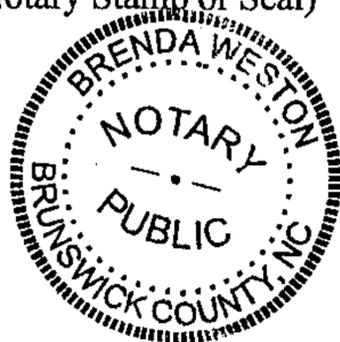
I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

Witness my hand and Official Seal on this Date shown.

Date: 10/6/06

[Signature]  
Signature of Notary

(Notary Stamp or Seal)



Brenda Weston, Notary Public  
Printed or typed name  
My Commission Expires: 07-12-09

Joinder and Consent.

The undersigned, Owner(s) of Lot(s) 7 in Cambridge at Cross Creek Subdivision as shown on map recorded in Map Book 41 at Page 137 of the Pender County Registry, join in the foregoing First Amendment to Supplemental Restrictive Covenants for Cross Creek Subdivision Addition of Section 5 Cambridge at Cross Creek for the purpose of subjecting their lot to the foregoing Restrictive Covenants.

In witness whereof the undersigned have hereunto set their hands and seals, this the 23 day of August, 2006.

Barbara J. Lambert (SEAL)  
BJ's Construction Co.

BY: President  
(name & title)

State of North Carolina, County of New Hanover

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:

President

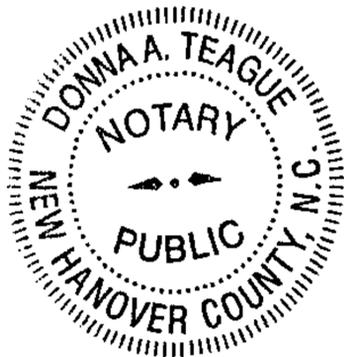
Witness my hand and Official Seal on this Date shown.

Date: 8/23/06

Donna A. Teague  
Signature of Notary

(Notary Stamp or Seal)

DONNA A. Teague, Notary Public  
Printed or typed name  
My Commission Expires: 12/26/2010



Joinder and Consent.

The undersigned, Owner(s) of Lot(s) 13 in Cambridge at Cross Creek Subdivision as shown on map recorded in Map Book 41 at Page 137 of the Pender County Registry, join in the foregoing First Amendment to Supplemental Restrictive Covenants for Cross Creek Subdivision Addition of Section 5 Cambridge at Cross Creek for the purpose of subjecting their lot to the foregoing Restrictive Covenants.

In witness whereof the undersigned have hereunto set their hands and seals, this the 23 day of August, 2006.

Barbara J. Rabbit (SEAL)  
BJ's Construction Co.

BY: President  
(name & title)

State of North Carolina, County of New Hanover

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:

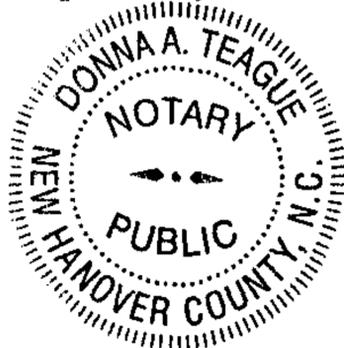
President

Witness my hand and Official Seal on this Date shown.

Date: 8/23/06

Donna A Teague  
Signature of Notary

(Notary Stamp or Seal)



Donna A Teague, Notary Public  
Printed or typed name  
My Commission Expires: 12/26/2010

Joinder and Consent.

The undersigned, Owner(s) of Lots 5, 8, 9, 10, 17, and 19 in Cambridge at Cross Creek Subdivision as shown on map recorded in Map Book 41 at Page 137 of the Pender County Registry, join in the foregoing First Amendment to Supplemental Restrictive Covenants for Cross Creek Subdivision Addition of Section 5 Cambridge at Cross Creek for the purpose of subjecting their lot to the foregoing Restrictive Covenants.

In witness whereof the undersigned have hereunto set their hands and seals, this the 11<sup>th</sup> day of September, 2006.

[Signature] (SEAL)  
Reeves Builders, Inc.

BY: Jeremiah B. Reeves, Jr.  
Name & Title

State of North Carolina, County of Pender.

I certify that the following person(s), known to me or proved to me on the basis of satisfactory evidence to be the person(s) described, personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purposes stated therein and in the capacity indicated:

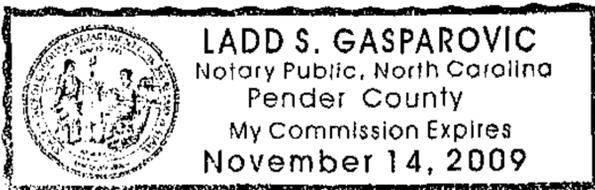
Jeremiah B. Reeves, Jr. Member-Manager

Date: 9/11/2006

[Signature]  
Signature of Notary

(Notary Stamp or Seal)

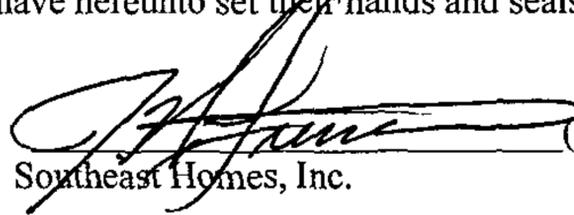
Ladd S. Gasparovic, Notary Public  
Printed or typed name  
My Commission Expires: 11-14-2009



Joinder and Consent.

The undersigned, Owner(s) of Lots 3, 4, 25, 29, and 30 in Cambridge at Cross Creek Subdivision as shown on map recorded in Map Book 41 at Page 137 of the Pender County Registry, join in the foregoing First Amendment to Supplemental Restrictive Covenants for Cross Creek Subdivision Addition of Section 5 Cambridge at Cross Creek for the purpose of subjecting their lot to the foregoing Restrictive Covenants.

In witness whereof the undersigned have hereunto set their hands and seals, this the 12<sup>th</sup> day of September, 2006.

 (SEAL)  
Southeast Homes, Inc.

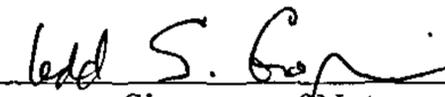
BY: J.W. Fussell - President  
Name & Title

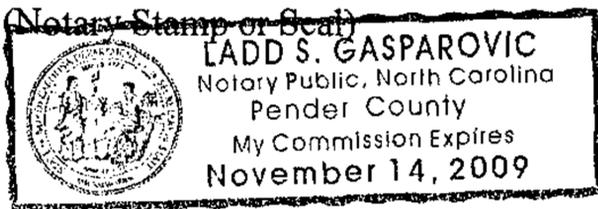
State of North Carolina, County of Pender.

I certify that the following person(s), known to me or proved to me on the basis of satisfactory evidence to be the person(s) described, personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purposes stated therein and in the capacity indicated:

J.W. Fussell - President

Date: 9.12.2006

  
Signature of Notary



Ladd S. Gasparovic, Notary Public  
Printed or typed name  
My Commission Expires: 11.14.2009

Joinder and Consent.

The undersigned, Owner(s) of Lot 11 in Cambridge at Cross Creek Subdivision as shown on map recorded in Map Book 41 at Page 137 of the Pender County Registry, join in the foregoing First Amendment to Supplemental Restrictive Covenants for Cross Creek Subdivision Addition of Section 5 Cambridge at Cross Creek for the purpose of subjecting their lot to the foregoing Restrictive Covenants.

In witness whereof the undersigned have hereunto set their hands and seals, this the 13<sup>th</sup> day of September, 2006.

Wende F. Chaucer (SEAL)  
Wende F. Chaucer

Matthew S. Chaucer (SEAL)  
Matthew S. Chaucer

State of North Carolina, County of Pender.

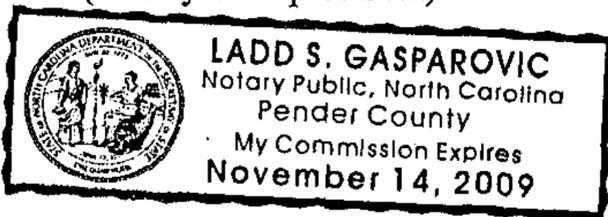
I certify that the following person(s), known to me or proved to me on the basis of satisfactory evidence to be the person(s) described, personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purposes stated therein and in the capacity indicated:

Wende F. Chaucer and Matthew S. Chaucer

Date: 9/13/2006

Ladd S. Gasparovic  
Signature of Notary

(Notary Stamp or Seal)



Ladd S. Gasparovic, Notary Public  
Printed or typed name  
My Commission Expires: 11-14-2009