

D.T. SCARBOROUGH



INSTRUMENT # 2008007075

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DRAFTED BY:
D.T. SCARBOROUGH III, ATTORNEY AT LAW

BRIEF DESCRIPTION FOR INDEX
Amendment to Declaration

**AMENDMENT TO DECLARATION
OF MIDDLETON PLACE**

This Amendment made and entered into this 18th day of February 2008, by **Middleton Place Association of Southern Pines, N.C., Inc., a North Carolina non-profit association** (hereafter referred to as "Association") by and on behalf of the **Owners of Lots in the Planned Community known as Middleton Place** (hereafter "Middleton Place") as reflected on the attached Exhibit of All Owners;

WITNESSETH:

WHEREAS, Middleton Place is subject to that certain Amended and Restated Declaration of Covenants, Conditions, Restrictions and Easements, recorded in the Office of the Register of Deeds of Moore County in **Book 1140 Page 0315**, as amended in **Book 1678 Page 001**, (hereafter the "Declaration");

WHEREAS, Middleton Place Association of Southern Pines, N.C., Inc. is the Association of Owners as designated under the Declaration for the purpose of exercising and performing functions designated in the Declaration; and

WHEREAS, the Association and its Members desire to amend certain provisions of the Declaration concerning the Common Area; and

WHEREAS, the hereinafter Amendment was submitted to the Annual Meeting of the Owners of Middleton Place after being recommended by the Board of the Association, and at which a quorum was present by person or proxy for voting throughout; and

WHEREAS, at the Annual Meeting of the Owners of Middleton Place, the hereinafter described Amendment was approved by a two-thirds majority vote of the Owners as evidenced by the Consents attached hereto;

NOW, THEREFORE, the Declaration and By-Laws governing the administration, operation, holding, conveying, hypothecating, encumbering, and transferring of any Middleton Place Lot are amended as follows:

ARTICLE III, Section 2. is amended to add the following new subsection:

- (i) The reservation by the Association of the right to sell portions of the Common Area to individual Owners by fee simple conveyance using a Special Warranty Deed, but only on the conditions that such area is contiguous to and becomes a part of the Lot of the Owner; that the area essentially "squares off" an existing Lot configuration; that the area is to be used only for expanding existing structures, or erection of brick walls, with any such improvement subject to ARTICLE VI of the existing Declaration; that the price per square foot for such area is established at least annually by the Board as part of the budget process; that the Owner shall bear all expenses associated with the reconfiguration, including but not limited to a recordable survey reflecting both the original and new Lot configuration and the drafting of all documents necessary to effectuate the transfer, subject to review and approval by the Association's attorney; and that the Owner is thereafter responsible for all maintenance of and taxes assessed against the area purchased.

To the extent that any provision of the present Declaration and By-Laws conflict with this Amendment, the provisions of this Amendment shall control.

IN WITNESS WHEREOF, Middleton Place Association of Southern Pines, N.C., Inc., has caused this instrument to be signed in its name by its

MIDDLETON PLACE ASSOCIATION OF SOUTHERN PINES, N.C., INC.

By: Fred H. Renner Jr. Vice President

NORTH CAROLINA

New Hanover COUNTY

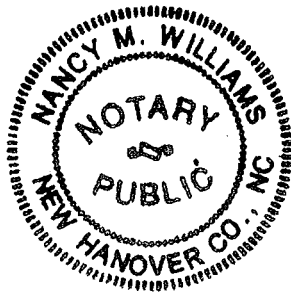
I, a Notary Public of the Count and State aforesaid, certify that Fred H. Renner, Jr. Vice President [name of officer] personally appeared before me this day and acknowledged that he (or she) is Vice President [title of official] of Middleton Place Association of Southern Pines, N.C., Inc. a NC non profit corporation, and that he/she as Vice President [title of official], being authorized so to do, executed the foregoing instrument on behalf of the corporation.

Witness my hand and official stamp or seal, this 25th day of ~~February~~, 2008.
APRIL

My commission expires: 12/14/2008

Nancy M. Williams
Notary Public

[AFFIX NOTARY STAMP OR SEAL]



~~DO NOT NOTARIZE~~

HOMOEOWNERS SIGNATURE _____

UNIT NO. _____