

NOTARY SEAL SEEN  
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Fee Amt: \$26.00 Page 1 of 7  
Pitt County, NC  
Lisa P. Nichols REG OF DEEDS

BK 3627 PG 266-272

AMENDMENT TO  
RESTRICTIVE COVENANTS

RETURN TO: BLANCO TACKABERY & MATAMOROS, P.A., P.O. DRAWER 25008,  
WINSTON-SALEM, NC 27114-5008 (sase) Attn: Kmo

PREPARED BY: KELLY M. OTIS

STATE OF NORTH CAROLINA )  
 )  
COUNTY OF PITT )

THIS AMENDMENT TO RESTRICTIVE COVENANTS (this "Amendment") is made and entered into this 4th day of December, 2017, by Group IV Developers, LLC (previously inadvertently identified as Group IV Developers, Inc.), a North Carolina limited liability company ("Declarant"), Arbors Park, LLC, a North Carolina limited liability company ("Arbors Park") and The Arbors Homeowners Association of Ayden, Inc., a North Carolina non-profit corporation ("Association").

RECITALS:

A. Declarant made that certain Declaration of Conditions, Restrictions and Covenants of the Arbors Subdivision dated June 4, 2008, and recorded June 5, 2008, in Book 2505, Page 442, Pitt County Registry (the "Declaration"), subjecting certain real property in Pitt County, North Carolina (the "Property") to the covenants, conditions and restrictions contained therein.

B. Pursuant to Article 6 of the Declaration, Declarant has the option, at any time during the Development Period (as defined in the Declaration), to expand the Property by submitting additional real estate to the provisions of the Declaration and the jurisdiction of the Association.

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C. Declarant's option to expand the Property and submit such additional property to the provisions of the Declaration and jurisdiction of the Association may be terminated only upon the recordation of an instrument relinquishing such option.

D. Arbors Park is the owner of that certain 6.71 acre tract described in Exhibit A attached hereto (the "Arbors Park Tract") which is subject to inclusion within the Property.

E. Declarant desires to relinquish any option it has to submit the Arbors Park Tract to the provisions of the Declaration and the jurisdiction of the Association, to terminate such option, and to waive on behalf of itself and its successors and assigns any right it or they may have now or in the future to subject the Arbors Park Tract to the jurisdiction of the Association and/or to the Declaration and any and all covenants, conditions, restrictions, obligations, easements and other provisions contained therein.

NOW, THEREFORE, the parties hereby agree as follows:

1. The Arbors Park Tract is not currently part of the Property, has never been a part of the Property and on behalf of itself and its successors and assigns, Declarant hereby waives any right or option it may have now or in the future to add the Arbors Park Tract to the Property and/or to subject the Arbors Park Tract to the jurisdiction of the Association. Notwithstanding the above, if at any time the Arbors Park Tract is or was included in the Property, the Arbors Park Tract is hereby withdrawn from the Property, released from the jurisdiction of the Association and released from the Declaration and any and all covenants, conditions, restrictions, obligations, easements and other provisions contained therein.

2. Declarant, on behalf of itself and its successors and assigns, hereby relinquishes any option it has to submit the Arbors Park Tract to the provisions of the Declaration and jurisdiction of the Association, terminates such option, and waives any right it may have now or in the future to subject the Arbors Park Tract to the jurisdiction of the Association and/or to the Declaration and any and all covenants, conditions, restrictions, obligations, easements and other provisions contained therein.

3. The Association joins in this Amendment for the purpose of consenting to its terms and releasing the Arbors Park Tract from the jurisdiction of the Association and the Declaration and any and all covenants, conditions, restrictions, obligations, easements and other provisions contained therein.

4. This Amendment shall be binding upon Declarant, the Association, Arbors Park and their successors and assigns.

**[Separate Signature Page Attached.]**



**SIGNATURE PAGE TO  
AMENDMENT TO  
RESTRICTIVE COVENANTS**

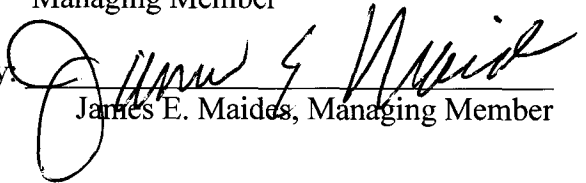
IN TESTIMONY WHEREOF, Arbors Park has hereunto executed this Amendment the day and year first above written.

**ARBORS PARK:**

ARBORS PARK, LLC,  
a North Carolina limited liability company

By: Arbors Park Manager, LLC, its  
Managing Member

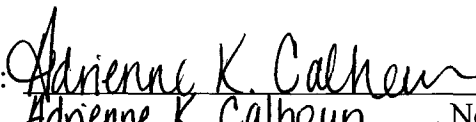
By: East Point Homes LLC, its Administrative  
Managing Member

By:   
James E. Maides, Managing Member

STATE OF NORTH CAROLINA            )  
  )  
COUNTY OF Onslow                    )

I certify that the following person personally appeared before me this day, acknowledging to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: James E. Maides, as Managing Member of East Point Homes LLC, as Administrative Managing Member of Arbors Park Manager, LLC, as Managing Member of Arbors Park, LLC.

Date: 12/5/2017

Notary Signature:   
Adrienne K. Calhoun, Notary Public  
(Typed or printed name)



My commission expires: May 20, 2018

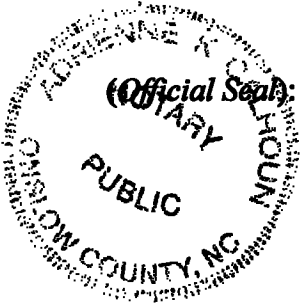


STATE OF NORTH CAROLINA )  
 )  
COUNTY OF Onslow )

I certify that the following person personally appeared before me this day, acknowledging to me that s/he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: James Maides, Director of The Arbors Homeowners Association of Ayden, Inc., a North Carolina non-profit corporation.

Date: 12/5/2017

Notary Signature: Adrienne K. Calhoun  
Adrienne K. Calhoun, Notary Public  
(Typed or printed name)



My commission expires: May 20, 2018

**EXHIBIT A  
TO  
AMENDMENT TO  
RESTRICTIVE COVENANTS**

Description of the Property

ALL that certain tract or parcel of land lying and being situated in Town of Ayden, Ayden Township, Pitt County, North Carolina, and being more particularly described as follows: BEING all of Lot 38, as the same is shown on that final plat for The Arbors Subdivision - Phase 4, Lot 38 recorded in Map Book 81, Page 40 in the Office of the Register of Deeds of Pitt County, North Carolina, and being more particularly described as follows:

BEGINNING at an existing iron pin located at the intersection of Juanita Avenue, a 60 foot public right way, and Second Street, a 60 foot public right of way, the southwestern corner of the herein-described tract; thence running along Juanita Avenue North 02 deg. 52' 54" West 427.60 feet to an existing iron pipe (N.A.D. 83 Grid N: 631,722.25 feet E: 2,468,698.41 feet) in the right of way of Juanita Avenue and the southern line of the property of Jerry Gibson Truman Estate, (see Estate File 94 E 643, Pitt County Clerk of Court); thence along the southern line of Truman North 52 deg. 33' 56" East 295.08 feet to an existing iron pipe; thence South 37 deg. 25' 12" East 165.07 feet to an existing iron pipe; thence the following six (6) courses and distances: 1) North 52 deg. 34' 48" East 10.40 feet to an existing iron pipe; 2) along a curve to the right having a radius of 25.00 feet and an arch length of 39.27 feet, a chord bearing and distance of South 82 deg. 25' 12" East 35.36 feet to an existing iron pipe; 3) thence South 37 deg. 25' 12" East 54.96 feet to an existing iron pipe; 4) along a curve to the left having a radius of 254.18 feet and an arch length of 199.33 feet, a chord bearing and distance of South 59 deg. 53' 08" East 194.26 feet to an existing iron pipe; 5) along a curve to the right having a radius of 25.00 feet and an arch length of 39.70 feet, a chord bearing and distance of South 36 deg. 51' 18" East 35.66 feet to an existing iron pipe; and 6) along a curve to the right having a radius of 100.00 feet and an arch length of 33.27 feet, a chord bearing and distance of South 18 deg. 10' 19" West 33.11 feet to an existing iron pipe; thence South 27 deg. 42' 10" West 491.51 feet to an existing iron pipe; thence along a curve to the right having a radius of 25.00 feet and an arch length of 39.27 feet, a chord bearing and distance of South 72 deg. 42' 10" West 35.36 feet to an existing iron pipe; thence along the northern line of the right-of-way of Second Street the following three (3) courses and distances: 1) North 62 deg. 17' 50" West 117.85 feet to a point; 2) North 61 deg. 01' 41" West 118.29 feet to a point; and 3) North 59 deg. 42' 44" West 114.47 feet to an existing iron pipe, the POINT AND PLACE OF BEGINNING, containing 6.71 acres, more or less, as shown on an ALTA/NSPS Land Title Survey for Arbors Park, LLC, prepared by Patrick W. Hartman, P.L.S. (L-4262) dated June 19, 2017 and designated as Drawing No. W-3715.

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