

FILED FOR RECORD
VANCE COUNTY, N.C.
CYNTHIA S. ABBOTT
REGISTER OF DEEDS

RECORDED Aug 08, 2006
AT 02:57 pm

INSTRUMENT # 04490

PREPARED BY & RETURN TO: Royster, Cross & Currin, LLP (JECJr/klj) P. O. Drawer 1168, Oxford, NC 27565

NORTH CAROLINA

VANCE COUNTY

**SUPPLEMENTARY DECLARATION OF PROTECTIVE
COVENANTS, CONDITIONS & RESTRICTIONS FOR
HUNTSTONE SUBDIVISION, PHASE III
(HUNTSTONE TRACE)**

THIS DECLARATION OF SUPPLEMENTARY PROTECTIVE COVENANTS, made this 25th day of July, 2006, by **OLD OXFORD ROAD PTRS. LLC, a North Carolina limited liability company**, hereinafter called "Declarant", and **DEN-MARK CONSTRUCTION, INC.**;

W I T N E S S E T H :

THAT WHEREAS, Declarant executed the Declaration of Protective Covenants, Conditions and Restrictions for Huntstone Subdivision, Phase I (Huntstone Pines), dated November 20, 2003, of record in Book 1025, page 697, Vance County Registry (hereinafter referred to of "Declarant of Protective Covenants"); and

WHEREAS, Declarant has expanded the development of Huntstone Subdivision to include Huntstone Subdivision, Phase III (Huntstone Trace); and

WHEREAS, a description of Huntstone Subdivision, Phase III (Huntstone Trace) is attached hereto as Schedule A and incorporated by reference; and

WHEREAS, Declarant desires to incorporate the original Declaration of Protective Covenants referred to above in accordance with Article II (Subject Property of the Protective Covenants), with an amendment and modification of Article VIII (Covenants for Maintenance Assessments) into these Supplementary Declaration of Protective Covenants, Conditions and Restrictions; and

WHEREAS, Den-Mark Construction, Inc. has previously purchased Lots 106, 107, 108, 109, 149, 150, 151 and 152 of Huntstone Subdivision, Phase III (Huntstone Trace); and

WHEREAS, Den-Mark Construction, Inc. desires to join in the execution of this Supplementary Declaration of Protective Covenants, Conditions & Restrictions so that the lots previously conveyed to it will be bound by such covenants, conditions and restrictions in the same manner as the remaining lots of Huntstone Subdivision, Phase III (Huntstone Trace).

NOW, THEREFORE, in consideration of the premises and covenants contained herein and in the original Declaration of Protective Covenants for Huntstone Subdivision, Phase I (Huntstone Pines), Declarant declares that Huntstone Subdivision, Phase III (Huntstone Trace) shall be subject to the covenants, restrictions, conditions, easements, charges, assessments, affirmative obligations, and liens herebefore set forth in said Declaration of Protective Covenants as amended below, and said

ROYSTER, CROSS & CURRIN, LLP, Attorneys at Law, P.O. Drawer 1168, Oxford, NC 27565

supplementary covenants shall run with the land and be binding on all persons and parties claiming under and through Declarant.

As it pertains to Huntstone Subdivision, Phase III (Huntstone Trace), said Declaration of Protective Covenants is hereby amended and modified as follows:

ARTICLE VIII
COVENANTS FOR MAINTENANCE ASSESSMENTS

Article VIII, Section 9, shall now read accordingly:

9. Exempt Property: The following property, individuals, partnerships or corporations subject to this Declaration shall be exempted from the assessment, charge and lien created herein:

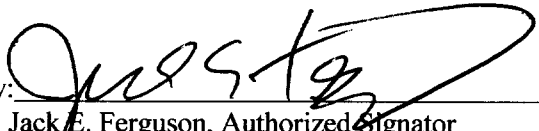
- A. The grantee in conveyances made for the purpose of granting utility easements;
- B. All Common Properties as defined in Article I, Section 1, hereof;
- C. All properties exempted from taxation by the laws of the State of North Carolina, upon the terms and to the extent of such legal exemptions;
- D. All properties owned by Declarant; and
- E. Properties owned by builders who acquired such lots for the purpose of constructing residential buildings until resale of the Lot and the residence located thereon. However, in the event that Lot and the residence located thereon is leased by a builder before a sale to a third party, then this exemption shall no longer apply to the subject lot.

Except as hereby amended and modified, and as previously amended and modified for Huntstone Subdivision, Phase II (Huntstone Manor) in Book 1105, page 570, Vance County Registry, the Declaration of Protective Covenants, Restrictions and Conditions for Huntstone Subdivision, Phase I (Huntstone Pines) remains in full force and effect.

Den-Mark Construction, Inc. does hereby execute this Supplementary Declaration of Protective Covenants, Conditions & Restrictions so that the owners of Lots 106, 107, 108, 109, 149, 150, 151 and 152 of Huntstone Subdivision, Phase III, their heirs, successors and assigns will be subject to the terms and conditions set forth herein.

IN WITNESS WHEREOF, Declarant, Old Oxford Road Partners, LLC, has caused this instrument to be executed in its name and as its act and deed by its manager, and Den-Mark Construction, Inc. has caused this instrument to be executed by its President on behalf of said corporation, this the day and year first written.

OLD OXFORD ROAD PTRS., LLC

By: 
Jack E. Ferguson, Authorized Signator
pursuant to Delegation of Authority of
Managers as authorized by N.C.G.S. §
57C-3-24(a) [See Unanimous Consent of
Members of Old Oxford Road Ptrs. LLC
("Company") to Action Without Meeting
dated February __, 2003, a copy of which
is attached hereto as Exhibit "A"]

DEN-MARK CONSTRUCTION, INC.

By: 
David Dennis Cyrus, President

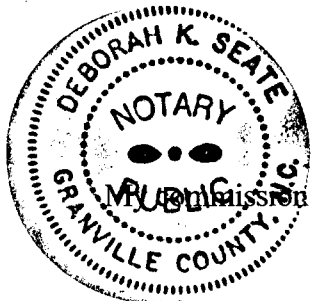
ROYSTER, CROSS & CURRIN, LLP, Attorneys at Law, P.O. Drawer 1168, Oxford, NC 27565

NORTH CAROLINA

Granville COUNTY

I, Deborah K. Seate, a Notary Public, in and for the State and County aforesaid, do hereby certify that Jack E. Ferguson personally appeared before me this day and acknowledged that he is Authorized Signator of Old Oxford Road Ptrs. LLC, a limited liability company, and further acknowledged the due execution of this instrument on behalf of the limited liability company.

Witness my hand and official stamp or seal, this 25 day of July, 2006.



Deborah K. Seate
Notary Public

My commission expires: 11-20-2008

NORTH CAROLINA

VANCE COUNTY

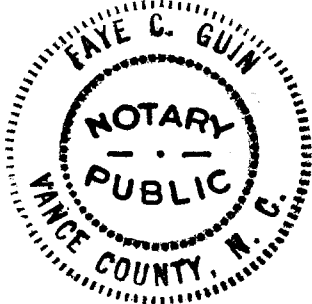
I, Faye C. Guin, a Notary Public, in and for the State and County aforesaid, do hereby certify that David Dennis Cyrus, President of Den-Mark Construction, Inc., a North Carolina corporation, personally appeared before me and acknowledged that he is President of Den-Mark Construction, Inc., and that he as President, being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and Notarial Seal, this the 7th day of AUG. ~~July~~, 2006.

Faye C. Guin
Notary Public

My commission expires: Aug. 22, 2007

G:\Huntstone Subdivision Deeds\Declaration of Supplementary Protective Covenants (Phase III, Hunstone Trace).doc



Schedule "A"

That certain tract or parcel of land situate north of U.S. 158 Business in Dabney Township, Vance County, North Carolina, being more particularly described as follows:

Being all of Lots # 94-110, 132-139, 149-154 of Huntstone Subdivision, Phase III (Huntstone Trace), as shown on survey and plat of John Hamme, Civil Engineer, P.A., entitled "Property Owned By Old Oxford Road Ptrs., LLC", dated March 17, 2006, of record in Plat Book X, page 323, Vance County Registry.

EXHIBIT "A"

**UNANIMOUS CONSENT OF MEMBERS OF
OLD OXFORD ROAD PTRS. LLC ("Company")
TO ACTION WITHOUT MEETING**

The undersigned, being all the members of the OLD OXFORD ROAD PTRS. LLC, adopt the following resolutions by signing their written consent thereto:

WHEREAS, the Company has purchased that certain property known as Huntstone Subdivision (130 acres) located in Henderson, NC ("Property");

WHEREAS, the Company intends to develop the Property as a subdivision requiring various contracts, loans, and other documents to be executed from time to time;

WHEREAS, it is in the best interest of the Company to be able to transact business through its authorized signatories;

RESOLVED, that the Company, through its authorized signatories, shall execute such documents and take any and all other action as may be necessary to develop the Huntstone Subdivision.

RESOLVED, that either David R. Carver (a managing member of Dabney West, LLC) or Jack E. Ferguson (a managing member of Hunt Investments, LLC) both being managing members of Old Oxford Road Ptrs. LLC, are authorized to execute any and all documents necessary to develop the Huntstone Subdivision.

IN WITNESS WHEREOF, the undersigned have executed this consent as of the _____ day of February, 2003.

DABNEY WEST, LLC

By: David R. Carver
David R. Carver, Member-Manager

HUNT INVESTMENTS, LLC

By: Jack E. Ferguson
Jack E. Ferguson, Member-Manager

ROSS INVESTMENTS, LLC

By: Joseph A. Ross
Joseph A. Ross, Member-Manager

BFC CONSULTING, INC

By: Benjamin F. Curtin
Benjamin F. Curtin, President