

STATE OF NORTH CAROLINA

COUNTY OF CABARRUS

FIRST SUPPLEMENTARY
DECLARATION AND AMENDMENT
OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR HACKBERRY
PLACE SUBDIVISION AKA
“HACKBERRY”

THIS FIRST SUPPLEMENTARY DECLARATION AND AMENDMENT OF COVENANTS CONDITIONS AND RESTRICTIONS FOR HACKBERRY PLACE SUBDIVISION AKA “HACKBERRY” is made as of the date hereinafter set forth by TIMBERSTONE HOMES, INC., an Indiana Corporation (hereinafter referred to as “Declarant”).

WITNESSETH

WHEREAS, Declarant previously executed and recorded a Declaration of Covenants, Conditions and Restrictions for Hackberry Place Subdivision AKA “Hackberry”, (the “Declaration”) dated August 2, 2011 and recorded August 11, 2011 in Book 9665, Page 72 in the Cabarrus County Public Registry. and more particularly described on Exhibit A attached hereto and incorporated herein by reference (the “Property”), which Property is being developed by Declarant as an exclusive residential community known as Hackberry Place AKA “HACKBERRY”; and

WHEREAS, Declarant desires to provide for the preservation and enhancement of the property values, amenities and opportunities of the Property (as defined herein) and for the maintenance of the Property and improvements thereon, and to this end desires to add restrictions as to the construction of fences in the subject Property as set forth below.

NOW, THEREFORE, in consideration of the premises and for the purposes set forth herein, and for good and valuable consideration, Declarant hereby amends the Declaration as follows:

1. Article VII of the Declaration is hereby amended to add "Section 13. Fences. All fences and walls must be approved by the ACC as to location, size and materials. Walls, fences, copings, or boundary plantings may not be constructed or maintained in such a manner as to interfere with the vision of drivers at any intersection of streets or roads. Fences may be constructed on side boundary lines, and rear boundary lines, but if constructed in a Utility Easement, the fence must be removable to allow utility repairs. No fence or wall shall extend beyond the front setback, or front and side setback line on any corner lot. No fence or wall greater than six (6) feet in height is permitted. Columns, accents, or entrance ways may be in excess of six (6) feet if approved by the ACC. Approved fencing materials are wood privacy, wood split rail, vinyl, and black aluminum. All retaining walls built anywhere on lots should be made from stone, keystone, brick, landscape ties or other approved materials. Final design and materials must be approved by the ACC. New fences installed that have "good" and "bad" sides must be installed with the "good" side facing outward, toward the neighbor's yard."
2. The Declaration, as amended hereby, is ratified and affirmed. Except as herein expressly amended, the Declaration shall remain in full force and effect, and shall run with title to the Property.

IN WITNESS WHEREOF, Declarant has caused this instrument to be executed as of this _____ the day of _____, 2011.

Declarant:
Timberstone Homes, Inc.

By: _____
Name:
Its:

STATE _____

COUNTY OF _____

I, a Notary Public of the County and State aforesaid, certify that
_____, whose identity is proven by driver's
license, personally came before me this day and acknowledged that he is the
_____ of Timberstone Homes, Inc., an Indiana Corporation
and that he, as _____ being authorized to do so, voluntarily executed
the foregoing on behalf of the corporation.

Witness my hand and official stamp or seal, this ___ day of _____, 2011.

Notary Public
My Commission Expires: _____