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Becky Thompson, Register of Deeds  
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No: 2005-00135086

Book **2353** Page **356**

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Excise Tax: .00

Prepared by:

✓ Moses D. Lasitter  
Attorney at Law  
New Bern, NC 28560  
(File 30714)

AMENDMENT TO  
DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS  
of  
**CREEKSIDE VILLAGE**  
**SECTION ONE-A**  
TO INCLUDE **CREEKSIDE VILLAGE SECTION TWO**

This AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS of **CREEKSIDE VILLAGE SECTION ONE-A**, made and entered into as of the 15 day of AUG, 2005, by and between **GENE DUNN CONSTRUCTION COMPANY OF NEW BERN, INC.** (hereinafter referred to as "Declarant"), **BRANCH BANKING AND TRUST COMPANY**, a North Carolina banking corporation with an office in New Bern, Craven County, North Carolina (hereinafter referred to as "Beneficiary"), and **BB&T COLLATERAL SERVICE CORPORATION**, a North Carolina corporation with an office in Winston-Salem, North Carolina (hereinafter referred to as "Trustee"),

WITNESSETH:

WHEREAS, Declarant prepared a master development plan for a predominately residential community named "**Creekside Village Section One-A**" located in Number Seven Township, Craven County, North Carolina. The development plan for **Creekside Village Section One-A** is set out in the Declaration of Covenants, Conditions, Restrictions and Easements for **Creekside Village Section One-A** recorded in Book 2151 at Page 456 of the Craven County Registry (hereinafter referred to as "Master Declaration"). The properties described in the Master Declaration were subject to provisions set forth therein upon recordation of the same. Declarant has the right, as set out in the Master Declaration to annex additional properties into the subdivision. The purpose of this amendment is to subject additional lots more fully described hereinafter to the terms and conditions of the Master Declaration as described herein and recorded in Book 2151 at Page 456 of the Craven County Registry; and

WHEREAS, the lots described hereinafter are encumbered by two Deeds of Trust to the Trustee in favor of the Beneficiary, said Deeds of Trust being recorded in Book 1991 at Page 509 and Book 2109 at Page 763 of the Craven County Registry; and

WHEREAS, the Beneficiary and Trustee of the above-referenced Deeds of Trust have been requested to join in the execution for the purpose of indicating their assent to this Amendment to the Declaration of Covenants, Conditions, Restrictions and Easements of **Creekside Village Section One-A** for the purposes set forth herein as the same affects the lots described hereinbelow.

NOW, THEREFORE, the Master Declaration is hereby amended as follows:

1. The provisions of the Master Declaration shall apply fully to all the lots as shown on that plat of **Creekside Village Section Two** described as Lots 290 through 299 inclusive, and Lots 385 through 400, inclusive, as well as rights of way and other property described thereon in a map recorded in Plat Cabinet H at Slide 33A+B of the Craven County Registry. All terms and conditions of the Master Declaration shall be fully binding and applicable to the lots so described and shall be referred to herein as **Creekside Village Section Two**.

2. Declarant further subjects all property, if any, denoted or planned for as "Common Areas" on the map herein referred to to the terms and conditions of the Master Declaration and agrees to convey and utilize said common areas as provided under the Master Declaration.

3. All the terms and conditions in the Master Declaration are hereby incorporated by reference with regard to this Amendment affecting all the lots hereinabove described as **Creekside Village Section Two**.

4. The grantees of any lot lying within this section of Creekside Village shall assume all liability for environmental, erosion and sedimentation that may arise from and after the date of recording of their respective deeds.

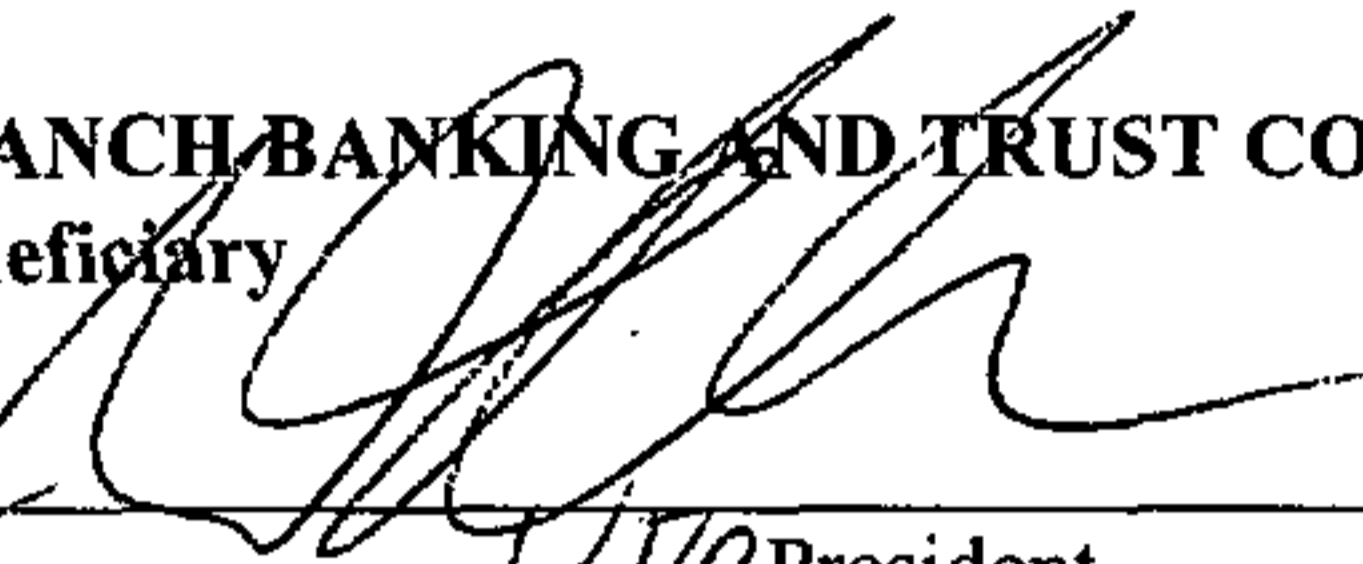
EXCEPT as specifically amended by this Agreement, all provisions of the Master Declaration as the same may be amended from time to time, shall be fully applicable to all **Creekside Village Section Two** lots and Common Areas, the terms and conditions of the Master Declaration shall remain in full force and effect as to all lots encumbered hereby.

IN WITNESS WHEREOF, each of the parties has caused this instrument to be properly executed and sealed after proper authority having been given, this the day and year first above written.

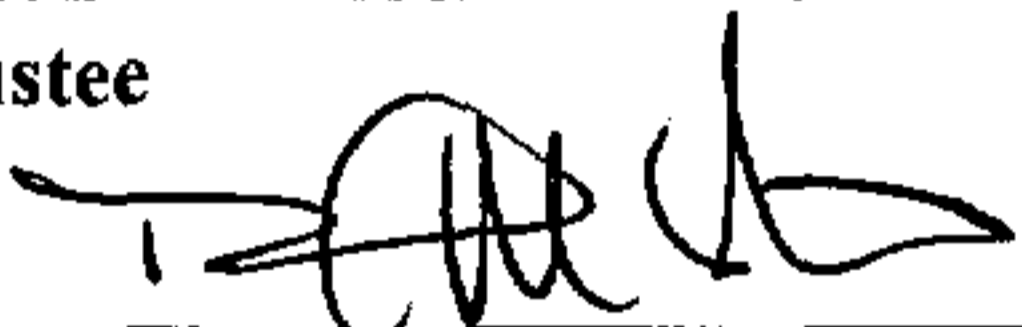
**GENE DUNN CONSTRUCTION COMPANY  
OF NEW BERN, INC.**

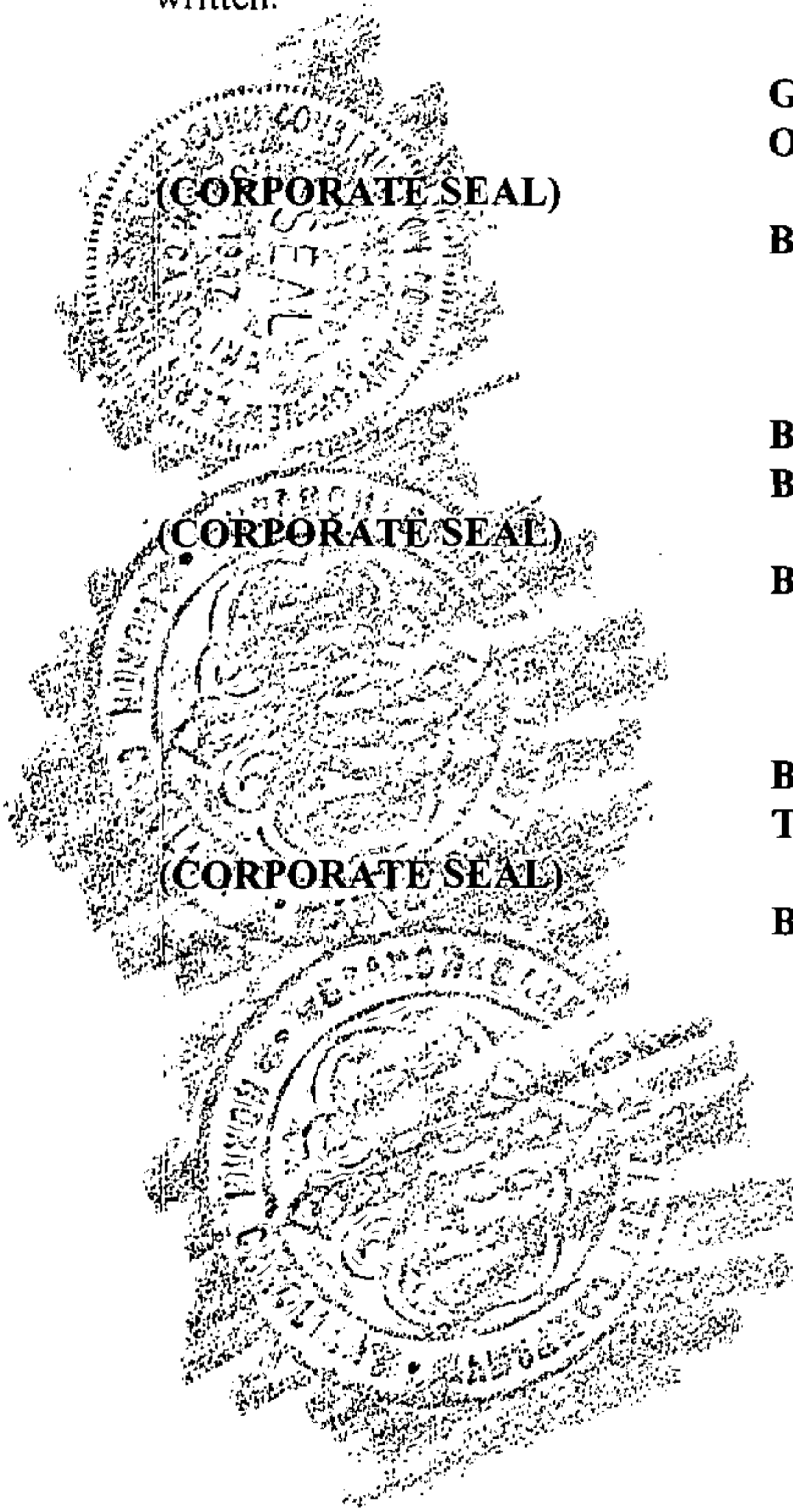
By:   
President

**BRANCH BANKING AND TRUST COMPANY,  
Beneficiary**

By:   
President

**BB&T COLLATERAL SERVICE CORPORATION,  
Trustee**

By:   
Vice President



NORTH CAROLINA  
CRAVEN COUNTY

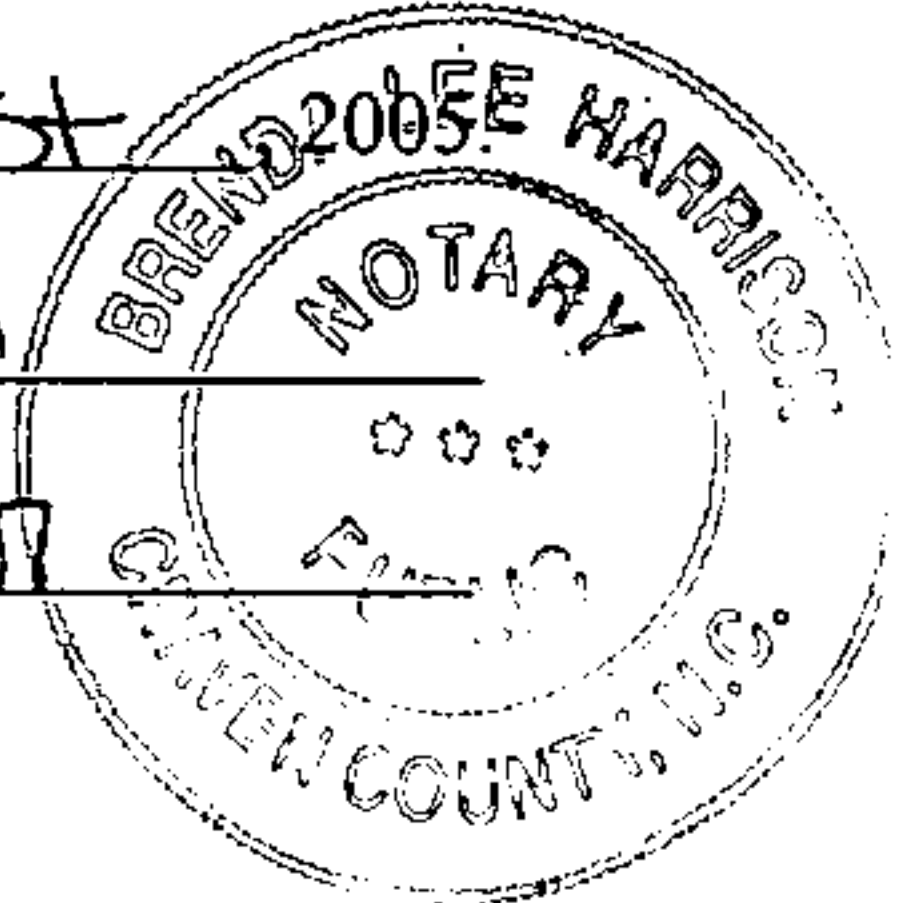
I, Brenda Lee Harrison, a Notary Public, certify that Robert E. Dunn personally came before me this day and acknowledged that he is President of **GENE DUNN CONSTRUCTION COMPANY OF NEW BERN, INC.**, a corporation, and that he, as President, being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official stamp or seal, this the 12<sup>th</sup> day of August

Brenda Lee Harrison

Notary Public

My commission expires: 5/26/07



NORTH CAROLINA  
CRAVEN COUNTY

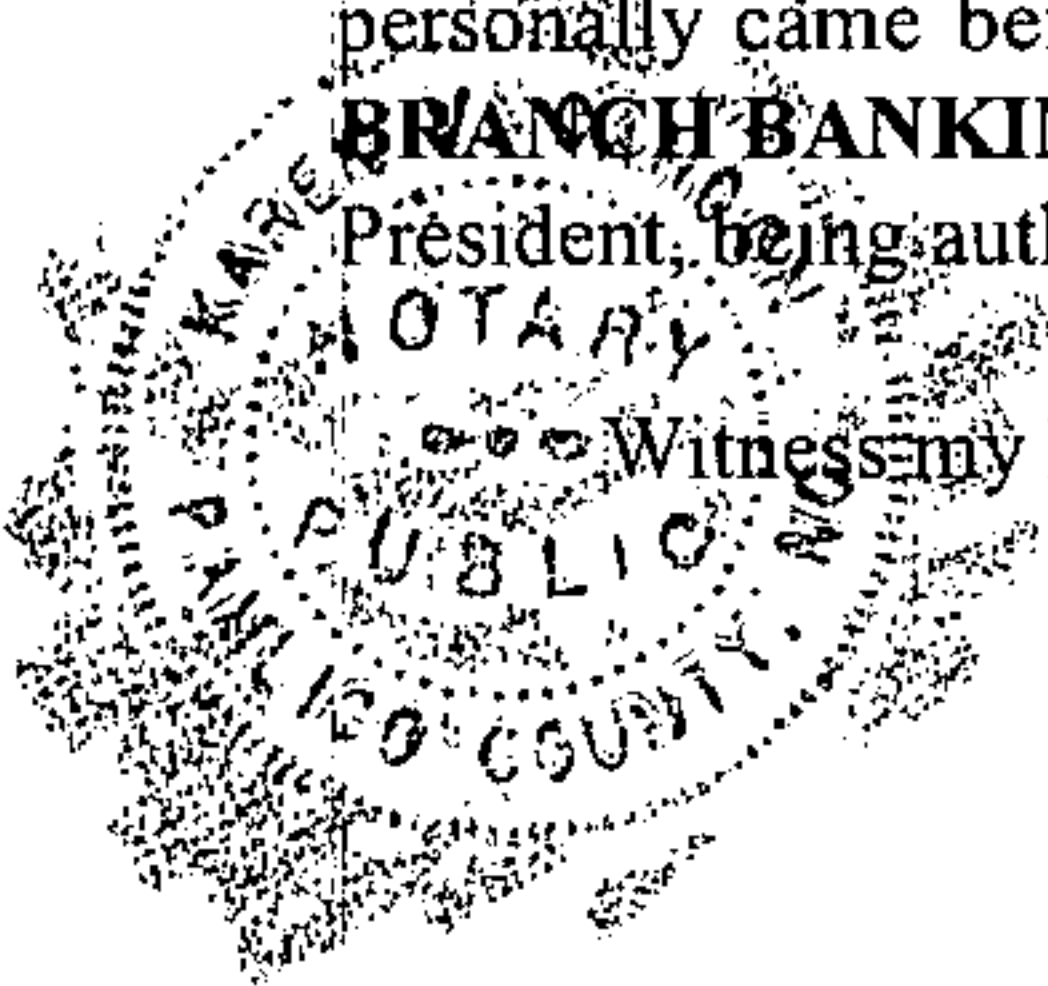
I, Karen W. Cannon, a Notary Public, certify that William D Green personally came before me this day and acknowledged that he is Vice President of **BRANCH BANKING AND TRUST COMPANY**, a corporation, and that he, as Vice President, being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official stamp or seal, this the 15 day of Aug, 2005.

Karen W. Cannon

Notary Public

My commission expires: 4-9-10



NORTH CAROLINA  
CRAVEN COUNTY

I, Karen V. Cannon, a Notary Public, certify that David M Stroud personally came before me this day and acknowledged that he is Vice President of **BB&T COLLATERAL SERVICE CORPORATION**, a corporation, and that he, as Vice President, being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official stamp or seal, this the 15 day of Aug, 2005.

Karen V. Cannon

Notary Public

My commission expires: 4-9-10



NORTH CAROLINA  
CRAVEN COUNTY

The foregoing certificates of the named Notaries Public are certified to be correct. This instrument was presented for registration this day and hour, and duly recorded in the Office of the Register of Deeds of Craven County, NC, in Book 2353, Page 356.

This 7 day of September, 2005, at 14:41 o'clock P m.

Becky Thompson  
Register of Deeds

By Michelle L. Cook  
~~Asst.~~/Deputy Register of Deeds