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ROBESON CO, NC FEE $20.00
PRESENTED & RECORDED:
11-18-2009 03:34:21 PM
VICKI L LOCKLEAR
REGISTER OF DEEDS
BY: CRYSTA MCGIRT
DEPUTY
BK:D 1744
PG:39-41

Prepared By: Katherine H. Davis, Attorney
Return to: Katherine H. Davis, Attorney

AMENDMENT TO THE PROTECTIVE COVENANTS FOR RIVERDANCE SUBDIVISION

This Amendment and Declaration made and entered into this the 18th day of November, 2009 by Joseph Archie Lowery (hereinafter referred to as Declarant)
WITNESSETH:

THAT WHEREAS, Declarant is the owner of that certain tract or parcel of land more particularly described as Riverdance Subdivision as shown on map and survey recorded in Book of Maps 40, Page 60, Robeson County Registry, with the exceptions of Lots twelve (12), fourteen (14), thirty (30) and thirty three (33) which have been previously conveyed by declarant; and

WHEREAS, Declarant is the owner of more than sixty seven (67%) percent of the lots located in Riverdance Subdivision.

WHEREAS, it is the for the mutual benefit of all homeowners present and future in said Riverdance Subdivision for Declarant to amend and subject said property as referenced hereinabove to the following Amendment to Protective Covenants; and

NOW THEREFORE, Declarant pursuant to those Protective Covenants for Riverdance Subdivision dated December 6, 2004 and of record in the Robeson County Registry at Deed Book 1430, Page 516 and pursuant to N.C.G.S. 47F-2-117 does hereby amend the Protective Covenants for Riverdance Subdivision as follows:

Declarant does hereby amend those Protective Covenants for Riverdance Subdivision by striking ARTICLE V - EASEMENTS in its entirety and adopting the following language:

ARTICLE V

EASEMENTS

a. Maintenance and Utilities Easements.

Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat and over the front ten (10) feet of each lot, the rear ten (10) feet of each lot, and ten (10) feet on each sideline, unless shown in excess of such distances on any recorded plat, in which case the plat shall control. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities and drainage facilities, or which may change the direction or flow of drainage channels in the easements, or which may obstruct or retire the flow of water through drainage channels in the easements. Further, these

easements for maintenance and utilities shall not apply to Lots twenty (20), twenty one (21), twenty two (22), twenty four (24), twenty five (25), and twenty seven (27) of Riverdance Subdivision where those lots are subject to the Conservation Easement of record in the Robeson County Registry at Deed Book 1744, page 30. Said Conservation Easement shall be superior to all rights and interests under these Restrictive Covenants as amended. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible. Street lighting is installed and each lot shall be assessed a monthly surcharge by the utility company.

b. Conservation Easement.

That Declarant has entered into an agreement with the North Carolina Department of Environment and Natural Resources for the establishment of a conservation easement lying across Lots twenty (20), twenty one (21), twenty two (22), twenty four (24), twenty five (25), and twenty seven (27) of Riverdance Subdivision and a twenty five (25) foot right of access thereto from U.S. Highway 74 Alternate and more particularly described on that map of record at Map Book 45, Page 101. Within this easement no structure, planting, road, trail, agricultural use, industrial, residential or commercial use or vegetative cuttings shall be allowed. Further, there shall be no signage, dumping or storing, grading, mineral use, excavation, dredging, altering the water quality or drainage patterns or further subdivision or development of the property lying within the easement area. This conservation easement and its right of access provided shall be pursuant to that Conservation Easement of record in the Robeson County Registry at Deed Book 1744 Page 30 and all rights and obligations pertaining thereto are incorporated in this Amendment to Protective Covenants as if fully set forth herein.

This the 18th day of November, 2009.

Joseph A Lowery
JOSEPH ARCHIE LOWERY

Mary Lowery
MARY LOWERY

NORTH CAROLINA

ROBESON COUNTY

I, Marjorie S Memoli, a Notary Public in and for the County and State aforesaid, do hereby certify that Joseph A Lowery & Mary Lowery Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and Notary Seal this the 18th day of November, 2009.

Marjorie S Memoli
Notary Public

MARJORIE S. MEMOLI NOTARY PUBLIC ROBESON COUNTY, N.C.

My commission expires: 09-23-2012

SCHEDULE A

Lying and being in Pembroke Township, Robeson County, North Carolina, on the north side of but not adjacent to Riverbay Drive being a portion of Lots 20, 21, 22 24 and 25 of Riverdance Subdivision as shown in Plat Book 40, page 60, Robeson County Registry, and more particularly described as follows to wit:

Beginning at an iron stake the northeast corner of Lots No. 24 of Riverdance Subdivision as shown in Plat Book 40, page 60, Robeson County Registry, and running thence as a line of Lot No. 25 South 52 degrees 18 min. 34 sec. East 77.95 feet to a stake,
Thence South 76 degrees 22 min. 37 sec. West 128.17 feet to a rebar,
Thence South 62 degrees 10 min 48 sec. West 160.20 feet to a rebar in Lot No. 22 of the above referenced subdivision,
Thence South 74 degrees 22 min. 37 sec. West 60.97 feet to a rebar,
Thence North 64 degrees 06 min. 45 sec. West 162.72 feet to a rebar,
Thence North 50 degrees 47 min. 53 sec. West 72.28 feet to a rebar,
Thence as a line parallel to and 35 feet each of a line of Lot No. 8 in the above referenced subdivision North 29 degrees 04 min. 28 sec. East 158.12 feet to a stake on the bank of the Lumber River,
Thence as the line of Lot No. 20 North 71 degrees 42 min. 32 sec. East 98.73 feet to a stake,
Thence as a line of Lot No. 21 South 49 degrees 11 min. 44 sec. East 111.57 feet to a corner of Lot No. 22,
Thence South 31 degrees 25 min. 07 sec. East 133.14 feet to a stake a corner of Lot No. 24,
Thence North 63 degrees 45 min. 11 sec. East 157.50 feet to the point of beginning containing 1.55 acres more or less.

And being all of that area contained in River Dance Subdivision and located within easement area C, as shown on that map prepared by Phillip B. Culbreth, Professional Land Surveyor entitled "Conservation Easement Survey for the State of North Carolina, Ecosystem Enhancement Program, UT Lumber River" and recorded in the office of the Robeson County Register of Deeds at Map Book 45, Page 101, which map is incorporated herein by reference and to which reference is made for a more complete description.