

*Returns: Emmette Wooten*

BK 1229PG0514

MARGARET SEYMOUR  
REGISTER OF DEEDS  
LENOIR COUNTY

**INDEXED**

SUPPLEMENTARY DECLARATION OF COVENANTS, CONDITIONS  
AND RESTRICTIONS OF FOUNTAIN HILL SUBDIVISION

THIS SUPPLEMENTARY DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, made this the 4<sup>th</sup> day of August, 2001, by JAMES DAN SUTTON, II and wife, JEAN V. SUTTON, hereinafter "Developer", and JAMES L. STOCKS, hereinafter "Stocks" (Developer and Stocks being hereinafter sometimes referred to as "Declarant");

WITNESSETH

WHEREAS, Developer is the owner of certain property located in Contentnea Township, Lenoir County, North Carolina, which is more particularly described as Lot 25 on a map entitled "Survey for Richard T. Sugg", dated May 25, 2001, prepared by Joey W. Taylor, RLS, a copy of which map is attached hereto and by reference incorporated herein; and

WHEREAS, Developer and Stocks have heretofore submitted other lands to a "Declaration of Covenants, Conditions, and Restrictions of Fountain Hill Subdivision" dated May 17, 2001, which appears of record in Book 1218, Page 689 of the Lenoir County Registry (hereinafter the "Declaration"); and

WHEREAS, the Declaration provides that Declarant may bring within the coverage and operation of the Declaration additional properties; and

WHEREAS, Developer wishes to submit the foregoing described parcel of land to said Declaration.

NOW, THEREFORE, Declarant does hereby declare that that certain lot being designated as Lot 25 on that certain map entitled "Survey for Richard T. Sugg", dated May 25, 2001, prepared by Joey W. Taylor, RLS, a copy of which map is attached hereto and by reference incorporated herein, is held and shall be held, conveyed, encumbered, leased, rented, used, occupied, and improved subject to the Declaration and to the restrictions contained therein and which shall run with the land and shall be binding on all parties having or acquiring any right, title, or interest in and to said real property or any part thereof, subject to the Declaration.

IN TESTIMONY WHEREOF, Developer and Stocks have hereunto set their hands and seals, this the day and year, first above written.

*James Dan Sutton, II*  
James Dan Sutton, II

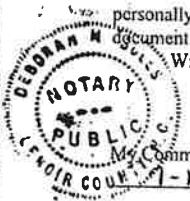
*Jean V. Sutton* (SEAL)  
Jean V. Sutton

*01/21/02*

BK 1229PG0515

James L. Stocks (SEAL)  
James L. Stocks

NORTH CAROLINA  
Lenoir COUNTY



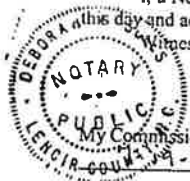
I, a Notary Public, do hereby certify that James Dan Sutton II and wife, Jean V. Sutton, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 6<sup>th</sup> day of August, 2001.

Deborah M. Sales  
Notary Public

My Commission Expires:  
7-19-2003

NORTH CAROLINA  
Lenoir COUNTY



I, a Notary Public, do hereby certify that James L. Stocks personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 6<sup>th</sup> day of August, 2001.

Deborah M. Sales  
Notary Public

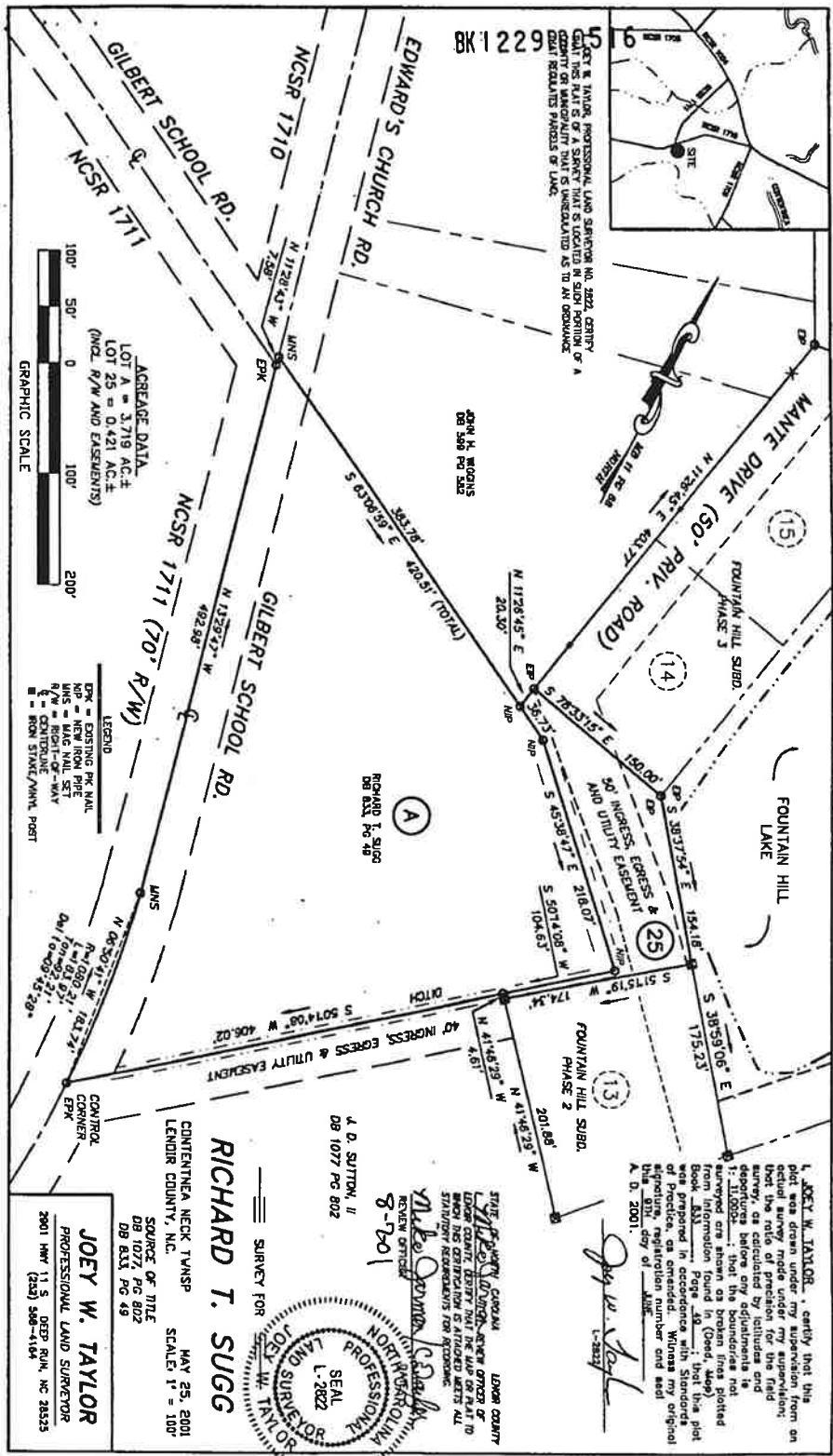
My Commission Expires:  
7-19-2003

STATE OF NORTH CAROLINA, LENOIR COUNTY

The foregoing Certificate of Deborah M. Sales of Lenoir County is certified to be correct. This instrument and this certificate are duly registered this 7 day of August, 2001 at 3:34 o'clock P.M. in Book 1229 Page 514.

Margaret Seaman  
Register of Deeds, Lenoir County, NC

BY: Jean Hildy  
Deputy/Assistant



BK 1229

JOEY W. TAYLOR, PROFESSIONAL LAND SURVEYOR NO. 2822, CENTER OF GRAVITY PLATS OF A SURVEY THAT IS LOCATED IN SOUTHWEST CORNER OF A CERTAIN TRACT OF LAND DESCRIBED AS IN AN ORDINANCE OF THE BOARD OF REALTY PARTIES OF LAND.



JOHN H. WOODS  
 DB 388 PG 282

RICHARD T. SUGG  
 DB 833 PG 48

I, JOEY W. TAYLOR, certify that this plat was drawn under my supervision from an actual survey made under my supervision; that the ratio of precision for the field survey, as calculated by the formula  $\frac{1}{\text{error in feet}} = \frac{1}{11,000}$ , is not less than that required by the provisions of the North Carolina Surveying Act of 1902. I further certify that the boundaries not surveyed are shown as broken lines plotted from information found in (check, check) plot of Book 833, Page 48, which is a plat of a portion of a tract of land, and that the original signature, registration number and seal of the day of \_\_\_\_\_ A.D. 2001.

*Joey W. Taylor*  
 L-2822

STATE OF NORTH CAROLINA  
 COUNTY OF LENOIR  
 I, JOEY W. TAYLOR, being duly sworn, depose and say that the foregoing is a true and correct copy of the original survey as shown to me by the parties to the same, and that the same is a true and correct copy of the original survey as shown to me by the parties to the same, and that the same is a true and correct copy of the original survey as shown to me by the parties to the same.

J. D. SUTTON, II  
 DB 1077 PG 802



**RICHARD T. SUGG**  
 SURVEY FOR  
 CONTENTNEA NECK TOWNSHIP  
 LENOIR COUNTY, N.C.  
 MAY 25, 2001  
 SCALE: 1" = 100'

**JOEY W. TAYLOR**  
 PROFESSIONAL LAND SURVEYOR  
 2801 HWY 11 S. DEEP RUN, NC 28533  
 (252) 588-4164

BK 1234, PG 0863

MARGARET SEYMOUR  
REGISTER OF DEEDS  
LENOIR COUNTY

SECOND SUPPLEMENTARY DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS OF FOUNTAIN HILL SUBDIVISION

SEP 20 AM 9:42

**INDEXED**

THIS SECOND SUPPLEMENTARY DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS, made this the 20<sup>th</sup> day of September, 2001, by JAMES  
DAN SUTTON, II and wife, JEAN V. SUTTON, hereinafter "Developer", and JAMES L.  
STOCKS, hereinafter "Stocks" (Developer and Stocks being hereinafter sometimes referred to as  
"Declarant");

WITNESSETH

WHEREAS, Developer is the owner of certain property located in Contentnea Township,  
Lenoir County, North Carolina, which is more particularly described as Lot 12 on that certain  
map or plat entitled "Fountain Hill Subdivision - Phase 2: Lots 4 through 13", which map is  
recorded in Platt Cabinet 7, Page 202 in the office of the Register of Deeds of Lenoir County; and

WHEREAS, said Lot 12 is a part of Fountain Hill Subdivision that has been previously  
submitted to a Declaration of Covenants, Conditions and Restrictions of Fountain Hill  
Subdivision dated May 17, 2001, which appears of record in Book 1218, Page 689 of the Lenoir  
County Registry (hereinafter the "Declaration"); and a Supplement to said Declaration appears of  
record in Book 1229, Page 514 of the Lenoir County Registry; and

WHEREAS, pursuant to Article 10(D)(iv) of the Declaration, developer retained the right  
to alter the size of any lot, combine or merge two or more lots and subdivide any lot or lots; and

WHEREAS, Developer desires to exercise said right retained by him and subdivide said  
lot 12 into 2 lots as shown and depicted on a map entitled "Easement and Survey Recombination  
of Lots Resurvey of Fountain Hill Subdivision Phase 2 - Lots 12 and 13" dated September 17,  
2001, which map appears of record in the Lenoir County Registry; and

WHEREAS, Developer and Declarant execute this document for the purpose of effecting  
such subdivision of lot number 12.

NOW, THEREFORE, Declarant does hereby setforth and declare that lot number 12 as  
shown on that certain map entitled "Fountain Hill Subdivision - Phase 2: Lots 4-13", which map  
is recorded in Platt Cabinet 7, Page 202 of the Lenoir County Registry is hereby subdivided into 2  
separate lots, being lots 12A and 12B as shown on that certain map entitled "Easement Survey  
and Recombination of Lots - Resurvey of Fountain Hill Subdivision Phase 2 - Lots 12 and 13"  
prepared by Matrix East, PLLC dated September 17, 2001, which map appears of record in Platt  
Cabinet 7, Page 271 of the Lenoir County Registry.

12.00

BK1234PG0864

IN TESTIMONY WHEREOF, Developer and Stocks have hereunto set their hands and seals, this the day and year, first above written.

*James Dan Sutton, II* (SEAL)  
James Dan Sutton, II

*Jean V. Sutton* (SEAL)  
Jean V. Sutton

*James L. Stocks* (SEAL)  
James L. Stocks

NORTH CAROLINA  
*Lenoir* COUNTY

I, a Notary Public, do hereby certify that James Dan Sutton II and wife, Jean V. Sutton, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 20 day of September, 2001.

My Commission Expires:  
4.17.2004



*Betty C. Chastain*  
Notary Public

NORTH CAROLINA  
*Lenoir* COUNTY

I, a Notary Public, do hereby certify that James L. Stocks personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 20 day of September, 2001.

My Commission Expires:  
4.17.2004



*Betty C. Chastain*  
Notary Public

BK 1234PG0865

STATE OF NORTH CAROLINA, LENOIR COUNTY

The foregoing Certificate of Betty C. Chastain of Lenoir County is certified to be correct. This instrument and this certificate are duly registered this 20 day of September, 2001 at 9:42 o'clock A.M. in Book 1234, Page 863

Margaret Seymour  
Register of Deeds, Lenoir County, NC

BY: Pam Rih  
Deputy/Assistant

BK 1249PG0505

MARGARET SEYHOOR  
REGISTER OF DEEDS  
LENOIR COUNTY

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THIRD SUPPLEMENTARY DECLARATION OF COVENANTS, CONDITIONS  
AND RESTRICTIONS OF FOUNTAIN HILL SUBDIVISION

THIS THIRD SUPPLEMENTARY DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, made this the 9<sup>th</sup> day of January, 2002, by JAMES DAN SUTTON, II and wife, JEAN V. SUTTON, hereinafter "Developer", and JAMES L. STOCKS, hereinafter "Stocks" (Developer and Stocks being hereinafter sometimes referred to as "Declarant");

WITNESSETH

WHEREAS, Developer is the owner of certain property located in Contentnea Township, Lenoir County, North Carolina, which is more particularly described on that certain map entitled "Map for Record, Fountain Hill Subdivision Phase 4: Lots 28-38", which map is recorded in Plat Cabinet 7, Page 367 in the Office of the Register of Deeds of Lenoir County and which map is by reference incorporated herein; and

WHEREAS, Developer and Stocks have heretofore submitted other lands to a "Declaration of Covenants, Conditions, and Restrictions of Fountain Hill Subdivision" dated May 17, 2001, which appears of record in Book 1218, Page 689 of the Lenoir County Registry (hereinafter the "Declaration"); and

WHEREAS, said Declaration has been supplemented by a supplement to said Declaration appearing of record in Book 1229, Page 514 of the Lenoir County Registry, and a second supplement to said Declaration appearing of record in Book 1234, Page 863, of the Lenoir County Registry; and

WHEREAS, the Declaration provides that Declarant may bring within the coverage and operation of the Declaration additional properties; and

WHEREAS, Developer wishes to submit the foregoing described parcel of land to said Declaration.

NOW, THEREFORE, Declarant does hereby declare with respect to Lots 28 through 38 as shown on that certain map entitled "Map for Record Fountain Hill Subdivision Phase 4: Lots 28-38", which map is recorded in Plat Cabinet 7, Page 367 in the Office of the Register of Deeds of Lenoir County and which map is by reference incorporated herein, are held and shall be held, conveyed, encumbered, leased, rented, used, occupied, and improved subject to the Declaration and to the restrictions contained therein and which shall run with the land and shall be binding on all parties having or acquiring any right, title, or interest in and to said real property or any part thereof subject to the Declaration.

IN TESTIMONY WHEREOF, Developer and Stocks have hereunto set their hands and

2002

BK1249PG0506

seals, this the day and year, first above written.

James Dan Sutton, II (SEAL)  
James Dan Sutton, II

Jean V. Sutton (SEAL)  
Jean V. Sutton

James L. Stocks (SEAL)  
James L. Stocks

NORTH CAROLINA  
Lenoir COUNTY

I, a Notary Public, do hereby certify that James Dan Sutton II and wife, Jean V. Sutton, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 9<sup>th</sup> day of January, 2002.

My Commission Expires:  
4-17-2004



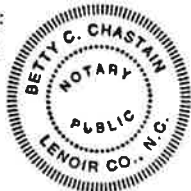
Betty C. Chastain  
Notary Public

NORTH CAROLINA  
Lenoir COUNTY

I, a Notary Public, do hereby certify that James L. Stocks personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 9<sup>th</sup> day of January, 2002.

My Commission Expires:  
4-17-2004



Betty C. Chastain  
Notary Public

BK1249PG0507

STATE OF NORTH CAROLINA, LENOIR COUNTY

The foregoing Certificate of Beth C Cheatum NP of Lenoir County is certified to be correct. This instrument and this certificate are duly registered this 9 day of January, 2002, at 2:25 o'clock P.M. in Book 1249 Page 505.

Margaret Summers  
Register of Deeds, Lenoir County, NC

BY: John D. Dabson  
Deputy/Assistant

BK 1249PG0818

MARGARET SEYMOUR  
REGISTER OF DEEDS  
LENOIR COUNTY

FOURTH SUPPLEMENTARY DECLARATION OF COVENANTS, CONDITIONS  
AND RESTRICTIONS OF FOUNTAIN HILL SUBDIVISION

02 JAN 11 PM 12:24

INDEXED

THIS SUPPLEMENTARY DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, made this the 9<sup>th</sup> day of January, 2002, by JAMES DAN SUTTON, II and wife, JEAN V. SUTTON, hereinafter "Developer", and JAMES L. STOCKS, hereinafter "Stocks" (Developer and Stocks being hereinafter sometimes referred to as "Declarant");

WITNESSETH

WHEREAS, Developer is the owner of certain property located in Contentnea Township, Lenoir County, North Carolina, which is more particularly described as Lot 13A and 13B on a map entitled "Revised Easement Survey and Recombination of Lots, Fountain Hill Subdivision, Phase II - Lots 13A & 13B", dated October 2, 2001, prepared by Matrix East, PLLC, which map appears of record in Plat Cabinet 7, Page 365 of Lenoir County Registry; and

WHEREAS, Developer and Stocks have heretofore submitted other lands to a "Declaration of Covenants, Conditions and Restrictions of Fountain Hill Subdivision" dated May 17, 2001, which appears of record in Book 1218, at Page 689 in the Lenoir County Registry, and supplemented by "Supplementary Declaration of Covenants, Conditions and Restrictions of Fountain Hill Subdivision" dated August 6, 2001, which appears of record in Book 1229, at Page 514 in the Lenoir County Registry, and "Second Supplementary Declaration of Covenants, Conditions and Restrictions of Fountain Hill Subdivision" dated September 20, 2001 which appears of record in Book 1234 at Page 863 in the Lenoir County Registry, and Third Supplementary Declaration of Covenants, Conditions and Restrictions of Fountain Hill Subdivision" dated January 9, 2002, which appears of record in Book 1249 at Page 505 in the Lenoir County Registry (said Declaration and Supplements thereto being hereinafter referred to as the "Declaration"); and.

WHEREAS, the Declaration provides that Declarant may bring within the coverage and operation of the Declaration additional properties; and

WHEREAS, Lot 13A as shown on the aforesaid map of record is identical with Lot 13 as shown on the original map of Phase II of Fountain Hill Subdivision which appears of record in Platt Cabinet 7, Page 202 of the Lenoir County Registry and Lot 13B is additional land which Declarant desires to submit to the Declaration.

NOW, THEREFORE, Declarant does hereby declare that the lot designated Lot 13B on that certain map entitled "Revised Easement Survey and Recombination of Lots, Fountain Hill Subdivision, Phase II - Lots 13A & 13 B", dated October 2, 2001, prepared by Matrix East, PLLC, which map appears of record in Plat Cabinet 7, Page 365 of Lenoir County Registry, is held and shall be held, conveyed, encumbered, leased, rented, used, occupied, and improved subject to the Declaration and to the restrictions contained therein and which shall run with the land and shall be binding on all parties having or acquiring any right, title, or interest in and to said real property or any part thereof, subject to the Declaration.

20.00

BK1249PG0819

IN TESTIMONY WHEREOF, Developer and Stocks have hereunto set their hands and seals, this the day and year, first above written.

*James Dan Sutton, II* (SEAL)  
James Dan Sutton, II

*Jean V. Sutton* (SEAL)  
Jean V. Sutton

*James L. Stocks* (SEAL)  
James L. Stocks

*Ferris*  
NORTH CAROLINA  
COUNTY

I, a Notary Public, do hereby certify that James Dan Sutton II and wife, Jean V. Sutton, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 9<sup>th</sup> day of January, 2002.

My Commission Expires:  
4-17-2004



*Betty C. Chastain*  
Notary Public

*Ferris*  
NORTH CAROLINA  
COUNTY

I, a Notary Public, do hereby certify that James L. Stocks personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 9<sup>th</sup> day of January, 2002.

My Commission Expires:  
4-17-2004



*Betty C. Chastain*  
Notary Public

BR 11249PG0820

STATE OF NORTH CAROLINA, LENOIR COUNTY

The foregoing Certificate of Betty C. Chestain of Lenoir County is certified to be correct. This instrument and this certificate are duly registered this 11 day of January, 2002, at 12:24 o'clock P.M. in Book 1249, Page 818.

Margaret Seymour  
Register of Deeds, Lenoir County, NC

BY: Pam Ricks  
~~Deputy/Assistant~~

BK 1249PG0821

INDEXED

MARGARET SEYMOUR  
REGISTER OF DEEDS  
LENOIR COUNTY

NORTH CAROLINA

VARIANCE FROM RESTRICTIVE COVENANTS

02 JAN 11 PM 12: 25

LENOIR COUNTY

This Variance from Restrictive Covenants executed this the 11th day of January, 2002, by Fountain Hill Subdivision Owners' Association, Inc;

THAT WHEREAS, certain real property has been made subject to that certain declaration of covenants, conditions and restrictions of Fountain Hill Subdivision dated May 17, 2001, which appears of record in Book 1218, Page 689 in the Lenoir County Registry and which declaration is supplemented by "Supplementary Declaration of Covenants, Conditions and Restrictions of Fountain Hill Subdivision" dated August 6, 2001 which appears of record in Book 1229, Page 514 in the office of the Register of Deeds of Lenoir County and is further supplemented by the Second Supplementary Declaration of Covenants, Conditions and Restrictions of Fountain Hill Subdivision dated September 20, 2001 which appears of record in Book 1234, Page 863 in the Lenoir County Registry and Third Supplementary Declaration of Covenants, Conditions and Restrictions of Fountain Hill Subdivision" dated January 9, 2002, which appears of record in Book 1249 at Page 505 in the Lenoir County Registry and "Fourth Supplementary Declaration of Covenants, Conditions and Restrictions of Fountain Hill Subdivision" dated January 9, 2002 which appears of record in Book 1249 at Page 518 of the Lenoir County Registry (said Declaration and the Supplements thereto being hereinafter referred to as the "Declaration"); and

WHEREAS, in Article 11 of the Declaration, certain restrictions on the use and occupancy of the property described therein are set forth including in paragraph C thereof, certain building setback lines; and

WHEREAS, in Article 14 of the Declaration, the Executive Board is given discretion to allow reasonable variances and adjustments of the restrictions; and

WHEREAS, the Executive Board has determined that with respect to Lot 13A and 13B as are shown and depicted on that certain map entitled "Revised Easement Survey and Recombination of Lots, Fountain Hill Subdivision, Phase 2-Lots 13A and 13B", which map appears of record in Plat Cabinet 7, Page 365 of the Lenoir County Registry, the restrictions contained in the Declaration, to wit, a 40' front setback line and a 50' rear setback lines does not allow adequate room for the situation of a house thereon of a size and design desired by most perspective purchasers of said lots; and

WHEREAS, the Executive Board has, in its discretion, determined that a variance from said setback restrictions as to Lots 13A and 13B is in order and should be made.

NOW THEREFORE, the Executive Committee of Fountain Hill Subdivision Owners' Association, Inc., pursuant to the authority given it in Article 14 of the Declaration does hereby make, allow, and grant a variance with respect to Lots 13A and 13B as shown and depicted on "Revised Easement Survey and Recombination of Lots, Fountain Hill Subdivision, Phase 2- Lots 13A and 13B", which map appears of record in Plat Cabinet 7, Page 365 of the Lenoir County

17.00

BK 11249PG0822

Registry, from the setback requirements set forth in Article 11, paragraph C, subparagraphs 1 and 3, so that with respect to each of said lots, the setback requirement from a lot front line (measured from the edge of the 50 foot utility easement shown on the aforesaid map) shall be changed from 40' to 10' and the building setback requirement for a lot rear line shall be changed from 50' to 10'.

This variance shall apply only to the setback requirements with respect to the lot front line and lot rear line set forth in the Declaration and all other setback requirements or other restrictions with respect to such lots set forth in the Declaration remain in full force and effect.

IN TESTIMONY WHEREOF, the undersigned, being the sole member of the Executive Board of Fountain Hill Subdivision Owners' Association, Inc., and also the President of Fountain Hill Owners' Association, Inc., does hereby execute this document as the action of the Executive Board of Fountain Hill Owners' Association, Inc., this the day and year first above written.

FOUNTAIN HILL SUBDIVISION OWNERS' ASSOCIATION, INC.

BY: James Dan Sutton, II President  
James Dan Sutton, II - President

STATE OF NORTH CAROLINA  
COUNTY OF LENOIR

I, a Notary Public, do hereby certify that James Dan Sutton II, personally appeared before me this day and acknowledged that he is President of Fountain Hill Subdivision Owners' Association, Inc., and that he executed the foregoing instrument by and on behalf of the corporation. Witness my hand and notarial seal, this the 11<sup>th</sup> day of January, 2002.

Betty C. Chastain  
Notary Public

My Commission Expires:  
4-17-2004



NORTH CAROLINA: Lenoir County  
The foregoing certificate of Betty C. Chastain N. P. of Lenoir Co.

are certified to be correct.  
Filed for registration at 12:25 o'clock P M this 11 day of January 2002

Margaret Seymour, Register of Deeds  
By Pam Ruh, Deputy

CORPORATE RESOURCES

BK 1247PG0384

INDEXED

NORTH CAROLINA

MARGARET SEYMOUR  
REGISTER OF DEEDS  
LENOIR COUNTY

VARIANCE FROM  
RESTRICTIVE COVENANTS

01 DEC 19 PM 4: 27

COUNTY OF LENOIR

This Variance from Restrictive Covenants executed this the 17<sup>th</sup> day of December, 2001, by Fountain Hill Subdivision Owners' Association, Inc;

THAT WHEREAS, certain real property has been subjected and made subject to that certain declaration of covenants, conditions and restrictions of Fountain Hill Subdivision dated May 17, 2001, which appears of record in Book 1218, Page 689 in the Lenoir County Registry and which declaration is supplemented by "Supplementary Declaration of Covenants, Conditions and Restrictions of Fountain Hill Subdivision" dated August 6, 2001 which appears of record in Book 1229, Page 514 in the office of the Register of Deeds of Lenoir County and is further supplemented by the Second Supplementary Declaration of Covenants, Conditions and Restrictions of Fountain Hill Subdivision dated September 20, 2001 which appears of record in Book 1234, Page 863 in the Lenoir County Registry (said Declaration and the Supplements thereto being hereinafter referred to as the "Declaration"), and

WHEREAS in Article 11 of the Declaration, certain restrictions on the use and occupancy of the property described therein are set forth including in paragraph C thereof, certain building setback lines, and

WHEREAS in Article 14 of the Declaration, the Executive Board is given discretion to allow reasonable variances and adjustments of the restrictions, and

WHEREAS the Executive Board has determined that with respect to Lots 14 through 24, of Fountain Hill Subdivision, as are shown and depicted on that certain map entitled "Fountain Hill Subdivision - Phase III: Lots 14 through 24" which map appears of record in Plat Cabinet 7, Page 203 of the Register of Deeds of Lenoir County, the restrictions contained in the Declaration to wit a 30' front line setback and a 30' rear line setback does not allow adequate room for the situation of a house thereon of a size and design desired by most perspective purchasers of said lots, and

WHEREAS the Executive Board has, in its discretion, determined that a variance from said setback restrictions as to Lot 14 through 24 is in order and should be made.

NOW THEREFORE the Executive Committee of Fountain Hill Subdivision Owners' Association, Inc., pursuant to the authority given it in Article 14 of the By-Laws, does hereby make, allow and grant a variance with respect to Lots 14 through 24 as shown and depicted on "Fountain Hill Subdivision - Phase III: Lots 14 through 24" which map appears of record in Plat Cabinet 7, Page 203 of the Lenoir County Registry, from the setback requirements set forth in Article 11, paragraph C subparagraphs 1 and 3 so that with respect to each of said lots, the setback requirement from a Lot front line shall be changed from 30' to 15' and the building setback requirement for a Lot rear line shall be changed from 30' to 25'.

This variance shall apply only to the setback requirements with respect to the lot front line

3/0-

BK 1247PG0385

and Lot rear line set forth in the Declaration and all other setback requirements or other restrictions with respect to such lots set forth in the Declaration remain in full force and effect.

IN TESTIMONY WHEREOF, the undersigned being the sole member of the Executive Board of Fountain Hill Subdivision Owners' Association, Inc., and also the President of Fountain Hill Owners' Association, Inc. does hereby execute this document as the action of the Executive Board of Fountain Hill Owners' Association, Inc., this the day and year first above written.

FOUNTAIN HILL OWNERS' ASSOCIATION, INC.

BY: James Dan Sutton, II President  
James Dan Sutton, II - President

STATE OF NORTH CAROLINA  
COUNTY OF LENOIR

I, a Notary Public, do hereby certify that James Dan Sutton II, personally appeared before me this day and acknowledged that he is President of Fountain Hill Subdivision Owners' Association, Inc., and that he executed the foregoing instrument by and on behalf of the corporation. Witness my hand and notarial seal, this the 17<sup>th</sup> day of December, 2001.

Angela D. Miller  
Notary Public

My Commission Expires:

Sept 27, 2007

rp\sutton, danny\variance



NORTH CAROLINA: Lenoir County  
The foregoing certificates of Angela D. Miller N.P. of Lenoir Co NC

are certified to be correct. 4:27 o'clock P M this 19 day of December 2001  
Filed for registration at \_\_\_\_\_  
By Cathy B. [unclear] Register of Deeds

COMPONER REFERENCES

BK 1280PG0480

MARGARET SEYMOUR  
REGISTER OF DEEDS  
LENOIR COUNTY

02 AUG 23 AM 11:07

**INDEXED**

FIFTH SUPPLEMENTARY DECLARATION OF COVENANTS, CONDITIONS  
AND RESTRICTIONS OF FOUNTAIN HILL SUBDIVISION

THIS SUPPLEMENTARY DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, made this the 2<sup>nd</sup> day of July, 2002, by JAMES DAN SUTTON, II and wife, JEAN V. SUTTON, hereinafter "Developer", and JAMES L. STOCKS, hereinafter "Stocks" (Developer and Stocks being hereinafter sometimes referred to as "Declarant");

WITNESSETH

WHEREAS, Developer is the owner of certain property located in Contentnea Neck Township, Lenoir County, North Carolina, which is more particularly described as Lots 27, 27A and 27B on a map entitled "Map for Record Fountain Hill Subdivision Phase 4", dated February 27, 2002, prepared by Atlantic Surveying, P.A., which map appears of record in Plat Cabinet 8, Page 25 of Lenoir County Registry; and is also the owner of that certain lot designated Lot 26 on that certain map entitled "Survey for Brad Elmore and wife, Jackie Elmore", prepared by Matrix East, PLLC, dated October 21, 2001, appearing of record in Plat Cabinet 7, Page 296, of the Lenoir County Registry; and

WHEREAS, Developer and Stocks have heretofore submitted other lands to a "Declaration of Covenants, Conditions and Restrictions of Fountain Hill Subdivision" dated May 17, 2001, which appears of record in Book 1218, at Page 689 in the Lenoir County Registry, and supplemented by "Supplementary Declaration of Covenants, Conditions and Restrictions of Fountain Hill Subdivision" dated August 6, 2001, which appears of record in Book 1229, at Page 514 in the Lenoir County Registry, and "Second Supplementary Declaration of Covenants, Conditions and Restrictions of Fountain Hill Subdivision" dated September 20, 2001 which appears of record in Book 1234 at Page 863 in the Lenoir County Registry, and Third Supplementary Declaration of Covenants, Conditions and Restrictions of Fountain Hill Subdivision" dated January 9, 2002, which appears of record in Book 1249 at Page 505 in the Lenoir County Registry, and "Fourth Supplementary Declaration of Covenants, Conditions and Restrictions of Fountain Hill Subdivision" dated January 9, 2002, which appears of record in Book 1249, Page 818 in the Lenoir County Registry (said Declaration and Supplements thereto being hereinafter referred to as the "Declaration"); and

20.8

BK1280PG0481

WHEREAS, the Declaration provides that Declarant may bring within the coverage and operation of the Declaration additional properties; and

NOW, THEREFORE, Declarant does hereby declare that said Lots 27, 27A, and 27B on that certain map entitled "Map for Record, Fountain Hill Subdivision, Phase 4" dated February 27, 2002, prepared by Atlantic Surveying, P.A., which map appears of record in Plat Cabinet 8, Page 25 of the Lenoir County Registry, and that certain lot designated Lot 26 on that certain map entitled "Survey for Brad Elmore and wife, Jackie Elmore", prepared by Matrix East, PLLC, dated October 21, 2001, and appearing of record in Plat Cabinet 7, Page 296 in the office of the Register of Deeds of Lenoir County, are held and shall be held, conveyed, encumbered, leased, rented, used, occupied, and improved subject to the Declaration and to the restrictions contained therein and which shall run with the land and shall be binding on all parties having or acquiring any right, title, or interest in and to said real property or any part thereof, subject to the Declaration.

IN TESTIMONY WHEREOF, Developer and Stocks have hereunto set their hands and seals, this the day and year, first above written.

*James Dan Sutton, II* (SEAL)  
James Dan Sutton, II

*Jean V. Sutton* (SEAL)  
Jean V. Sutton

*James L. Stocks* (SEAL)  
James L. Stocks

NORTH CAROLINA  
*Lenoir* COUNTY

I, a Notary Public, do hereby certify that James Dan Sutton II and wife, Jean V. Sutton, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and seal, this the *9<sup>th</sup>* day of July, 2002.

My Commission Expires  
*4-17-2004*



*Betty C. Chastain*  
Notary Public

NORTH CAROLINA  
LENOIR COUNTY

I, a Notary Public, do hereby certify that James L. Stocks personally appeared before me this day and acknowledged the due execution of the foregoing document.

BK 1280PG0482

Witness my hand and notarial seal, this the 9<sup>th</sup> day of July, 2002.

Angela D. Cannady  
Notary Public

My Commission Expires: Sept. 21, 2004



STATE OF NORTH CAROLINA, LENOIR COUNTY

The foregoing Certificate of Pete C. Chestnut & Angela D. Cannady of Lenoir County is certified to be correct. This instrument and this certificate are duly registered this 23 day of August, 2002, at 11:07 o'clock A.M. in Book 1280 Page 480.

Margaret Seymour  
Register of Deeds, Lenoir County, NC

BY: \_\_\_\_\_  
Deputy/Assistant

BK 1302PG0563

MARGARET SEYMOUR  
REGISTER OF DEEDS  
LENOIR COUNTY

03 JAN -8 PM 4: 11

**INDEXED**

Prepared by and return to: Everette L. Wooten, Jr., Kinston, NC

NORTH CAROLINA

VARIANCE FROM RESTRICTIVE COVENANTS

LENOIR COUNTY

THIS VARIANCE FROM RESTRICTIVE COVENANTS executed this the 8<sup>th</sup> day of January, 2003, by FOUNTAIN HILL SUBDIVISION OWNERS ASSOCIATION, INC.

THAT WHEREAS, certain real property has been subjected and made subject to that certain Declaration of Covenants, Conditions and Restrictions of Fountain Hill Subdivision dated May 17, 2001, which appears of record in Book 1218, Page 689, of the Lenoir County Registry, and which Declaration is supplemented by "Supplementary Declaration of Covenants, Conditions and Restrictions of Fountain Hill Subdivision", dated August 6, 2001, which appears of record in Book 1229, Page 514, of the Lenoir County Registry; and is further supplemented by "Second Supplementary Declaration of Covenants, Conditions and Restrictions of Fountain Hill Subdivision", dated September 20, 2001, which appears of record in Book 1234, Page 863, of the Lenoir County Registry; and is further supplemented by "Third Supplementary Declaration of Covenants, Conditions and Restrictions of Fountain Hill Subdivision", dated January 9, 2002, which appears of record in Book 1249, Page 505, of the Lenoir County Registry; and further supplemented by "Fourth Supplementary Declaration of Covenants, Conditions and Restrictions of Fountain Hill Subdivision", dated January 9, 2002, which appears of record in Book 1249, Page 818, of the Lenoir County Registry; and is further supplemented by "Fifth Supplementary Declaration of Covenants, Conditions and Restrictions of Fountain Hill Subdivision", dated July 2, 2002, which appears of record in Book 1280, Page 480, of the Lenoir County Registry, (said Declaration and the Supplements thereto being hereinafter referred to as the "Declaration"); and

WHEREAS, in Article 11 of the Declaration certain restrictions on the use and occupancy of the property described therein are set forth, including in subparagraph E.12. the permitting of only one satellite dish to be located upon any lot; and

WHEREAS, in Article 14 of the Declaration the Executive Board is given discretion to allow reasonable variances and adjustments of the restrictions; and

1202

BK 1302PG0564

WHEREAS, the Executive Board has determined that the restriction to one satellite dish per lot would not allow homeowners to take maximum benefit of modern communications and electronic conveniences and that said restriction is no longer as important in view of the smaller size of modern day satellite dishes, and that it would be reasonable and in the best interest of all of the lot owners to amend the restriction contained in the Declaration to allow up to two satellite dishes to be located upon any lot of the subdivision; and

WHEREAS, the Executive Board has, in its discretion, determined that a variance from said restriction limiting the number of satellite dishes located on a lot to one is in order and should be made.

NOW, THEREFORE, the Executive Board of Fountain Hill Subdivision Owners Association, Inc., pursuant to the authority given it in Article 14 of the By-Laws, does hereby make, allow and grant a variance from Article 11, subparagraph E.12. so that up to two satellite dishes that are no more than 24 inches in diameter may be located upon any lot. All other provisions of said Article 11, subparagraph E.12. remain unchanged, including without limitation, requirements contained therein with respect to the location of any such satellite dishes.

The variance herein provided shall apply to all lots now or hereafter constituting a part of Fountain Hill Subdivision.

IN TESTIMONY WHEREOF, the undersigned, being the sole member of the Executive Board of Fountain Hill Subdivision Owners Association, Inc., and also the President of Fountain Hill Subdivision Owners Association, Inc. does hereby execute this document as the action of the Executive Board of Fountain Hill Subdivision Owners Association, Inc., this the day and year first above written.

FOUNTAIN HILL SUBDIVISION OWNERS  
ASSOCIATION, INC.

BY   
James Dan Sutton, II  
President

STATE OF NORTH CAROLINA  
COUNTY OF Lenoir

I, a Notary Public, do hereby certify that James Dan Sutton II personally appeared before me this day and acknowledged that he is President of Fountain Hill Subdivision Owners Association, Inc. and that he executed the foregoing instrument by and on behalf of the corporation.

BK 1302PG0565

Witness my hand and notarial seal, this the 8<sup>th</sup> day of January, 2003.

*Betty C. Chastain*  
Notary Public

My Commission Expires:

4-19-2004



STATE OF NORTH CAROLINA, LENOIR COUNTY

The foregoing Certificate of *Betty C. Chastain*, Notary Public of *Lenoir* County, is certified to be correct.  
Filed for registration at 4:11 o'clock P.M., this the 8 day of January, 2003, in Book 1302 Page 563.

*Margaret S. James*  
Register of Deeds, Lenoir County, NC

BY: *[Signature]*  
Deputy/Assistant

BK 1336 PG 0699

MARGARET SEYMOUR  
REGISTER OF DEEDS  
LENOIR COUNTY

03 JUL 24 PM 12: 16

**INDEXED**

SIXTH SUPPLEMENTARY DECLARATION OF COVENANTS, CONDITIONS  
AND RESTRICTIONS OF FOUNTAIN HILL SUBDIVISION

THIS SUPPLEMENTARY DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, made this the 24 day of July, 2003, by JAMES DAN SUTTON, II and wife, JEAN V. SUTTON, hereinafter "Developer", and ANDREA CAROL STOCKS, hereinafter "Stocks" (Developer and Stocks being hereinafter sometimes referred to as "Declarant");

WITNESSETH

WHEREAS, Developer is the owner of certain property located in Contentnea Township, Lenoir County, North Carolina, which is more particularly described as Lot 3 on that certain map entitled "Fountain Hill Subdivision - Phase 1: Lots 1-3", which map is recorded in Plat Cabinet 7, Page 201 in the office of the Register of Deeds of Lenoir County, and Developer is also the owner of Lot 24 on that certain map entitled "Fountain Hill Subdivision - Phase 3: Lots 14-24", which map is recorded in Plat Cabinet 7, Page 203 of the Lenoir County Registry; and

WHEREAS, both of the foregoing lots are a part of Fountain Hill Subdivision that has been previously submitted to a "Declaration of Covenants, Conditions, and Restrictions of Fountain Hill Subdivision" dated May 17, 2001, which appears of record in Book 1218, Page 689 of the Lenoir County Registry (hereinafter the "Declaration") and supplements to said Declaration which are recorded in the office of the Register of Deeds of Lenoir County; and

WHEREAS, pursuant to Article 10(D)(iv) of the Declaration, developer retained the right to alter the size of any lot, combine or merge two or more lots and subdivide any lot or lots; and

WHEREAS, James L. Stocks, one of the parties comprising the Declarant in the Declaration is deceased, and the Declarant and Stocks named above has succeeded to the interest of the said James L. Stocks by virtue of his Last Will and Testament; and

WHEREAS, Developer desires that said Lot 3 and Lot 24 be reconstituted as set forth in that certain map entitled "Recombination Survey for Fountain Hill Subdivision, Lot 3, Phase 1 (PC 7, P 201) & Lot 24, Phase 3 (PC 7, P 203)", prepared by Atlantic Surveying, P.A., said map being dated January 20, 2003, which map appears of record in Plat Cabinet 8, Page 314 in the

20-00

BK 1336PG0700

office of the Register of Deeds of Lenoir County, North Carolina; and

WHEREAS, Developer and Declarant execute this document for the purpose of effecting the aforesaid recombination.

NOW, THEREFORE, Declarant does hereby set forth and declare that Lot 3 as shown on that certain map entitled "Fountain Hill Subdivision - Phase 1: Lots 1-3", which map is recorded in Platt Cabinet 7, Page 201 of the Lenoir County Registry, and Lot 24 as shown on that certain map entitled "Fountain Hill Subdivision - Phase 3: Lots 14-24", which map is recorded in Plat Cabinet 7, Page 203 of the Lenoir County Registry, are hereby recombined and reconstituted in the manner set forth in that certain map entitled "Recombination Survey for Fountain Hill Subdivision, Lot 3, Phase 1 (PC 7, P 201) & Lot 24, Phase 3 (PC 7, P 203)", such that said Lot 3 of Phase 1 of Fountain Hill Subdivision and Lot 24 of Phase 3 of Fountain Hill Subdivision shall henceforth be as described in said map.

IN TESTIMONY WHEREOF, Developer and Stocks have hereunto set their hands and seals, this the day and year, first above written.

*James Dan Sutton, II* (SEAL)  
James Dan Sutton, II

*Jean V. Sutton* (SEAL)  
Jean V. Sutton

*Andrea C. Stocks* (SEAL)  
Andrea Carol Stocks

NORTH CAROLINA  
*Lenoir* COUNTY

I, a Notary Public, do hereby certify that James Dan Sutton II and wife, Jean V. Sutton, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the *27<sup>th</sup>* day of July, 2003.

My Commission Expires:

4-17-2004



*Betty C. Chastain*  
Notary Public

BK 1336 PG 0701

NORTH CAROLINA  
Lenoir COUNTY

I, a Notary Public, do hereby certify that Andrea Carol Stocks personally appeared before me this day and acknowledged the due execution of the foregoing document.  
Witness my hand and notarial seal, this the 21 day of July, 2003.

My Commission Expires:  
4-17-2004



Betty C. Chastain  
Notary Public

STATE OF NORTH CAROLINA, LENOIR COUNTY

The foregoing Certificate of Betty C. Chastain of Lenoir County is certified to be correct. This instrument and this certificate are duly registered this 24 day of July, 2003, at 12:16 o'clock P.M. in Book 1336, Page 699.

Margaret Seymour  
Register of Deeds, Lenoir County, NC

BY: Pam Rih  
Deputy/Assistant

BK 1374 PG0045

MARGARET SEYMOUR  
REGISTER OF DEEDS  
LENOIR COUNTY

04 APR 12 AM 11: 15

**INDEXED**

SEVENTH SUPPLEMENTARY DECLARATION OF COVENANTS, CONDITIONS  
AND RESTRICTIONS OF FOUNTAIN HILL SUBDIVISION

THIS SUPPLEMENTARY DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, made this the 26 day of March, 2004, by JAMES DAN SUTTON, II and wife, JEAN V. SUTTON, hereinafter referred to as "Declarant";

WITNESSETH.

WHEREAS, Declarant is the owner of certain property located in Contentnea Neck Township, Lenoir County, North Carolina, which is more particularly described as Lots 39, 40, and 41 on a map entitled "Map for Record, Survey for Fountain Hill Subdivision Phase 4, Section 2", dated March 11, 2004, prepared by Matrix East, PLLC, which map appears of record in Plat Cabinet 9, Page 176 of the Lenoir County Registry; and is also the owner of those certain lots designated as Lots 37 & 38, Phase 4, and Lots 42 through 59, Phase 5 on that certain map entitled "Map for Record, Fountain Hill Subdivision, Phase 5, and Recombination of Lots 37 & 38, Phase 4", prepared by Atlantic Surveying, P.A., dated February 5, 2004, appearing of record in Plat Cabinet 9, Pages 180 & 181, of the Lenoir County Registry; and

WHEREAS, Declarant has heretofore submitted other lands to a "Declaration of Covenants, Conditions and Restrictions of Fountain Hill Subdivision" dated May 17, 2001, which appears of record in Book 1218, at Page 689 in the Lenoir County Registry, and supplemented by "Supplementary Declaration of Covenants, Conditions and Restrictions of Fountain Hill Subdivision" dated August 6, 2001, which appears of record in Book 1229, at Page 514 in the Lenoir County Registry, and "Second Supplementary Declaration of Covenants, Conditions and Restrictions of Fountain Hill Subdivision" dated September 20, 2001 which appears of record in Book 1234 at Page 863 in the Lenoir County Registry, and Third Supplementary Declaration of Covenants, Conditions and Restrictions of Fountain Hill Subdivision" dated January 9, 2002, which appears of record in Book 1249 at Page 505 in the Lenoir County Registry, and "Fourth Supplementary Declaration of Covenants, Conditions and Restrictions of Fountain Hill Subdivision" dated January 9, 2002, which appears of record in Book 1249, Page 818 in the Lenoir County Registry, and "Fifth Supplementary Declaration of Covenants, Conditions and Restrictions of Fountain Hill Subdivision" dated July 2, 2002, which appears of record in Book 1280, Page 480 in the Lenoir County Registry, and "Sixth Supplementary Declaration of

792

BK 1374PG0046

Covenants, Conditions and Restrictions of Fountain Hill Subdivision" dated July 24, 2003, which appears of record in Book 1336, Page 699 in the Lenoir County Registry (said Declaration and Supplements thereto being hereinafter referred to as the "Declaration"); and

WHEREAS, the Declaration provides that Declarant may bring within the coverage and operation of the Declaration additional properties; and

WHEREAS, pursuant to Article 10(D)(iv) of the Declaration, Declarant retained the right to alter the size of any lot, combine or merge 2 or more lots and subdivide any lot or lots; and


WHEREAS, Declarant desires to bring additional lands within the coverage and operations of the Declaration, and further desires to effect a recombination of Lots 37 and 38 of Phase 4 of Fountain Hill Subdivision.

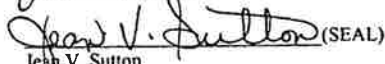
NOW, THEREFORE, Declarant does hereby set forth and declare that Lots 42 through 59 on that certain map entitled "Map for Record, Fountain Hill Subdivision - Phase 5 and Recombination of Lots 37 and 38 - Phase 4", dated February 5, 2004, prepared by Atlantic Surveying, P.A., which map appears of record in Plat Cabinet 9, Pages 180 & 181 of the Lenoir County Registry, are held and shall be held, conveyed, encumbered, leased, rented, used, occupied, and improved subject to the Declaration and to the restrictions contained therein and which shall run with the land and shall be binding on all parties having or acquiring any right, title, or interest in and to said real property or any part thereof, subject to the Declaration; and

Declarant does hereby further set forth and declare that Lots 39, 40, and 41 on that certain map entitled "Map for Record, Fountain Hill Subdivision, Phase 4, Section 2", dated March 11, 2004, prepared by Matrix East, PLLC, which map appears of record in Plat Cabinet 9, Page 176 of the Lenoir County Registry, are held and shall be held, conveyed, encumbered, leased, rented, used, occupied, and improved subject to the Declaration and to the restrictions contained therein and which shall run with the land and shall be binding on all parties having or acquiring any right, title, or interest in and to said real property or any part thereof, subject to the Declaration; and

Declarant does hereby further set forth and declare that Lots 37 and 38, Phase 4 of Fountain Hill Subdivision as shown on that certain map thereof appearing of record in Plat Cabinet 7, Page 367 of the Lenoir County Registry be and are hereby combined and reconstituted in the manner set forth and that certain map entitled "Map for Record, Fountain Hill Subdivision - Phase 5 and Recombination of Lots 37 and 38 - Phase 4", such that said Lots 37 and 38 of Phase 4 of Fountain Hill Subdivision shall henceforth be as described in said map.

IN TESTIMONY WHEREOF, Declarant has hereunto set their hands and seals, this the day and year, first above written.

 (SEAL)  
James Dan Sutton II

 (SEAL)  
Josh V. Sutton

BK 1374PG0047

NORTH CAROLINA  
*Lenoir* COUNTY

I, a Notary Public, do hereby certify that James Dan Sutton II and wife, Jean V. Sutton, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 26 day of March, 2004.

*Betty C. Chastain*  
Notary Public

My Commission Expires:  
4-17-2004



STATE OF NORTH CAROLINA, LENOIR COUNTY

The foregoing Certificate of *Betty C. Chastain* of *Lenoir* County is certified to be correct. This instrument and this certificate are duly registered this 12 day of April, 2004, at 11:50 o'clock A.M. in Book 1374, Page 45.

*Margaret Suggs*  
Register of Deeds, Lenoir County, NC

BY: *Sheff D. ...*  
Deputy/Assistant

BK 1384 PG 0597

MARGARET SEYMOUR  
REGISTER OF DEEDS  
LENOIR COUNTY

04 JUN 18 PM 2:47

**INDEXED**

**EIGHTH SUPPLEMENTARY DECLARATION OF COVENANTS, CONDITIONS  
AND RESTRICTIONS OF FOUNTAIN HILL SUBDIVISION**

THIS SUPPLEMENTARY DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, made this the 18th day of June, 2004, by JEAN V. SUTTON and husband, JAMES DAN SUTTON, II, hereinafter "Developer" (and being sometimes herein referred to as "Declarant"), and ANDREA CAROL STOCKS, hereinafter "Stocks";

**WITNESSETH**

WHEREAS, Stocks is the owner of certain property located in Contentnea Township, Lenoir County, North Carolina, which is more particularly described as Lots 19, 20, 21 & A on that certain map entitled "Fountain Hill Subdivision - Phase 3: Lots 14-24", which map is recorded in Plat Cabinet 7, Page 203 in the office of the Register of Deeds of Lenoir County; and

WHEREAS, the foregoing lots are a part of Fountain Hill Subdivision that has been previously submitted to a "Declaration of Covenants, Conditions, and Restrictions of Fountain Hill Subdivision" dated May 17, 2001, which appears of record in Book 1218, Page 689 of the Lenoir County Registry (hereinafter the "Declaration") and supplements to said Declaration which are recorded in the office of the Register of Deeds of Lenoir County; and

WHEREAS, pursuant to Article 10(D)(iv) of the Declaration, developer retained the right to alter the size of any lot, combine or merge two or more lots and subdivide any lot or lots; and

WHEREAS, James L. Stocks, one of the parties comprising the Declarant in the Declaration is deceased, and the Declarant and Stocks named above has succeeded to the interest of the said James L. Stocks by virtue of his Last Will and Testament; and

WHEREAS, Stocks has assigned all of her rights as Developer and Declarant to James Dan Sutton, II and wife, Jean V. Sutton; and

WHEREAS, Developer and Stocks desire that said Lots 19, 20, 21, & A be reconstituted as set forth in that certain map entitled "Recombination/Redivision for Lon O. Pierce, Lots 19, 19A, 20, & 21, Fountain Hill Subdivision, Phase III", prepared by Matrix East, PLLC, being dated

20.00

BK 1384PG0598

June 15, 2004, which map appears of record in Plat Cabinet 9, Page 253, of the Lenoir County Registry; and

WHEREAS, Developer and Stocks execute this document for the purpose of effecting the aforesaid recombination.

NOW, THEREFORE, Developer (who is also Declarant) and Stocks do hereby set forth and declare that Lots 19, 20, 21 & A as shown on that certain map entitled "Fountain Hill Subdivision - Phase 3: Lots 14-24", which map is recorded in Plat Cabinet 7, Page 203, of the Lenoir County Registry, be and are hereby recombined and reconstituted in the manner set forth in that certain map entitled "Recombination/Redivision for Lon O. Pierce, Lots 19, 19A, 20, & 21, Fountain Hill Subdivision, Phase III", prepared by Matrix East, PLLC, being dated June 15, 2004, which map appears of record in Plat Cabinet 9, Page 253, of the Lenoir County Registry, such that Lots 19, 19A, 20 & 21 shall henceforth be as described on said map.

IN TESTIMONY WHEREOF, Developer and Stocks have hereunto set their hands and seals, this the day and year, first above written.

Jean V. Sutton (SEAL)  
Jean V. Sutton

James Dan Sutton, II (SEAL)  
James Dan Sutton, II

Andrea Carol Stocks (SEAL)  
Andrea Carol Stocks

NORTH CAROLINA  
LENOIR COUNTY

I, a Notary Public, do hereby certify that Jean V. Sutton and husband, James Dan Sutton, II, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 18<sup>th</sup> day of June, 2004.

My Commission Expires:

4-17-2009



Betty C. Chastain  
Notary Public

BK 1384 PG 0599

NORTH CAROLINA  
LENOIR COUNTY

I, a Notary Public, do hereby certify that Andrea Carol Stocks personally appeared before me this day and acknowledged the due execution of the foregoing document.  
Witness my hand and notarial seal, this the 18th day of June, 2004.

My Commission Expires:  
4-17-2009



Betty C. Chastain  
Notary Public

STATE OF NORTH CAROLINA, LENOIR COUNTY

The foregoing Certificate of Betty C. Chastain of Lenoir County is certified to be correct. This instrument and this certificate are duly registered this 18 day of June, 2004, at 2:47 o'clock P.M. in Book 1384, Page 597.

Margaret Dymov  
Register of Deeds, Lenoir County, NC

BY: \_\_\_\_\_  
Deputy/Assistant



Doc ID: 000104110003 Type: CRP  
Recorded: 03/15/2006 at 04:24:38 PM  
Fee Amt: \$20.00 Page 1 of 3  
Lenoir County, NC  
Margaret Seymour Register of Deeds

BK 1460 PG 436-438

**INDEXED**

TENTH SUPPLEMENTARY DECLARATION OF COVENANTS, CONDITIONS  
AND RESTRICTIONS OF FOUNTAIN HILL SUBDIVISION

THIS SUPPLEMENTARY DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, made this the 3rd day of March, 2006, by JEAN V. SUTTON, individual, and JEAN V. SUTTON, Executrix of the Last Will and Testament of JAMES DAN SUTTON, II, deceased, hereinafter "Developer" (and being sometimes herein referred to as "Declarant");

WITNESSETH

WHEREAS, Developer is the owner of certain property located in Contentnea Neck Township, Lenoir County, North Carolina, which is more particularly described as Lots 39, 40, and 41 on that certain map entitled "Map for Record, Survey for Fountain Hill Subdivision, Phase 4", Section 2", which map appears of record in Plat Cabinet 9, Page 176 of the Lenoir County Registry; and

WHEREAS, the foregoing lots are a part of Fountain Hill Subdivision that has been previously submitted to a "Declaration of Covenants, Conditions, and Restrictions of Fountain Hill Subdivision" dated May 17, 2001, which appears of record in Book 1218, Page 689 of the Lenoir County Registry (hereinafter the "Declaration") and supplements to said Declaration, including that certain "Seventh Supplemental Declaration of Covenants, Conditions, and Restrictions of Fountain Hill Subdivision" dated March 26, 2004, pertaining to certain lots described therein, including Lots 39, 40, and 41 as described on that certain map entitled "Map for Record, Fountain Hill Subdivision, Phase 4, Section 2" dated March 11, 2004, which map is recorded in Plat Cabinet 9, Page 176 of the Lenoir County Registry ; and

WHEREAS, pursuant to Article 10(D)(iv) of the Declaration, Developer retained the right to alter the size of any lot, combine or merge two or more lots and subdivide any lot or lots; and

WHEREAS, Developer desires that Lot 39 as shown on said map shall be decreased in size and that a 20' wide utility easement run along the southern boundary line of all of Lot 39, 40, and 41, all as shown on that certain map entitled "Map for Record, Survey for Revision Plat of Fountain Hill Subdivision, Phase 4, Section 2", dated March 11, 2004, and appearing of record in

3

Return To: E. Wooten

Plat Cabinet 10, Page 185, of the Lenoir County Registry; and

WHEREAS, Developer executes this document for the purpose of effecting the aforesaid division.

NOW THEREFORE, Developer ( who is also the "Declarant") does hereby set forth and declare that Lots 39, 40, and 41 as shown on that certain map entitled "Fountain Hill Subdivision Phase 4, Section 2", which map is recorded in Plat Cabinet 9, Page 176 of the Lenoir County Registry shall be revised in the manner set forth in that certain map entitled "Map for Record, Survey for Revision Plat of Fountain Hill Subdivision, Phase 4, Section 2" prepared by Matrix East, PLLC, dated March 11, 2004, which map appears of record in Plat Cabinet 10, Page 185, of the Lenoir County Registry, and that such Lots 39, 40, and 41 shall henceforth be as described on said map.

IN TESTIMONY WHEREOF, Developer has hereunto set her hand and seal, this the day and year, first above written.

Jean V. Sutton (SEAL)  
Jean V. Sutton

Jean V. Sutton executrix (SEAL)  
Jean V. Sutton, Executrix of the Estate of  
James Dan Sutton, II

NORTH CAROLINA  
LENOIR COUNTY

I, a Notary Public, do hereby certify that Jean V. Sutton personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 3<sup>rd</sup> day of March, 2006.

Betty C. Chastain  
Notary Public  
Betty C. Chastain

My Commission Expires:  
4-17-2009



NORTH CAROLINA  
LENOIR COUNTY

I, a Notary Public, do hereby certify that Jean V. Sutton appeared before me this day and acknowledged that she is the duly acting Executrix of the Estate of James Dan Sutton, II, deceased, and that she signed the foregoing document on behalf of such estate in her capacity as Executrix thereof.

Witness my hand and notarial seal, this the 3<sup>rd</sup> day of March, 2006.

Betty C. Chastain  
Notary Public  
Betty C. Chastain

My Commission Expires:

4-17-2009



**INDEXED**

  
Doc ID: 004717340047 Type: CRP  
Recorded: 05/25/2016 at 03:18:19 PM  
Fee Amt: \$154.00 Page 1 of 47  
Revenue Tax: \$0.00  
Lenoir County, NC  
Pam Rich Register of Deeds  
BK **1775** PG **483-529**

NORTH CAROLINA  
LENOIR COUNTY

Title of Document: Amendment to Declaration of Covenants  
Conditions and Restrictions of Fountain  
Hill Subdivision Owners Association, Inc.

Dated: February 3, 2016

Prepared by: Everette L. Wooten, Jr.

Return to: Everette L. Wooten, Jr. ✓

Grantor: Fountain Hill Subdivision Owners  
Association, Inc.

*4/1/16*

*\$154.00*

AMENDMENT TO DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS OF FOUNTAIN  
HILL SUBDIVISION OWNERS ASSOCIATION, INC.

THIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, made and entered into this the 3rd day of February, 2016, by and between **FOUNTAIN HILL SUBDIVISION OWNERS ASSOCIATION, INC.**, a non-profit corporation existing under the laws of the State of North Carolina (hereinafter "Association"), **THE UNDERSIGNED OWNERS OF LOTS IN FOUNTAIN HILL SUBDIVISION** (hereinafter "Owners"), and **ALL PRESENT OWNERS (whether or not executing this Amendment) AND PROSPECTIVE PURCHASERS OF LOTS IN FOUNTAIN HILL SUBDIVISION;**

WITNESSETH:

WHEREAS, Fountain Hill is a planned community existing under the North Carolina Planned Community Act as contained in Chapter 47F of the North Carolina General Statutes which was created by a Declaration of Covenants, Conditions, and Restrictions of Fountain Hill Subdivision and various supplemental declarations thereto appearing of record in the Lenoir County Registry (said declaration and supplements being hereinafter referred to the "Declaration"); and

WHEREAS, the Declaration presently provides in Article I, paragraph (l) that "each lot adjacent to Fountain Hill Lake includes that property lying within the extension of the side lot lines of each such lot along the same course of the side lines of said lot to the mean high water mark of the lake and a conveyance of a lot shall be deemed to include said property"; and

WHEREAS, the Association and Owners desire to amend the Declaration to include lots adjacent to the other lakes lying within the subdivision; and

WHEREAS, the aforesaid amendment will or may cause land that is owned by the Association as part of the common areas of the subdivision to be included within individual lots; and

WHEREAS, the undersigned Owners desire to authorize and approve the conveyance by the Association to the various lot owners of that portion of the lands owned by it as common areas that may be included within a Lot by virtue of the amendment contained herein.

NOW, THEREFORE, the Association and Owners do hereby agree that the Declaration be and is hereby amended in the following respects:

That Article I, Section I of the Declaration be amended to read as follows:

I. "Lot" means a separately numbered tract of land lying within the Subdivision or other dedicated portion of the Development Area and which, according to the plat of that portion recorded at the dedication thereof, may be conveyed by the Developer and owned in fee by the Grantee thereof, and held for such uses as are consistent with this Declaration and the Restrictions covering the area wherein the tract is located. No tract of land shall become a "Lot" as that word is used herein until the area on which the same is located is "dedicated". The Owner of all of a numbered Lot may combine such numbered Lot, part or parts of another such numbered Lot and the aggregate shall be considered as one Lot for the purpose of these Restrictions. With respect to a lot that is adjacent to (i) "Fountain Hill Lake" as described on that certain map appearing of record in Plat Cabinet 7, Page 209, of the Lenoir County Registry, and in that certain deed appearing of record in Book 1219, Page 897, of the Lenoir County Registry, (ii) "Fountain Hill Lake #2" as described on that certain map entitled "Fountain Hill Subdivision Phase 4, Lots 28-38", appearing of record in Plat Cabinet 7, Page 367, of the Lenoir County Registry, and being further described in that certain deed appearing of record in Book 1249, Page 508, of the Lenoir County Registry, and (iii) "Fountain Hill Lake (7.522 acres+/-)" as shown and designated on that certain map entitled "Map for Record Fountain Hill Subdivision Phase 5 and Recombination of Lots 37 and 38-Phase 4", appearing of record in Plat Cabinet 9, Pages 180 and 181, of the Lenoir County Registry, and is further described in that certain deed appearing of record in Book 1374, Page 52, of the Lenoir County Registry, each such lot shall include the property lying between such lot and the mean high water line of the lake to which such lot is adjacent, the area to be included with each lot being bounded on each side by the extension of the side lot lines of such each lot along the same course of the side lines of said lot to the mean high water line of such lake provided however, (x) in the case of a side lot line that doesn't intersect a lake described said side lot line shall be extended on such bearing as will produce the shortest distance to the adjacent lake, (y) in the case there is an overlap with regard to the additional land that becomes a part of a lot by virtue of this Amendment with the land that is made a part of a neighboring lot by this Amendment, the area of the overlap shall be divided equally between the two lots involved, and (z) in the case of lots 5 through 11 as shown in the map recorded in Plat Cabinet 7, Page 202, said lots shall include the lands lying between each such lot and Fountain Hill Lake as shown on said map but shall not include the lands lying between each such lot and Fountain Hill Lake #2 (Fountain Hill Lake #2 being described as Tract 2 in that certain deed appearing of record in Book 1249, at Page 508 of the Lenoir County Registry). Any conveyance of a lot in the subdivision shall be deemed to include any land included within such lot by virtue of this paragraph."

The foregoing amendment being executed by lot owners of lots to which at least 67% of the votes in the Association are allocated, is adopted pursuant to the provisions of NCGS 47F-2-117.

The undersigned Owners representing at least 80% of the votes in the

association agree that the Association shall convey to the owner of each lot adjacent to Fountain Hill Lake, Fountain Hill Lake #2, and Fountain Hill Lake (7.522 acres +/-) any property owned by the Association that is considered a part of such lot by virtue of the Amendment to Declaration set forth above.

IN TESTIMONY WHEREOF, the parties have hereunto set their hands and seals, this the day and year, first above written.

FOUNTAIN HILL SUBDIVISION  
OWNERS ASSOCIATION, INC.

By: Patricia J. Griffin  
President

BY: Patricia J. Griffin  
President

NORTH CAROLINA  
LENOIR COUNTY

I, a Notary Public, do hereby certify that Patricia J. Griffin personally appeared before me this day and acknowledged that she is President of Fountain Hill Subdivision Owners Association, Inc. and that she executed the foregoing instrument by and on behalf of the corporation.

This 25<sup>th</sup> day of May, 2016.

Betty C. Chastain  
Notary Public  
Betty C. Chastain  
Printed Name of Notary

My Commission Expires:  
4-17-2019



OWNERS: Lot #1

Bradford Alan Williams  
Bradford Alan Williams

Cathy Williams  
Cathy Williams

STATE OF North Carolina  
COUNTY OF Greene

I, a Notary Public, do hereby certify that Bradford Alan Williams and wife, Cathy Williams, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 11 day of February, 2016.



Valerie Hill  
Notary Public

Valerie Hill  
Printed Name of Notary

My Commission Expires:  
8-7-2017

OWNERS: Lot #2

*[Signature]*  
 Gary L. Wojeski

*[Signature]*  
 Angela C. Wojeski



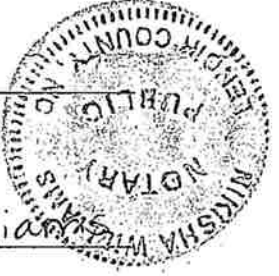
STATE OF North Carolina  
 COUNTY OF Lenoir

I, a Notary Public, do hereby certify that Gary L. Wojeski and wife, Angela C. Wojeski, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 26<sup>th</sup> day of February, 2016.

*[Signature]*  
 Notary Public

Nikisha M. Williams  
 Printed Name of Notary



My Commission Expires:  
12/04/2016

OWNERS: Lot #3

Kevin R. Zachary  
Kevin R. Zachary

Angela M. Zachary  
Angela M. Zachary

STATE OF NC  
COUNTY OF Carteret

I, a Notary Public, do hereby certify that Kevin R. Zachary and wife, Angela M. Zachary, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 29 day of February, 2016.



Danae Wilson  
Notary Public

Danae Wilson  
Printed Name of Notary

My Commission Expires:  
8/1/19

OWNER: Lot #4, 38, 41, 43, 51, 53,  
54, 56 & 57

Jean V Sutton  
Jean V. Sutton

STATE OF North Carolina  
COUNTY OF Pitt

I, a Notary Public, do hereby certify that Jean V. Sutton, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 14 day of February, 2016.



Heather A. Wilson  
Notary Public

Heather a. Wilson  
Printed Name of Notary

My Commission Expires:  
February 18, 2017

OWNERS: Lot #5

Charles Smith

Charles Smith

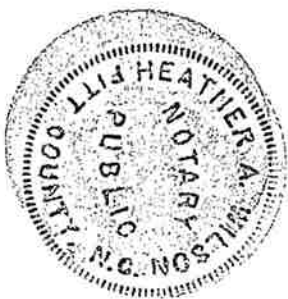
Georgina Smith

Georgina Smith

STATE OF North Carolina  
COUNTY OF Pitt

I, a Notary Public, do hereby certify that Charles Smith and wife, Georgina Smith, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 28 day of February, 2016.



Heather A. Wilson

Notary Public

Heather A. Wilson

Printed Name of Notary

My Commission Expires:

February 18, 2017

OWNERS: Lot #6

Phillip D. Winslow

Phillip D. Winslow

Sherrie J. Winslow

Sherrie J. Winslow

STATE OF North Carolina  
COUNTY OF Pitt

I, a Notary Public, do hereby certify that Phillip D. Winslow and wife, Sherrie J. Winslow, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 14 day of February, 2016.

Heather A. Wilson

Notary Public

Heather A. Wilson

Printed Name of Notary



My Commission Expires:

February 18, 2017

OWNERS: Lot #7

David Nesbitt

David Nesbitt

Sylvia Nesbitt

Sylvia Nesbitt

STATE OF North Carolina  
COUNTY OF Pitt

I, a Notary Public, do hereby certify that David Nesbitt and wife, Sylvia Nesbitt, personally appeared before me this day and acknowledged the due execution of the foregoing document.

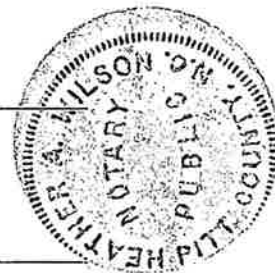
Witness my hand and notarial seal, this the 14 day of February, 2016.

Heather A. Wilson

Notary Public

Heather A. Wilson

Printed Name of Notary



My Commission Expires:

February 18, 2017

OWNERS: Lot #8

Larry J. Daughety

Larry J. Daughety

Pamela W. Daughety

Pamela W. Daughety

STATE OF North Carolina  
COUNTY OF Pitt

I, a Notary Public, do hereby certify that Larry J. Daughety and wife, Pamela W. Daughety, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 27 day of February, 2016.



Heather A. Wilson

Notary Public

Heather A. Wilson

Printed Name of Notary

My Commission Expires:  
February 18, 2017

OWNERS: Lot #9

[Signature]  
Jared Alan Lucas

[Signature]  
Jennifer N. Lucas

STATE OF North Carolina  
COUNTY OF Pitt

I, a Notary Public, do hereby certify that Jared Alan Lucas and wife, Jennifer N. Lucas, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 13 day of March, 2016.



Heather A. Wilson  
Notary Public

Heather A. Wilson  
Printed Name of Notary

My Commission Expires:  
February 18, 2017

OWNER: Lot #10

*Patricia Joyce Griffin*

Patricia Joyce Griffin

STATE OF North Carolina  
COUNTY OF Pitt

I, a Notary Public, do hereby certify that Patricia Joyce Griffin, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 6 day of February, 2016.

*Heather A. Wilson*

Notary Public

*Heather A. Wilson*

Printed Name of Notary



My Commission Expires:  
February 18, 2017

OWNER: Lot #11

Galen Charles Treble

Galen Charles Treble

STATE OF North Carolina  
COUNTY OF Pitt

I, a Notary Public, do hereby certify that Galen Charles Treble, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 14 day of February, 2016.

Heather A. Wilson

Notary Public



Heather A. Wilson

Printed Name of Notary

My Commission Expires:

February 18, 2017

OWNERS: Lot #12

Eric Thomas Miller

Eric Thomas Miller

Michele Miller

Michele Miller

STATE OF North Carolina  
COUNTY OF Lenoir

I, a Notary Public, do hereby certify that Eric Thomas Miller and wife, Michele Miller, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 15th day of February 2016.



Carol A. Harkins

Notary Public

CAROL A. HARKINS

Printed Name of Notary

My Commission Expires:

9-3-2017

OWNERS: Lot #13

Cameron A. Barrow

Cameron A. Barrow

Jessica H. Barrow

Jessica H. Barrow

STATE OF North Carolina  
COUNTY OF Pitt

I, a Notary Public, do hereby certify that Cameron A. Barrow and wife, Jessica H. Barrow, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 14<sup>th</sup> day of March, 2016.

Kathryn W. Brock

Notary Public

Kathryn W. Brock

Printed Name of Notary



OWNERS: Lot #15

Warren Myron Whitney

Warren Myron Whitney

Cynthia Cox Whitney

Cynthia Cox Whitney

STATE OF North Carolina  
COUNTY OF Pitt

I, a Notary Public, do hereby certify that Warren Myron Whitney and wife, Cynthia Cox Whitney, personally appeared before me this day and acknowledged the due execution of the foregoing document.

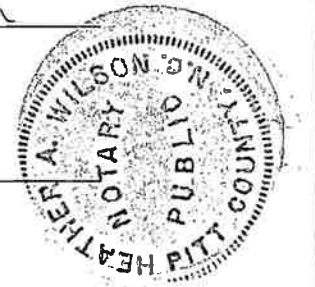
Witness my hand and notarial seal, this the 6 day of February, 2016.

Heather A. Wilson

Notary Public

Heather A. Wilson

Printed Name of Notary



My Commission Expires:  
February 18, 2017

OWNERS: Lot #16 & #17

Roy D. Poff

Roy D. Poff

Linda W. Poff

Linda W. Poff

STATE OF North Carolina  
COUNTY OF LENOIR

I, a Notary Public, do hereby certify that Roy D. Poff and wife, Linda W. Poff, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 24th day of February, 2016.

Jessica M Hagan  
Notary Public



Jessica M Hagan  
Printed Name of Notary

My Commission Expires:  
1/30/21

OWNER: Lot #18

Deborah D. Darden

Deborah D. Darden

STATE OF North Carolina  
COUNTY OF pitt

I, a Notary Public, do hereby certify that Deborah D. Darden, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 17 day of February, 2016.



Heather A. Wilson

Notary Public

Heather A. Wilson

Printed Name of Notary

My Commission Expires:

February 18, 2017

OWNERS: Lot #19

Lon O. Pierce

Lon O. Pierce

Elaine S. Pierce

Elaine S. Pierce

STATE OF North Carolina  
COUNTY OF Pitt

I, a Notary Public, do hereby certify that Lon O. Pierce and wife, Elaine S. Pierce, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 25 day of February, 2016.

Debra M Hardee

Notary Public

Debra M Hardee

Printed Name of Notary

My Commission Expires:  
9-4-2019



OWNERS: Lot #19A

Tony B. Tripp

Tony B. Tripp

Sarah W. Tripp

Sarah W. Tripp

STATE OF North Carolina  
COUNTY OF Pitt

I, a Notary Public, do hereby certify that Tony Tripp and wife, Sarah W. Tripp, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 14 day of February, 2016.

Heather A. Wilson

Notary Public

Heather A. Wilson

Printed Name of Notary



My Commission Expires:

February 18, 2017

OWNER: Lot #20

Peggy Toro Smith  
Peggy Toro Smith

STATE OF NC  
COUNTY OF Bertie

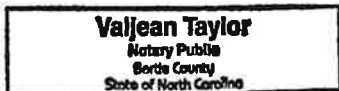
I, a Notary Public, do hereby certify that Peggy Toro Smith, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 30<sup>th</sup> day of March, 2016.

Valjean Taylor  
Notary Public

Valjean Taylor  
Printed Name of Notary

My Commission Expires:  
4/11/2019



OWNERS: Lot #21

Thomas D. Dew

Thomas D. Dew

April Dew

April Dew

STATE OF North Carolina  
COUNTY OF pitt

I, a Notary Public, do hereby certify that Thomas D. Dew and wife, April Dew, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 13 day of March, 2016.



Heather A. Wilson

Notary Public

Heather A. Wilson

Printed Name of Notary

My Commission Expires:

February 18, 2017

OWNERS: Lot #22

Debra J. Phelps

Debra J. Phelps

Teresa Holt

Teresa Holt

STATE OF North Carolina  
COUNTY OF Pitt

I, a Notary Public, do hereby certify that Debra J. Phelps and Teresa Holt, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 28 day of February, 2016.



Heather A. Wilson

Notary Public

Heather A. Wilson

Printed Name of Notary

My Commission Expires:

February 18, 2017

OWNERS: Lot #23

David M. Chastain

David M. Chastain

Betty C. Chastain

Betty C. Chastain

STATE OF North Carolina  
COUNTY OF Lenoir

I, a Notary Public, do hereby certify that David M. Chastain and wife, Betty C. Chastain, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 9<sup>th</sup> day of March, 2016.



Teresa T. Smith

Notary Public

Teresa T. Smith

Printed Name of Notary

My Commission Expires:

6/10/2019

OWNERS: Lot #25

Richard Thomas Sugg

Richard T. Sugg

Jean M. Sugg

Jean M. Sugg

STATE OF North Carolina  
COUNTY OF Pitt

I, a Notary Public, do hereby certify that Richard T. Sugg and wife, Jean M. Sugg, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 6 day of February, 2016.

Heather A. Wilson

Notary Public



Heather A. Wilson

Printed Name of Notary

My Commission Expires:

February 18, 2017

OWNERS: Lot #27

Donald B. Moya

Donald B. Moya

Lillian F. Moya

Lillian F. Moya

STATE OF North Carolina  
COUNTY OF Pitt

I, a Notary Public, do hereby certify that Donald B. Moya and wife, Lillian F. Moya, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 28 day of February, 2016.



Heather A. Wilson

Notary Public

Heather A. Wilson

Printed Name of Notary

My Commission Expires:

February 18, 2017

OWNERS: Lot #27A

[Signature]  
Terrance Terrell Copper

[Signature]  
Kandy Copper

STATE OF North Carolina  
COUNTY OF Pitt

I, a Notary Public, do hereby certify that Terrance Terrell Copper and wife, Kandy Copper, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 18 day of March, 2016.



Heather A. Wilson  
Notary Public

Heather A. Wilson  
Printed Name of Notary

My Commission Expires:  
February 18, 2017

OWNERS: Lot #27B

*[Handwritten signature of Nicholas E. Harvey]*

Nicholas E. Harvey

*[Handwritten signature of Eleanor M. Harvey]*

Eleanor M. Harvey

STATE OF North Carolina  
COUNTY OF Lenoir

I, a Notary Public, do hereby certify that Nicholas E. Harvey and wife, Eleanor M. Harvey, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 12 day of FEB., 2016.

*[Handwritten signature of Rosetta H. Cox]*

Notary Public

Rosetta H. Cox

Printed Name of Notary



OWNERS: Lot #29

Ronald J. Dunn  
Ronald J. Dunn

Peggy Cox Dunn  
Peggy Cox Dunn

STATE OF NC  
COUNTY OF Pitt

I, a Notary Public, do hereby certify that Ronald J. Dunn and wife, Peggy Cox Dunn, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 25<sup>th</sup> day of February, 2016.



Barbara Symons  
Notary Public

Barbara Symons  
Printed Name of Notary

My Commission Expires:  
12/05/17

OWNER: Lot #30

Marilyn B. Faulkner

Marilyn B. Faulkner

STATE OF North Carolina

COUNTY OF Pitt

I, a Notary Public, do hereby certify that Marilyn B. Faulkner, personally appeared before me this day and acknowledged the due execution of the foregoing document.

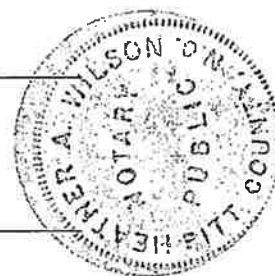
Witness my hand and notarial seal, this the 14 day of February, 2016.

Heather A. Wilson

Notary Public

Heather A. Wilson

Printed Name of Notary



My Commission Expires:

February 18, 2017

OWNER: Lot #31

Carol A. Harkins

Carol A. Harkins

STATE OF North Carolina  
COUNTY OF Pitt

I, a Notary Public, do hereby certify that Carol A. Harkins, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 14 day of February, 2016.

Heather A. Wilson

Notary Public

Heather A. Wilson

Printed Name of Notary



My Commission Expires:

February 18, 2017

OWNERS: Lot #32

Steven Bradley Waters

Steven Bradley Waters

Dana P. Waters

Dana P. Waters

STATE OF North Carolina  
COUNTY OF Pitt

I, a Notary Public, do hereby certify that Steven Bradley Waters and wife, Dana P. Waters, personally appeared before me this day and acknowledged the due execution of the foregoing document.

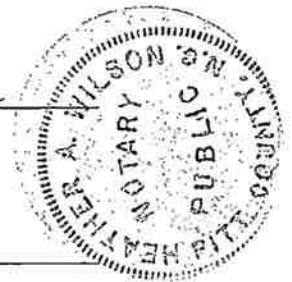
Witness my hand and notarial seal, this the 14 day of February, 2016.

Heather A. Wilson

Notary Public

Heather A. Wilson

Printed Name of Notary



My Commission Expires:

February 18, 2017

OWNERS: Lot #33



Edward Lee Keeter

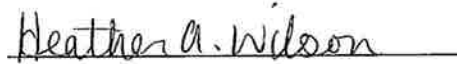
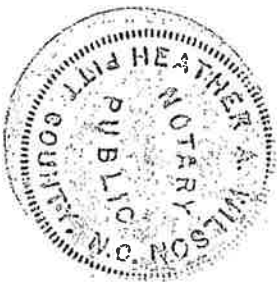


James Michael Ray

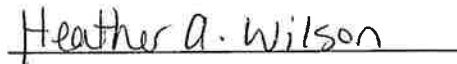
STATE OF North Carolina  
COUNTY OF Pitt

I, a Notary Public, do hereby certify that Edward Lee Keeter and James Michael Ray, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 28 day of February, 2016.



Notary Public



Printed Name of Notary

My Commission Expires:

February 18, 2017

OWNERS: Lot #36A

[Handwritten Signature]

Gary D. Reckord

[Handwritten Signature]

Heidi C. Reckord

STATE OF NC  
COUNTY OF Putt

I, a Notary Public, do hereby certify that Gary D. Reckord and wife, Heidi C. Reckord, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 9 day of Feb., 2016.

[Handwritten Signature]  
Notary Public

Allison J. Hendricks  
Printed Name of Notary



My Commission Expires:  
4-8-2020

OWNER: Lot #37



Ronald J. Dunn

D & E Rentals, LLC

Ronald J Dunn, President

STATE OF NC

COUNTY OF Pitt

I, a Notary Public, do hereby certify that Ronald J. Dunn, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 25<sup>th</sup> day of February, 2016.



Barbara Symons  
Notary Public

Barbara Symons  
Printed Name of Notary

My Commission Expires:

12/05/17

OWNERS: Lot #39

Deceased

Charles M. Saleeby

Anita C. Saleeby

Anita C. Saleeby

STATE OF North Carolina  
COUNTY OF Pitt

I, a Notary Public, do hereby certify that (<sup>DECEASED</sup> Charles M. Saleeby) and wife, Anita C. Saleeby, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 17<sup>th</sup> day of February, 2016.

Rita Y. Hutson

Notary Public

Rita Y. Hutson

Printed Name of Notary

My Commission Expires:

July 10, 2017



OWNER: Lot #40

Cary Kenneth Barnes Jr  
Cary Kenneth Barnes, Jr.

STATE OF NORTH CAROLINA  
COUNTY OF LENOIR

I, a Notary Public, do hereby certify that Cary Kenneth Barnes, Jr., personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 14<sup>th</sup> day of March, 2016.



Marilyn L. Dunk  
Notary Public

Marilyn L. Dunk  
Printed Name of Notary

My Commission Expires:  
1/15/19

OWNER: Lot #45 and #52

*Terri N. Reaves*

Terri N. Reaves

STATE OF Maryland  
COUNTY OF Prince Georges

I, a Notary Public, do hereby certify that Terri N. Reaves, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 24<sup>th</sup> day of March, 2016.



*George E. Okai*

Notary Public

GEORGE E. OKAI

Printed Name of Notary

My Commission Expires:

03/25/2020

GEORGE E. OKAI  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires March 25, 2020

OWNER: Lot #46

Cheryl Banks  
Cheryl Banks

STATE OF North Carolina  
COUNTY OF CAMDEN

I, a Notary Public, do hereby certify that Cheryl Banks, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 18<sup>th</sup> day of March, 2016.



David A. Clagg  
Notary Public

DAVID A. CLAGG  
Printed Name of Notary

My Commission Expires:  
February 16<sup>th</sup>, 2021

OWNERS: Lot #47

William C. Jenkins

William C. Jenkins

Dianne W. Jenkins

Dianne W. Jenkins

STATE OF North Carolina  
COUNTY OF Pitt

I, a Notary Public, do hereby certify that William C. Jenkins and wife, Dianne W. Jenkins, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 27 day of February, 2016.



Heather A. Wilson

Notary Public

Heather A. Wilson

Printed Name of Notary

My Commission Expires:

February 18, 2017

OWNERS: Lot #49

Donald R. Dunn

Donald R. Dunn

Norma M. Dunn

Norma M. Dunn

STATE OF North Carolina  
COUNTY OF Pitt

I, a Notary Public, do hereby certify that Donald R. Dunn and wife, Norma M. Dunn, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 14 day of February, 2016.

Heather A. Wilson

Notary Public

Heather A. Wilson

Printed Name of Notary



My Commission Expires:

February 18, 2017

OWNERS: Lot #50

Anthony J. Bellospirito  
Anthony J. Bellospirito

Audrey E. Bellospirito  
Audrey E. Bellospirito

STATE OF New York  
COUNTY OF NASSAU

I, a Notary Public, do hereby certify that Anthony J. Bellospirito and wife, Audrey E. Bellospirito, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 4<sup>th</sup> day of March, 2016.



**MARIA G FAMIGLIETTI**  
Notary Public - State of New York  
No. 01FA5027292  
Qualified in Nassau County  
My Commission Expires May 09, 2018

Maria G. Famiglietti  
Notary Public

Maria G. Famiglietti  
Printed Name of Notary

My Commission Expires:  
05/09/2018

OWNERS: Lot #55

Benjamin D. Daniels

Benjamin D. Daniels

Summer L. Daniels

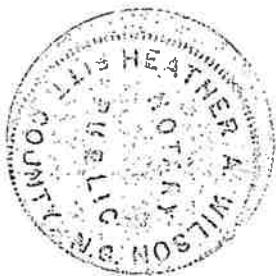
Summer L. Daniels

STATE OF North Carolina

COUNTY OF Pitt

I, a Notary Public, do hereby certify that Benjamin D. Daniels and wife, Summer L. Daniels, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 28 day of February, 2016.



Heather A. Wilson

Notary Public

Heather A. Wilson

Printed Name of Notary

My Commission Expires:

February 18, 2017

OWNERS: Lot #58

*Jesse Lemuel Fields, Jr.*

Jesse Lemuel Fields, Jr.

*Susan Bond Fields*

Susan Bond Fields

STATE OF North Carolina  
COUNTY OF Pitt

I, a Notary Public, do hereby certify that Jesse Lemuel Fields, Jr. and wife, Susan Bond Fields, personally appeared before me this day and acknowledged the due execution of the foregoing document.

Witness my hand and notarial seal, this the 14 day of February, 2016.

*Heather A. Wilson*

Notary Public

*Heather A. Wilson*

Printed Name of Notary



My Commission Expires:

February 18, 2017

OWNERS: Lot #34 & 35

*Paul T. Ziems*

Paul T. Ziems

*Michele M. Ziems*

Michele M. Ziems

STATE OF NEW YORK  
COUNTY OF SUFFOLK

I, a Notary Public, do hereby certify that Paul T. Ziems and wife, Michele M. Ziems, personally appeared before me this day and acknowledged the due execution of the foregoing document.

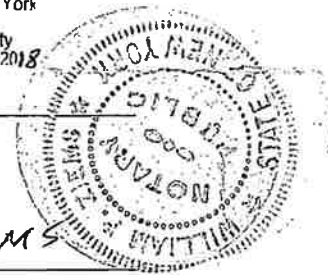
Witness my hand and notarial seal, this the 27 day of MARCH, 2016.

WILLIAM P ZIEMS  
Notary Public, State of New York  
No 01216217981  
Qualified in Suffolk County  
Commission Expires Feb 22 2018

Notary Public

*WILLIAM P ZIEMS*

Printed Name of Notary



My Commission Expires:  
2-22-2018

Type: CONSOLIDATED REAL PROPERTY  
Recorded: 8/16/2024 11:43:41 AM  
Fee Amt: \$26.00 Page 1 of 3  
Revenue Tax: \$0.00  
Lenoir County, NC  
Treva Jenkins Register of Deeds

**BK 2029 PG 229 - 231**

Prepared by: Elizabeth A. Falk  
WHITE & ALLEN, PA

STATE OF NORTH CAROLINA

COUNTY OF LENOIR

VARIANCE FROM RESTRICTIVE COVENANTS

THIS VARIANCE FROM RESTRICTIVE COVENANTS executed this 30<sup>th</sup> day of July, 2024, by FOUNTAIN HILL SUBDIVISION OWNERS ASSOCIATION, INC.

WHEREAS, certain real property has been subjected and made subject to that certain Declaration of Covenants, Conditions and Restrictions of Fountain Hill Subdivision dated May 17, 2001 and appearing of record in Book 1218, Page 689, Lenoir County Registry, and supplements to said Declaration which are recorded in the office of the Register of Deeds of Lenoir County; and

WHEREAS, Article 11 of the Declaration contains certain restrictions on the use of the property described therein, including in subparagraph E.8 the prohibition of vehicles to be parked on any street nor any motor homes, trailers, campers, boats, etc. to be parked overnight on any lot; and

WHEREAS, pursuant to Article 14 of the Declaration, the Executive Board is given authority to grant reasonable variances and adjustments of the Restrictions; and

WHEREAS, in addition to the recommendation by the Executive Board, a duly called meeting of the membership was held, with a quorum present, and no

[118189-00001/3522408/1]

Submitted electronically by "White & Allen, P.A."  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Lenoir County Register of Deeds.

objection to the recommendation of the Executive Board to implement a variance for Article 11, subparagraph E.8 was made by the general membership; and

WHEREAS, the Executive Board has determined the restriction prohibiting the storage of trucks or other vehicles in excess of a one-ton load capacity, or motor homes, trailers, campers, similar vehicles or boats on any lot in such a manner as to be visible to the occupants of other lots or the users of any street or recreation area is no longer in the best interest of all the lot owners as the lot containing a storage facility for such vehicles has since been sold by the developer; and

WHEREAS, the Executive Board and the membership have determined that a variance from said restriction prohibiting the storage of such vehicles as described in Subparagraph E.8 of Article 11 of the Declaration is in order and should be made.

NOW, THEREFORE, the Executive Board of Fountain Hill Subdivision Owners Association, Inc., pursuant to the authority given it in Article 14 of the Declaration, does hereby make, allow, and grant a variance from Article 11, subparagraph E.8 so that no more than two (2) vehicular items such as an RV/camper, motor home, boat, or utility trailer can be parked on any lot. The item must be parked on a hard surface such as a driveway or parking pad or, if not on a hard surface, anywhere such that the item is not extending beyond the front corner of the house. Accessories to the item cannot be hanging from, leaned against, or stored in an unsightly fashion in or around the parked item.

The variance herein provided shall apply to all lots now or hereafter constituting a part of Fountain Hill Subdivision.

IN TESTIMONY WHEREOF, the undersigned, being the President of Fountain Hill Subdivision Owners Association, Inc. does hereby execute this document as the action of the Executive Board of Fountain Hill Subdivision Owners Association, Inc., this the day and year first above written.

[SIGNATURE PAGE TO FOLLOW]

FOUNTAIN HILL SUBDIVISION OWNERS ASSOCIATION, INC.

By: Patricia Griffin, President  
Patricia Griffin, President

STATE OF NORTH CAROLINA

Lenoir COUNTY

I, Jessica Turner Elmore, Notary Public, certify that PATRICIA GRIFFIN being personally known to me or identified by satisfactory evidence, personally came before me this day and acknowledged that she is President of FOUNTAIN HILL SUBDIVISION OWNERS ASSOCIATION, a corporation, and that she, as President, being authorized to do so, voluntarily executed the foregoing on behalf of the corporation.

Witness my hand and official seal or stamp, this the 30<sup>th</sup> day of July, 2024.

Jessica Turner Elmore  
Jessica Turner Elmore, Notary Public



My commission expires: 9-27-2025