

COPY

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Union County, Monroe, North Carolina
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STATE OF NORTH CAROLINA
COUNTY OF UNION

FIRST AMENDMENT TO DECLARATION OF RESTRICTIVE COVENANTS OF
ANNISTON GROVE SUBDIVISION.

THIS FIRST AMENDMENT TO DECLARATION OF RESTRICTIVE COVENANTS, OF ANNISTON GROVE SUBDIVISION ("First Amendment") is made this 7th day of April, 2006, by Performance Development Co, LLC ("Declarant"), a North Carolina limited liability company with offices located in Charlotte, North Carolina and Anniston Grove Homeowners Association, Inc. ("the Association"), a North Carolina nonprofit Corporation.

WITNESSETH:

WHEREAS, Declarant is the owner of certain property in Union County, North Carolina known as Anniston Grove Subdivision; Lots (1 - 86 inclusive) and

WHEREAS, Anniston Grove Subdivision is more particularly described by plat(s) thereof recorded in the following Plat Cabinet J and File(s) 177-180 in Register of Deeds for Union County to which reference is hereby made for a more complete description; and plat(s) for additional phases made a part of this subdivision will be recorded at a later date; and

WHEREAS, Declarant has recorded the Declaration of Restrictive Covenants of Anniston Grove Subdivision in Book 4074 Pages 300 thru 309 of the Union County Public Registry.

AMENDMENT

1. The Declaration of Restrictive Covenants of ANNISTON GROVE SUBDIVISION is amended by deleting item 2; page 3 under General Use Restrictions and substituting therefore the following:

Each single-family dwelling shall have not less than Two Thousand Six Hundred (2,600) square feet of heated space with Three Thousand Two Hundred (3,200) square feet under roof for a single story dwelling and not less than Three Thousand (3,000) square feet of heated space with Three Thousand Six Hundred (3,600) square feet under roof for a two story dwelling. A two story dwelling must have at least Eighteen Hundred (1,800) square feet of heated space on the main level. Square footage requirements are exclusive of basements. The design, location, and construction of all improvements on each lot (regardless of when such improvements are made) and the landscaping of each lot must be approved, in advance, in writing by the Architectural Review Committee, hereinafter referred to as the "Committee", which Committee is established pursuant to the Declaration. No log or modular homes are permitted.

2. The Declaration of Restrictive Covenants of ANNISTON GROVE SUBDIVISION is amended by deleting item 12; page 5 under General Use Restrictions and substituting therefore the following:

Exposed exterior walls composed of the following materials shall be prohibited from ANNISTON GROVE SUBDIVISION: concrete block, imitation asphalt brick siding, imitation asphalt stone siding, aluminum and vinyl siding. Vinyl and aluminum fascia and soffits are permitted with Committee approval. Vinyl clad windows are permitted.

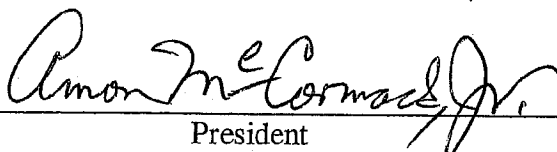
3. In all other respects, the Declaration of Restrictive Covenants of ANNISTON GROVE SUBDIVISION shall remain unchanged and is hereby approved, ratified and confirmed.

IN WITNESS WHEREOF, the Declarant and the Association has caused this First Amendment of the Declaration of Restrictive Covenants of ANNISTON GROVE SUBDIVISION to be duly executed this 7th day of April, 2006.

DECLARANT:
PERFORMANCE DEVELOPMENT CO, LLC

BY: 
Manager

ASSOCIATION:
ANNISTON GROVE HOMEOWNERS ASSOCIATION, INC.

BY: 
President

STATE OF NORTH CAROLINA
COUNTY OF Union

I, Barbara R. Schott, a Notary Public in and for said County and State, do hereby certify that Amon McCORMACK, JR, personally came before me this day and acknowledged that ~~he~~she is the manager of Performance Development Co., LLC, a North Carolina limited liability company, and that ~~he~~she as manager being authorized to do so, executed the foregoing on behalf of the limited liability company.

Witness my hand and notary seal, this 7th day of April, 2006.

Notary Public: Barbara R. Schott
Commission expires: 04-15-2006

BARBARA R. SCHOTT
NOTARY PUBLIC, STATE OF NC
NO. 20010990172
UNION COUNTY
EXPIRES: APRIL 15, 2006

STATE OF NORTH CAROLINA
COUNTY OF Union

I, Barbara R. Schott, a Notary Public in and for said County and State, do hereby certify that Amon McCORMACK, JR, personally came before me this day and acknowledged that ~~he~~she is the President of the Anniston Grove Homeowners Association, Inc., a North Carolina nonprofit company, and that ~~he~~she as President being authorized to do so, executed the foregoing on behalf of the company.

Witness my hand and notary seal, this 7th day of April, 2006.

Notary Public: Barbara R. Schott
Commission expires: 04-15-2006

BARBARA R. SCHOTT
NOTARY PUBLIC, STATE OF NC
NO. 20010990172
UNION COUNTY
EXPIRES: APRIL 15, 2006