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PREPARED BY: HAROLD W. DOWNING

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NORTH CAROLINA

CUMBERLAND COUNTY

GEORGE E. TATUM  
REGISTER OF DEEDS  
CUMBERLAND CO., N.C.AMENDMENT TO RESTRICTIVE AND PROTECTIVE  
COVENANTS FOR  
HORNE'S PLAZA

NOW COMES BILLY D. HORNE and wife, FAY J. HORNE; MARGARET J. HORNE, widow; JUDITH W. CASHWELL and husband, JIMMY L. CASHWELL; CARL BIRK and wife, JOHNNIE K. BIRK; H. RAY FANN and wife, CATHY M. FANN; all of Cumberland County, North Carolina, and RAY E. KECK and wife, JEAN C. KECK of Buncombe County, North Carolina, being all of the owners of the lots in Horne's Plaza, plat of which is duly recorded in Book of Plats 74, Page 11, Cumberland County, North Carolina Registry, and covered by Restrictive Covenants recorded in Book 3624, Page 661, aforesaid registry, do hereby amend and modify Paragraph 3 of said restrictions to read as follows:

3. EASEMENTS. The parties hereto have previously entered into an easement granting to each other the perpetual right of ingress and egress over and through the areas designated Areas B and C as shown on the recorded plat. No owner of any lot in the subdivision shall do anything to prohibit the free and unlimited access of any property owner or his agents, employees, customers, invitees, or guests, over and across these designated areas.

There is excepted from this paragraph the following parcel of land located on the East side of the building on Lot Number 1 as shown on the plat recorded in Plat Book 74, Page 11, and more particularly described as follows:

BEGINNING at a point marking the Northeast corner of the existing one story masonry building located on Lot 1 of Horne's Plaza as shown on Plat Book 74, Page 11, and running thence with the exterior Eastern wall of said building South 12 degrees 45 minutes West a distance of 234.43 feet to the Southeast corner of said building; thence South 77 degrees 15 minutes East a distance of approximately 35 feet to a point in the Eastern line of Lot Number 1; thence with the said Eastern line of Lot Number 1 North 12 degrees 4 minutes East a distance of 232.43 feet to a point in said Eastern line; thence North 77 degrees 15 minutes West a distance of approximately 35 feet to the place and point of beginning.

Except as herein modified, said restrictive covenants shall remain in full force and effect.

*Downing, David & VanStory*

ATTORNEYS AT LAW • P.O. BOX 55 • FAYETTEVILLE, NORTH CAROLINA 28302

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IN WITNESS WHEREOF, all of the property owners in said subdivision have hereunto set their hands and seal this 19th day of January, 1993.

Billy D. Horne (SEAL)  
BILLY D. HORNE

Fay J. Horne (SEAL)  
FAY J. HORNE

Margaret J. Horne (SEAL)  
MARGARET J. HORNE

Judith W. Cashwell (SEAL)  
JUDITH W. CASHWELL

Jimmy L. Cashwell (SEAL)  
JIMMY L. CASHWELL

H. Ray Fann (SEAL)  
H. RAY FANN

Cathy M. Fann (SEAL)  
CATHY M. FANN

Ray E. Keck (SEAL)  
RAY E. KECK

DECEASED (SEAL)  
JEAN C. KECK

Carl C. Birk (SEAL)  
CARL C. BIRK

Johnnie K. Birk (SEAL)  
JOHNNIE K. BIRK

*Downing, David & VanStory*

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NORTH CAROLINA  
CUMBERLAND COUNTY

I, Cassandra Tyndall, a Notary Public of said County and State, do hereby certify that CARL C. BIRK and wife, JOHNNIE K. BIRK personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal this 16 day of ~~January~~, 1993.  
February

Cassandra C Tyndall  
Notary Public

My commission expires: 11-15-93

\* \* \* \* \*

NORTH CAROLINA  
CUMBERLAND COUNTY

I, Cassandra Tyndall, a Notary Public of said County and State, do hereby certify that H. RAY FANN and wife, CATHY M. FANN personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal this 16 day of ~~January~~, 1993.  
February

Cassandra C Tyndall  
Notary Public

My commission expires: 11-15-93

\* \* \* \* \*

NORTH CAROLINA  
BUNCOMBE COUNTY

I, Belinda R. Orr, a Notary Public of said County and State, do hereby certify that RAYMOND E. KECK and wife, ~~JEAN E. KECK~~ personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal this 26<sup>th</sup> day of January, 1993.

Belinda R. Orr  
Notary Public

My commission expires:

November 11, 1993Downing, David & VanStory

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NORTH CAROLINA  
CUMBERLAND COUNTY

I, Ina H. McDonald, a Notary Public of said County and State, do hereby certify that BILLY D. HORNE and wife, FAY J. HORNE personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal this 19th day of January, 1993.

Ina H. McDonald  
Notary Public

My commission expires: 3-11-96

\*\*\*\*\*

NORTH CAROLINA  
CUMBERLAND COUNTY

I, Ina H. McDonald, a Notary Public of said County and State, do hereby certify that MARGARET J. HORNE, widow, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal this 19th day of January, 1993.

Ina H. McDonald  
Notary Public

My commission expires: 3-11-96

\*\*\*\*\*

NORTH CAROLINA  
CUMBERLAND COUNTY

I, Carol L. Parisher, a Notary Public of said County and State, do hereby certify that JUDITH W. CASHWELL and husband, JIMMY L. CASHWELL personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal this 16 day of January, 1993.  
February

Carol L. Parisher  
Notary Public

My commission expires: 6/9/93

Downing, David & VanStory

The foregoing Certificate(s) of Carandria C. Fordall, Belinda K. Du,  
Ina H. McDonald & Carol L. Parisher

are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

GEORGE E. TATUM

REGISTER OF DEEDS FOR CUMBERLAND COUNTY,

By Helen V. Fisher

Deputy/Assitant - Register of Deeds