

Matthew S. Willis Register of Deeds

Harnett County, NC

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Prepared by and return to:
Brook Dahrymple, Esq.
Howard Stallings Law Firm
5410 Trinity Road, Suite 210
Raleigh, NC 27607

STATE OF NORTH CAROLINA

COUNTY OF HARNETT

**SUPPLEMENTAL DECLARATION AND AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS FOR PROVIDENCE CREEK**

**THIS SUPPLEMENTAL DECLARATION AND AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
PROVIDENCE CREEK** (this "Amendment") shall be effective as of the date of its recordation
in the Harnett County Registry ("Effective Date") and is made by **MATTAMY HOMES LLC**, a
North Carolina limited liability company ("Declarant"), and **PROVIDENCE CREEK
DEVELOPERS, LLC**, a North Carolina limited liability company ("Current Owner").

WHEREAS, Declarant is the "Declarant" under that certain Declaration of Covenants,
Conditions and Restrictions for Providence Creek recorded in Book 4090, Page 538, Harnett
County Registry (as may be amended and supplemented from time to time, the "Declaration");

WHEREAS, Article 15, Section 15.2 of the Declaration provides that Declarant, during the
Development Period, without the consent or joinder of any Owner or Owners other than Declarant,
shall have the unilateral right to make any amendments or modifications that Declarant deems
necessary or desirable, and Declarant now desires to amend the Declaration in certain respects as
set forth herein;

WHEREAS, Current Owner is the owner of certain real property located in Harnett County,
North Carolina, which is more particularly described on Exhibit A attached hereto and
incorporated herein by reference (the "Additional Property");

WHEREAS, in accordance with Article 7 of the Declaration, Declarant may cause certain
additional property to be made subject to the terms and scheme of the Declaration by filing a

Submitted electronically by Adams, Howell, Sizemore & Adams, P.A. in compliance with North Carolina statutes governing
recordable documents and the terms of the submitter agreement with the Harnett County Register of Deeds.

supplemental declaration in the office of the Harnett County Register of Deeds containing a description of such additional property and the written consent of Current Owner;

WHEREAS, Declarant and Current Owner desire to subject the Additional Property to the covenants, conditions and restrictions of the Declaration in accordance with the Declaration; and

NOW, THEREFORE, Declarant, by this Amendment, does hereby amend and supplement the Declaration as follows:

1. Defined Terms. All capitalized terms used herein, unless otherwise defined herein, shall have the meanings set forth in the Declaration.

2. Special Builder Rights. The following is hereby added as a new Section 1.42. of the Declaration and shall constitute a new definition:

1.42. “Special Builder Rights”: means the rights established and reserved for the benefit of a Builder including, without limitation, the right (i) to complete improvements indicated on plats and plans filed for the Community in the Public Records; (ii) to exercise any development right or development easement; (iii) to maintain sales offices, management offices, signs advertising the planned community, and models; (iv) to use easements through the Common Area for the purpose of making improvements within the Community or within real estate which may be added to the Community; and (v) to be exempt from architectural standards in Article 9 for plans and specifications for initial construction of Dwellings by Builders.

3. General Assessments. Subsection 8.2(i) of the Declaration is hereby deleted in its entirety and replaced as follows: (i) “each Lot owned by a Builder shall be assessed at a reduced rate compared to the rate at which any other Lot owned by any other Class “A” Owner is assessed, which reduced rate shall be established by Declarant from time to time;”.

4. Amendments. The following sentence is hereby added to the end of Section 15.2(a): “Further, and notwithstanding the foregoing, no amendment to this Declaration which has a material effect on the development, marketing or sale of Lots then owned by Builder can be made without the written approval of Builder for so long as such Builder owns any portion of the Property.” In addition, the reference in the second sentence of Section 10.36 of the Declaration to “Designated Builder” is hereby deleted and replaced with “Builder.” Lastly, the phrases in Section 10.7(b) and Section 10.8(e)(b) of the Declaration reading “Vehicles of Declarant” are hereby deleted and replaced with “Vehicles of Declarant or Builder”.

5. Annexation. In accordance with the Declaration, Declarant and Current Owner do hereby declare that the Additional Property is and shall hereafter be held, used, transferred, mortgaged, sold, conveyed and occupied subject to the Declaration and the covenants, conditions, restrictions, easements, charges and liens set forth in the Declaration and to the jurisdiction of the Association pursuant to the terms of the Declaration, the Articles, Bylaws and rules and regulations, all of which shall run with the title to the Additional Property and any part thereof and be binding upon

all parties owning any right, title or interest in and to such Additional Property or any part thereof, their heirs, successors and assigns.

6. Amenity Expansion. On or prior to the date that the one hundredth (100th) building permit for the Lots within the Additional Property has been issued, time being of the essence ("Commencement Date"), Current Owner at its sole cost and expense shall commence the construction to expand the amenity improvements serving the Property to include at minimum an additional pool facility such that such expanded amenity improvements will sufficiently serve and accommodate the Additional Property, and Current Owner shall cause the completion of the construction of such expanded amenity improvements by the date that is one (1) year after the Commencement Date, time being of the essence.

7. Joinder. The Current Owner as the owner of the Additional Property joins in the execution of this Supplemental Declaration to subject the Additional Property to the Declaration and to the jurisdiction of the Association pursuant to the terms of the Declaration, the Articles, Bylaws and rules and regulations.

8. Effect of Amendment. The Declaration is hereby modified to the extent set forth herein, but only to the extent set forth herein. All provisions of the Declaration not modified by this Amendment shall remain in full force and effect in accordance with their original terms as set forth in the Declaration.

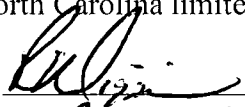
[SIGNATURE PAGES FOLLOW]

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IN WITNESS WHEREOF, Declarant has executed this Amendment as of the date set forth in the acknowledgement below.

DECLARANT:

MATTAMY HOMES, LLC,
a North Carolina limited liability company

By: 
Name: ROBERT WIGGINS
Title: Dir. Pres.

WAKE County, North Carolina

I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: ROBERT WIGGINS.

Date: 11/25/24

My Commission Expires:

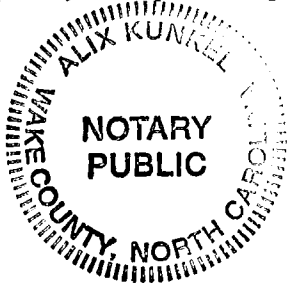
3/29/25



Notary Public

Print Name: ALIX KUNKEL

[Affix Notary Stamp or Seal]



IN WITNESS WHEREOF, Current Owner has executed this Amendment on the date and year indicated below.

CURRENT OWNER:

PROVIDENCE CREEK DEVELOPERS, LLC,
a North Carolina limited liability company

By: [Signature]
Name: Richard L. Van Tassel II
Title: Manager

Wake County, North Carolina

I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Richard L. Van Tassel II

Date: 11/19/2024

My Commission Expires:

Feb. 2, 2029

[Signature]
Notary Public
Print Name: Mary K. Clifford

[Affix Notary Stamp or Seal]

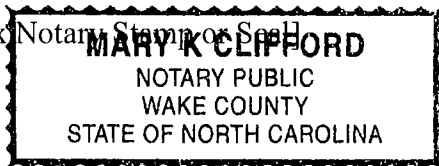


EXHIBIT A

Legal Description of the Additional Property

BEING all those certain tracts or parcels of land located in Harnett County, North Carolina and being more particularly described as follows:

BEING all those certain tracts or parcels of land designated as New Tract 3, New Tract 4, New Tract 5 and New Tract 6 as shown on that certain recombination plat recorded in Plat Book 2023, Pages 148 and 149, Harnett County Registry, which plat is referenced for a more particular description.