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Buncombe County, NC
Otto W. DeBruhl Register of Deeds

BK **4647** PG **1296-1297**

(File No. 06-1441/09-0217A) EMC/cm

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

*Prepared by + Rtn to Goodman, Rose, Pitt.
DH Box 81*

**FIRST AMENDMENT TO
DECLARATION OF COVENANTS, CONDITION AND RESTRICTIONS FOR THE
PINEBROOK FARMS COMMUNITY**

This **FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE PINEBROOK FARMS COMMUNITY** made and entered into this the 4th day of February, 2009, by and between **PINEBROOK FARMS, LLC.**, a North Carolina limited liability company (herein "Developer") and all Future Owners of Lots, Units, Homes or other property in the **PINEBROOK FARMS COMMUNITY**.

WITNESSETH:

THAT WHEREAS, Developer established a Subdivision known as the Pinebrook Farms Community, comprised of that property as shown on Plat Book 102, at Page 8 of the Buncombe County, North Carolina Register's Office, and any lands added by Developer which will be specifically identified at the time of their addition (herein referred to as "Subdivision"); and

WHEREAS, Developer subjected the Subdivision to that Declaration of Covenants, Conditions and Restrictions for Pinebrook Farms Community as recorded in Record Book 4440, at Page 483 of the Buncombe County, North Carolina Register's Office (hereinafter "Declaration"); and

WHEREAS, Article X11, Section 3 of the Declaration reserves unto the Developer the absolute right to modify and/or amend the Declaration, without approval or joinder of any Owners, until all Lots are sold (and instruments of conveyance are recorded) or January 1, 2022, whichever occurs earlier; and

WHEREAS, as of the date of this First Amendment, Developer has not sold all of the Lots, and desires to amend the Declaration, as set forth herein; and

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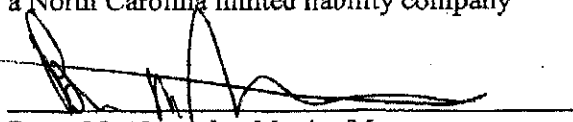
WHEREAS, except as specifically amended herein, the Declaration of Covenants, Conditions and Restrictions for Pinebrook Farms Community, as recorded in Book 4440, at Page 483 of the Buncombe County, North Carolina Register's Office, shall remain in full force and effect.

NOW, THEREFORE, the Developer, pursuant to the powers reserved unto the Developer, does hereby make the following amendments to that Declaration of Covenants, Conditions and Restrictions for Pinebrook Farms Community, as recorded in Book 4440, at Page 483 of the Buncombe County, North Carolina Register's Office, which shall run with the real property identified therein and be binding on all parties having any right, title or interest in the described properties or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof:

1. Lot 56 of the Pinebrook Farms Community as shown on Plat book 106, at Page 48 and Plat Book 112, at Page 85 of the Buncombe County, North Carolina Register's Office shall no longer be subject to the residential use restriction as provided in Article IV, Section 2 of the Declaration;
2. Lot 56 of the Pinebrook Farms Community as shown on Plat book 106, at Page 48 and Plat Book 112, at Page 85 of the Buncombe County, North Carolina Register's Office shall be designated as "Common Area" and/or a "Common Element" of the Pinebrook Farms Community under Article I, Section 5(v) of the Declaration upon the conveyance and vesting of fee simple title in said Lot in the Pinebrook Farms Property Owners' Association, Inc., a North Carolina non-profit corporation, and.
3. Except as specifically amended herein, that Declaration of Covenants, Conditions and Restrictions for Pinebrook Farms Community, as recorded in Book 4440, at Page 483 of the Buncombe County, North Carolina Register's Office, shall remain in full force and effect.

IN WITNESS WHEREOF, the Developer has hereunto set its hand and seal, as of the day and year first above written.

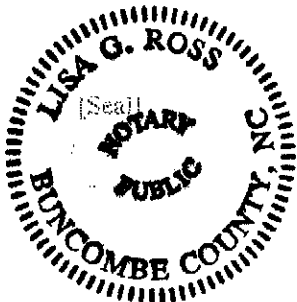
PINEBROOK FARMS, LLC,
a North Carolina limited liability company




Bruce M. Alexander, Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF Buncombe

I, Lisa G. Ross, a Notary Public of the County and State aforesaid, certify that Bruce M. Alexander personally came before me this day and acknowledged that he is Member/Manager of Pinebrook Farms, LLC, a North Carolina limited liability company, and that he, as Member/Manager, being authorized to do so, executed the foregoing on behalf of the company. Witness my hand and official seal this the 4th day of February, 2009.





Notary Public
Commission Expiration: June 14, 2012