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 Iredell County, NC
 Brenda D. Bell Register of Deeds
 BK 1927 PG 882-884

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Prepared by and return to: Walter H. Jones, Jr., P. O. Box 3010, Mooresville, NC 28117

FIRST AMENDMENT TO THE DECLARATION OF COVENANTS AND RESTRICTIONS FOR FOX DEN COUNTRY CLUB, PHASE IV

THIS FIRST AMENDMENT to the Declaration of Covenants and Restrictions for Fox Den Country Club, Phase IV ("Amendment") is made the 8th day of FEBRUARY, 2008, by FOX DEN DEVELOPMENT COMPANY, L.L.C., a North Carolina Limited Liability Company with an office in Iredell County, North Carolina (hereinafter referred to as "Declarant").

WITNESSETH:

WHEREAS, the Declarant recorded its Declaration of Master Covenants, Conditions and Restrictions for FOX DEN COUNTRY CLUB on July 17, 1996 in Book 991 at Page 1040, Iredell County Registry ("Master Declaration"); and

WHEREAS, the Declarant recorded its Restrictive Covenants for FOX DEN COUNTRY CLUB on July 17, 1996, in Book 991 at Page 1059 (the "Covenants"), as amended and supplemented by the First Supplemental Declaration of Covenants and Restrictions for FOX DEN, PHASE II dated December 14, 2000, recorded in Book 1234, Page 789, Iredell County Registry (the "First Supplement"); and

WHEREAS, the Declarant recorded its Declaration of Covenants and Restrictions for FOX DEN COUNTRY CLUB, PHASE IV, on November 7, 2006, in Book 1799 at Page 510, Iredell County Registry (the "Phase IV Declaration") (the Phase IV Declaration, together with the Master Declaration, the Covenants and the First Supplement are hereinafter referred to collectively as the "Declaration"); and

WHEREAS, pursuant to the Master Declaration, the Declarant retained the right to amend and modify as set forth in Article IX, Section 5 thereof;

NOW, THEREFORE, pursuant to the powers retained by Declarant under the Master Declaration, Declarant does hereby amend the Phase IV Declaration as hereinafter set forth, and said Amendment shall run with the title for such property to which it is applicable, and shall be binding upon all persons having any right, title or interest in and to such property, their respective heirs, representatives, successors and assigns.

DEFINITIONS

All terms defined as set forth in the Declaration are incorporated herein by reference. Capitalized terms shall be defined as provided in the Declaration, except as otherwise specifically defined herein.

AMENDMENT OF PHASE IV DECLARATION

1. **Amendment to Section 3.** Section 3, entitled "Land Use and Building Type." is hereby amended as follows:

By deleting the first two (2) sentences of the Section and substituting the following two sentences in lieu thereof:

"Each Lot shall be used for residential purposes only, and no structures shall be erected or allowed to remain on any Lot except one detached, single family Dwelling Unit not exceeding two stores and an attic (finished or unfinished) in height, a basement (finished or unfinished) and an attached garage. Any Dwelling Unit erected on any Lot must be compatible in construction, design, color and appearance with other structures erected on the other Lots described herein and must be approved pursuant to Section 12 herein."

2. **Amendment to Section 4.** Section 4 entitled "Structures Other Than the Main Dwelling Unit." is hereby amended as follows:

By deleting Section 4 in its entirety.

REMAINING PROVISIONS UNCHANGED

All other terms and provisions of the Phase IV Declaration will remain unchanged and fully applicable and effective as recorded.

JOINDER BY BUILDER

LR Development – Charlotte, LLC is joining in the execution of this First Amendment to the Phase IV Declaration for the purpose of encumbering the Lots which it currently owns in Fox Den Phase IV with the terms, provisions and restrictions herein set forth.

[SIGNATURE PAGE FOLLOWS.]

IN WITNESS WHEREOF, the undersigned has caused this Amendment to be executed effective the day and year first above written.

DECLARANT:

Fox Den Development Company, L.L.C.

[Signature]
by: Udean Burke Date 2/8/08
Chief Managing Member

BUILDER:

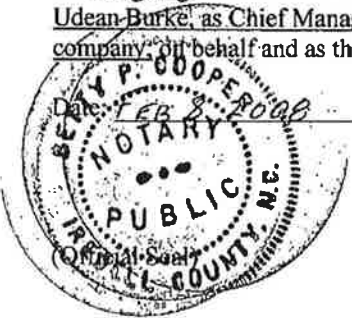
LR Development - Charlotte, LLC (or assigns)

[Signature]
by: Douglas S. Jones Date 2/27/08
President, as agent for the sole member
Lockridge - Charlotte, LLC

NORTH CAROLINA
IREDELL COUNTY

I certify that the following person personally appeared before me this day, acknowledging to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

Udean Burke, as Chief Managing Member of Fox Den Development Company, L.L.C., a North Carolina limited liability company, on behalf and as the act of said limited liability company.



[Signature]
Official Signature of Notary Public

Printed or typed name of Notary:

BETTY P. COOPER, Notary Public
My commission expires: 11-14-2011

NORTH CAROLINA
IREDELL COUNTY

I certify that the following person personally appeared before me this day, acknowledging to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

Douglas S. Jones, President, as agent for the sole Member, Lockridge-Charlotte, LLC, for LR Development - Charlotte, LLC, a Virginia limited liability company, on behalf and as the act of said limited liability company.

Date: 2-28-08

[Signature]
Official Signature of Notary Public

Printed or typed name of Notary:

(Official Seal)

Shirley T. Daniels, Notary Public
My commission expires: 1-31-10

