

7865
0242

FILED
CABARRUS COUNTY NC
LINDA F. McABEE
REGISTER OF DEEDS

FILED Oct 22, 2007
AT 04:26 pm
BOOK 07865
START PAGE 0242
END PAGE 0246
INSTRUMENT # 38309
EXCISE TAX \$0.00

Drawn by and Mail to: Law Office of Chris Karrenstein, P.C.
2133 Commonwealth Avenue
Charlotte, NC 28205

*File: Ferg + Scar
07-2471dg*

STATE OF NORTH CAROLINA
COUNTY OF CABARRUS

**SUPPLEMENTAL DECLARATION
OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
PINE CREEK SUBDIVISION
(Second Phase of The Vineyards At Pine Creek
aka Phase V of Pine Creek Subdivision)**

THIS SUPPLEMENTAL DECLARATION of Covenants, Conditions and Restrictions is made this 22 day of OCT, 2007, by Pine Creek Developers, LLC, a North Carolina limited liability company, (herein called "Declarant");

WITNESSETH:

WHEREAS, Declarant has filed a Declaration of Covenants, Conditions and Restrictions for Pine Creek Subdivision recorded September 12, 2002, in Book 4007, Page 286 in the Cabarrus County Public Registry, (the "Declaration"), as amended;

WHEREAS, Declarant has reserved the right in Article II, Section 2.2 of said Declaration to bring additional land within the coverage of said Declaration and the jurisdiction of the Pine Creek Homeowners Association, Inc., the homeowners association formed pursuant to said Declaration;

WHEREAS, Declarant has reserved the right in Article II, Section 2.3 of said Declaration to subject any Phase, section or portion of Pine Creek Subdivision to additional controls, covenants, conditions, restrictions, easements, development guidelines, charges and liens;

WHEREAS, Declarant now wishes to extend the scheme of said Declaration and the Association to all of the additional property as described in Book 6815 at Page 273 in the Cabarrus County Public Registry, and attached hereto as EXHIBIT A, and thereby subject such

7865
0243

additional property to assessment for their just share of the Association's expenses. A map of the said additional property is recorded in Map Book 53 at Page 28, Cabarrus County Public Registry. The additional property shall be known as a portion of **The Vineyards At Pine Creek**; and

WHEREAS, Declarant now wishes to impose additional restrictions on The Vineyards At Pine Creek as more specifically set forth below;

NOW, THEREFORE, Declarant hereby declares that all of the additional property known as a portion of The Vineyards At Pine Creek, described in Book 6815 at Page 273, Cabarrus County Public Registry, and attached hereto as Exhibit A are and shall be held, transferred, sold, conveyed, occupied and used subject to the restrictions and matters as set forth herein and in said Declaration, as amended, recorded in Book 4007 at Page 286, Cabarrus County Public Registry, which is incorporated herein by this reference.

This Supplemental Declaration shall be construed as covenants running with the land, which shall be binding on all parties having or acquiring any right, title or interest in the above-referenced property, or any part thereof, and shall inure to the benefit of each owner thereof. Every party acquiring any Lot or portion thereof or Common Area in The Vineyards At Pine Creek Subdivision, by acceptance of a deed conveying title thereto or by execution of a contract for the purchase thereof, whether from the Declarant or a subsequent owner of such Lot or Common Area, shall accept such deed or contract subject to each and all of the covenants, restrictions and agreements contained within the Declaration and also subject to the jurisdiction, rights and powers of the Declarant, Pine Creek Homeowners Association, Inc. (the "Association") and their heirs, successors and assigns. Each grantee of any Lot or Common Area by accepting the deed or contract thereto, shall for himself, his heirs, administrators, successors and assigns, covenant, consent and agree to and with the Declarant, Association and the grantees and owners of each of the Lots and Common Areas within the Subdivision keep, observe, comply with and perform the obligations and agreements stated in the Declaration, as amended or supplemented.

FURTHERMORE, Declarant hereby declares that all of the additional property known as The Vineyards At Pine Creek, described in Book 6815 at Page 273 and/or shown in map Book 53 at Page 28, Cabarrus County Public Registry, and attached hereto as Exhibit A are and shall be held, transferred, sold, conveyed, occupied and used subject to the additional restrictions and matters as follows (these additional restrictions shall run with the land and be binding on all interested parties in the same manner as the remaining provisions of the Declaration as set forth in more detail above):

I Architectural Control

Except for improvements made on the property by the Declarant or except as otherwise provided in the Declaration, any construction to be commenced on any Lot within The Vineyards At Pine Creek must be approved in writing by the Declarant. All provisions of the Declaration regarding Architectural Control will apply in addition to the following:

All Lots within The Vineyards At Pine Creek must fall within the "Tuscan Style Architecture" Design Guidelines set and designed by David C. O'Bryan, who is a Member of the Declarant. Such Design Guidelines must mirror the style of homes already constructed on Lots 4 and 5 within the initial phase of The Vineyards At Pine Creek (aka Phase IV of Pine Creek Subdivision). All homes to be constructed within The Vineyards At Pine Creek must be a minimum of 3000 square feet.

II Easement

The Association shall have an easement (for the purposes set forth below) over the Common Areas and individual Lots within The Vineyards At Pine Creek, which easement shall encompass the common driveway depicted on the plat of The Vineyards At Pine Creek recorded in Plat Book 49 at Page 10, Cabarrus County Public Registry, which driveway is referred to therein as "Chardonnay Circle", together with the driveway and drainage easement shown on said plat, and together with any and all portions of the Lots of The Vineyards At Pine Creek located between said Chardonnay Circle and Willowood Road. The said portions located between Chardonnay Circle and Willowood Road (together with any other areas of Common Area as may hereafter be designated by the Declarant) shall be used as actual vineyard land and are herein referred to as "Vineyard Area."

The Association shall maintain the Vineyard Area for the purpose of cultivating table grapes. The grapes will be grown for the personal consumption and use of any Owner (as such is defined in the Declaration) of a home within Pine Creek Subdivision. Any Owner of a Lot of The Vineyards At Pine Creek, by acceptance of the deed therefore, agrees to grant:

1. To the Association, its heirs, successors and assigns, a nonexclusive, appurtenant and permanent right, privilege and easement over and upon that certain easement area described above to be used to construct, use and maintain across and upon the said land of said Owner a vineyard, together with a nonexclusive, appurtenant and permanent right, privilege and easement to, over and across said area to go upon said lands of said Owner for the purpose of inspecting, maintaining, repairing, irrigating, fertilizing, clipping or mowing such Vineyard Area and for any other reasonable purpose related to the cultivating and growing of grapes. This easement also includes the right of the Association, its heirs, successors and assigns to install and maintain electrical lines, irrigation systems, stone marquees and other structures reasonably necessary to cultivate the Vineyards Area for its intended use.

2. To the Owners of Lots within Pine Creek Subdivision, their heirs, successors and assigns, a nonexclusive, appurtenant and permanent right, privilege and easement over and upon that certain easement area described above to pick grapes.

3. To the Association and the remaining Owners, their heirs, successors and assigns, a nonexclusive, appurtenant and permanent right, privilege and easement over and upon Chardonnay Circle for the purpose of ingress, egress and regress to the Vineyards Area.

It is the specific intent of this Supplemental Declaration to reserve and provide notice that access to the Vineyard Area is identical to access to any other Common Area within Pine Creek Subdivision and that the use of Chardonnay Circle shall not be restricted any differently from the remaining roads within Pine Creek Subdivision, despite being located on individually owned

7865
0245

Lots, provided that the Association pays for the maintenance of the Vineyard Area so that it is used for its intended purpose as defined above and maintains Chardonnay Circle in the same manner as any other road within the subdivision. The Board of Directors of the Association shall have the right to promulgate specific rules and regulations for the maintenance and cultivation of the Vineyard Area so long as those rules and regulations are consistent with the intended purpose of the Vineyard Area.

IN WITNESS WHEREOF, the undersigned have caused this instrument to be duly executed the day and year first written above.

DECLARANT:

Pine Creek Developers, LLC,
a North Carolina limited liability company

By: *David O'Bryan*

Name: *David O'Bryan*

Title: *Member/Manager*

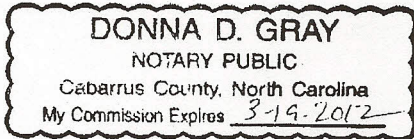
STATE OF NORTH CAROLINA
COUNTY OF *Cabarrus*

I, *DONNA D GRAY*, a Notary Public of the aforesaid County and State, do hereby certify that *DAVID O'BRYAN* personally appeared before me this day and acknowledged that he is Member/Manager of Pine Creek Developers, 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 limited liability company.

Witness my hand and official seal this *22* day of *OCT*, 2007.

(NOTARY SEAL)

Donna D Gray
Notary Public
My Commission expires: *3-19-2012*



7865
0246

EXHIBIT A

Lying and being in No. 4 Township, Cabarrus County, North Carolina, on the east side of Trinity Church Road, adjoining Verdelle E. and Betty Jo Troutman and Eric E. and Diana R. Zellner (all now or formerly), and more particularly described as follows:

BEGINNING at an existing iron pin in the center line of Trinity Church Road, corner of Troutman; and runs thence with the line of Troutman North 75-21-59 East 1198.86 feet to an existing iron pin, corner of Troutman in the line of Zellner; thence two lines with Zellner as follows: (1) South 04-05-06 East 287.71 feet to a new iron pin and (2) South 17-51-25 East 154.98 feet to a new iron pin, a new corner; thence a new line South 68-58-14 West (passing a new iron pin on line in the east right-of-way of Trinity Church Road at 1083.07 feet) 1113.07 feet to a point in the center of said road; thence five (5) lines with the center of said road as follows: (1) North 21-05-40 West 97.25 feet to a point, (2) North 20-54-09 West 95.83 feet to a point, (3) North 20-41-56 West 99.76 feet to a point, (4) North 19-58-15 West 110.66 feet to a point and (5) North 16-57-58 West 160.44 feet to the point and place of BEGINNING, containing 13.15 acres, more or less, as surveyed by Gaylon L. Kelly, RLS, Mel G. Thompson & Associates, on March 8, 1988, and subject to the right-of-way for Trinity Church Road.

BEING in all respects the identical property conveyed to Pine Creek Developers, LLC by deed from Lena C. Murdock dated June 16, 2006, and recorded June 16, 2006, in Book 6815 at Page 273, Cabarrus County Public Registry.