

STATE OF NORTH CAROLINA

10/16/06

*Wildcat Declarations amend 1999.doc*

COUNTY OF CHEROKEE

DECLARATION OF ANNEXATION AND AMENDMENT TO THE DECLARATION  
OF THE RESTRICTIONS, CONDITIONS, EASEMENTS, COVENANTS,  
AGREEMENTS, LIENS, AND CHARGES OF WILDCAT

This Declaration of Annexation and Amendment made and entered into this 27<sup>th</sup> day of January, 1999 by:

ARVIL COOK DEVELOPMENT COMPANY, LLC,  
Hereinafter termed "Declarant"

WITNESSETH:

WHEREAS, Declarant executed a certain Declaration of Restrictions, Conditions, Easements, Covenants, Agreements, Liens, and Charges of Wildcat as recorded in Deed Book 751, Page 142, as amended in Deed Book 776, Page 144, Cherokee County, North Carolina Registry, reference to which is made hereby for incorporation herein; and

WHEREAS said instrument provides for annexation of additional properties and amendment by Declarant under the terms of said Agreement; and

WHEREAS, Declarant is now the owner of Lots 64 through 91, Wildcat as shown on various plats of survey by Adams Surveying, L.B. Adams, R.L.S. reference to which is made hereby for incorporation herein; and

WHEREAS it is the desire and intention of Declarant to annex said properties as hereinabove referenced and any lands which are by deed or in writing will specifically refer to this instrument as governing said properties under the terms and conditions of the Declaration of Restrictions, Conditions, Easements, Covenants, Agreements, Liens and Charges of Wildcat so that said property will come under a general plan or scheme of improvement for the benefit of all the lands referred to in the original Declaration and the herein referenced property and Declarant desires to amend the original Restrictions as hereinafter provided;

NOW, THEREFORE, Declarant declares the property above referred to shall be held, conveyed, hypothecated, encumbered, leased, rented, used, occupied and improved, subject to the provisions as contained in that certain instrument being the Declaration of Restrictions, Conditions, Easements, Covenants, Agreements, Liens and Charges of Wildcat as amended in

Deed Book 776, Page 144 and as further amended as hereinafter set forth, all of which are declared and agreed to be in furtherance of a plan for subdivision improvements and sale of said real property and are established and agreed upon for the purpose of enhancing and protecting the value, desirability and attractiveness of said property and every part thereof, all of which shall run with the land, be appurtenant thereto, and shall be binding on all parties having acquired any part thereof with the following amendments:

Roofs

Metal roofs will be allowed.

Carports

Open carports will be allowed.

IN WITNESS WHEREOF, the Declarant has hereunto set their hands and seals, or if corporate have caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of the Board of Directors or if a Limited Liability Company has caused the Managers of the Company to sign in their capacity the day and year first above written.

ARVIL COOK DEVELOPMENT COMPANY, LLC

By: \_\_\_\_\_ (SEAL)  
ARVIL COOK, Manager

By: \_\_\_\_\_ (SEAL)  
CAROL ANN COOK, Manager

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I NOLAND W. SMITH, a Notary Public of said State of North Carolina and Cherokee County, do hereby certify that ARVIL COOK and CAROL ANN COOK, Managers of ARVIL COOK DEVELOPMENT COMPANY, LLC, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal this 16<sup>th</sup> day of March, 1999.

My Commission expires:

\_\_\_\_\_  
Notary Public

5-31-2001

