

SUPPLEMENTAL
DECLARATION OF RESTRICTIONS, CONDITIONS, EASEMENTS,
COVENANTS, AGREEMENTS, LIENS AND CHARGES

TALAMORE

LIVINGSTON VILLAGE

MRS. JUDITH M. ADAMS
REGISTER OF DEEDS
MOORE COUNTY, N.C.

OCT 3 2 50 PM '96

#18.00pd

THIS SUPPLEMENTAL DECLARATION, made this 1st day of August, 1996, by
TALAMORE PARTNERS LIMITED PARTNERSHIP, a Pennsylvania Limited Partnership,
hereafter referred to as "Declarant."

WITNESSETH:

WHEREAS, Declarant is the owner of that certain real property as shown on a plat
of Livingston Village, Talamore, recorded in Plat Cabinet 6, Slide 319 of the Moore
County, North Carolina, Registry; and

WHEREAS, Declarant, pursuant to Article XII "Supplemental Restrictive
Covenants" of that certain Declaration of Restrictions, Conditions, Easements,
Covenants, Agreements, Liens and Charges, filed in Book 912, Page 57 of the Moore
County Registry (hereafter "Declaration"), has reserved the right to submit properties
within the Talamore development to Supplemental Restrictive Covenants; and

WHEREAS, Declarant desires to designate Lots 100 through 126 as the
"Livingston Village" and to make said lots subject to this Supplemental Declaration.

NOW THEREFORE, Declarant hereby declares that Lots 100 through 126 as
shown on the plat of Livingston Village, Talamore, as recorded in Plat Cabinet 6,
Slide 319 of the Moore County, North Carolina, Registry, shall be known as the
"Livingston Village" and shall be held, conveyed, hypothecated or encumbered, leased,
rented, used, occupied and improved subject to this Supplemental Declaration which shall
be in addition to and in modification of the Declaration of Restrictions, Conditions,
Easements, Covenants, Agreements, Liens and Charges filed in Book 912, Page 57 of the
Moore County, North Carolina, Registry of Deeds. In the event of any inconsistency
between this Supplemental Declaration and the restrictive covenants filed in Book 912,
Page 57 of the Moore County Registry, this Supplemental Declaration shall control.

Supplemental Covenants and Conditions:

1. **Definitions:** Except as modified herein, the definitions provided in the
Declaration shall apply to this Supplemental Declaration.

2. **Minimum Square Footage:** Dwellings constructed within Livingston Village
shall contain a minimum of 2000 square feet of heated interior floor space area on the
first floor. Garages, porches, attics, basements, and decks shall not be included in the
square footage for the purpose of this paragraph.

3. **Irrigation System:** Owners, by acceptance of deeds to lots at Livingston
Village, agree to install an irrigation system acceptable to the Architectural Review
Committee. The irrigation system will water any plantings or grass in the front yard of a
lot (from the farthest point of the front of the dwelling to the curb on the street and
running the width of the lot). Owner will irrigate and maintain plantings and grass in the
front yard in a condition substantially similar to other lots in Livingston Village and always
in a presentable manner.

4. **Construction Traffic Restriction:** Owners in Livingston Village covenant and
agree that during construction on their lot, all construction traffic will enter Talamore
through a designated entrance to Talamore other than the Knoll Road entrance. Owners
will comply with covenant by placing provisions to this effect in all contracts for
construction in Livingston Village. Any Owner allowing traffic due to construction on his
lot to use the Knoll Road entrance will be subject to revocation of ARB building approval
and cessation of construction on his lot.

Return to Robert S. Thompson

5. **Driveways:** All driveways in Livingston Village shall be constructed of Blue Stone.

6. **Amendment:** This Supplemental Declaration may be amended by an instrument signed by the Declarant during the Declarant Control Period (as defined in the Restrictive Covenants filed in Book 912, Page 957) and the Owners of not less than eighty percent (80%) of the lots in Livingston Village. Any and all such amendments shall be recorded in the Office of the Register of Deeds of Moore County, North Carolina, and upon recording the same shall become effective with respect to the matter to which such amendment pertains.

7. **Term:** This Supplemental Declaration shall run with the land and bind Owners, their successors and assigns for a term of 30 years from the date of filing.

IN WITNESS WHEREOF, the Declarant has executed this Declaration this 1st day of June, 1996.

TALAMORE PARTNERS LIMITED PARTNERSHIP, a
Pennsylvania Limited Partnership

By its Sole General partner
Talamore Acquisition Corp., a Pennsylvania
corporation

(CORPORATE SEAL)

ATTEST:

Betsy L. McDougald
Asst Secretary

By:

Robert P. Levy, Jr.
President

STATE OF North Carolina
COUNTY OF Moore

I, a Notary Public of the County and State aforesaid, certify that Betsy L. McDougald, personally came before me this day and acknowledged that she is ASST Secretary of **TALAMORE ACQUISITION CORP.**, a Pennsylvania corporation, Sole General Partner of Talamore Partners Limited Partnership, a Pennsylvania Limited Partnership, and that by authority duly given and as the act of the corporation, the annexed instrument was signed in its name by its President, sealed with its corporate seal and attested by her as its ASST Secretary.

Witness my hand and official stamp or seal, this 25th day of July, 1996.

Robin B. Price
Notary Public

My Commission Expires:

2.5.01

NORTH CAROLINA-MOORE COUNTY
The foregoing certificate(s) Robin B. Price
a Notary/Notaries Public
is/are certified to be correct.
This 3rd day of October 1996
JUDITH M. ABAMS, REGISTER OF DEEDS
Judy D. Martin ASSISTANT/DEPUTY

NORTH CAROLINA

MOORE COUNTY

JOINDER BY MORTGAGEE

**SUPPLEMENTAL DECLARATION OF RESTRICTIONS AND CONDITIONS
TALAMORE**

LIVINGSTON VILLAGE

THIS JOINDER BY MORTGAGEE, made and entered into this 1st day of June, 1996, by and between **DARRIN G. GIRTON**, hereinafter Trustee, and **MIDLANTIC BANK, N.A.** (the successor by merger to Continental Bank), a national banking association, hereinafter Lender, and **TALAMORE PARTNERS LIMITED PARTNERSHIP**, a Pennsylvania Limited Partnership, hereinafter Borrower.

WITNESSETH:

WHEREAS, Lender is the owner and holder of a Promissory Note in the amount of \$4,000,000.00, secured by a Deed of Trust dated April 30, 1991, to Stephen M. Gualberti, Trustee, for the benefit of Continental Bank, beneficiary; and filed for record in Book 773, Page 108 and as modified by Book 1038, Page 296 of the Moore County, North Carolina, Registry; and

WHEREAS, Borrower has requested that the Trustee and Beneficiary join herein for the purpose of ratifying, confirming, and approving the attached Supplemental Declaration of Restrictions, Conditions, Easements, Covenants, Agreements, Liens and Charges for Livingston Village at Talamore made the 1st day of June, 1996, by Talamore Partners Limited Partnership as Declarant.

NOW THEREFORE, Trustee and Lender do hereby ratify, confirm and approve the Supplemental Declaration of Restrictions, Conditions, Easements, Covenants, Agreements, Liens and Charges for Talamore and do hereby fully subordinate the said lien in all respects to the terms and provisions of said Restrictions, Covenants and Easements, attached hereto, as fully and to the same extent as if said Supplemental Declaration of Restrictions, Conditions, Easements, Covenants, Agreements, Liens and Charges for Talamore had been executed, delivered, and filed for record in the Office of the Register of Deeds for Moore County, North Carolina, prior to the execution, delivery and recordation of said Deeds of Trust.

IN WITNESS WHEREOF, the said Trustee and Lender have hereunto set their hands and seals the day and year first above written.



Darrin G. Girton, Trustee (SEAL)

MIDLANTIC BANK, N.A. Lender

(CORPORATE SEAL)

By: *Darrin G. Girton*
VICE President

ATTEST:

Susan J. Dawydt
ASST. Vice President

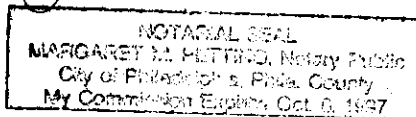
STATE OF PENNSYLVANIA
COUNTY OF PHILADELPHIA

I, a Notary Public of the County and State aforesaid, certify that **DARRIN G. GIRTON**, Trustee, personally came before me this day and acknowledged the execution of the annexed Joinder by Mortgagee.

Witness my hand and notarial seal, this 6 day of AUGUST, 1996.

Margaret M. Pettino
Notary Public

My Commission Expires:



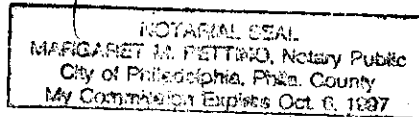
STATE OF PENNSYLVANIA
COUNTY OF PHILADELPHIA

I, a Notary Public of the County and State aforesaid, certify that DARRIN G. GIRTON, personally came before me this day and acknowledged that he is VICE Vice President of **MIDLANTIC BANK, N.A.** (successor by merger to Continental Bank), a national banking association, and that by authority duly given and as the act of the corporation, the annexed instrument was signed in its name by its ~~him~~ President, sealed with its corporate seal and attested by him as its VICE Vice President.

Witness my hand and official stamp or seal, this 6 day of AUGUST, 1996.

Margaret M. Pettino
Notary Public

My Commission Expires:



NORTH CAROLINA

MOORE COUNTY

JOINDER BY MORTGAGEE

**SUPPLEMENTAL DECLARATION OF RESTRICTIONS AND CONDITIONS
TALAMORE**

LIVINGSTON VILLAGE

THIS JOINDER BY MORTGAGEE, made and entered into this 1st day of June, 1996, by and between TRSTE, INC., a Virginia corporation, hereinafter Trustee, and FIRST UNION NATIONAL BANK, a North Carolina banking corporation, hereinafter Lender, and TALAMORE PARTNERS LIMITED PARTNERSHIP, a Pennsylvania Limited Partnership, hereinafter Borrower.

WITNESSETH:

WHEREAS, Lender is the owner and holder of a Promissory Note in the amount of \$1,253,013.00, secured by a Deed of Trust dated January 25, 1996, to TRSTE, INC., Trustee, for the benefit of First Union National Bank, beneficiary; and filed for record in Book 1147, Page 119 of the Moore County, North Carolina, Registry; and

WHEREAS, Borrower has requested that the Trustee and Beneficiary join herein for the purpose of ratifying, confirming, and approving the attached Supplemental Declaration of Restrictions and Covenants executed the 1st day of June, 1996, by Talamore Partners Limited Partnership as Declarant.

NOW THEREFORE, Trustee and Lender do hereby ratify, confirm and approve the Supplemental Declaration of Restrictions and Covenants and do hereby fully subordinate the said lien in all respects to the terms and provisions of said Supplemental Declaration of Restrictions and Covenants, attached hereto, as fully and to the same extent as if said Supplemental Declaration of Restrictions and Covenants had been executed, delivered, and filed for record in the Office of the Register of Deeds for Moore County, North Carolina, prior to the execution, delivery and recordation of said Deed of Trust.

IN WITNESS WHEREOF, the said Trustee and Lender have hereunto set their hands and seals the day and year first above written.

TRSTE, INC., Trustee

(CORPORATE SEAL)

By: *Dorinda L. Hopkins*
Vice President

ATTEST:

James A. Forbes
Assistant Secretary

FIRST UNION NATIONAL BANK, Lender

(CORPORATE SEAL)

By: [Signature]
VICE President

ATTEST:

[Signature]
Asst. Secretary

STATE OF VIRGINIA

COUNTY OF Roanoke

I, a Notary Public of the County and State aforesaid, certify that James A. Forbes, personally came before me this day and acknowledged that he is Asst. Secretary of **TRSTE, INC.**, Trustee, a Virginia corporation, and that by authority duly given and as the act of the corporation, the annexed instrument was signed in its name by its vice President, sealed with its corporate seal and attested by him as its Asst. Secretary.

Witness my hand and official stamp or seal, this 26th day of July, 1996.

[Signature]
Notary Public

My Commission Expires:

July 31, 1998

STATE OF NORTH CAROLINA

COUNTY OF ~~MOORE~~ Cabarrus

I, a Notary Public of the County and State aforesaid, certify that Stuart J. Strickland, personally came before me this day and acknowledged that he is Asst Secretary of **FIRST UNION NATIONAL BANK**, a North Carolina banking corporation, and that by authority duly given and as the act of the corporation, the annexed instrument was signed in its name by its Vice President, sealed with its corporate seal and attested by h e as its Asst Secretary.

Witness my hand and official stamp or seal, this 30th day of July, 1996.

[Signature]
Notary Public

My Commission Expires 4/12/2000
4/12/2000