

Prepared by and return to:

Thomas S. Berkau, Attorney at Law
212 Church Street, Smithfield, NC 27577NEWSTATE OF NORTH CAROLINA
COUNTY OF JOHNSTONSUPPLEMENTAL DECLARATION TO RESTRICTIVE COVENANTS
AND ROAD MAINTENANCE AGREEMENT
OF OLE MILL STREAM SUBDIVISION
RECORDED IN BOOK 1627 PAGE 738 AND RE-RECORDED
IN BOOK 1633 PAGE 601 JOHNSTON COUNTY REGISTRY

19th day of February, 2002. **THIS SUPPLEMENTAL DECLARATION AND AGREEMENT** is made and executed on this

WITNESSETH:

Gattis Lee Enterprises, Inc. is the owner and developer of the lands hereinafter described, herein referred to as "Declarant", and desires and places the restrictions previously recorded in Deed Book 1627 Page 738 and re-recorded in Book 1633, Page 601, and Book 1723, Page 720, and in Book 2007 Page 495 Johnston County Registry upon the lots in the real estate subdivision hereinafter described and upon the development, improvement and use thereof which will apply to all future Lots in Ole Mill Stream Subdivision.

NOW, THEREFORE, the Declarant, for himself and his successors and assigns, does hereby covenant and agree with all persons, firms and corporations who or which may acquire any interest in or title to any of the property hereinafter described, as an inducement to said persons, firms, and corporations to purchase a part of the said property, that the property, and each and every lot, described below, is hereby made subject to the restrictive covenants recorded in Deed Book 1627 Page 738 and re-recorded in Book 1633 Page 601 Johnston County Registry, the additional restrictive covenants recorded in Book 1723, Page 720 and Book 2007, Page 495 Johnston County Registry as well as the restrictive covenants set forth hereinafter as to the development and improvement and use thereof, which covenants shall be appurtenant to and run with the said land and with each and every lot by whomsoever owned. The real property to which these restrictive covenants shall be applicable being described as follows:

BEING all of OLE MILL STREAM, PHASE III, as depicted in Plat Book 59, Pages 245, 246, and 247, Johnston County Registry.

The following restrictive covenants, which modify some of the above referenced restrictive covenants, shall apply to all of the above lots in Ole Mill Stream, Phase III:

Article III, Section 2: Dwelling Size. No one-story dwelling shall be permitted on any building lot which dwelling has a ground heated floor area of the main structure, exclusive of basement, porches and garages, of less than 2100 square feet of finished living area. No one and one-half story or split level dwelling shall be permitted on any building lot unless such dwelling has a heated floor area exclusive of basement, porches, garages, and storage areas of not less than 2100

square feet of finished living area with a minimum of 1300 square feet of finished living area on the first floor. No dwelling with two or more full stories of finished living area shall be constructed on any building lot having less than 2100 square feet of heated, finished living area exclusive of basement, porches, garages and storage areas with a minimum of 1300 square feet of finished living area on the first floor. No dwelling constructed on any building lot shall be built with less than a two (2) car garage and all garages should be entered from the side of the house rather than the front of the house where possible.

Article III, Section 4: Accessory Buildings. Owners shall secure Architectural Committee approval prior to construction of any accessory building, including sheds, or permanently installed playhouses. A detached garage is not considered an accessory building, and its construction shall require Architectural Committee approval on a case-by-case basis. Accessory buildings shall meet the following criteria:

1. An accessory building must be of the same color, material, and architectural style as the main residence or of color, material, and style that is generally recognized as complimentary to that of the main residence. An accessory building's roofing materials shall match those of the main residence and have the same roof pitch as the main residence.
2. Any utilities servicing accessory buildings shall be installed underground.
3. Accessory buildings generally shall be located in the rear yard and must be screened by a fence or vegetation.
4. Accessory buildings must have brick veneer around the foundation and match the brick foundation of the main residence.
5. Accessory buildings must be at a minimum twelve (12') feet by sixteen (16') feet in size.

Article III, Section 6: Building Location. No building, including an accessory building or structure or a garage, shall be located on any lot except in accordance with set back requirements set forth by the Ole Mill Stream subdivision plat recorded in Plat Book 59 Page 245, 246, and 247 Johnston County Registry.

Article IV: Off Site Septic Tank Fields and Repair Areas. All off site septic tank fields and repair areas shall be maintained continuously by the owner(s) of the off site lot. The owner(s) of the off site lot shall be responsible for keeping such lot mowed, trimmed and cleaned. Should any off site lot owner fail to maintain his or her property in a neat and clean and well mowed manner, then the Architectural Committee shall have such lot cleaned up and the owner of such off site lot shall be responsible for the costs incurred by the Architectural Committee in doing so.

Article VII, Section 7: Fences and Walls. Except as specifically approved in writing by the Architectural Committee: (i) no fence, wall or hedge shall be erected, placed or altered on any lot nearer to any street fronting such lot than the back building corner of the main dwelling constructed on such lot and shall not exceed four (4) feet in height. All fences on lots shall be

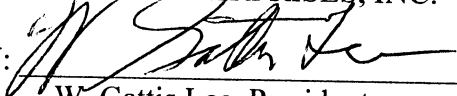
maintained at all times in a structurally sound and attractive manner and in a good state of repair. All fences on lots shall be of the type on file with the Architectural Committee and available on request from the Architectural Committee and no fence shall be constructed, placed or allowed to remain on any lot until the owner thereof has obtained approval for such fence from the Architectural Committee.

Article VII, Section 8: On-Street Parking. The Owner of each lot shall provide for adequate parking space on the lot for vehicles of all types and all other apparatus designed for movement over and upon streets or highways (whether self-propelled or not) and regularly used by the residents of the single-family residence on the lot. No automobiles, trucks, vans, motor homes, travel trailers, other trailers or any other apparatus designed for movement over and upon streets or highways (whether self-propelled or not) shall be parked on the streets within or adjoining the property. All commercial vehicles (with or without company name or logo), motor homes, travel trailers, or other trailers designed for movement over and upon streets or highways (whether self-propelled or not) shall be stored out of view from the street in front of said lot. Declarant or the Architectural Committee may allow parking of vehicles overnight on the streets, driveways or otherwise within the property if said vehicles are being used in connection with the construction of improvements with the property.

Article VII, Section 16: Driveways. Except for Lots 108, 115, 127, and 128 which have asphalt driveways, all other driveways shall be paved and constructed out of concrete and shall have a minimum width to accommodate two cars. Owners shall secure Architectural Committee approval before extending or expanding any driveway.

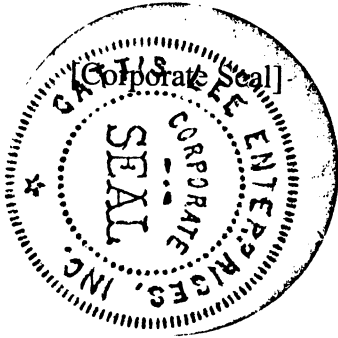
IN WITNESS WHEREOF, the Declarant has executed this SUPPLEMENTAL DECLARATION AND AGREEMENT on this the day and year first above written.

GATTIS LEE ENTERPRISES, INC.

BY: 
W. Gattis Lee, President

ATTEST:


Secretary



NORTH CAROLINA

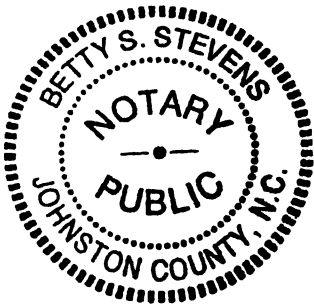
JOHNSTON COUNTY

I, Betty S. Stevens, a Notary Public of the County and State aforesaid, certify that Thomas S. Berkau personally appeared before me this day and acknowledged that he is Secretary of Gattis Lee Enterprises, Inc., a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by him as its Secretary.

Witness my hand and official seal, this the 19th day of February, 2002.

Betty S. Stevens
Notary Public

My Commission Expires: 5/19/02



State of North Carolina-Johnston County
The foregoing Certificate(s) of Betty S. Stevens

Notary (Notaries) Public is (are) certified to be correct.

This instrument was prepared for registration and recorded in Book 2188 Page 38

This Feb 19, 2002 at 10:10 AM

Cecil M. Massengill
Register of Deeds Maryn Bae
Deputy Register of Deeds

RECORDED VERIFIED
& INDEXED _____