

BK 2331 PG 02B

Prepared by and return to: Philip G. Carson
Adams, Hendon, Carson, Crow & Saenger, P.A.
P.O. Box 2714
Asheville, NC 28802

REGISTERED

2003 AUG 30 P 12:52

**SUPPLEMENTARY DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
BILTMORE PARK**

THIS SUPPLEMENTARY DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BILTMORE PARK is made and entered into this the 30th day of August, 2000, by BILTMORE FARMS, INC., a North Carolina corporation with its principal office in Buncombe County, North Carolina, hereinafter referred to as Declarant;

W I T N E S S E T H:

WHEREAS, Declarant is the owner and developer of that certain real property located in Buncombe County, North Carolina, and more particularly described in the Master Declaration of Covenants, Conditions and Restrictions for Biltmore Park (the "Master Declaration") recorded in Deed Book 1845 at Page 53 in the Office of the Register of Deeds for Buncombe County, North Carolina (the "Property"), which Property is being developed by Declarant as a mixed use community to be known as Biltmore Park ("Biltmore Park");

WHEREAS, in the Master Declaration, Declarant has provided for the preservation and enhancement of property values, amenities and opportunities in Biltmore Park and for the maintenance of the Property and improvements thereon, and to this end has subjected those portions of the Property which are developed into Single Dwelling Lots to the easements, covenants, conditions, restrictions, charges and liens described in the Master Declaration. Declarant now desires to add additional property to Biltmore Park and to subject such property to the easements, covenants, conditions, restrictions, charges and liens described in the Master Declaration; and

WHEREAS, Article II, Section 2, of the Master Declaration provides that additional property can be made subject to the Master Declaration and the Declarant desires to make additional property subject to the Master Declaration.

NOW, THEREFORE, Declarant hereby subjects the property shown as Braeside, Section Five, at Biltmore Park on the amended plat recorded in Plat Book 76 at Page 145 in the Office of the Register of Deeds for Buncombe County, North Carolina, (the "Additional Property") to the easements, covenants, conditions, restrictions, charges and liens set forth in the Master Declaration and hereby declares that (subject to certain rights of amendment, as described in the Master Declaration) the Additional Property shall be held, sold and conveyed subject to the easements, covenants, conditions, restrictions, charges and liens of the Master Declaration all of which are for the purpose of enhancing and protecting the value, desirability and attractiveness of Biltmore Park.

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IN WITNESS WHEREOF, the Declarant has caused this Supplementary Declaration to be executed by its officers thereunto duly authorized and its corporate seal to be hereunto affixed, all the day and year first above written.

BILTMORE FARMS, INC.
A North Carolina Corporation

[Corporate Seal]

By: *John F. V. Cecil*
John F.A.V. Cecil, President

Attest: *Philip G. Carson*
Secretary

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, a Notary Public of said County and State, do hereby certify that Philip G. Carson, personally appeared before me this day and acknowledged that he is Secretary of Biltmore Farms, 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 stamp or seal, this 30th day of August, 2000.
[Notarial Seal]

My commission expires:
10-9-2000



Myra A. Kuykendall
Notary Public

State of North Carolina, County of Buncombe
Each of the foregoing certificates, namely of *Myra A. Kuykendall*

_____ a notary or Notaries public of the State and County designated is hereby certified to be correct.
Filed for registration on this the *30th* day of *August* 20*00* at *12:52 P.M.*

Otto W. DeBruhl
OTTO W. DEBRUHL
Register of Deeds, Buncombe County
By: *Karen A. Johnson*
Asst. Deputy Register of Deeds