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PRESENTED
FOR
REGISTRATION

Prepared by and mail to: Savage and Godfrey
Attorneys at Law

94 JUN 17 AM 10:28

STATE OF NORTH CAROLINA
COUNTY OF WAKE

AMENDMENT TO PROTECT
COVENANTS
KENNETH C. WILKINS
REGISTER OF DEEDS
WAKE COUNTY

THIS AMENDMENT TO RESTRICTIVE COVENANTS, made and entered into this 17th day of June, 1994, by THE BARTON CORPORATION, a North Carolina Corporation, hereinafter referred to as "Declarant";

W I T N E S S E T H:

WHEREAS, by an instrument dated February 1, 1994, and recorded in Book 5992, Page 233, Wake County Registry, for Bartons Creek Overlook, as recorded in Book of Maps 1994, Pages 47, 48, and 49 and rerecorded in Book of Maps 1994, Pages 343, 344, and 345, were subjected to Restrictive Covenants as set forth in said instrument; and

WHEREAS, the Declarant desires to amend Article V of said covenants to read as follows:

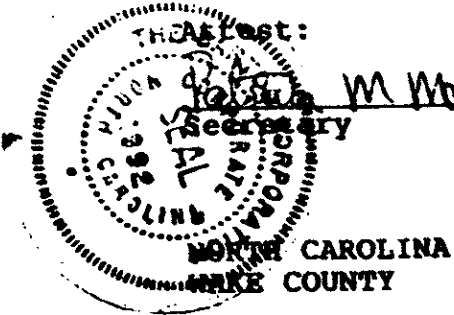
"Except with the prior written approval of Declarant, or its successors or assigns, no dwelling shall be erected on any lot nearer to the front line than 50 feet, nor nearer to the side line than 15 feet; provided, however, that on corner lots the dwelling may face either street and may be located not nearer than 30 feet to one street if same is at least 50 feet from the other street. For the purpose of this covenant, eaves, steps, and open porches shall not be considered as a part of the dwelling, provided, however, that this shall not be constructed to permit any portion of a dwelling on a lot to encroach upon another lot. Declarant reserves the right to waive violations 40% of the front set back requirement contained in this Article V. Upon execution and recordation of such waiver such violation shall not thereafter be deemed existing.

It is understood, however, that all other provisions of said Restrictive Covenants remain in full force and effect.

IN TESTIMONY WHEREOF, the Declarant has caused this instrument to be signed the day and year first above written.

THE BARTON CORPORATION
4603 Western Boulevard
Raleigh, N.C. 27606

By: [Signature]
President

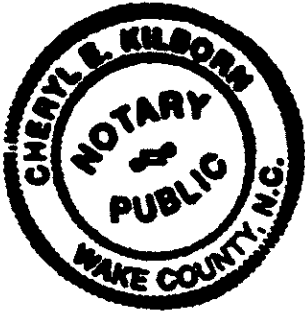


I, a Notary Public of the County and State aforesaid do hereby certify that Patricia M. MacNair personally came before me this day and acknowledged that she is the Secretary of The Barton Corporation, a North Carolina Corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by her as its Secretary.

WITNESS my hand and notarial seal this the 12th day of June, 1994.

[Signature]
Notary Public

My Commission Expires:
5-23-96
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NORTH CAROLINA — WAKE COUNTY

The foregoing certificate of Cheryl E. Kilborn
Notary Public is

(are) certified to be correct. This instrument and this certificate are duly registered at the date and time and in the book and page shown on the first page hereof.

[Signature]
KENNETH C. WILKINS, Register of Deeds
Deputy Register of Deeds