

Drawn by and HOLD FOR:
MOORE & ALPHIN, PLLC (sy)

Wake County, NC 494
Laura M Riddick, Register Of Deeds
Presented & Recorded 04/05/2000 16:48:45
Book : 008557 Page : 00833 - 00837

STATE OF NORTH CAROLINA

COUNTY OF WAKE

**DECLARATION SUBJECTING
PHASE 3
TO THE RESTRICTIVE COVENANTS
FOR COTSWOLD SUBDIVISION**

CENTEX HOMES, a Nevada general partnership (the "Declarant"), hereby declares that the property described on **Exhibit A** attached hereto and made a part hereof, is and shall hereafter be held, transferred, sold and conveyed subject to the **Restrictive Covenants For Cotswold Subdivision, Phase 1**, recorded in **Book 8205, Page 68**, Wake County Registry (the "Covenants"), which Covenants shall be appurtenant to and run with the property, by whomsoever owned, with the following modification:

With regard to Phase 3, Paragraph 20 of the Covenants is amended to read as follows:

"20. EASEMENTS. Easements for the installation, maintenance and repair of sanitary sewer and storm water drainage facilities are reserved as shown on the recorded plats. Within such easements, no structure, planting, or other material shall be placed or permitted to remain which may interfere with the installation and maintenance of the utilities, or which may change the direction of flow or otherwise impede or retard the flow of water through the drainage channels within such easements. Any easements located on a Lot shall be maintained continuously by the owner of such Lot, except for any such improvements for which a public authority or utility company is responsible. Declarant reserves the right to create and impose additional easements or rights-of-way over any unsold Lot or Lots by the recording of appropriate instruments in the Wake County Registry, and such instruments shall not be construed to invalidate any of these covenants.

Declarant reserves an easement in and right at any time in the future to grant a ten-foot (10') right-of-way over, under and along the rear line of each Lot for the installation and maintenance of poles, lines, conduits, pipes and other equipment necessary to or useful for furnishing electric power, gas, telephone service, cablevision or other utilities, including water, sanitary sewage service and storm drainage facilities. Declarant also reserves an easement in and right at any time in the future to grant a five-foot (5') right-of-way over, under and along the side lines of each Lot for the aforementioned purposes.

Easements are also reserved for the benefit of the Declarant and the Cotswold Community Association, Inc. (hereinafter the "Association"), and their respective successors and assigns, over, across and under those portions of Lots shown and designated on the recorded plats of the Subdivision as being reserved for private drainage easements, for the purpose of installing, operating and maintaining storm water drainage facilities thereon. No building, structure, fill, embankment, fence, driveway, planting, swing or other obstruction shall be permitted in such area, other than those installed by the Declarant or the Association unless approved as provided in Paragraph 18 of theses Covenants.

Easements are also reserved for the benefit of the Declarant and the Association, and their respective successors and assigns, over, across and under those portions of Lots 150 and 151 shown and designated on the plat referred to in Exhibit A attached hereto as "30' STREETSCAPE BUFFER AND PRIVATE MAINTENANCE EASEMENT"; those portions of Lots 116-117, inclusive, Lots 132-133, inclusive, and those portions of Lots 141-150, inclusive, shown and designated as "15' UNDISTURBED TYPE B BUFFER AND PRIVATE MAINTENANCE EASEMENT"; those portions of Lots 98-103, inclusive, and Lots 151-153, inclusive, shown and designated as "30' TYPE "B" BUFFER & PRIVATE MAINTENANCE EASEMENT" and that portion of Lot 150 shown and designated as "PRIVATE SIGN LANDSCAPE & MAINTENANCE EASEMENT" for the purpose of installing and maintaining a berm, signage, fences and landscaping within the easement area. No building, structure, fill, embankment, fence, driveway, planting, swing or other obstruction shall be permitted in such area, other than those installed by the Declarant or the Association unless approved as provided in Paragraph 18 of theses Covenants."

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IN WITNESS WHEREOF, Declarant has caused this instrument to be executed as of the date of the notary acknowledgment set forth below.

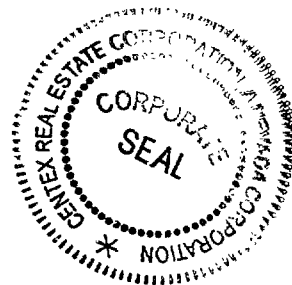
CENTEX HOMES, a Nevada General Partnership

(Seal)

By: **Centex Real Estate Corporation,**
a Nevada corporation,
Managing General Partner

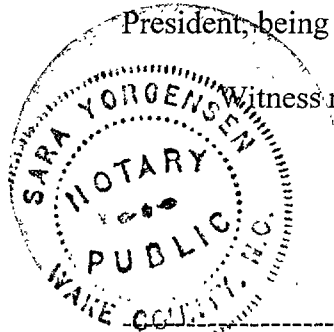
(Corporate Seal)

By: E. Scott Batchelor
E. Scott Batchelor
Division President



STATE OF NORTH CAROLINA -- WAKE COUNTY:

I, SARA YORGENSEN, a Notary Public of the County and State aforesaid, certify that E. SCOTT BATCHELOR personally came before me this day and acknowledged that he is Division President of CENTEX REAL ESTATE CORPORATION, a Nevada corporation and Managing General Partner of CENTEX HOMES, a Nevada General Partnership, and that he, as Division President, being authorized to do so, executed the foregoing on behalf of the corporation.



Witness my hand and seal, this the 30 day of December, 1999.

Sara Yorgensen
Sara Yorgensen
My Commission Expires: 10/23/2001

STATE OF NORTH CAROLINA -- WAKE COUNTY:

The foregoing certificate of SARA YORGENSEN, Notary Public, is 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 the first page hereof.

LAURA M. RIDDICK, Register of Deeds

By: _____
Deputy/Assistant Register of Deeds

EXHIBIT A

**COTSWOLD SUBDIVISION
Phase 3**

Lying and being in the Town of Cary, Holly Springs Township, Wake County, North Carolina, and being more particularly described as follows:

Tract 1: Lots 78-81 and 127-161

All of the real property, containing 15.41 acres, more or less, shown and identified on the plat entitled "**COTSWOLD SUBDIVISION, PORTION OF PHASE 3**", recorded in **Book of Maps 1999, Page 978**, Wake County Registry, including Lots **78-81** and **127-161**, to which plat reference is hereby made for a more particular description.

Tract 2: Lots 82-96 and 98-126

All of the real property, containing 18.51 acres, more or less, shown and identified on the plat entitled "**COTSWOLD SUBDIVISION, PORTION OF PHASE 3**", recorded in **Book of Maps 1999, Page 2308**, Wake County Registry (previously recorded in **Book of Maps 1999, Page 2056**, Wake County Registry), including Lots **82-96** and **98-126**, and the Common Open Space shown thereon, to which plat reference is hereby made for a more particular description.

Laura M Riddick
Register of Deeds
Wake County, NC



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Yellow probate sheet is a vital part of your recorded document.
Please retain with original document and submit for rerecording.



Wake County Register of Deeds
Laura M. Riddick
Register of Deeds

North Carolina - Wake County

The foregoing certificate___ of _____
_____ *Sara Joseph Seal* _____

_____ Notary(ies) 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.

Laura M. Riddick, Register of Deeds

By: *[Signature]*
Assistant/Deputy Register of Deeds

This Customer Group
_____ # of Time Stamps Needed

This Document
_____ New Time Stamp
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