

Prepared by and return to:
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Wake County, NC 241
Laura M Riddick, Register Of Deeds
Presented & Recorded 02/12/2001 11:01:47
Book : 008805 Page : 02403 - 02405

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Cross Reference: Deed Book 7656
Page 581

**SECOND AMENDMENT
TO THE DECLARATION OF PROTECTIVE COVENANTS
FOR SUNSET HILLS SUBDIVISION**

THIS SECOND AMENDMENT TO THE DECLARATION OF PROTECTIVE COVENANTS FOR SUNSET HILLS SUBDIVISION ("Amendment") is made as of the date set forth below by D.R. Horton, Inc. - Torrey ("Declarant").

WHEREAS, on September 17, 1997, the Declarant caused to be recorded that certain Declaration of Protective Covenants for Sunset Hills Subdivision in Deed Book 7656, Page 581, *et seq.*, in the Office of the Register of Deeds of Wake County, North Carolina; and

WHEREAS, Pursuant to Section 12(d) of the Declaration Declarant may, so long as Declarant has the right to unilaterally subject additional property to the Declaration, unilaterally amend the Declaration for any purpose so long as it does not materially adversely affect the substantive rights of any Lot Owners; and

WHEREAS, the Declarant desires to amend the Declaration to modify the use restriction which provides that no fence be placed, erected, allowed, or maintained upon any Lot closer to the street than the rear one-third (1/3) of the residence located on the Lot in Section 6(c)(xxiii); and

WHEREAS, Declarant still has the right to unilaterally subject property to the Declaration; and

WHEREAS, this Amendment does not materially adversely affect any right of any Lot Owner.

NOW, THEREFORE, pursuant to Section 12(d) of the Declaration Declarant hereby amends the Declaration as follows:

1.

Section 6(c)(xxiii) is deleted in its entirety and replaced as follows:

Fences. No fence or fencing type barrier of any kind shall be placed, erected, allowed, or maintained upon any Lot closer to the street than the front side of the residence located upon the Lot. (Generally, only privacy fencing constructed of six (6) foot maximum height, dog eared, composed of either unpainted or white painted pressure treated or cedar, or four (4) foot maximum height rough sawn open board or split rail, of either unpainted or white painted cedar shall be approved by the Architectural Review Committee.) Notwithstanding the foregoing, the Declarant shall have the right to erect fencing of any type, at any location, on any Lot during the period that such Lot is being used by Declarant as a model home. The Board of Directors shall

have the right to erect fencing of any type considered appropriate or desirable by the Board at any location on the Common Property.

THIS AMENDMENT shall govern all property now or hereafter subject to annexation to the Declaration. Such property shall be sold, transferred, used, conveyed, occupied, and mortgaged or otherwise encumbered pursuant to the provisions of the Declaration, as amended which shall run with the title to such property and shall be binding upon all persons having any right, title, or interest in such property, their respective heirs, legal representatives, successors, successors-in-title, and assigns.

IN WITNESS WHEREOF, the Declarant has executed this Amendment this 5th day of February, 2001.

DECLARANT:

D.R. HORTON, INC. - TORREY,
a Delaware corporation

ATTEST:

By: Paula Unseth

Title: Asst. Secretary

By: [Signature]

Title: Vice President



[CORPORATE SEAL]

STATE OF NORTH CAROLINA

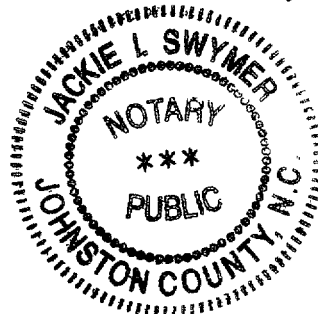
COUNTY OF JOHNSTON

This 5th day of February, 2001, personally came before me, Paula Unseth, who being by me duly sworn, says that s/he is the Corp Asst Sec. of D.R. Horton, Inc. - Torrey, a Delaware corporation; that the seal affixed to the foregoing instrument in writing is the corporate seal of said D.R. Horton, Inc. - Torrey; and that said Paula Unseth acknowledged the said writing to be the act and deed of said corporation.

Jackie L Swymer
Notary Public

My commission expires: 2.16.02

4858/Sunset Hills



Laura M Riddick
Register of Deeds
Wake County, NC



Book : 688665 Page : 02403 - 02405

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 Jackie L. Swymet

____ 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: P. Anne Redd
Assistant/~~Deputy~~ Register of Deeds

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