

BK015130PG01331

WAKE COUNTY, NC 523
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
02/04/2013 AT 16:20:54

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Prepared by and mail after recording to:
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Raleigh, NC 27619

STATE OF NORTH CAROLINA

COUNTY OF WAKE

**SECOND AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS,
CHARGES AND LIENS FOR LENNOX AT BRIER CREEK**

THIS SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS, CHARGES AND LIENS FOR LENNOX AT BRIER CREEK (this "Amendment") is made and entered into effective as of the date of its recordation in the Office of the Register of Deeds for Wake County, North Carolina by **STANDARD PACIFIC OF THE CAROLINAS, LLC**, a Delaware limited liability company ("Declarant").

Declarant is the Declarant under that certain Declaration of Covenants, Conditions, Restrictions, Easements, Charges and Liens for Lennox at Brier Creek recorded on July 16, 2007 in Book 12655 at Pages 1690-1747 in the Office of the Register of Deeds for Wake County, North Carolina, as amended by that certain First Amendment to Declaration of Covenants, Conditions, Restrictions, Easements, Charges and Liens for Lennox at Brier Creek recorded on December 7, 2007, in Book 15050 at Pages 287-290 in the Office of the Register of Deeds for Wake County, North Carolina (the "Declaration").

Article 11, Section 2 of the Declaration provides that Declarant may unilaterally amend this Declaration during the Declarant Control Period for any purpose and Declarant desires to amend the Declaration as detailed herein.

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NOW, THEREFORE, Declarant, by this Amendment, does hereby amend the Declaration as follows:

1. Defined Terms. All capitalized terms used herein, unless otherwise defined herein, shall have the meanings set forth in the Declaration.
2. Access and Utility Easements. Article VIII, Section 1 of the Declaration is hereby amended to add the following at the end of such section:

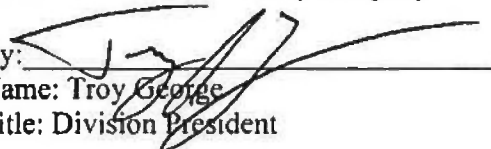
Each Owner shall be responsible for the maintenance of the water lines and sewer lines and cleanouts from the street where such utilities are installed to the residence on such Owner's Lot ("Water and Sewer Lateral Facilities"). To the extent the Water and Sewer Lateral Facilities serving one Lot are located on an adjacent Lot, the Owner of the Lot served by the Water and Sewer Lateral Facilities shall have an easement over the adjacent Lot for the purpose of operating, maintaining, repairing, and replacing the Water and Sewer Lateral Facilities as necessary from time to time. The Owner of the Lot served by the Water and Sewer Lateral Facilities shall restore any portions of the adjacent Lot that are disturbed or damaged following any operation, maintenance, repair, replacement or removal of the Water and Sewer Lateral Facilities to substantially the condition that existed immediately prior to the commencement of such activity.

3. Effect of Amendment. The Declaration is hereby modified to the extent set forth herein, but only to the extent set forth herein. All provisions of the Declaration not modified by this Amendment shall remain in full force and effect in accordance with their original terms as set forth in the Declaration.

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IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has executed this Amendment as of the date set forth in the acknowledgement below.

Standard Pacific of the Carolinas, LLC,
a Delaware limited liability company

By: 
Name: Troy George
Title: Division President

Wake County, North Carolina

I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Troy George.

Date: 2/4/13

My Commission Expires:

12/16/14

[Affix Notary Stamp or Seal]

Jennifer C. Mannina
Notary Public
Print Name: Jennifer C. Mannina



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

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