

WAKE COUNTY, NC 153
 LAURA M RIDDICK
 REGISTER OF DEEDS
 PRESENTED & RECORDED ON
 11/07/2005 AT 10:05:57

BOOK:011673 PAGE:00008 - 00011

STATE OF NORTH CAROLINA
 COUNTY OF MECKLENBURG

**SECOND AMENDMENT TO THE
 DECLARATION OF COVENANTS
 AND RESTRICTIONS FOR GATEWAY
 TOWNHOMES AT BRIER CREEK**

THIS SECOND AMENDMENT to the Declaration of Covenants and Restrictions for Gateway Townhomes at Brier Creek, is made as of this 17 day of August, 2005 by GATEWAY HOMES, LLC ("Declarant"), declarant under the Declaration of Covenants and Restrictions for Gateway Townhomes at Brier Creek recorded in Book 10934 at Page 2659 and supplemented in Book 11320, Page 36 and amended in Book 11320, Page 40 in the Wake County Public Registry ("Declaration").

WITNESSETH:

WHEREAS, Article X of the Declaration provides that the Declaration may be amended upon approval of (a) those members who own no fewer than sixty-seven percent (67%) of the Lots, and (b) the Declarant, if the Declarant shall then own any Lot;

WHEREAS, Declarant currently owns the following Lots: Lots 16 -60, 125-127, 220, 222, 224, 226, 233-239 and 293 as shown on The Final Plat for Gateway Townhomes at Brier Creek Phase 1 recorded in Book of Maps 2003 Pages 2101-2105, Wake County Registry, and Lots 61-124, 128-219, and 262-286 as shown on The Final Plat for Gateway Townhomes at Brier Creek Phase 2 recorded in Book of Maps 2005 Pages 1643-1649, Wake County Registry, which comprise 241 of the total 310 Lots within the Brier Creek Property;

WHEREAS, Declarant currently owns no less than sixty-seven (67%) of the Lots subject to the Declaration;

DRAWN BY AND MAIL TO:

Louise Fisher Harmon, Esq.
 Horack Talley Pharr & Lowndes, P.A.
 301 South College Street, Ste. 2600
 Charlotte, North Carolina 28202-6038

LMH

WHEREAS, Declarant wishes to amend the Declaration in order to clarify some of the defined terms therein;

NOW, THEREFORE, the Declarant hereby declares that the Declaration is hereby amended as follows:

1. The definition of 'Brier Creek Property' set forth in Article 1 of the Declaration is hereby amended to read as follows: "Brier Creek Property shall mean the entirety of the real property described on Exhibit A, hereto attached and made a part hereof, and any Additional Property."

2. The definition of 'Plat' set forth in Article 1 of the Declaration is hereby amended to read as follows: "Plat shall mean the Final Plat for Gateway Townhomes at Brier Creek, Phase 1 prepared by The John R. McAdams Company dated September 29, 2003, recorded in Book of Maps of Wake County, North Carolina in Book 2003, Pages 2101-2105 and the Final Plat for Gateway Townhomes at Brier Creek, Phase 2 prepared by The John R. McAdams Company dated February 23, 2005, recorded in Book of Maps of Wake County, North Carolina in Book 2005, Pages 1643-1649, and shall include any and all other plats of survey which shall be recorded pursuant to the provisions of Article II, Sections 2 and 4."

3. The definition of 'Stormwater Control Measures' set forth in Article 1 of the Declaration is hereby amended to read as follows: "Stormwater Control Measures shall mean dry detention ponds, stormwater detention ponds and associated plants, storm pipes, grass swales, and rip rap situated within private drainage easements shown on all recording Plats and serving more than one Lot."

4. Except as amended hereby, the Declaration shall remain in full force and effect pursuant to its terms.

[signatures appear on following page]

IN WITNESS WHEREOF, the parties have caused this instrument to be executed as of the day and year first above written.

GATEWAY HOMES, LLC

By: Doug Levin (SEAL)
Doug Levin, Manager

STATE OF NORTH CAROLINA

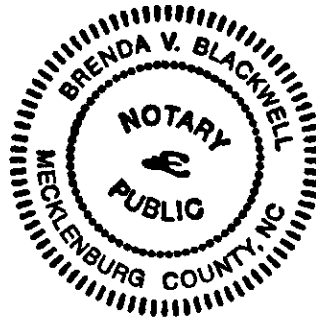
COUNTY OF MECKLENBURG

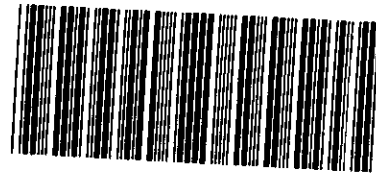
I, Brenda V. Blackwell, a Notary Public in and for the County and State aforesaid, do hereby certify that on this 22nd day of June, 2005, Doug Levin personally appeared before me and, being by me duly sworn, said that he is a manager of Gateway Homes, LLC, a North Carolina limited liability company, that the statements contained in the foregoing instrument are true, and he acknowledged said instrument to be the duly authorized act and deed of said company.

WITNESS my hand and notarial stamp or seal.

Brenda V. Blackwell
NOTARY PUBLIC

My Commission Expires: November 16, 2009





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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 _____

_____ 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: _____
Assistant/Deputy Register of Deeds

This Customer Group
_____ # of Time Stamps Needed

This Document
_____ New Time Stamp
_____ # of Pages