

Wake County, NC 725
 Laura M Riddick, Register of Deeds
 Presented & Recorded 07/25/2002 16:51:46
 Book : 009509 Page : 00439 - 00448

STATE OF NORTH CAROLINA
 COUNTY OF WAKE

AMENDMENT TO DECLARATION OF
 PROTECTIVE COVENANTS FOR
 TUPPER PLACE SUBDIVISION PHASE II

THIS AMENDMENT to the Declaration of Protective Covenants for TUPPER PLACE SUBDIVISION, PHASE II, is made this 24th day of June, 2002, by SHAW DEVELOPMENT CORPORATION, a North Carolina Corporation (hereafter, "Declarant"); the LOT OWNERS executing this Amendment; and TRUSTEES AND LENDERS executing this Amendment hereinafter identified.

W I T N E S S E T H :

WHEREAS, Declarant caused to be recorded by instrument dated July 11, 2000 and recorded in Book 8631, Page 610, Wake County Registry that Declaration of Protective Covenants for TUPPER PLACE SUBDIVISION PHASE II (hereinafter referred to as the "Declaration"); and

WHEREAS, it is necessary to amend Article V of the Declaration to incorporate the correct building setback requirements as depicted on the map recorded in Book of Maps 1999, at Page 448, Wake County Registry.

NOW, THEREFORE, the undersigned do hereby declare that the Declaration of Protective Covenants for TUPPER PLACE SUBDIVISION PHASE II shall be amended as follows:

1. Article V of the Declaration is hereby replaced in its entirety with the following language:

"SETBACK LINES: No building shall be located on any lot less than twenty (20) feet from the front lot line. No building shall be located less than five (5) feet from any side lot line, but in no event shall the aggregate side setback be less than fifteen (15) feet. The Architectural Review Committee shall approve the location of buildings on all lots in the subdivision, providing the building setback lines stated hereinabove are observed. Developer reserves the right to waive minor violations of setback and side line requirements set forth in this Article. (Violations not in excess of ten percent (10%) of the minimum requirements shall be deemed minor)."

2. This Amendment shall be effective upon recordation in the office of the Wake County Register of Deeds.

3. Except as amended hereinbove, the remaining portions of the Declaration as originally recorded are hereby restated and re-acknowledged.

PREPARED BY WARD & SMITH, P.A.
 HOLD FOR AARON D. GARRETT, ATTORNEY (80267)

IN WITNESS WHEREOF, the undersigned Declarant, Lot Owners and Trustees and Lenders hereinafter identified have caused this Amendment to be executed in such form as to be binding, by authority first duly given.

SHAW DEVELOPMENT CORPORATION

By: Harold H. Webb
Harold H. Webb, President

STATE OF NORTH CAROLINA
COUNTY OF ~~WAKE~~ DURHAM

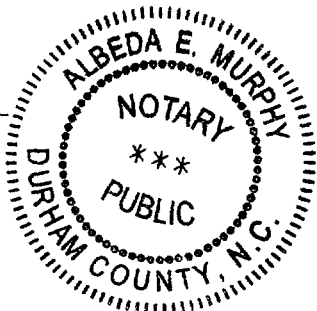
I, Albeda E. Murphy, a Notary Public in and for said County and State, do hereby certify that HAROLD H. WEBB personally appeared before me this day and acknowledged that he is the President of SHAW DEVELOPMENT CORPORATION, a corporation, and that he, as its President being authorized to do so, executed the foregoing on behalf of the corporation.

June WITNESS my hand and official seal, this the 24th day of
_____, 2002.

Albeda E. Murphy
Notary Public

My Commission Expires:

12.11.05



LOT OWNER - LOT 20

Annette T. Crenshaw (SEAL)
Annette T. Crenshaw

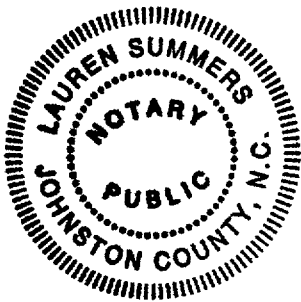
STATE OF NORTH CAROLINA
COUNTY OF Johnston

I, Lauren Summers, a Notary Public in and for
said County and State, do hereby certify that ANNETTE T. CRENSHAW personally appeared
before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this the 2nd day of July,
2002.

Lauren Summers
Notary Public

My Commission Expires:
February 4, 2007



LOT 20

TRUSTEE

Jeffrey Cobb (SEAL)
Jeffrey Cobb, Trustee

LENDER

FIRST-CITIZENS BANK & TRUST COMPANY

By: Eric M. Loria
SVP
(TITLE - AUTHORIZED OFFICER)

STATE OF NORTH CAROLINA
COUNTY OF Wake

I, D. Gregory Wilkins, a Notary Public in and for
said County and State, do hereby certify that JEFFREY COBB, Trustee, personally appeared
before me this day and acknowledged the due execution of the foregoing instrument.

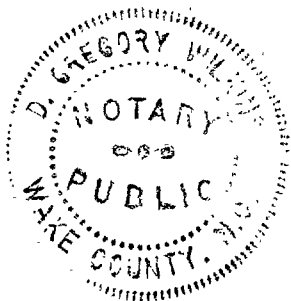
WITNESS my hand and notarial seal, this the 24 day of July,
2002.

D. Gregory Wilkins
Notary Public

My Commission Expires:

11-16-2005

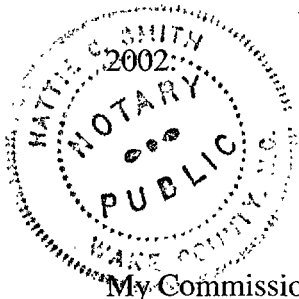
730098-7272
NBMAIN495667.1



STATE OF NORTH CAROLINA
COUNTY OF Wake

I, Hattie C. Smith, a Notary Public in and
for said County and State, do hereby certify that Eric M. Prior personally
appeared before me this day and acknowledged that he is SVP (Title - Authorized
Officer) of FIRST-CITIZENS BANK AND TRUST COMPANY, a corporation, and that he, as
SVP (Title - Authorized Officer) being authorized to do so, executed the foregoing on
behalf of the corporation.

WITNESS my hand and official seal, this the 24th day of July.

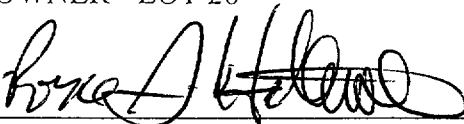


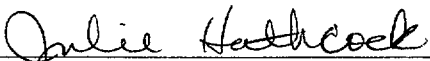
Hattie C. Smith
Notary Public

My Commission Expires:

10-9-2002

LOT OWNER - LOT 26

 (SEAL)
Royce J. Hathcock

 (SEAL)
Julie Hathcock

STATE OF NORTH CAROLINA
COUNTY OF Wake

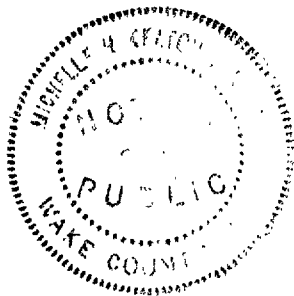
I, Michelle H. Keaton-Barnes, a Notary Public in and for
said County and State, do hereby certify that ROYCE J. HATHCOCK and JULIE HATHCOCK
personally appeared before me this day and acknowledged the due execution of the foregoing
instrument.

WITNESS my hand and notarial seal, this the 16th day of July,
2002.

Michelle H. Keaton-Barnes
Notary Public

My Commission Expires:

09/23/02



LOT 26

TRUSTEE

Kevin H. Dail (SEAL)
Kevin H. Dail, Trustee

LENDER

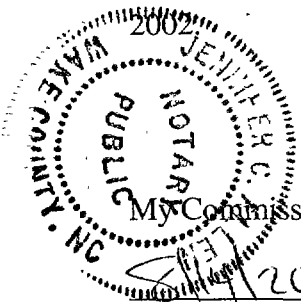
BANK OF AMERICA, N.A.

By: [Signature]
S. Vice Pres.
(TITLE - AUTHORIZED OFFICER)

STATE OF NORTH CAROLINA
COUNTY OF Wake

I, Jennifer C. Allen, a Notary Public in and for
said County and State, do hereby certify that KEVIN H. DAIL, Trustee, personally appeared
before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this the 23 day of July.



My Commission Expires: 7/1/2005

Jennifer C. Allen
Notary Public

STATE OF NORTH CAROLINA
COUNTY OF WAKE

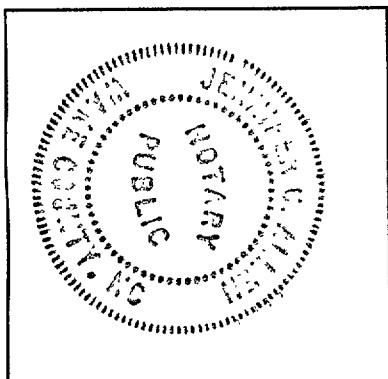
I, JENNIFER C. Allen, a Notary Public in and
for said County and State, do hereby certify that Dwight Harper personally
appeared before me this day and acknowledged that he is VP President of BANK OF
AMERICA, N.A. and that he, as VP President being authorized to do so, executed the
foregoing on behalf of the corporation.

WITNESS my hand and official seal, this the 23 day of July, 2002.

Jennifer C. Allen
Notary Public

My Commission Expires:

8/14/2005



Notary seal or stamp must appear within above box.

730098-7272

WLMMAIN\ShawSubT.WPD

LOT OWNER - LOT 30

Treshell Mayo (SEAL)
Treshell Mayo

STATE OF NORTH CAROLINA
COUNTY OF Wake

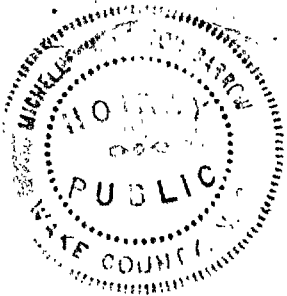
I, Michelle Harriet Keaton-Barrow, a Notary Public in and for
said County and State, do hereby certify that TRESHELL MAYO personally appeared before me
this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this the 13th day of July,
2002.

Michelle Harriet Keaton-Barrow
Notary Public

My Commission Expires:

09/23/03



730098-7272-001
WLMMAIN\80477.1

Laura M Riddick
Register of Deeds
Wake County, NC



Book : 009509 Page : 00439 - 00448

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 S of Albedia E. Murphy
Hattie C. Smith
Michelle H. Kector-Barnes Lauren Summers
Jennifer C. Allen D. Gregory Wilkins

____ 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: Fredrick C. Baymon
Assistant/Deputy Register of Deeds

This Customer Group
_____ # of Time Stamps Needed

This Document
_____ New Time Stamp
10 # of Pages