

BK8277PG0998

Prepared by and return to:
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Hyatt & Stubblefield, P.C.
225 Peachtree Street, N.E., Suite 1200
Atlanta, GA 30303

000352

PRESENTED
FOR
REGISTRATION

99 MAR 26 AM 11:42

LAURA M. RIDDLE
REGISTER OF DEEDS
WAKE COUNTY

STATE OF NORTH CAROLINA

Cross Reference: Deed Book 7656
Page 581

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

THIS FIRST 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.*, of 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 every single-family detached home shall contain a garage in Section 6(c)(ix) to allow single-family detached homes without garages; and

WHEREAS, the Declarant desires to amend the Declaration to modify the use restriction which provides that generally only unpainted cedar fencing shall be approved by the Architectural Review Board 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.

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The last two sentences of the first paragraph of Section 6(c)(ix) are deleted and replaced as follows:

In addition, when a Lot contains a garage the garage door shall be kept closed unless in use.

2.

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 rear one-third (1/3) 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.

[SIGNATURES ON NEXT PAGE]

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IN WITNESS WHEREOF, the Declarant has executed this Amendment this fourth day of March, 19 99.

DECLARANT: D.R. HORTON, INC. - TORREY,
a Delaware corporation [SEAL]



By: Patricia K. Lipp

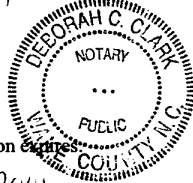
Title: Vice President

[CORPORATE SEAL]

STATE OF NORTH CAROLINA

COUNTY OF WAKE

This 4 day of March, 19 99, personally came before me, Patricia K. Lipp, who being by me duly sworn, says that s/he is the Vice President 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 Stephen Buch acknowledged the said writing to be the act and deed of said corporation.



Deborah C. Clark
Notary Public

My commission expires

5-7-2001

4858/Sunset Hills

NORTH CAROLINA — WAKE COUNTY

The foregoing certificate ___ of ___

Deborah C. Clark
Notary(y/es) 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 herof.

By Laura M. Riddick
Asst./Deputy Register of Deeds