

After recording, mail to:

J. Matthew Waters

P.O. Box 10669, Raleigh, NC 27605

This instrument was prepared by:

Jordan, Price, Wall, Gray, Jones & Carlton, PLLC

STATE OF NORTH CAROLINA

**SECOND AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR BUCKHORN PRESERVE**

COUNTY OF WAKE

This SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BUCKHORN PRESERVE (the "Second Amendment") is made as of this 23 day of March, 2022, by CALATLANTIC GROUP, INC. a Delaware corporation ("Declarant").

W I T N E S S E T H:

WHEREAS, Declarant is the Declarant under that certain Declaration of Covenants, Conditions and Restrictions for Buckhorn Preserve recorded in Book 17122, Page 673, Wake County Registry (the "Declaration");

WHEREAS, on or about October 19, 2018, Declarant caused to be recorded that certain First Amendment to Declaration of Covenants, Conditions and Restrictions for Buckhorn Preserve in Book 17271, Page 1086, Wake County Registry (the "First Amendment") [the Declaration and First Amendment being hereinafter collectively, the "Declaration"];

WHEREAS, Article 18, Section 18.10(a) of the Declaration; the Declarant, "...during the period of Declarant control as set forth in Section 8.06, Declarant, without obtaining the approval of any Owner or Owners other than Declarant, shall have the unilateral right, in its sole and absolute discretion, to make any amendments or modification hereto which Declarant deems necessary or desirable, including, without limitation, amendments or modifications to any procedural, administrative or substantive provisions of this Declaration;"

WHEREAS, the Declarant is still in control as that is defined in Article 8, Sections 8.03 and 8.06 of the Declaration;

WHEREAS, by inadvertence or oversight, a prohibition on outdoor firepits was included in the Declaration; and for the benefit of the Association and its Members, Declarant desires this Second Amendment remove the same;

WHEREAS, the Declarant also desires by this amendment to amend Article 7, Section 7.11 (and Article 7, Section 7.13) regarding trampolines and movable/portable basketball goals; and

WHEREAS, the capitalized terms in this Second Amendment shall have the same meaning as such capitalized terms in the Declaration unless otherwise stated herein.

NOW THEREFORE, the undersigned for the purposes expressed hereinabove, does hereby declare that the following amendments to the Declaration shall be binding on all parties having or acquiring any right, title or interest in the real property subject to the Declaration, or any part thereof, and shall inure to the benefit of each Owner or successor in interest or assignee thereof:

1. RECITALS. The foregoing Recitals are hereby incorporated herein by reference as if fully set forth hereinbelow, shall constitute an integral part of this Second Amendment, and this Second Amendment shall be construed in light thereof.

2. That the last sentence of Article 7, Section 7.02 shall be deleted in its entirety.

3. That it is intended by this Second Amendment that outdoor firepits, fireplaces, and other similar devices that otherwise comply with local ordinance(s) and laws shall be allowed by the Association.

4. That Article 7, Section 7.11 shall be deleted in its entirety and replaced with the following:

7.11. Trampolines, Freestanding Flagpoles, Movable/Portable Basketball Goals, Above-Ground Pools, Yard Art or Awnings. Except as may be allowed by the Architectural Control Committee pursuant to Article 7, Section 7.13 of this Declaration, no trampolines or movable/portable basketball goals are permitted. Freestanding flagpoles and above-ground pools are strictly prohibited. Wading pools shall only be allowed during appropriate weather and must be emptied and stored out of view when not in use. Except as may be permitted by the Architectural Control Committee, no Owner shall construct, install, erect or maintain upon any Lot any yard art or awnings. The United States flag and the State of North Carolina flag may be displayed using a bracket or other approved device mounted to a dwelling so long as the size of the flag displayed does not exceed the dimensions of four (4) feet by six (6) feet. Except as may be permitted by the Architectural Control Committee, no other flags shall be permitted.

5. That Article 7, Section 7.13 of the Declaration shall be amended to provide a new subsection (i) as follows:

(i) No trampolines or movable/portable basketball goals are permitted, unless first approved by the ACC as to, among other things, location and duration of placement/use of the same.

6. That all remaining provisions of the Declaration with the exception of the herein stated Second Amendment shall remain in full force and effect.

7. That this Second Amendment shall become effective as of the date of recording in the Office of the Wake County Register of Deeds.

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

DECLARANT:

CalAtlantic Group, Inc., a Delaware corporation

By: [Signature] VICE President

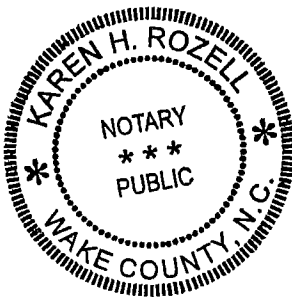
STATE OF NORTH CAROLINA

ACKNOWLEDGMENT

COUNTY OF WAKE

I, Karen H Rozell, a Notary Public of the County and State aforesaid, certify that Troy George personally came 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: _____.

Witness my hand and official stamp or seal, this 23 day of March, 2022.



Karen H Rozell
Notary Public

Karen H Rozell
Printed Name

My Commission Expires: 4-17-2025