Prepared by and return to:
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Wake County,NC 29
Laura M Riddick, Register Of Deeds
Presented & Recorded 01/03/2001 09:01:48
Book : 008772 Page : 02295 - 02297

STATE OF NORTH CAROLINA

COUNTY OF WAKE

Cross Reference: Deed Book 2000
Page 1811

# FIRST AMENDMENT TO THE DECLARATION OF PROTECTIVE COVENANTS FOR RAVEN POINTE SUBDIVISION

THIS FIRST AMENDMENT TO THE DECLARATION OF PROTECTIVE COVENANTS FOR RAVEN POINTE SUBDIVISION ("Amendment") is made as of the date set forth below by D.R. Horton, Inc. - Torrey, a Delaware corporation ("Owner").

## WITNESSETH

WHEREAS, October 18, 2000, Owner caused to be recorded that certain Declaration of Protective Covenants Raven Pointe Subdivision in Deed Book 2000, Page 1811, *et seq.*, in the Office of the Register of Deeds of Wake County, North Carolina ("Declaration"); and

WHEREAS, pursuant to the terms of Section 13(d) of the Declaration, so long as Declarant has the right unilaterally to subject additional property to the Declaration, Declarant may unilaterally amend the Declaration for any purpose; provided, however, any such amendment shall not materially adversely affect the substantive rights of any Lot Owners under the Declaration, nor shall it adversely affect title to any Lot without the consent of the affected Lot Owner; and

WHEREAS, Declarant desires to amend the Declaration to allow Owners maintain the interior of fences installed as a part of the original construction on the Lot; and

WHEREAS, Declarant further desires to provide that all such fences must permit access in order to allow entry to the fenced area from outside the dwelling for the exercise of maintenance and utility easements, as imposed by Sections 12(c) and (f) of the Declaration, for the good of the Community; and

WHEREAS, Declarant, at the time of this Amendment, has the right unilaterally to subject additional property to the Declaration; and

WHEREAS, this Amendment will not materially adversely affect the substantive rights or any Lot Owners nor will it adversely affect title to any Lot without the consent of the affected Lot Owner.

NOW, THEREFORE, pursuant to the powers retained by Declarant under the Declaration, Declarant hereby amends Section 5(b)(ii) of the Declaration by adding the following sentence:

The Association shall maintain the exterior of fences installed on the rear portion of the dwelling (in compliance with the provisions of Section 7(c)(xxiii)) and the Owner of the Lot shall be responsible for maintaining the interior portion of such fence and the landscaping contained therein, consistent with the Community-Wide Standard. In addition, each such fence shall allow access into the fenced area from the exterior of the fence to allow access to the fenced area to the Association to exercise the utility and maintenance easements further described in Sections 12(c) and (f), if necessary.

IN WITNESS WHEREOF, the undersigned Declarant has executed this Amendment this 22 day of December, 2000.

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

By: _____
Stephen D. Leach, Vice President

Attest: Wendy C. Roberson

Its: Asst. Corporate Secretary

[CORPORATE SEAL]

D.R. HORTON, INC.-TORREY CORPORATE SEAL DELAWARE CORPORATION 1997

Signed, sealed, and delivered this 22 day of December, 2000, in the presence of:

_____
Witness

_____
Witness

**STATE OF** North Carolina
**COUNTY OF** Johnston

This 22 day of December, 2000, personally came before me, Jackie I Swymer Notary Public for the County and State, Stephen D. Leach, who being by me duly sworn, says that he is Vice President of D.R. Horton, Inc. - Torrey, a Delaware corporation, and that the seal affixed to the foregoing instrument in writing is the corporate seal of said company, and that said writing was signed and sealed by him in behalf of said corporation by its authority duly given. And the said Stephen D. Leach acknowledged the said writing to be the act and deed of said corporation.

Witness my hand and official seal, this the 22 day of December, 2000.

_____
Notary Public

JACKIE I. SWYMER NOTARY *** PUBLIC JOHNSTON COUNTY, N.C.

My commission expires: 2-16-2002
[NOTARY SEAL]

Laura M Riddick
Register of Deeds
Wake County, NC

Book : 008772 Page : 02295 - 02297

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**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 _____

Jackie I Swymer.

_____ 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/De~~puty Register of Deeds

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