

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

FOR REGISTRATION WILLIE L. COVINGTON
REGISTER OF DEEDS
DURHAM COUNTY, NC
2000 SEP 26 10:45:34 AM
BOOK: 2915 PAGE: 785-793 FEE: \$22.00
INSTRUMENT # 2000034766

STATE OF NORTH CAROLINA

Cross Reference: Deed Book 2628
Page 937

COUNTY OF DURHAM

**AMENDMENT TO THE FIRST
SUPPLEMENTARY DECLARATION TO THE
DECLARATION OF PROTECTIVE COVENANTS
FOR COUNTRY CLUB HEIGHTS**

THIS AMENDMENT TO THE FIRST SUPPLEMENTARY DECLARATION TO THE DECLARATION OF PROTECTIVE COVENANTS FOR COUNTRY CLUB HEIGHTS ("Amendment") is made as of the date set forth below by Country Club Heights, a North Carolina general partnership ("Declarant").

WHEREAS, on April 12, 1999, Declarant caused to be recorded that certain Declaration of Protective Covenants for Country Club Heights in Deed Book 2628, Page 888, *et seq.*, of the Office of the Register of Deeds of Durham County, North Carolina (as supplemented and amended from time to time, the "Declaration"); and

WHEREAS, on April 12, 1999, Declarant caused to be recorded that certain First Supplementary Declaration to the Declaration of Protective Covenants for Country Club Heights in Deed Book 2628, Page 937, *et seq.*, of the Register of Deeds of Durham County, North Carolina ("Supplementary Declaration"); and

WHEREAS, pursuant to Section 3.1 of the Supplementary Declaration, so long as Declarant owns property described in Exhibit "A" to the Supplementary Declaration for development or sale, it may unilaterally amend the Supplementary Declaration for any purpose, provided the amendment has no material adverse effect upon the right of any Owner without such Owner's consent in writing; and

WHEREAS, pursuant to Section 17 of the Declaration, upon the acquisition of record title to a lot by the first owner other than Declarant or a builder, a contribution of \$100.00 shall be made by or on behalf of the purchaser to the Country Club Heights Homeowner's Association, Inc. ("Association") for expenses and costs of and the creation of a long term maintenance reserve for the Association; and

WHEREAS, Declarant desires to amend the Supplementary Declaration to modify the capitalization fee to reflect the Association's higher level of maintenance responsibility for townhomes; and

WHEREAS, Declarant currently owns a portion of the property described in Exhibit "A" to the Supplementary Declaration for development or sale; and

WHEREAS, a builder, D.R. Horton, Inc. – Torrey ("Torrey") also owns a portion of the property described in Exhibit "A" to the Supplementary Declaration for development or sale; and

WHEREAS, Torrey has consented to this Amendment in writing and such consent is attached hereto as Exhibit "A."

NOW, THEREFORE, pursuant to Section 3.1 of the Supplementary Declaration Declarant hereby amends the Supplementary Declaration to add Section 2.4 as follows:

Capitalization of Association. Upon acquisition of record title to a Lot by the first Owner other than Declarant or a Builder, a contribution of \$ 250.00 ("Initiation Fee") shall be made by or on behalf of the purchaser to the Association as set forth below. The Initiation Fee shall be in addition to, not in lieu of, any annual or special assessments. The Initiation Fee shall be payable at Closing, shall not be prorated, and the Association shall have all rights under the Declaration for enforcement of assessments if it is not paid. The Initiation Fee shall be deposited into an account of the Association and disbursed from that account (a) \$ 200.00 for expenses and costs of the Association in accordance with the Declaration and Bylaws, as amended, and (b) \$ 50.00 of the Initiation Fee shall be held by the Association as a long term "Maintenance Reserve" to be disbursed by the Association for maintenance of any property which the Association is required or permitted to maintain, in its sole discretion. The Initiation Fee referred to in this paragraph is payable only one time, and will not be charged subsequent purchasers of a Lot once paid.

THIS AMENDMENT shall govern all property now or hereafter subject to annexation to the Supplementary Declaration. Such property shall be sold, transferred, used, conveyed, occupied, and mortgaged or otherwise encumbered pursuant to the provisions of the Supplementary 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]

IN WITNESS WHEREOF, the Declarant has executed this Amendment this 18th day of September, 2000.

DECLARANT:

COUNTRY CLUB HEIGHTS,
A North Carolina General Partnership

By: [Signature]
Richard B. Williams, General Partner

By: [Signature]
T.C. Stanford, General Partner

By: [Signature]
R. Roy Mitchell, Jr., General Partner

By: [Signature]
Walker S. Stone, General Partner

By: [Signature]
Michael W. Powell, General Partner

By: **BARRINGER ENTERPRISES, INC.**
General Partner

By: [Signature]
Stephen W. Barringer, President

ATTEST:

[Signature]
Russell N. Barringer, III, Secretary

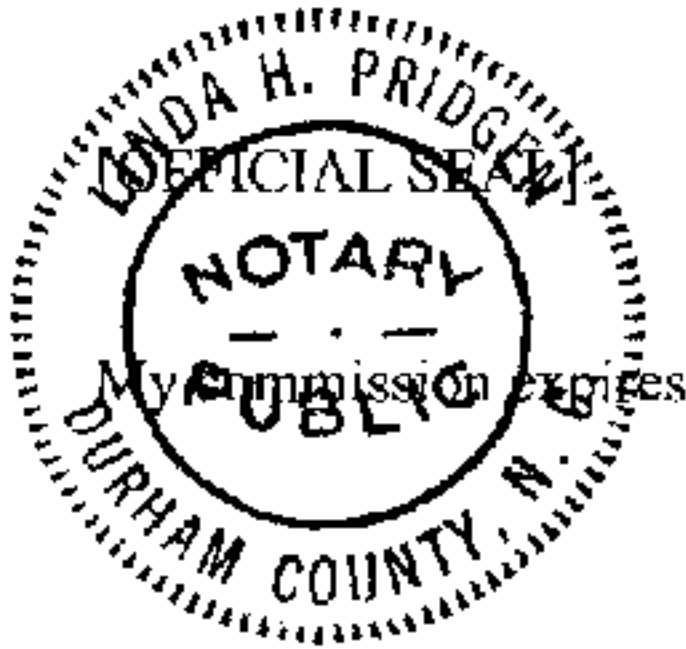


STATE OF NORTH CAROLINA

COUNTY OF DURHAM

This 18th day of September, 2000, personally came before me, Linda H. Pridgen, Notary Public for the County and State, Russell N. Barringer, III, personally came before me this day and acknowledged that he is Secretary of Barringer Enterprises, Inc., a North Carolina corporation, General Partner of Country Club Heights, a North Carolina General Partnership, and by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporation seal, and attested by himself as its Secretary.

Witness my hand and official seal, this the 18th day of September, 2000.



Linda H. Pridgen
Notary Public

STATE OF NORTH CAROLINA

COUNTY OF DURHAM

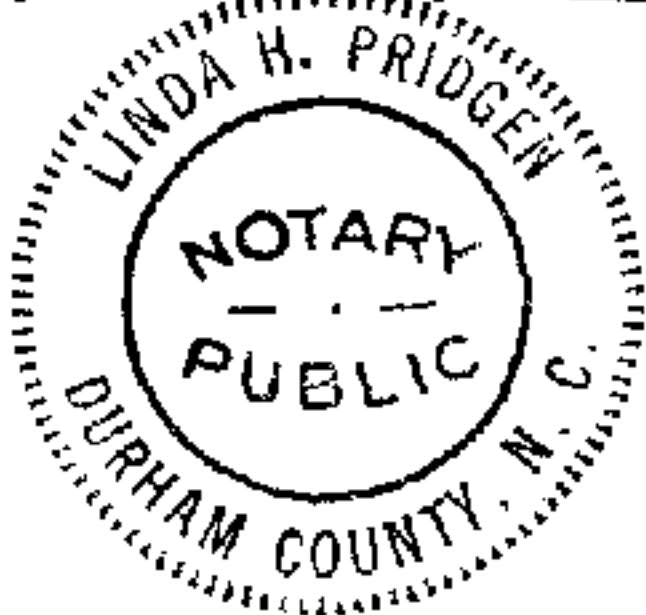
This 18th day of September, 2000, personally came before me, Linda H. Pridgen, Notary Public for the County and State, Richard B. Williams, who being by me duly sworn, says that he is a partner of Country Club Heights, a North Carolina general partnership, and that the seal affixed to the foregoing instrument in writing is the seal of said partnership, and that said writing was signed and sealed by him in behalf of said partnership by its authority duly given. And the said Richard B. Williams acknowledged the said writing to be the act and deed of said partnership.

Witness my hand and official seal, this the 18th day of September, 2000.

[OFFICIAL SEAL]

Linda H. Pridgen
Notary Public

My commission expires 7/6/2001



STATE OF NORTH CAROLINA

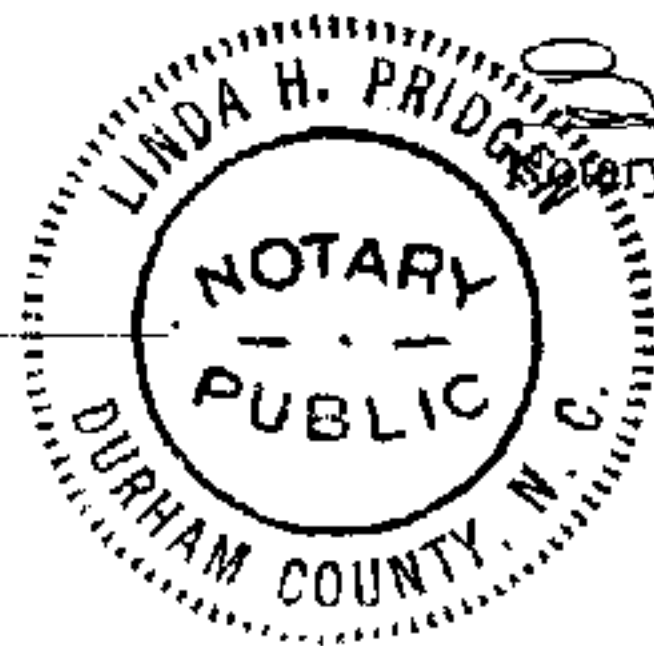
COUNTY OF DURHAM

This 18th day of September, 2000, personally came before me, Linda H. Pridden, Notary Public for the County and State, T.C. Stanford, who being by me duly sworn, says that he is a partner of Country Club Heights, a North Carolina general partnership, and that the seal affixed to the foregoing instrument in writing is the seal of said partnership, and that said writing was signed and sealed by him in behalf of said partnership by its authority duly given. And the said T.C. Stanford acknowledged the said writing to be the act and deed of said partnership.

Witness my hand and official seal, this the 18th day of September, 2000.

[OFFICIAL SEAL]

My commission expires 7/6/2001



Linda H. Pridden
Notary Public

STATE OF NORTH CAROLINA

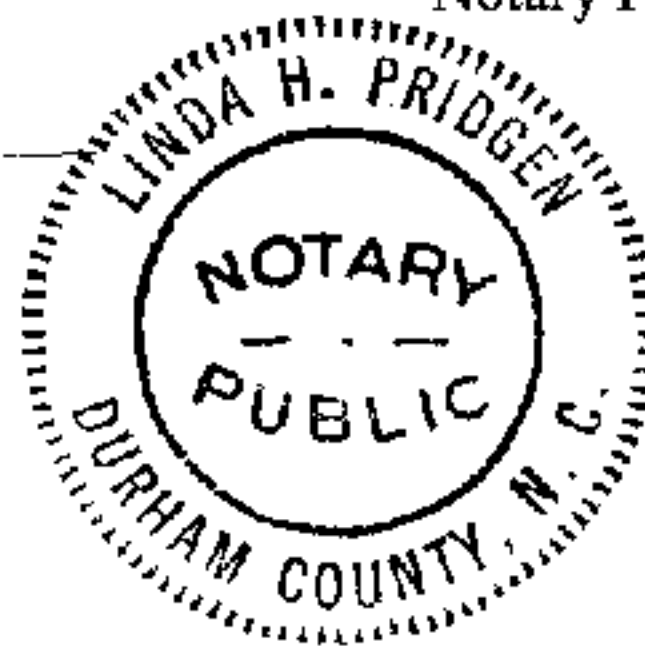
COUNTY OF DURHAM

This 18th day of September, 2000, personally came before me, Linda H. Pridden, Notary Public for the County and State, R. Roy Mitchell, Jr., who being by me duly sworn, says that he is a partner of Country Club Heights, a North Carolina general partnership, and that the seal affixed to the foregoing instrument in writing is the seal of said partnership, and that said writing was signed and sealed by him in behalf of said partnership by its authority duly given. And the said R. Roy Mitchell, Jr. acknowledged the said writing to be the act and deed of said partnership.

Witness my hand and official seal, this the 18th day of September, 2000.

[OFFICIAL SEAL]

My commission expires 7/6/2001



Linda H. Pridden
Notary Public

STATE OF NORTH CAROLINA

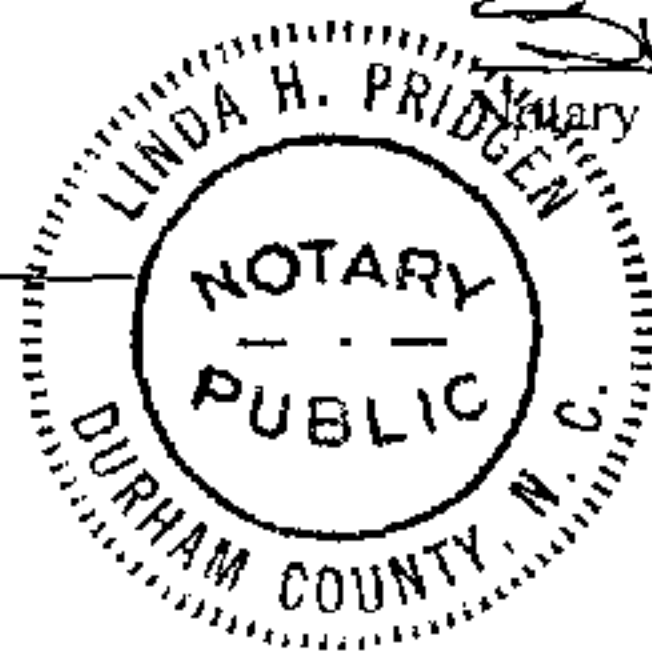
COUNTY OF DURHAM

This 18th day of September, 2000, personally came before me, Linda H. Pridden, Notary Public for the County and State, Walker S. Stone, who being by me duly sworn, says that he is a partner of Country Club Heights, a North Carolina general partnership, and that the seal affixed to the foregoing instrument in writing is the seal of said partnership, and that said writing was signed and sealed by him in behalf of said partnership by its authority duly given. And the said Walker S. Stone acknowledged the said writing to be the act and deed of said partnership.

Witness my hand and official seal, this the 18th day of September, 2000.

[OFFICIAL SEAL]

My commission expires 7/6/2001



Linda H. Pridden
Notary Public

STATE OF NORTH CAROLINA

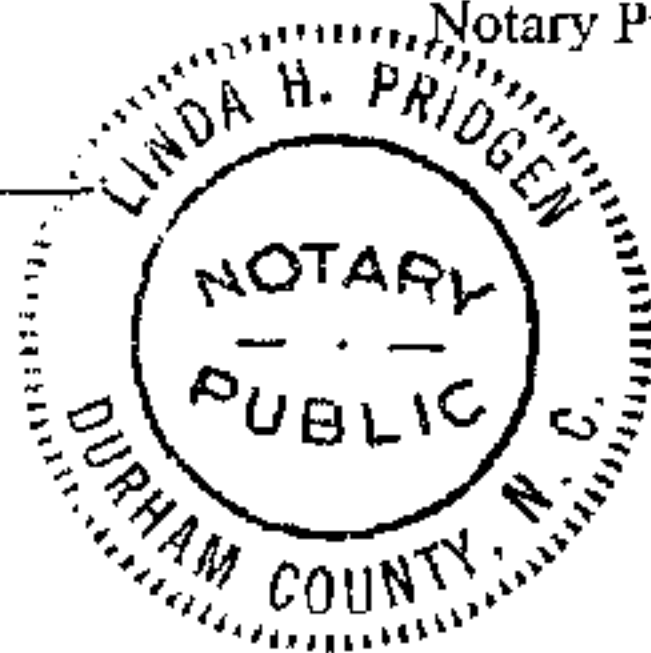
COUNTY OF DURHAM

This 18th day of September, 2000, personally came before me, Linda H. Pridden, Notary Public for the County and State, Michael W. Powell, who being by me duly sworn, says that he is a partner of Country Club Heights, a North Carolina general partnership, and that the seal affixed to the foregoing instrument in writing is the seal of said partnership, and that said writing was signed and sealed by him in behalf of said partnership by its authority duly given. And the said Michael W. Powell acknowledged the said writing to be the act and deed of said partnership.

Witness my hand and official seal, this the 18th day of September, 2000.

[OFFICIAL SEAL]

My commission expires 7/6/2001



Linda H. Pridden
Notary Public

4858/Country Club Heights

EXHIBIT "A"

**OWNER CONSENT TO THE
AMENDMENT TO THE FIRST
SUPPLEMENTARY DECLARATION TO THE
DECLARATION OF PROTECTIVE COVENANTS
FOR COUNTRY CLUB HEIGHTS**

W I T N E S S E T H

WHEREAS, Country Club Heights, a North Carolina general partnership has executed that certain Amendment to the First Supplementary Declaration to the Declaration of Protective Covenants for Country Club Heights, which shall be recorded in the Register of Deeds of Durham County, North Carolina land records ("Amendment"); and

WHEREAS, pursuant to Section 3.1, so long as the Declarant owns property described in Exhibit "A" to the Supplementary Declaration to the Declaration of Protective Covenants for Country Club Heights, recorded in Book 2628, Page 937 of the records of the Register of Deeds of Durham County, North Carolina ("Supplementary Declaration") for development or sale, Declarant may unilaterally amend the Supplementary Declaration for any purpose, provided the amendment has no material adverse effect upon the right of any Owner without such Owner's consent in writing; and

WHEREAS, D.R. Horton, Inc. – Torrey, a Delaware corporation ("Torrey"), is the record owner and holder of title in fee simple to all or a portion of the real property described on Exhibit "A" to the Supplementary Declaration; and

WHEREAS, Country Club Heights desires to amend the Supplementary Declaration to modify the capitalization fee to reflect the Association's higher level of maintenance responsibility for townhomes; and

WHEREAS, Torrey desires to consent to the Amendment.

NOW THEREFORE, Torrey hereby consents, on behalf of itself and its successors, assigns, and successors-in-title, to the Amendment, and declares that property subject to such Supplementary Declaration shall be owned, held, transferred, sold, conveyed, used, occupied, mortgaged, or otherwise encumbered subject to all of the terms, provisions, covenants and restrictions contained in the Amendment, all of which shall run with the title to the Lot 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]

IN WITNESS WHEREOF, This Consent has been executed under seal this 6th day of September, 2000.

OWNER:

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

By: [Signature]

Its: DIVISION VICE PRES.

Attest: [Signature]

Its: ASST. Secretary

[CORPORATE SEAL]



Signed, sealed, and delivered this 6th day of September, 2000, in the presence of:

[Signature]
Witness
[Signature]
Witness

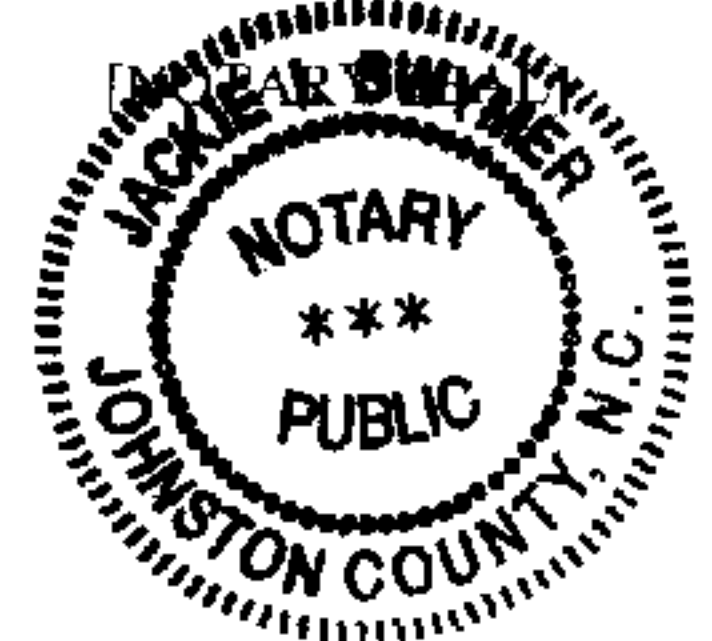
STATE OF NORTH CAROLINA

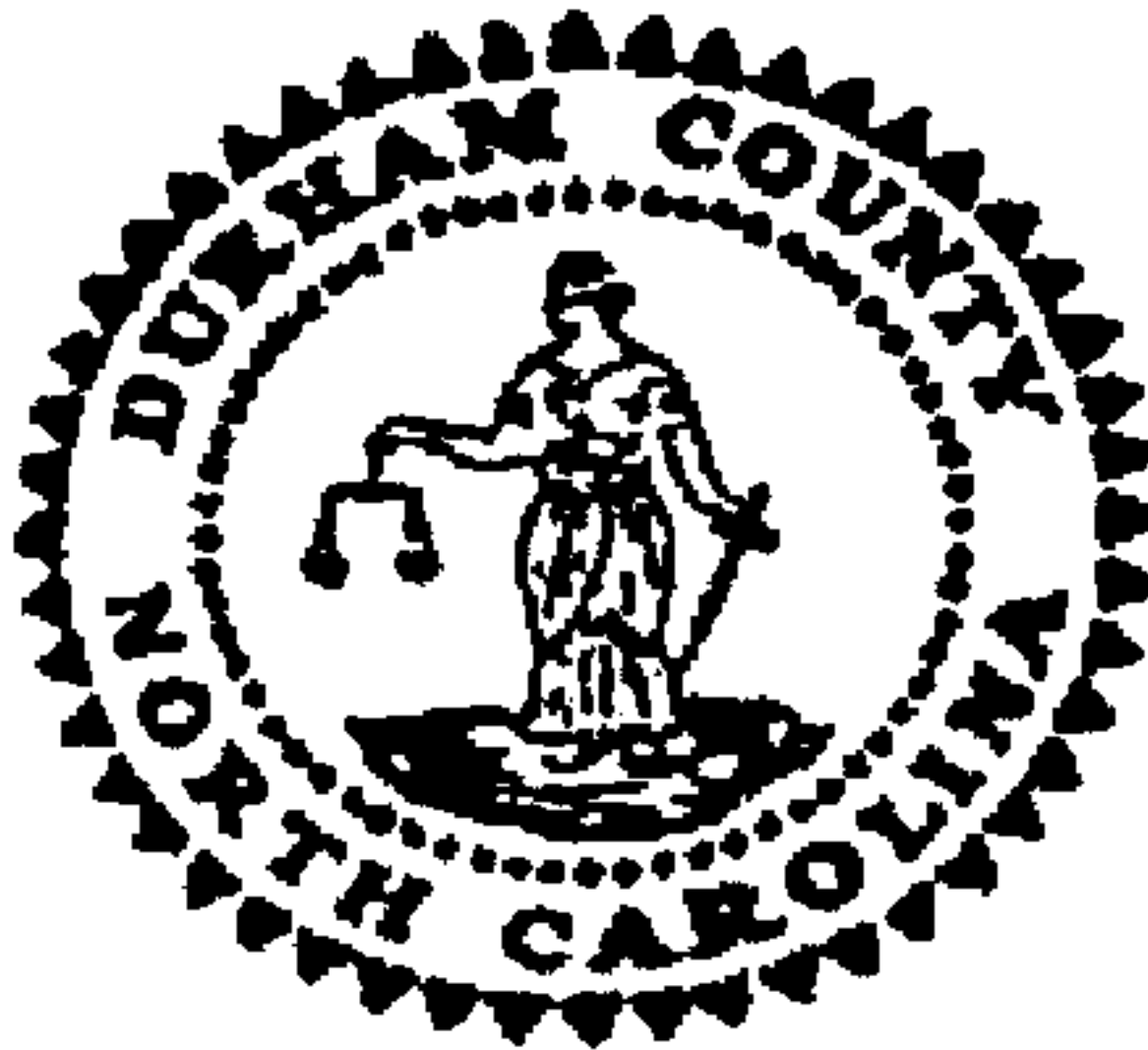
COUNTY OF Johnston

This 6th day of September, 2000, personally came before me, Jackie Surmen, Notary Public for the County and State, Stephen D. Leach, who being by me duly sworn, says that he is Division 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 6th day of September, 2000.

Jackie Surmen
Notary Public
My commission expires: 2-16-2002





WILLIE L. COVINGTON
REGISTER OF DEEDS , DURHAM COUNTY
DURHAM COUNTY COURTHOUSE
200 E. MAIN STREET
DURHAM, NC 27701

Filed For Registration: 09/26/2000 10:45:34 AM
Book: RE 2915 Page: 785-793
Document No.: 2000034766
AMD 9 PGS \$22.00
Recorder: CAROL JENKINS

State of North Carolina, County of Durham

The foregoing certificate of LINDA H PRIDGEN Notary is certified to be correct. This 26TH of September 2000

WILLIE L. COVINGTON , REGISTER OF DEEDS By: Carol Jenkins
Deputy/Assistant Register of Deeds



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