

STATE OF NORTH CAROLINA
DURHAM COUNTY

BOOK 1546 PAGE 920

FIRST AMENDMENT TO THE DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS AND
AGREEMENT TO SUBORDINATE

THIS FIRST AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS made and entered into this 28th day of August, 1989, by FARRINGTON DEVELOPERS, a North Carolina limited partnership, Post Office Box 2701, Durham, North Carolina 27705 (hereinafter referred to as "Declarant"), and CRYSTAL OAKS OF DURHAM HOMEOWNERS ASSOCIATION, INC. (hereinafter referred to as "Homeowners Association"), and the following who represent all of the undersigned owners of tracts of land located within the property described in Exhibit A-1 (hereinafter referred to as "Owners").

*Supp Decl
BK 1549
Pg 163
9-21-89*

*Supp Decl
BK 1615
Pg 322
9/10/90*

WITNESS THAT:

WHEREAS, through the document dated October 21, 1988, recorded in Book 1490 at Page 110, Durham County Registry, and rerecorded in Book 1505 at Page 374, Durham County Registry, FARRINGTON DEVELOPERS did place upon certain properties Declaration of Covenants and Restrictions for a development entitled "CRYSTAL OAKS"; and

WHEREAS, pursuant to its powers under said assignments, Declarant did adopt said Declaration of Covenants, Conditions and Restrictions by Supplemental Declarations recorded in Book 1505 at Page 725, Durham County Registry, and Book 1534 at Page 175, Durham County Registry, for those properties described therein; and



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WHEREAS, Developer has proceeded to develop those properties described into a townhome development known as CRYSTAL OAKS; and

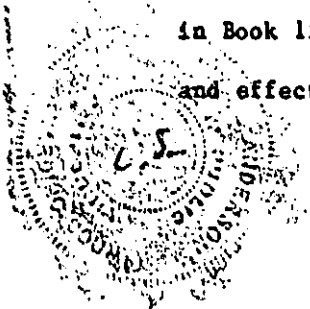
WHEREAS, Declarant, Owners, and Homeowners Association have determined that it would be in the best interests of all parties, including the Owners, to amend that Declaration of Covenants and Restrictions recorded in Book 1490 at Page 110, Durham County Registry, and rerecorded in Book 1505 at Page 374, Durham County Registry, by amending said Declaration to delete Article XI in its entirety to remove any reference to and any obligation accruing to Five Oaks Recreational Association, Inc.

WHEREAS, said Owners have agreed to consent to said Amendment and the Owners of those tracts of land located within the property described in Exhibit A-1 by execution of this document do subordinate their right, title and interest in and to the Declaration of Covenants and Restrictions for Crystal Oaks as recorded in Book 1490 at Page 110, Durham County Registry, as rerecorded in Book 1505 at Page 374, Durham County Registry, as herein amended.

NOW, THEREFORE, the parties hereto do hereby agree that: Pursuant to Article XII, Section 6 of that Declaration of Covenants and Restrictions recorded in Book 1490 at Page 110, Durham County Registry, and rerecorded in Book 1505 at Page 374, Durham County Registry, that the following amendment to the Declaration of Covenants and Restrictions is made:

Article XI is amended by deleting it in its entirety.

Except as hereinbefore amended, that Declaration dated October 21, 1988 recorded in Book 1490 at Page 110, Durham County Registry, and rerecorded in Book 1505 at Page 374, Durham County Registry, shall remain in full force and effect.



This the day and year above written. BOOK 1546 PAGE 922

DECLARANT:

FARRINGTON DEVELOPERS, a North Carolina Limited Partnership
CIMARRON CAPITAL, INC., General Partner

By: S. Craig Morrison (SEAL)
S. Craig Morrison, President



ATTEST:

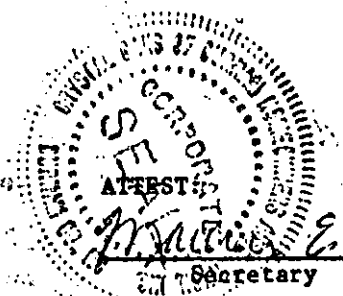
Maurice E. Oakes
Secretary

(CORPORATE SEAL)

HOMEOWNERS ASSOCIATION:

CRYSTAL OAKS OF DURHAM HOMEOWNERS ASSOCIATION, INC.

By: S. Craig Morrison (SEAL)
President



ATTEST:

Maurice E. Oakes
Secretary

(CORPORATE SEAL)

OWNERS:

By: Faith Danice Underwood (SEAL)
Faith Danice Underwood -
Unit 901

By: Ernest Raul Beckford (SEAL)
Ernest Raul Beckford - Unit 802

By: Valiria S. Cunningham
Valiria S. Cunningham -
Unit 906

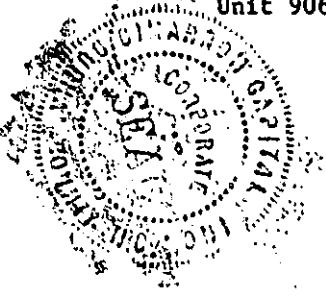
By: Holli Anne Hamilton (SEAL)
Holli Anne Hamilton - Unit 802

By: Rose Marie Moore (SEAL)
Rose Marie Moore - Unit 803

By: Anthony Lyrone McNeill (SEAL)
Anthony Lyrone McNeill - Unit 804

FARRINGTON DEVELOPERS, a North Carolina Limited Partnership
CIMARRON CAPITAL, INC., General Partner

By: S. Craig Morrison (SEAL)
S. Craig Morrison, President
Units 801 and 902 through 906



ATTEST:

Maurice E. Oakes
Secretary

(CORPORATE SEAL)

NORTH CAROLINA

BOOK 1546 PAGE 923

DURHAM COUNTY

I, KATHLEEN WILLIAMS, a Notary Public, do hereby certify that MAUREEN E OAKES personally appeared before me this day and acknowledged that she is _____ Secretary of CIMARRON CAPITAL, INC., General Partner of FARRINGTON DEVELOPERS, and that 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 corporate seal and attested by _____ as its _____ Secretary.

Witness my hand and official seal, this 28th day of August, 1989.

Kathleen J. Williams
Notary Public

My Commission Expires:

3.27.93

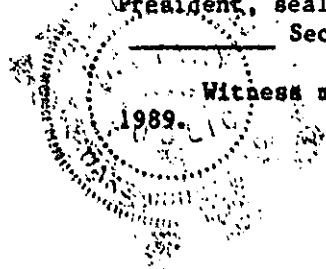


NORTH CAROLINA

DURHAM COUNTY

I, Marie H. Briggs, a Notary Public, do hereby certify that Maureen E. Oakes personally appeared before me this day and acknowledged that she is _____ Secretary of CRYSTAL OAKS OF DURHAM HOMEOWNERS ASSOCIATION, INC., and that 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 corporate seal and attested by herself as its _____ Secretary.

Witness my hand and official seal, this 7th day of September, 1989.



Marie H. Briggs
Notary Public

My Commission Expires:

June 15, 1992

NORTH CAROLINA
DURHAM COUNTY

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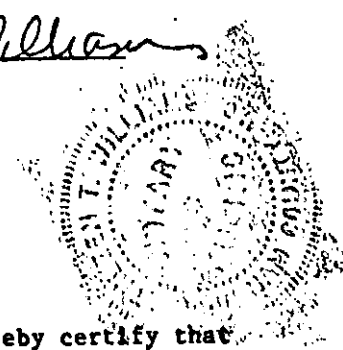
I, Kathleen T. Williams a Notary Public, do hereby certify that Ernest Raul Beckford and wife, Holli Anne Hamilton personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this the 31st day of August, 1989.

Kathleen T. Williams
Notary Public

My Commission Expires:

5-29-93



NORTH CAROLINA
DURHAM COUNTY

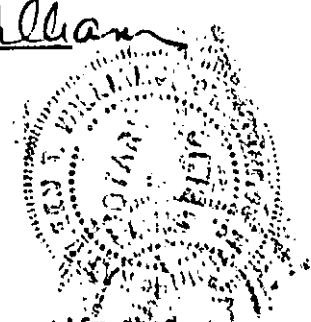
I, Kathleen T. Williams, a Notary Public, do hereby certify that Rose Marie Moore personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this the 31st day of August, 1989.

Kathleen T. Williams
Notary Public

My Commission Expires:

5-29-93



~~NORTH CAROLINA~~ ~~DURHAM COUNTY~~ ~~SAN BERNADINO COUNTY~~)
~~CALIFORNIA~~)

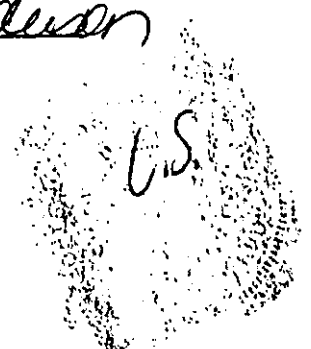
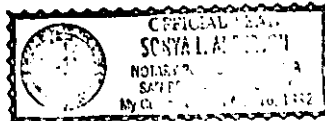
I, SONYA L. ANDERSON, a Notary Public, do hereby certify that Anthony Lyrone McNeill personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this the 29th day of August, 1989.

Sonya L. Anderson
Notary Public

My Commission Expires:

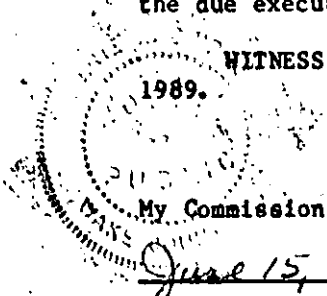
18 August 1992.



NORTH CAROLINA
DURHAM COUNTY

BOOK 1546 PAGE 925

I, Maurell D. Anje, a Notary Public ^{of Wake County}, do hereby certify that Faith Danice Underwood personally appeared before me this day and acknowledged the due execution of the foregoing instrument.



WITNESS my hand and notarial seal, this the 28th day of July, 1989.

Maurell D. Anje
Notary Public

My Commission Expires:

June 15, 1992

NORTH CAROLINA
DURHAM COUNTY

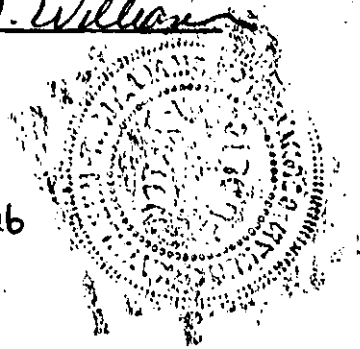
I, KATHLEEN T. WILLIAMS, a Notary Public, do hereby certify that Valiria S. Cunningham personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this the 8th day of Sept, 1989.

Kathleen T. Williams
Notary Public

My Commission Expires:

3.29.93



FILED
BOOK 1546 PAGE 920-926
'89 SEP 8 AM 11 49
RUTH C. GARRETT
REGISTER OF DEEDS
DURHAM COUNTY, N.C.

State of North Carolina-Durham County
The foregoing certificate(s) of Kathleen T. Williams

Maurell D. Anje, Danyel Anderson
A Notary (Notaries) Public for the Designated Governments units is (are) certified to be correct.

This the 8th day of Sept, A.D. 1989

Ruth C. Garrett
Register of Deeds

By: Thomas E. Perkins
Assistant, Deputy
Register of Deeds

DECLARATION OF COVENANTS AND RESTRICTIONS

FARRINGTON DEVELOPERS, A North Carolina Limited Partnership

TRACT 1

BEGINNING at an iron stake said stake being the northwest corner of Lot 6 in Block A of Devonshire Manor Subdivision as per plat and survey in Plat Book 52 at Page 12, Durham County Registry, and running thence North 14° 22' 46" East 176.66 feet to an iron pipe; thence North 13° 55' 7" East 10.27 feet to an iron pipe; thence North 14° 36' 46" East 28.7 feet to an iron pipe; thence North 13° 35' 29" East 21.88 feet to an iron pipe; thence North 14° 35' 36" East 382.99 feet to an iron pipe, the southwest corner of Phase 5 on plat hereinafter referred to; thence with the south line of said Phase 5 South 53° 53' 6" East 216.42 feet to an iron pipe, the northwest corner of Phase 2 of said plat; thence with the west line of said Phase 2 the following courses and distances: South 7° 22' 55" West 109.78 feet to a stake; North 82° 37' 5" West 88.04 feet to a stake; and South 7° 22' 55" West 400 feet to a stake, the southwest corner of said Phase 2 in the north line of Lot 7, Block A of Devonshire Manor as hereinbefore referred to; thence with the north line of said Lots 7 and 6 in Block A of Devonshire Manor North 83° 13' 53" West 178.49 feet to a stake, the point and place of BEGINNING containing 95,231 square feet, more or less, and being shown as Phase 1 on Final Plat of Crystal Oaks Townhouses by Murphy Yelle Associates, Registered Land Surveyor, dated October, 1987 to which plat reference is hereby made for a more particular description of same.

TRACT 2

That tract or parcel of land containing 59,000 square feet, as shown on Phase Map of Crystal Oaks Townhouses, Phase 1, as per plat and survey thereof now on file in the Office of the Register of Deeds of Durham County in Plat Book 119 at Page 75, to which plat reference is hereby made for a more particular description of same.

TRACT 3

BEGINNING at a stake, the northwest corner of Crystal Oaks Townhouses, Phase 1, as per plat and survey in Plat book 119 at Page 75; Durham County Registry, and running thence South 53° 53' 06" East 216.42 feet to a stake; thence South 07° 22' 55" West 109.78 feet to a stake; thence North 82° 37' 05" West 88.04 feet to a stake; thence North 07° 02' 04" East 7.18 feet to a stake in the centerline of a 20 foot water and sewer easement; thence with the centerline of said easement, North 86° 47' 16" West 130.24 feet to a stake in the west line of Phase 1; thence North 14° 35' 36" East 217.84 feet to a stake, the point and place of Beginning and being the northern portion of Crystal Oaks Townhouses, Phase 1 - Building 9, as per plat and survey thereof now on file in the Office of the Register of Deeds of Durham County in Plat Book 121 at Page 14, to which plat reference is hereby made for a more particular description of same.

ORIGINAL INSTRUMENT
NOT OF RECORDABLE QUALITY
(AUTHORIZED BY G.S. 161-14 (B))

LS.