

Return to: C. Thomas Biggs, P.O. Box 376, Durham, NC 27702
Prep by: Crystal Oaks of Durham Homeowners Assn.
BOOK 2069 PAGE 201

FILED

STATE OF NORTH CAROLINA ~~BOOK 2069~~ PAGE ~~201-209~~

COUNTY OF DURHAM '95 MAR 27 PM 4 11

RUTH C. GARRETT

REGISTER OF SECOND AMENDMENT TO THE DECLARATION
OF COVENANTS AND RESTRICTIONS AND
DURHAM COUNTY OF AGREEMENT TO SUBORDINATE

THIS SECOND AMENDMENT TO THE DECLARATION OF COVENANTS AND RESTRICTIONS made and entered into this 23rd day of March, 1995, 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 attached hereto (hereinafter referred to as "Owners").

WITNESS THAT:

WHEREAS, through the document dated October 27, 1988, recorded in Book 1490 at Page 110, Durham County Registry, rerecorded in Book 1505 at Page 374, Durham County Registry, and amended in Book 1546 at Page 920, Durham County Registry, Farrington Developers did place upon certain properties a 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 and Restrictions by Supplemental Declarations recorded in Book 1505

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at Page 725, Durham County Registry, and Book 1534 at Page 175, Durham County Registry, and Book _____ at Page _____, Durham County Registry for those properties described therein; and,

WHEREAS, Declarant has proceeded to develop those properties described into a townhome development known as Crystal Oaks; and,

WHEREAS, Declarant, Owners and Homeowner's 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, rerecorded in Book 1505 at Page 374, Durham County Registry, and amended in Book 1546 at Page 920, Durham County Registry, by amending said Declaration to include a provision concerning the homeowner's insurance purchased by the Homeowner's Association for the benefit of the Owners; and,

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 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, rerecorded in Book 1505 at Page 374, Durham County Registry, and amended in Book 1546 at Page 920, 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, rerecorded in Book 1505 at Page 374, Durham County Registry, and amended in Book 1546 at Page 920, Durham County Registry, that the following amendment to the Declaration of Covenants and Restrictions is made to be added to Article V, Section 2 as the second, third and fourth paragraphs of said section:

The Board of Directors, or its duly authorized agent, shall assure that each Living Unit is insured against loss or damage by fire, lightning or other hazards, and has extended coverage in an amount sufficient to cover the full replacement cost of each Living Unit and any repair or reconstruction work in the event of damage or destruction from any hazard, so that the architectural integrity of the project may be maintained and no Living Unit left in damaged or destroyed condition. To perform this responsibility, the Board of Directors shall obtain a blanket insurance policy covering all the Living Units with the loss payable to the Association. The premium paid for the blanket policy shall be paid by the Association and included within the annual assessment. In the event of damage or destruction by fire or other casualty to any Living Unit located upon the lot, the Association shall, with concurrence of the mortgagee, if any, upon receipt of the insurance proceeds, rebuild or repair such damage or destroyed portions of the Living Unit to as good condition as formerly.

Public liability insurance shall also be secured by the Board of Directors in such amount and with such coverage as shall be deemed necessary by the Board of Directors, including, but not limited to, an endorsement to cover liability of the Owners as a group to a single Owner or to third parties. The premium paid for said liability policy shall be paid by the Association and included within the annual assessment.

The Board of Directors shall also obtain such other insurance coverage as the Board of Directors shall determine from time to time to be desirable and necessary.

Except as hereinabove amended, that Declaration dated October

27, 1988 recorded in Book 1490 at Page 110, Durham County Registry, rerecorded in Book 1505 at Page 374, Durham County Registry, and amended in Book 1546 at Page 920, Durham County Registry, shall remain if full force and effect.

This the day and year first above written.

DECLARANT:

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

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



Carol L. Clark

Assr. Secretary

(CORPORATE SEAL)

HOMEOWNERS ASSOCIATION:

CRYSTAL OAKS OF DURHAM HOMEOWNERS ASSOCIATION, INC.

By: John A. Clark (SEAL)
President



ATTEST:

Valiria Cunningham
Secretary

(CORPORATE SEAL)

OWNERS:

THE UNDERSIGNED OFFICERS OF CRYSTAL OAKS OF DURHAM HOMEOWNERS ASSOCIATION, INC., REPRESENTING THE OWNERS, HEREBY CERTIFY THAT THE ABOVE STATED AMENDMENT WAS DULY APPROVED BY A VOTE OF NOT LESS THAN NINETY (90%) OF EACH CLASS OF MEMBERS CAST IN PERSON OR

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BY PROXY AT A MEETING DULY CALLED FOR THIS PURPOSE.

By: Sal Cohen (SEAL)
Sal Cohen, President

By: Lawrence Best (SEAL)
Lawrence Best, Vice-President

By: Carol Stocks (SEAL)
Carol Stocks, Treasurer

By: Valiria Cunningham (SEAL)
Valiria Cunningham, Secretary

NORTH CAROLINA

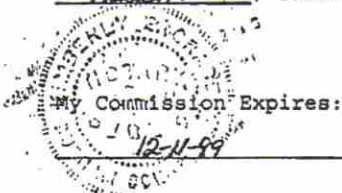
Durham COUNTY

I, Kimberly E. Hance, a Notary Public, do hereby certify that Carol J. Chock, personally appeared before me this day and acknowledged that she is ^{Asst.} 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

Carol J. Chock as its ^{Asst.} Secretary.

Witness my hand and official seal, this 23rd day of

March, 1995.



Kimberly E. Hance
Notary Public

NORTH CAROLINA

Orange COUNTY

I, Beth Poinsett Von Hagen, a Notary Public, do hereby certify that Valiria Cunningham, 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

Valiria Cunningham as its Secretary.

Witness my hand and official seal, this 8th day of

March, 1995.



Beth Poinsett Von Hagen
Notary Public
State of North Carolina-Durham County
The foregoing certificate of Beth Poinsett Von Hagen
Kimberly E. Hance

-6- A Notary (Notaries) Public for the Designated Governments units is (are) certified to be correct.

This the 23rd day of March 1995
Ruth C. Garrett
Register of Deeds
By: [Signature]
Assistant, Deputy
Register of Deeds

NORTH CAROLINA

Orange COUNTY

I, Beth Poinsett Von Hagen, a Notary Public, do hereby certify that Sal Cohen, President, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal, this the 8th day of

March, 1995.



Beth Poinsett Von Hagen
Notary Public

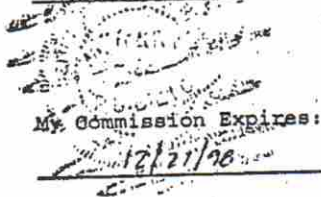
NORTH CAROLINA

Orange COUNTY

I, Beth Poinsett Von Hagen, a Notary Public, do hereby certify that Lawrence Best, Vice-President, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal, this the 8th day of

March, 1995.



Beth Poinsett Von Hagen
Notary Public

NORTH CAROLINA

Orange COUNTY

I, Beth Poinsett Von Hagen, a Notary Public, do hereby certify that Carol Stocks, Treasurer, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal, this the 8th day of

March, 1995.
NOTARY PUBLIC
My Commission Expires:
12/31/98

Beth Poinsett Von Hagen
Notary Public

NORTH CAROLINA

Orange COUNTY

I, Beth Poinsett Von Hagen, a Notary Public, do hereby certify that Valiria Cunningham, Secretary, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal, this the 8th day of

March, 1995.
NOTARY PUBLIC
My Commission Expires:
12/31/98

Beth Poinsett Von Hagen
Notary Public

EXHIBIT A

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 59,006 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" 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.

TRACT 4

BEGINNING at a stake, said stake being the southeast corner of Crystal Oaks, Phase 1, as per plat and survey in Plat Book 119 at Page 75, Durham County Registry, and running thence North 7° 22' 55" East 174.50 feet to a stake; thence South 82° 37' 5" East 88.04 feet to a stake; thence South 46° 3' 14" East 70.86 feet to a stake; thence South 1° 35' 38" East 119.35 feet to a stake in the northern line of Property of Five Oaks Recreational Association, Inc.; thence with the northern line of said property, North 87° 38' 53" West 164.21 feet to a stake, the point and place of Beginning and Being the southern portion of Plat of Subdivision, Crystal Oaks Townhouses, Phase 2, Building 7, 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 111, to which plat reference is hereby made for a more particular description of same.

TRACT 5

BEGINNING at an iron pin, said pin being the southwest corner of that property shown as Phase III on plot plan of Crystal Oaks Townhouses, Phase III, as per plat and survey in Plat Book 123 at page 107, Durham County Registry, and running thence North 1° 35' 38" West 119.35 feet to a stake; thence North 53° 50' 4" East 77.08 feet to a stake; thence South 78° 14' 37" East 25.83 feet to a stake; thence South 12° 54' 34" East 161.93 feet to a stake in the south line of Crystal Oaks Townhouses, Phase III; thence with the south line of said property the following courses and distances: South 72° 6' 27" West 19.17 feet to an iron pin; North 87° 38' 53" West 102.21 feet to a stake, the point and place of BEGINNING, and being the western portion of that property shown on plot plan of Crystal Oaks Townhouses, Phase III - Building VI, as per plat and survey thereof now on file in the Office of the Register of Deeds of Durham County in Plat Book 123 at Page 107, to which plat reference is hereby made for a more particular description of same.

TRACT 6

BEGINNING at a stake, said stake being the northwest corner of Plat of Subdivision of Crystal Oaks Townhouses, Phase 2, Building 7, as per plat and survey in Plat Book 121 at Page 111, Durham County Registry, and running thence South 78° 14' 39" East 120.0 feet to a stake; thence South 11° 45' 23" West 90.00 feet to a stake; thence South 53° 50' 04" West 77.08 feet to a stake; thence North 46° 03' 14" East 70.86 feet to a stake; thence North 07° 22' 55" East 109.78 feet to a stake, the point and place of Beginning and Being the northern portion of Plat of Subdivision of Crystal Oaks Townhouses, Phase 2, Building 7, 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 111, to which plat reference is hereby made for a more particular description of same.