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PRESENTED FOR REGISTRATION

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Prepared by:
Mail to:

Hold
Laura K. Howell
Smith Debnam Hibbert & Pahl
Post Office Drawer 26268
Raleigh, North Carolina 27611

LAURA K. HOWELL
REGISTER OF DEEDS
WAKE COUNTY

NORTH CAROLINA
WAKE COUNTY

AMENDMENT TO RESTRICTIVE COVENANTS FOR SOUTHWYCK
SUBDIVISION PHASE II AND PHASE III, MAP TWO

This Amendment to Declaration made and entered into this 9th day of ~~October~~ ^{December}, 1997, by and between Southwyck Developers, Inc., a North Carolina corporation, hereinafter referred to as "Declarant"; and Harold Stephen Ivey and wife, Darlene T. Ivey, Michael N. Szulak and wife, Sophia Szulak, James H. White and wife, Kimberly G. White, Steve Gillikin and wife, Loretta B. Gillikin, Kim Ray Oxendine and wife, Paula H. Oxendine, Christopher P. Vasques and wife, Elaine M. Vasques, Dennis Palazzi and wife M. Beatrice Palazzi, Jeffrey C. Nottingham, Thomas F. Moorman, Jr. and wife, Sherri I. Moorman, and Phillip Randall Patterson and wife, Margaret H. Patterson, hereinafter referred to as "Owners".

W I T N E S S E T H:

THAT WHEREAS, Declarant heretofore declared, gave granted and conveyed for lots in Southwyck Subdivision, Phase I, Wake County, North Carolina, certain Restrictive Covenants for the benefit of said subdivision, as recorded in Book 5413, Page 611, Wake County Registry; and

WHEREAS, Declarant and Owners are the owners of the certain tracts or parcels of land in said subdivision, more particularly described as Lots 10, 11, 12, 17, 18, 28, 29, 30, 36, 41, 42 and 43, Phase II, per plat thereof recorded in Book of Maps 1993, Page 58, Wake County Registry, which lots were made subject to the Restrictive Covenants as recorded in Book 5413, Page 611 by plat recordation, but not by an amendment to the Covenants; and

WHEREAS, for the mutual benefit of all homeowners, present and future, for said lots in Phases II and III of Southwyck Subdivision, and for the benefit of those property owners in other Phases and Sections of said subdivision, already subject to similar Restrictive Covenants, Declarant and Owners desire to subject said lots by more than just the recorded plat as referenced hereinabove to the

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Restrictive Covenants recorded in Book 5413, Page 611;

NOW, THEREFORE, Declarant and Owners do hereby declare and confirm that all of the properties referred to above shall be held, sold and conveyed subject to the aforesaid easements, restrictions, covenants and conditions, which are for the purpose of protecting the value and desirability of, and which shall run with, the real property and be binding on all parties having any right, title or interest in the described properties, or any part thereof, their heirs, successors and assigns, for the term of these covenants as set forth below, and shall inure to the benefit of each holder thereof.

IN TESTIMONY WHEREOF, Declarants and Owners have hereunto set their hands and seals, this the 9th day of ~~October~~ ^{December,} 1997.

DECLARANT: Southwyck Developers, Inc.

by: Walter Penningill (SEAL)
Vice President



Walter Penningill
Vice President Secretary

OWNERS:

Harold Stephen Ivey
Harold Stephen Ivey

Darlene T. Ivey
Darlene T. Ivey

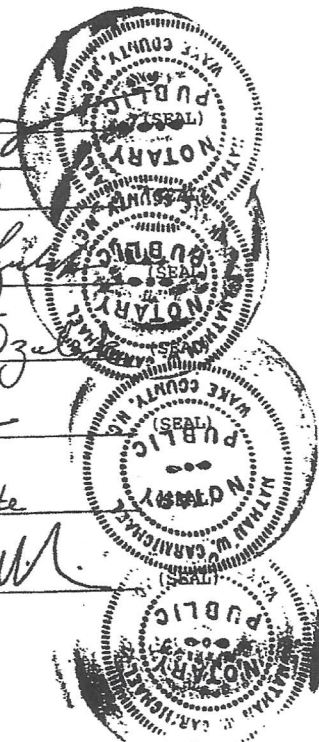
Michael N. Szulak
Michael N. Szulak

Sophia N. Szulak
Sophia N. Szulak

James M. White
James M. White

Kimberly G. White
Kimberly G. White

Steve Gillikin
Steve Gillikin



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Loretta B. Gilikin
Loretta B. Gilikin

Ray Oxendine
Ray Oxendine



Paula H. Oxendine (SEAL)
Paula H. Oxendine

[Signature] (SEAL)
Christopher P. Vasques

Elaine M. Vasques (SEAL)
Elaine M. Vasques

Dennis Palazzi (SEAL)
Dennis Palazzi

M. Beatrice Palazzi (SEAL)
M. Beatrice Palazzi

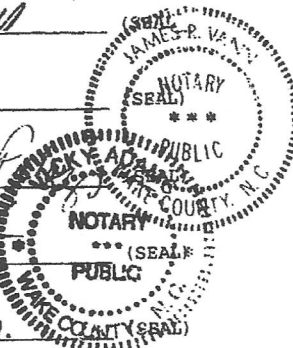
Jeffrey C. Nottingham (SEAL)
Jeffrey C. Nottingham

Thomas F. Moorman, Jr. (SEAL)
Thomas F. Moorman, Jr.

Sherri I. Moorman (SEAL)
Sherri I. Moorman

Phillip Randall Patterson (SEAL)
Phillip Randall Patterson

Margaret H. Patterson (SEAL)
Margaret H. Patterson



NORTH CAROLINA

WAKE COUNTY

I, the undersigned, a Notary Public in and of said County and State aforesaid, do hereby certify that Laura K. Howell, personally appeared before me this day and acknowledged that she is Assistant Secretary of Southwyck Developers, Inc., a North Carolina corporation, Declarant, 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 her as its Assistant Secretary.

WITNESS my hand and official stamp or seal, this the 18th day of ~~October~~ March 1997.

My Commission Expires:



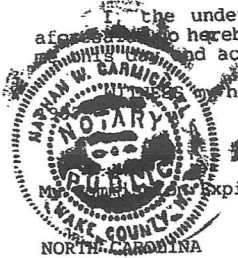
Andy G. Arnold
Notary Public

NORTH CAROLINA

WAKE COUNTY

I, the undersigned, a Notary Public in and of said County and State aforesaid, do hereby certify that Harold Stephen Ivey, personally appeared before me and acknowledged the execution of the foregoing instrument.

WITNESS my hand and official stamp or seal, this the 9th day of ~~October~~ December, 1997.



Nathan W. Carmichael
Notary Public

My Commission Expires:

NORTH CAROLINA

WAKE COUNTY

I, the undersigned, a Notary Public in and of said County and State aforesaid, do hereby certify that Darlene T. Ivey, personally appeared before me and acknowledged the execution of the foregoing instrument.

WITNESS my hand and official stamp or seal, this the 9th day of ~~October~~ December, 1997.

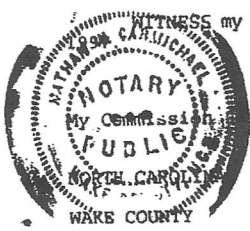


Nathan W. Carmichael
Notary Public

My Commission Expires: 4/22/99

NORTH CAROLINA
WAKE COUNTY

I, the undersigned, a Notary Public in and of said County and State aforesaid, do hereby certify that Michael N. Szulak, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

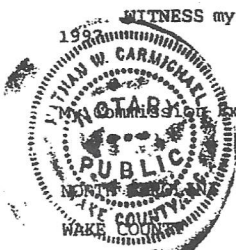


WITNESS my hand and official stamp or seal, this the 9th day of ^{December} ~~October~~, 1999

Nathan W. Carmichael
Notary Public

My Commission Expires: 4/22/99

I, the undersigned, a Notary Public in and of said County and State aforesaid, do hereby certify that Sophia N. Szulak, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

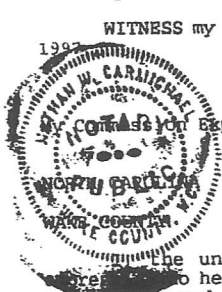


1999 WITNESS my hand and official stamp or seal, this the 9th day of ^{December} ~~October~~, 1999

Nathan W. Carmichael
Notary Public

My Commission Expires: 4/22/99

I, the undersigned, a Notary Public in and of said County and State aforesaid, do hereby certify that James H. White, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

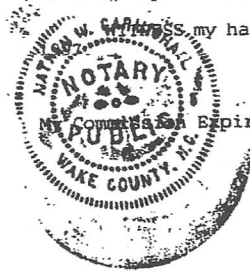


1999 WITNESS my hand and official stamp or seal, this the 9th day of ^{December} ~~October~~, 1999

Nathan W. Carmichael
Notary Public

My Commission Expires: 4/22/99

I, the undersigned, a Notary Public in and of said County and State aforesaid, do hereby certify that Kimberly G. White, personally appeared before me this day and acknowledged the execution of the foregoing instrument.



1999 WITNESS my hand and official stamp or seal, this the 9th day of ^{December} ~~October~~, 1999

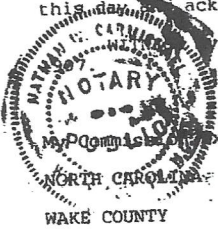
Nathan W. Carmichael
Notary Public

My Commission Expires: 4/22/99

NORTH CAROLINA

WAKE COUNTY

I, the undersigned, a Notary Public in and of said County and State aforesaid, do hereby certify that Steve Gilikin personally appeared before me this day and acknowledged the execution of the foregoing instrument.

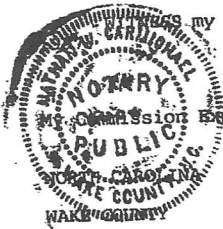


Witness my hand and official stamp or seal, this the 9th day of ~~October~~ ^{December}, 1998.

Nathan W. Carmichael
Notary Public

Commission Expires: 4/22/99

I, the undersigned, a Notary Public in and of said County and State aforesaid, do hereby certify that Loretta B. Gilikin personally appeared before me this day and acknowledged the execution of the foregoing instrument.

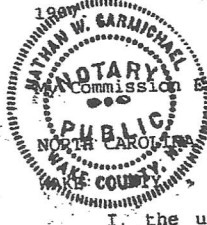


Witness my hand and official stamp or seal, this the 9th day of ~~October~~ ^{December}, 1998.

Nathan W. Carmichael
Notary Public

Commission Expires: 4/22/99

I, the undersigned, a Notary Public in and of said County and State aforesaid, do hereby certify that ~~Ray~~ Ray Oxendine, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

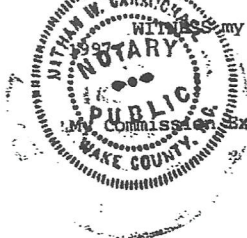


Witness my hand and official stamp or seal, this the 9th day of ~~October~~ ^{December}, 1998.

Nathan W. Carmichael
Notary Public

Commission Expires: 4/22/99

I, the undersigned, a Notary Public in and of said County and State aforesaid, do hereby certify that Paula H. Oxendine, personally appeared before me this day and acknowledged the execution of the foregoing instrument.



Witness my hand and official stamp or seal, this the 9th day of ~~October~~ ^{December}, 1998.

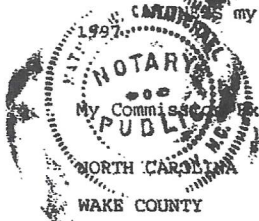
Nathan W. Carmichael
Notary Public

Commission Expires: 4/22/99

NORTH CAROLINA
WAKE COUNTY

I, the undersigned, a Notary Public in and of said County and State aforesaid, do hereby certify that Christopher P. Vasques, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

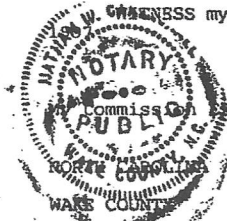
WITNESS my hand and official stamp or seal, this the 9th day of ~~October~~ ^{December}, ~~1997~~ ¹⁹⁹⁸



Nathan W. Carmichael
Notary Public

I, the undersigned, a Notary Public in and of said County and State aforesaid, do hereby certify that Elaine M. Vasques, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my hand and official stamp or seal, this the 9th day of ~~October~~ ^{December}, ~~1997~~ ¹⁹⁹⁸



Nathan W. Carmichael
Notary Public

I, the undersigned, a Notary Public in and of said County and State aforesaid, do hereby certify that Dennis Palazzi, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my hand and official stamp or seal, this the 30th day of ~~October~~ ^{December}, ~~1997~~ ¹⁹⁹⁸

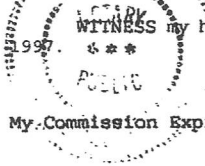


Nathan W. Carmichael
Notary Public

NORTH CAROLINA
WAKE COUNTY

I, the undersigned, a Notary Public in and of said County and State aforesaid, do hereby certify that M. Beatrice Palazzi, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my hand and official stamp or seal, this the 20th day of ~~October~~ ^{December}, ~~1997~~ ¹⁹⁹⁸



Nathan W. Carmichael
Notary Public

My Commission Expires: