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Drawn by and Mail to: Edwin C. Ham
Post Office Box 515, Zebulon, North Carolina 27597

NORTH CAROLINA

SECOND AMENDMENT TO THE COVENANTS,
CONDITIONS AND RESTRICTIONS FOR
SMOKETREE TOWNHOMES ASSOCIATION

WAKE COUNTY

This AMENDMENT made on the date hereinafter set forth by SMOKETREE TOWNHOMES ASSOCIATION, INC., a North Carolina Corporation; SMOKETREE DEVELOPMENT INC., a North Carolina Corporation; REGENCY RESIDENTIAL INC., a North Carolina Corporation; and all of the undersigned lot owners, all being residents of Wake County, North Carolina, and hereinafter referred to collectively as "Declarant".

W I T N E S S E T H:

THAT WHEREAS, Declarant is the owner of certain property in the County of Wake, State of North Carolina, which is more particularly described in Exhibit A attached hereto; and

WHEREAS, Declarant, SMOKETREE DEVELOPMENT INC., by Declaration recorded in Book 3797, Page 513, and amended by instrument recorded in Book 3923, Page 476, all in the Office of the Register of Deeds of Wake County, subjected the above-described property to certain covenants, conditions and restrictions; and

WHEREAS, Section 4 of Article XII (entitled "General Provisions") allows the covenants, conditions and restrictions to be amended by an instrument signed by not less than the owners of ninety percent (90%) of the lots; and

WHEREAS, Declarants, being the owners of not less than ninety percent (90%) of the lots, desire to amend said Declaration, said amendment hereby being declared for the purpose of protecting the value, desirability and attractiveness of the real property, and which shall run with the real property and shall be binding on all parties having any right, title or interest in the

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described properties or any part thereof, and shall inure to the benefit of each owner thereof.

NOW, THEREFORE, Declarant hereby AMENDS said Declaration of Covenants, Conditions and Restrictions for SMOKETREE TOWNHOMES ASSOCIATION, recorded in Book 3797, Page 513, and amended in Book 3923, Page 476, Wake County Registry, as follows:

I.

Article IV, Section 3 (entitled "Title to the Common Area") is hereby amended to read as follows:

"The Declarant hereby covenants for itself, its heirs and assigns that it will convey fee simple title to the Common Area to the Association, free and clear of all encumbrances and liens, prior to the conveyance of the first lot."

II.

The Declaration is hereby amended by adding a new Article XIII entitled "Actions Requiring VA Approval", said new Article to read as follows:

As long as there is a "Class B" membership, the following actions will require the prior approval of the Veterans Administration:

1. Annexation of Additional Properties
2. Dedication of Common Area
3. Amendment of this Declaration

III.

Article II of said Declaration (entitled "Membership") is hereby amended by adding the following sentence thereto:

Each member of the TOWNHOME ASSOCIATION shall also be a "Class A" member of the SMOKETREE HOMEOWNERS ASSOCIATION and will be subject to the benefits and restrictions contained in the Declaration for said SMOKETREE HOMEOWNERS ASSOCIATION as the same has been, or will be, amended from time to time. Each member shall receive a copy of the Declaration for the SMOKETREE HOMEOWNERS ASSOCIATION.

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IN WITNESS WHEREOF, the undersigned, being the Declarant herein, and also being all members of Declarant, have caused this instrument to be executed as of this 2nd day of July, 1987.

SMOKETREE TOWNHOMES ASSOCIATION, INC.

BY: *William E. Smith*
President

ATTEST:

Margaret H. Parnell
Secretary



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REGENCY RESIDENTIAL INC.

By: William E. Smith (SEAL)
President

ATTEST:

Margaret H. Powell (SEAL)
Secretary

SMOKETREE DEVELOPMENT INC.

By: William E. Smith (SEAL)
President

ATTEST:

Margaret H. Powell (SEAL)
Secretary

<u>Carol K. Brown</u> (SEAL)	<u>John A. Hartman</u> (SEAL)
<u>Joy V. Robinson</u> (SEAL)	_____ (SEAL)
<u>Edward L. Dizon</u> (SEAL)	_____ (SEAL)
<u>Ronald W. Harris</u> (SEAL)	_____ (SEAL)
<u>Fatima E. Schmitt</u> (SEAL)	_____ (SEAL)
<u>Donna M. Teresi</u> (SEAL)	_____ (SEAL)
<u>Ilona H. Kwasnik</u> (SEAL)	_____ (SEAL)
<u>Larochy A. Macey</u> (SEAL)	_____ (SEAL)
<u>John M. Macey</u> (SEAL)	_____ (SEAL)
<u>Paul J. Russell</u> (SEAL)	_____ (SEAL)

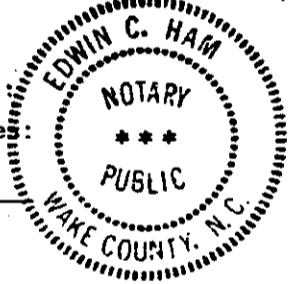
NORTH CAROLINA

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WAKE COUNTY

I, Edwin C. Ham, a Notary Public for said County and State certify that Margaline H. Parrish personally came before me this day, and being by me duly sworn, acknowledged that she is Secretary of SMOKETREE TOWNHOMES ASSOCIATION, INC., a corporation, 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} himself as its Secretary.

1987 WITNESS my hand and official seal, this the 22 day of July.



Edwin C. Ham
Notary Public

My Commission Expires:

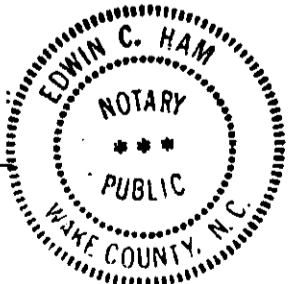
11-19-91

NORTH CAROLINA

WAKE COUNTY

I, Edwin C. Ham, a Notary Public for said County and State certify that Margaline H. Parrish personally came before me this day, and being by me duly sworn, acknowledged that she is Secretary of REGENCY RESIDENTIAL INC., a corporation, 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} himself as its Secretary.

1987 WITNESS my hand and official seal, this the 22 day of July.



Edwin C. Ham
Notary Public

My Commission Expires:

11-19-91

NORTH CAROLINA

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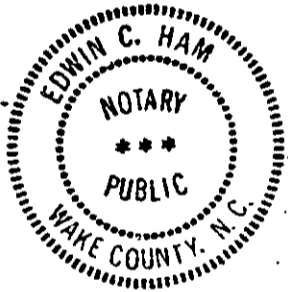
WAKE COUNTY

I, Edwin C. Ham, a Notary Public for said County and State certify that Magaline H. Parrish personally came before me this day, and being by me duly sworn, acknowledged that she is Secretary of SMOKETREE DEVELOPMENT INC., a corporation, 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 ~~himself~~ ^{her} as its Secretary.

WITNESS my hand and official seal, this the 24 day of July, 1987.

My Commission Expires: .

11-29-91



Edwin C. Ham
Notary Public

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WAKE COUNTY

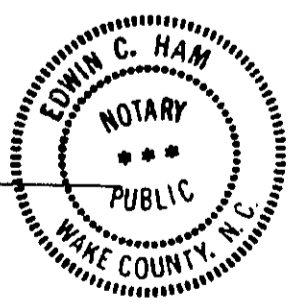
I, Edwin C. Ham, a Notary Public in and of said county and state do hereby certify that each of the following ~~Declarants~~ ^{Members}, personally appeared before me and acknowledged the due execution of the foregoing instrument.

<u>Carol K. Brown</u>	<u>[Signature]</u>
<u>Jay V. Robinson</u>	_____
<u>Patricia S. Schaudt</u>	_____
<u>Ronald W. Harris</u>	_____
<u>Dana M. Jurek</u>	_____
<u>Melicia H. Kucinski</u>	_____
<u>Sarah A. Macey</u>	_____
<u>Lette D. Murray</u>	_____
<u>Paul S. Reynolds</u>	_____

Witness my hand and notary seal this the 2nd day of July, 1987.

Edwin C. Ham
Notary Public

My Commission Expires:
11-19-91



NORTH CAROLINA - WAKE COUNTY
The foregoing certificate is of Edwin C. Ham

Notary 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

KENNETH C. WILKINS Register of Deeds
By Rayna R. Cooke
Deputy Register of Deeds