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JUDITH A GIBSON REG OF DEEDS MECK NC  
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FILE COPY

Prepared by: Anthony W. Oxley  
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225 Peachtree Street, N.E., Atlanta, Georgia 30303

References: Declaration Book 08670  
Page 0711

**AMENDMENT TO THE DECLARATION OF PROTECTIVE  
COVENANTS FOR FOX GLEN SUBDIVISION**

THIS AMENDMENT is made as of the date set forth below by D.R. Horton, Inc. - Torrey, a Delaware corporation ("Declarant").

WHEREAS, Declarant recorded that certain Declaration of Protective Covenants for Fox Glen Subdivision in Deed Book 08670 at Page 0711 *et seq.*, of the Mecklenburg County, North Carolina Registry of Deeds, on July 25, 1996, as amended and supplemented from time to time and recorded in the aforesaid land records (the "Declaration").

WHEREAS, pursuant to the terms of Section 12(d), of the Declaration, the Declarant may unilaterally amend the Declaration until July 25, 2001; provided, such amendment does not adversely affect the right, title or interest of any Lot Owner. As of the date of this amendment, Declarant is the sole Owner.

WHEREAS, the Declarant desires to amend the Declaration to revise the permitted types of fences in the Community, which does not adversely affect the right, title or interest of any Lot Owner.

NOW, THEREFORE, pursuant to the powers retained by Declarant under the Declaration, Declarant hereby amends the Declaration as provided herein. Such property shall be sold, transferred, used, conveyed, occupied, and mortgaged or otherwise encumbered pursuant to the provisions of this Amendment to the Declaration and the Declaration, both of which shall run with the title to such property and shall be binding upon all persons having any right, title, or any interest in such property, their respective heirs, legal representatives, successors, successors-in-title, and assigns.

Section 6(c)(xxiii) of the Declaration is hereby amended by deleting the parenthetical sentence contained therein and replacing it with the following:

(Only shadow-box or standard picket style privacy fencing constructed of six (6) foot maximum height, dog-eared, unpainted, cedar or four (4) foot maximum height rough sawn or split rail, unpainted, cedar fencing shall be approved by the Architectural Review Committee.)

IN WITNESS WHEREOF, the Declarant herein, hereby executes this instrument under seal this the 20<sup>th</sup> day of October, 1997.

DECLARANT: **D.R. HORTON, INC. - TORREY,**  
a Delaware corporation

By: [Signature]  
Sam Sparks, Executive Vice President

Attest: [Signature]

Its: AVP, Robert Sparks



STATE OF GEORGIA )  
COUNTY OF Douglas )

I, the undersigned Notary Public of the County and State aforesaid, certify that Sam Sparks personally came before me this day and acknowledged that he is the Executive Vice President of D.R. Horton, Inc. - Torrey, a Delaware corporation, and that by the authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by Sam Sparks, its Executive Vice President, sealed with the corporate seal and attested by David J. Wilson, its Assistant Secretary. And the said Executive Vice President acknowledged said instrument to be the act and deed of said corporation.

Witness my hand and official seal this 20<sup>th</sup> day of October, 1997.



[Signature]  
Notary Public  
Notary Public, Douglas County, Georgia  
My Commission Expires Dec. 26, 1999