

Prepared by and Return to Spears Law Firm, PO Box 891, Durham, N. C. 27702

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NORTH CAROLINA
DURHAM COUNTY

BOOK 1829 PAGE 695

FORTY-SECOND SUPPLEMENTAL DECLARATION OF COVENANTS AND RESTRICTIONS RUTH C. GARRETT
REGISTER OF DEEDS
DURHAM COUNTY, N. C.

THIS DECLARATION, made this 10th day of March, 1993, by Dunbarton Development Corporation, a North Carolina corporation, hereinafter called Developer;

W I T N E S S E T H:

WHEREAS, Developer is the owner by mesne conveyances from Fred J. Herndon and Frank A. Ward, of a portion of that certain parcel of land in the area east of Hope Valley and north of Archdale Road, which is now generally known as Dunbarton, as may be seen by deed recorded in Book 1183, page 576, Durham County Registry; and

WHEREAS, it is the present intent of the maker hereof to follow in general the plan established by the Declaration of Covenants and Restrictions hereinafter mentioned.

NOW, THEREFORE, pursuant to the provision of Article II of the Declaration of Covenants and Restrictions dated February 20, 1975, and recorded in Deed Book 423, page 112, et seq., Durham County Registry, the Developer does by these presents adopt, incorporate herein by reference and extend to the property described in Exhibit A attached hereto, those said Covenants and Restrictions recorded in Deed Book 423, page 112, et seq., and that First Amendment to said Covenants and Restrictions recorded in Book 1044, page 248, with those modifications to the original covenants hereinbelow set forth.

The term "Developer" in said Declaration shall be interpreted to include the maker hereof where appropriate.

In order that the Declaration of Covenants and Restrictions be consistent with the By-Laws of Dunbarton Homeowners Association, Inc., the sentence in the Declaration subsequent to sub-paragraph (b) regarding Class B voting rights in Section 2 of Article III is amended to read:

"From and after the happening of these events, whichever occurs earlier, the Class B member shall be deemed to be a Class A member entitled to one (1) vote per Lot or Living Unit in which it holds the interests required for membership under Section I, and entitled to three (3) votes for each undeveloped acre which it owns."

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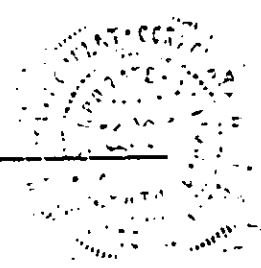
Inasmuch as Dunbarton Homeowners Association, Inc. is now an active and functioning entity, the language of the first paragraph of Section 7, Article V is no longer applicable and it is hereby deleted and is replaced by a first paragraph to read as follows:

"The assessments provided for herein shall commence on the first day of the month following the occupancy of the home constructed on a lot; provided that if a home is substantially completed and remains unoccupied for a period of five months, the Board of Directors shall have the option of beginning assessments against it in the sixth month."

Inasmuch as the Developer will convey some lots to parties who will build homes for sale and to whom the provisions of Article X as to right of first refusal are not intended to apply, the first line of the body of Article X is hereby amended to read, "In the event any Owner, other than the Developer or any party whom it certifies to be a Builder, of a Lot or Living."

DUNBARTON DEVELOPMENT CORPORATION

By: [Signature] President



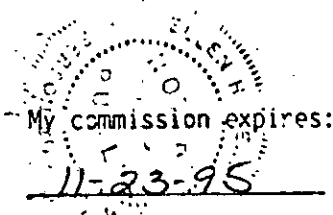
ATTEST:

[Signature]
Secretary

NORTH CAROLINA
DURHAM COUNTY

This is to certify that on this day personally came before me Ruberlain Herndon, with whom I am personally acquainted, who, being by me duly sworn, says that Fred J. Herndon is the President and that she, said Ruberlain Herndon is Secretary of Dunbarton Development Corporation, the corporation described in and which executed the foregoing instrument; that she knows the common seal of said corporation; that the seal affixed to said instrument is said common seal, and that the name of the corporation was subscribed thereto by the said President, and that said President and Secretary subscribed their names thereto and said common seal was affixed, all by order of the Board of Directors of said corporation, and that said instrument is the act and deed of said corporation. Witness my hand and notarial seal, this the 25th day of March, 1992.

[Signature]
NOTARY PUBLIC



NORTH CAROLINA-DURHAM COUNTY

The foregoing certificate of Ellen H. Reeves
A Notary Public for the Designated Governments units is certified to be correct.
This the 26th day of March, 1993.

RUTH C. GARRETT
REGISTER OF DEEDS

[Signature]
Deputy Register of Deeds, Durham County

EXHIBIT A

BEGINNING at a stake marked "control corner" on the plat hereinafter referred to, said stake being at the northeast corner of Montrose, Phase 6 as shown in Plat Book 127, page 26, said stake also being in the south line of the Preston Woods Subdivision as shown in Plat Book 83 page 33, Durham County Registry; and running thence from said point of beginning along and with the south property line of said Preston Woods Subdivision South 85 degrees 49 minutes 23 seconds East 170.29 feet to a stake marked "control corner", the northwest corner of the Archdale Subdivision as shown in Plat Book 15, page 94; thence with the west line of said Archdale Subdivision South 00 degrees 04 minutes 51 seconds West 326.30 feet to a stake; thence with the north line of property of Dunbarton Homeowners Association as shown in Deed Book 1431, page 3 North 89 degrees 52 minutes 44 seconds West 135.83 feet to a stake; thence North 06 degrees 34 minutes 51 seconds East 76.92 feet to a stake; thence North 85 degrees 40 minutes 44 seconds West 20.64 feet to a stake in the east line of Montrose, Phase 6; thence with the east line of said property North 04 degrees 46 minutes 51 seconds West 261.36 feet to a stake, the point of BEGINNING, and being that property shown on the Subdivision Map of MONTROSE, Phase 8 by Southeastern Surveys, Inc. dated December 18, 1992, and recorded in Plat Book 129, page 103, Durham County Registry, to which plat reference is hereby made for a more particular description.

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