

Prepared by and returned to:
Anthony W. Oxley
Hyatt & Stubblefield, P.C.
225 Peachtree Street, N.E., Suite 1200
Atlanta, Georgia 30303

Cross Reference: Declaration Deed Book 08670
Page 0711

SECOND SUPPLEMENTARY DECLARATION TO THE
DECLARATION OF PROTECTIVE COVENANTS
FOR FOX GLEN SUBDIVISION

THIS SUPPLEMENTARY DECLARATION is made as of the date set forth below by the D. R. Horton, Inc. - Torrey ("Declarant").

WHEREAS, Declarant recorded that certain Declaration of Protective Covenants for Fox Glen in Deed Book 08670, Page 0711 et seq., of the Mecklenburg County, North Carolina Registry of Deeds, on July 25, 1996 (the "Declaration");

WHEREAS, pursuant to the terms of Section 9(a) of the Declaration, the Declarant may unilaterally subject all or any portion of the real property described in Exhibit "B" to the Declaration at any time within five years of recording the Declaration by recording a Supplementary Declaration describing the property to be subjected to the Declaration and to the jurisdiction of the Association.

WHEREAS, the property described on Exhibit "A" to this Supplementary Declaration is property adjacent to the property previously submitted to the Declaration which may be unilaterally submitted by the Declarant to the Declaration and to the jurisdiction of the Association.

WHEREAS, this Supplementary Declaration is recorded within five years of the recording of the Declaration.

WHEREAS, the Declarant desires to submit the property described on Exhibit "A" hereto to the Declaration and to the jurisdiction of the Association.

12/24

NOW, THEREFORE, pursuant to the powers retained by Declarant under the Declaration, Declarant hereby submits the property described on Exhibit "A" to the Declaration and to the jurisdiction of the Association. Such property shall be sold, transferred, used, conveyed, occupied, and mortgaged or otherwise encumbered pursuant to the provisions of the Declaration, 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.

IN WITNESS WHEREOF, the Declarant herein, hereby executes this instrument under seal by and through the duly authorized officers of the corporation, this 15th day of September, 1997.

DECLARANT: D. R. Horton, Inc. - Torrey

By: [Signature]
Its: Vice President

Attest: [Signature]
Its: Assistant Secretary

[AFFIX CORPORATE SEAL]



STATE OF GEORGIA

COUNTY OF Douglas

This 15th day of September, 1997, before me, the undersigned Notary Public in and for the County and State aforesaid, personally came Sam Sparks, who, being duly sworn, says that he or she is Vice President of D. R. Horton, Inc. - Torrey, and that the seal affixed to the foregoing instrument in writing is the corporate seal of said corporation, and that he signed and sealed said instrument on behalf of said corporation by its authority duly given. And the said Vice President acknowledged said instrument to be the act and deed of said corporation.

Witness my hand and seal this 15th day of September, 1997.

Darlene Agin
Notary Public

My Commission Expires Dec. 26, 1999



EXHIBIT "A"

Legal Descriptions

MAP 3

ALL THOSE TRACTS OR PARCELS OF LAND, lying and being in Mallard Creek Township, County of Mecklenburg, State of North Carolina, and designated or described as Lots 21-35 (inclusive) as shown on the Record Plat prepared by Lucas-Forman Incorporated for Fox Glen Map 3, recorded in the Mecklenburg County, North Carolina Registry of Deeds in Map Book 28, Page 543, on August 11, 1997, such Final Plat has the metes and bounds set forth therein.

MAP 4

ALL THOSE TRACTS OR PARCELS OF LAND, lying and being in Mallard Creek Township, County of Mecklenburg, State of North Carolina, and designated or described as Lots 133-138 (inclusive) and Lots 154-159 (inclusive) as shown on the Record Plat prepared by Lucas-Forman Incorporated for Fox Glen Map 4, recorded in the Mecklenburg County, North Carolina Registry of Deeds in Map Book 28, Page 542 on August 11, 1997, such Final Plat has the metes and bounds set forth therein.

MAP 5

ALL THOSE TRACTS OR PARCELS OF LAND, lying and being in Mallard Creek Township, County of Mecklenburg, State of North Carolina, and designated or described as Lots 61-102 (inclusive) and Lots 139-153 (inclusive) as shown on the Record Plat prepared by Lucas-Forman Incorporated for Fox Glen Map 5, recorded in the Mecklenburg County, North Carolina Registry of Deeds in Map Book 28, Page 556 on August 14, 1997, such Final Plat has the metes and bounds set forth therein.

State of North Carolina, County of Mecklenburg.

The foregoing certificate(s) of

Charlene Agin

Notary(ies) Public is/are certified to be correct. This

14th day of *September*, 19 *97*.

JUDITH A. GIBSON, REGISTER OF DEEDS By:

Dorothy McClelland

Deputy Register of Deeds

RD102

Prepared by and return to: Anthony W. Oxley
Hyatt & Stubblefield, P.C., 1200 South Tower
225 Peachtree Street, N.E., Atlanta, Georgia 30303

Out of Tax Parcel
Identification No.
027-092-03

LIMITED WARRANTY DEED

THIS LIMITED WARRANTY DEED (hereinafter referred to as "Deed") is made and entered into this 10 day of September 1996, by and between The Mallard Group, Inc., a Georgia corporation, (hereinafter referred to as "Grantor") and FOX GLEN HOMEOWNER'S ASSOCIATION, INC., a North Carolina nonprofit corporation (hereinafter referred to as "Grantee") located at 5601 Executive Center Drive, Suite 201, Charlotte, North Carolina 28212;

WITNESSETH

That for and in consideration of the sum of Ten (\$10.00) Dollars and other valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, Grantor does hereby grant, bargain, sell, convey, assign, transfer, and set over unto Grantee and the successors and assigns of Grantee all of the following described land and interests in land, estates, easements, rights, improvements, property, fixtures, equipment, furniture, furnishings, appliances, and appurtenances.

All that tract or parcel of land located in Mecklenburg County and being the Common Area and Common Open Space as shown on the final plat of Fox Glen Map I and more particularly described in Exhibit "A", attached hereto and by this reference made a part hereof (hereinafter referred to as the "Property"); and all structures, and other improvements now and hereafter located on the Property; and all easements, rights-of-way, strips and gores of land, vaults, streets, ways, passages, sewer rights, water, water courses, water rights and powers, minerals, trees, timber, and other emblements now or hereafter located on the Property or under or above the same or any part or parcel thereof, and all estates, rights, titles, interests, privileges, liberties, tenements, hereditaments, and appurtenances, reversion and reversions, remainder and remainders, whatsoever, in any way belonging, relating, or appertaining to the Property subject to those matters set forth on Exhibit "B" attached hereto and by this reference incorporated herein (hereinafter referred to as the "Permitted Title Exceptions").

TO HAVE AND TO HOLD the Property and all parts, rights, members, and appurtenances thereof, to the use, benefit, and behoof of Grantee and the successors and assigns of Grantee, IN FEE SIMPLE, forever. Subject to the Permitted Title Exceptions, Grantor does warrant and will forever defend the title to the Property against the claims of all persons whomsoever claiming by, through, or under Grantor.

HECKLENBURG COUNTY

. 1.00



NOV 4 1996
Real Estate
Excise Tax

BK: 08807 PG: 0460/0463 #: 0140 14.00
*** NC EXCISE TAX: 1.00 ***
JUDITH A GIBSON REG OF DEEDS MECK NC
FILED FOR REGISTRATION 11/04/96 11:26

710100

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IN WITNESS WHEREOF, Grantor has caused this Deed to be signed, sealed, and delivered the date first above written.

DECLARANT: The Mallard Group, Inc.

By: [Signature]

Its: Vice President

Attest: [Signature]

Its: [Signature]



STATE OF GEORGIA

COUNTY OF Douglas

This 10th day of September, 1996, before me, the undersigned Notary Public in and for the County and State aforesaid, personally came Sam Sparks, who, being duly sworn, says that he or she is Vice President of The Mallard Group, Inc., and that the seal affixed to the foregoing instrument in writing is the corporate seal of said corporation, and that he signed and sealed said instrument on behalf of said corporation by its authority duly given. And the said VICE PRESIDENT ~~acknowledged~~ said instrument to be the act and deed of said corporation. ACKNOWLEDGED

Witness my hand and seal this 10th day of September, 1996.

Darlene Acin

Notary Public

My Commission Expires Dec. 26, 1999

[SEAL]



EXHIBIT "A"

Legal Description

ALL THAT TRACTS OR PARCELS OF LAND, lying and being in the County of Mecklenburg, State of North Carolina, and designated or described as Common Area and Common Open Space on the Final Plat prepared by Lucas-Forman Incorporated for Fox Glen Map 1 recorded in the Mecklenburg County, North Carolina Registry of Deeds in Map Book 27, Page 408 on March 26, 1996, such Final Plat has the metes and bounds set forth therein.

EXHIBIT B

Permitted Title Exceptions

This conveyance is made subject to the following:

1. All unpaid taxes and assessments for 1996 and subsequent years.
2. All easements, reservations, restrictions, covenants, easements, zoning ordinances, matters of survey and conditions of record in the Mecklenburg County, land records, affecting the Property.
3. Declaration of Protective Covenants for Fox Glen Subdivision, recorded on July 25, 1996, in Book 8670 Page 711, et seq. in the Registry of Deeds of Mecklenburg County, North Carolina.
4. All restrictions and general notes contained on the recorded Final Plat of Fox Glen Subdivision, recorded in the Registry of Deeds Mecklenburg County, North Carolina.
5. Rights of upper and lower riparian owners in and to the waters of branches crossing or adjoining the real property herein described, and the natural flow thereof, free from diminution or pollution.

State of North Carolina, County of Mecklenburg

The foregoing certificate(s) of

Darlene Agin

Notary(ies) Public is/are certified to be correct.

This 4th day of November, 19 96.

JUDITH A. GIBSON, REGISTER OF DEEDS

By:

Keith Taylor

Deputy Register of Deeds