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MICHAEL B. BATTAGLIA
RECORDER OF DEEDS
NEW CASTLE CO. DE

TAX PARCEL NUMBERS:
See Attached Exhibit A

PREPARED BY and RETURN TO:
Roeberg, Moore & Associates, P.A.
910 Gilpin Avenue
Wilmington, DE 19806

CLAIRBORNE AT LEXINGTON FARMS
AMENDMENT TO DECLARATION OF RESTRICTIONS

This Amendment to Declaration of Restrictions for Clairborne at Lexington Farms, is made this 3rd day of October, 1996, by **CLAIRBORNE DEVELOPMENT COMPANY**, a Delaware corporation (hereinafter "Declarant").

RECITALS

A. On June 11, 1990, Declarant executed a Declaration of Restrictions applicable to Clairborne at Lexington Farms as shown on a Record Major Subdivision for Clairborne at Lexington Farms recorded in the Office of the New Castle County Recorder of Deeds in Microfilm No. 9481 on October 27, 1988 and prepared by Ramesh C. Batta Association, P.A., Consulting Engineers and Land Surveyors.

B. The Declaration of Restrictions is recorded in the Office of the New Castle County Recorder of Deeds in Deed Book 1043, Page 233.

C. In Paragraph 20 of the Declaration of Restrictions, the Declarant reserved unto itself, for as long as Declarant shall own title to any portion of the land comprising Clairborne at Lexington Farms, the right to amend the Declarations by appropriate instrument in writing, signed by Declarant and recorded in the Office of the New Castle County Recorder of Deeds.

D. Declarant continues to own title to 37 residential lots in Clairborne at Lexington Farms.

E. Declarant desires to amend the Declaration of Restrictions in the manner set forth below.

NOW THEREFORE, Declarant hereby amends the Declaration of Restrictions in the following manner:

1. Paragraph 17 of the Declaration of Restrictions, which reads as follows, is hereby deleted:

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"17. Remedies

Enforcement of these covenants and restrictions shall be by any proceeding at law or in equity against any person or persons violating or attempting to violate any covenant or restriction herein contained. Each person, firm, or corporation who is found by a court, in any action to enforce these restrictions and covenants, to have violated any of these restrictions or covenants shall be liable for reasonable attorney's fees and other expenses incurred in the prosecution of such action. Failure to so enforce any such violations shall in no event be deemed a waiver of the right to do so thereafter."

* * *

2. A new Paragraph 17 is hereby added to the Declaration of Restrictions to read as follows:

"17. Remedies

The following natural or artificial persons have the right to enforce compliance with these covenants and restrictions:

- (a) Declarant.
- (b) An owner of any Lot subject to this Declaration either in his, her or its individual capacity or as an officer or member of a committee of any civic association or homeowner's association for Clairborne at Lexington Farms.
- (c) Clairborne at Lexington Farms Maintenance Association, a Delaware corporation.

Each person, firm, or corporation who has violated any of these restrictions or covenants shall be liable for reasonable attorney's fees and other expenses incurred, whether or not there is a lawsuit, as a result of such violation or violations by any person who has the right to enforce compliance with these covenants and restrictions. Such reasonable attorney's fees and costs may be recovered (1) in a separate action for the recovery of the same or (2) in any action for violation of these covenants and restrictions, reasonable attorney's fees and expenses may be awarded by the court as costs in favor of a person enforcing

compliance with these restrictions and against a person who has violated the terms of these covenants and restrictions.

Failure to enforce any violations of these covenants and restrictions shall not be deemed a waiver of the right to do so at any time thereafter."

* * *

3. All other terms, conditions and provisions of the Declaration of Restrictions not otherwise amended or changed by this instrument, shall remain in full force and effect.

IN WITNESS WHEREOF, Declarant has set its hand and seal the day and year aforesaid.

CLAIRBORNE DEVELOPMENT COMPANY,
a Delaware corporation

BY: Mark L. Handler (SEAL)
President

ATTEST: David Rieky (SEAL)
Secretary

[CORPORATE SEAL]

STATE OF DELAWARE)
) SS.
NEW CASTLE COUNTY)

This instrument was acknowledged before me on the 3rd day of October, 1996, by Mark L. Handler, President of Clairborne Development Company.

Roberta A. Snyder (SEAL)
Notary Public
Print Name ROBERTA A. SNYDER
My Commission Expires: NOTARY PUBLIC-DELAWARE
My commission expires Nov. 27, 1997