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

CLAIRBORNE AT LEXINGTON FARMS SECOND AMENDMENT TO DECLARATION OF RESTRICTIONS

This Second Amendment to Declaration of Restrictions for Clairborne at Lexington Farms, is made this 15^{\pm} day of 5^{\pm} day of 5^{\pm}

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. On October 30, 1996, while Declarant continued to own title to 37 residential lots in Clairborne at Lexington Farms, it executed an Amendment To Declaration Of Restrictions which is recorded in the Office of the New Castle County Recorder of Deeds in Deed Book 2182, Page 14 (the "First Amendment").

E. Declarant continues to own title to <u>34</u> residential lots in Clairborne at Lexington Farms.

F. Declarant desires to further 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 4 (c) of the Declaration of Restrictions is hereby revised as follows:

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"4.(c) <u>Swimming Pools and Swimming Pool Fences</u>. No above-ground swimming pool shall be constructed or maintained on any lot. One in-ground swimming pool on each lay may be permitted to be constructed and maintained. Any in-ground swimming pool must be enclosed with a post and split rail fence no higher than four (4) feet and no more than three (3) horizontal rails. The height and width of the entire interior <u>or exterior</u> perimeter of a swimming pool fence must be fully covered with wire mesh. In any event, no such swimming pool or swimming pool fence shall be constructed or maintained upon any lot until plans for the same have been approved by Declarant, its successor or assigns.

2. 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

[CORPORA

ATTEST: Secretary

STATE OF DELAWARE)) SS. NEW CASTLE COUNTY)

This instrument was acknowledged before me on the <u>15th</u>day of <u>1anuau</u>, 1997 by Mark L. Handler, President of Clairborne Development Company.

Notary Public ROBERTA Print Name NOTAGY PUE My Commission Expires: My commission expire

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