

**AMENDMENT**

**TO**

**DECLARATION OF RESTRICTIONS**

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EX241630130

RECORDS SECTION  
OFFICE OF THE RECORDER OF DEEDS  
NEW CASTLE CO. DE

Tax Parcel No.: 06-024.00-001

PREPARED BY AND  
WHEN RECORDED RETURN TO:  
Lisa B. Goodman, Esquire  
Young Conaway Stargatt & Taylor, LLP  
11th Floor, Rodney Square North  
P.O. Box 391  
Wilmington, DE 19899-0391

**AMENDMENT TO DECLARATION OF RESTRICTIONS**

THIS AMENDMENT TO DECLARATION OF RESTRICTIONS ("Amendment") is hereby made and entered into as of the 20<sup>th</sup> day of March, 1998, by FIRST STATE/BALDINI JOINT VENTURE, a Delaware joint venture ("First State") and BALDINI WEST, INC., a Delaware corporation (individually "Baldini" and collectively with First State the "Declarants").

WITNESSETH

WHEREAS, First State is party to that certain Declaration of Restrictions, dated December 12, 1996, and recorded in the Office of the Recorder of Deeds in and for New Castle County, Delaware, in Deed Book 2211 at Page 0018 (the "Declaration of Restrictions");

WHEREAS, First State is the former original owner of all those certain lots, pieces, or parcels of land, situate in Brandywine Hundred, New Castle County and State of Delaware, comprised of approximately 55.9 acres of land, and being known as "Ballymeade," as shown on that certain Record Minor Subdivision Plan (the "Plan") prepared by VanDemark and Lynch, Inc., dated May 15, 1997, of record in the Office of the Recorder of Deeds, in and for New Castle County, in the State of Delaware, in Microfilm No. 13183, being a residential subdivision of 218 single-family detached lots (the "Lots") (hereinafter the "Property");

WHEREAS, Article II of the Declaration of Restrictions provides that the Declaration of Restrictions may be changed, altered, modified or extinguished in whole or in part, at any time, by an instrument in writing signed by the record owners of two-thirds of the lots, said instrument to be recorded in the Office of the Recorder of Deeds;

WHEREAS, as of the date hereof, First State and Baldini are the combined owners of at least two-thirds of the lots located on the Property;

WHEREAS, pursuant to Article II of the Declaration of Restrictions, Declarants' wish to modify and amend certain of the terms and provisions of the Declaration of

Restrictions, all in accordance with the provisions of Article II of the Declaration of Restrictions;

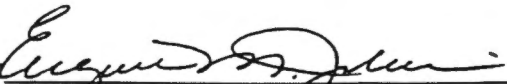
NOW THEREFORE, in consideration of the foregoing recitals, each of which is made a part hereof, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Declarants hereby amend the Declaration of Restrictions as follows:

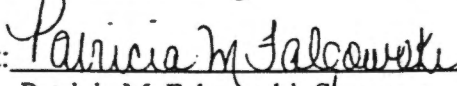
1. The provisions of Article I, Section 17, ("Easements") are hereby amended so that the phrase "and seven (7) feet from the sidelines of each lot," is deleted in its entirety and the following phrase is inserted in its place: "and six (6) feet from the sidelines of each lot,".
2. The provisions of Article II ("Changes in the Declaration") are hereby amended so that the phrase "so long as it is the owner of at least ten percent (10%) of the dwelling units," is deleted in its entirety and the following phrase is inserted in its place: "so long as it is the owner of at least ten percent (10%) of the lots,".
3. The amendments made to the Declaration of Restrictions pursuant to the preceding paragraphs are made retroactive to December 12, 1996, so that for example, without limitation to such example, no building or other permanent structure shall be deemed to violate the provisions of Section 17 if such building or permanent structure is located six feet from the sidelines of the lot on which it sits.
4. Except as expressly set forth herein, the terms and provisions of the Declaration of Restrictions shall remain in full force and effect as they existed immediately prior to the recordation of this Amendment; provided, however, that to the extent there should exist an inconsistency between the terms and provisions of the Declaration of Restrictions prior to its amendment hereby, and the terms and provisions of the Declaration of Restrictions subsequent to its amendment hereby, then, in such event, the terms and provisions of this Amendment shall be deemed controlling.
5. The terms and provisions of this Amendment shall be covenants running with the land and which shall be binding upon the Declarants and their successors and assigns in interest to the Property, forever.
6. All questions with respect to the application and construction of the Amendment shall be determined in accordance with the laws of the State of Delaware without reference to the choice of law rules or principles applied to that jurisdiction.

IN WITNESS WHEREOF, the said FIRST STATE/BALDINI JOINT VENTURE and BALDINI WEST, INC., have caused this Indenture to be executed and sealed by their respective authorized representatives, the day and year first above written.

FIRST STATE/BALDINI JOINT VENTURE,  
a Delaware joint venture

By: First State Enterprises, Inc.

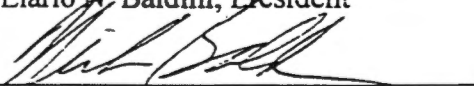
By:   
Eugene M. Julian, President

Attest:   
Patricia M. Falgowski, Secretary

[CORPORATE SEAL]

By: L&N Construction Co., Inc.

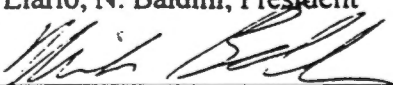
By:   
Elario N. Baldini, President

Attest:   
Nicholas A. Baldini, Secretary

[CORPORATE SEAL]

BALDINI WEST, INC.

By:   
Elario, N. Baldini, President

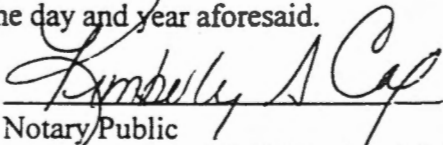
Attest:   
Nicholas A. Baldini, Secretary

[CORPORATE SEAL]

STATE OF DELAWARE )  
 ) SS  
NEW CASTLE COUNTY )

BE IT REMEMBERED that on this 18TH day of MARCH, 1998, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, Eugene M. Julian, President of First State Enterprises, Inc., joint venturer of First State/Baldini Joint venture, a Delaware joint venture, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of said company.

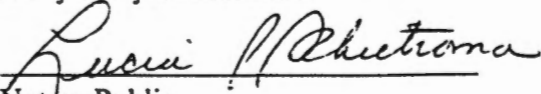
GIVEN under my Hand and Seal of Office, the day and year aforesaid.

  
Notary Public  
Print Name: KIMBERLY A. COX  
My Commission Expires: 01-10-2000

STATE OF DELAWARE )  
 ) SS  
NEW CASTLE COUNTY )

BE IT REMEMBERED that on this 20th day of March, 1998, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, Elario N. Baldini, President of L&N Construction Co., Inc., joint venturer of First State/Baldini Joint venture, a Delaware joint venture, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his act and deed and the act and deed of said company.

GIVEN under my Hand and Seal of Office, the day and year aforesaid.

  
Notary Public  
Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

LUCIA P. SCHIETROMA  
NOTARY PUBLIC  
MY COMMISSION EXPIRES  
10/4/99

STATE OF DELAWARE )  
 ) SS  
NEW CASTLE COUNTY )

BE IT REMEMBERED that on this 20 day of March, 1998,  
personally came before me, the Subscriber, a Notary Public for the State and County  
aforesaid, Elario N. Baldini, President of Baldini West, Inc., a Delaware corporation,  
party to this Indenture, known to me personally to be such, and acknowledged this  
Indenture to be his act and deed and the act and deed of said corporation.

GIVEN under my Hand and Seal of Office, the day and year aforesaid.

Lucia P. Schietroma  
Notary Public  
Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

LUCIA P. SCHIETROMA  
NOTARY PUBLIC  
MY COMMISSION EXPIRES  
10/4/99