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by J. E. BRINDLE
Register of Deeds
Book 1138 Page 27

SUNSET POINTE AT HIGH ROCK
PATIO HOMES

FOURTH AMENDMENT TO
DECLARATION OF COVENANTS,
CONDITIONS AND
RESTRICTIONS

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Ew-Smithercut LLC

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THIS FOURTH AMENDMENT TO the Declaration of Covenants, Conditions and Restrictions for Sunset Pointe at High Rock, hereinafter referred to as "Fourth Amendment" is made this the _____ day of January, 2009, by Smihercutt, LLC (hereinafter "Declarant"), as successor in interest to High Rock Development Company, LLC.

WITNESSETH:

WHEREAS, the Declarant's predecessor in interest previously recorded certain Declaration of Covenants, Conditions and Restrictions for prior phases of Sunset Point at High Rock, recorded in Deed Book 1053 Page 593, such being superseded by subsequent Amended Declaration of Covenants, Conditions and Restrictions for Sunset Pointe at High Rock recorded in Deed Book 1053 Page 256, such being incorporated herein by reference (hereinafter "Declaration"); and

WHEREAS, Second and Third Amended Declaration of Covenants, Conditions and Restrictions have been filed to incorporate new phases of the development and amend the legal description of lots subject to the Declaration; and

WHEREAS, Declarant files this Fourth Amendment to amend the Declaration to correct and add certain provisions, all as set forth herein.

NOW, THEREFORE, the Declarant hereby amends the Declaration as follows:

(1) ARTICLE I-(s) Definitions

(s) Map—Map shall mean and include (i) the plat of Sunset Pointe at High Rock Patio Homes Phase I filed in Book of Maps 9995 at Page 6614 (Sheets 1 and 2) for Lots 113-145 and 149-151 in the office of the Register of Deeds of Rowan County, North Carolina, (ii) any filed plats of other portions of the Property described in Article II Section 1 for the purpose of subdividing those lands into lots, dedicating roadways, Common Areas or Common Open Spaces and Septic, or any other purpose, (iii) any filed plats of Additional Property subjected to this Declaration, and (iv) any revisions of such filed maps.

(2) ARTICLE II- Property

Section 1. Description. The real property subjected to this Declaration shall include that property as shown and described in Book of Maps 9995 at Page 6614 (Sheets 1 and 2) Lots 113-145 and 149-151, as filed in the office of the Register of Deeds of rowan County, North Carolina, including any and all Common Areas as may be shown therein.

(3) ARTICLE IV- Rights in Private Roads

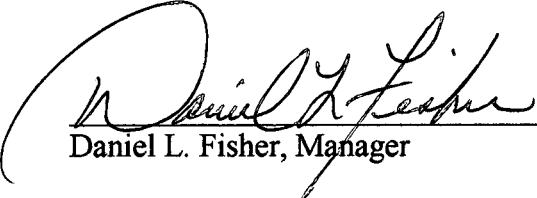
The following provision shall be added to Article IV as additional obligations of Declarant, and is not intended to supersede or replace, but only to enhance the provision:

“Until such time as the obligations for maintenance of Private Roads or Common Area is turned over to the Association, or until such time as maintenance of Private Roads is accepted by the NC Department of Transportation as part of the state maintained road system, Declarant shall be responsible for maintenance of such Private Roads and shall do so according to NC Department of Transportation specifications.”

EXCEPT as amended herein by this Fourth Amended Declaration, the Declaration shall be and remain in full force and effect, and the Declaration, as amended by this Fourth Amended Declaration, is hereby incorporated by reference as if fully set out herein and re-adopted in its entirety.

IN WITNESS WHEREOF, the undersigned has caused these presents to be executed in its Company name by its duly authorized Manager this the 31 day of January, 2009.

SMIHERCUTT, LLC
BY:



Daniel L. Fisher, Manager

STATE OF NORTH CAROLINA

COUNTY OF ROWAN

I, Sandy Diane Wise Howell, a Notary Public of the County and State aforesaid, certify that Daniel L. Fisher, either being personally known to me or proven by satisfactory evidence, personally came before me this day and acknowledged that he is Manager of SMIHERCUTT, LLC, a North Carolina limited liability company, and that he, as Manager, being authorized to do so, voluntarily executed the foregoing on behalf of said corporation and limited liability company for the purposes stated therein.

WITNESS my hand and official stamp or seal, this 26 day of January, 2009.

Sandy Diane Wise Howell Rowan County, NC
Notary Public

My Commission Expires:

1 June 2013

