

Attorney: R. BECK

RECORDER'S RECEIPT

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

97 DEC 30 A 10:01.0

SECOND AMENDMENT TO DECLARATION OF RESTRICTIONS

Declarant: Blenheim Brennan, L.L.C.
Dated: December 30, 1997
Property Address: Brennan Estates, New Castle County, Delaware

RECEIVED for recording in the Office of the Recorder of Deeds in and for New Castle County, Delaware, this _____ day of _____, 199__, at _____ .m.



Recorder

(Part of) Tax Parcel No.: 11-046.00-028
This Instrument Prepared by and to be
Returned to: Morris, James, Hitchens & Williams
P.O. Box 2306, Wilmington, Delaware 19899

BRENNAN ESTATES

**SECOND AMENDMENT
TO
DECLARATION OF RESTRICTIONS**

WHEREAS, by Declaration of Restrictions dated October 14, 1996 (the "Declaration"), recorded in the Office of the Recorder of Deeds in and for New Castle County, Delaware, in Deed Book 2185, Page 247, Blenheim Brennan, L.L.C., a Delaware limited liability company ("Declarant"), imposed certain restrictive covenants, easements and agreements upon and with respect to Lots 106 through and including 342 (the "Lots"), and all streets, drainage areas and open spaces (hereinafter collectively "Common Area") appurtenant thereto, as shown on Microfilm No. 12612 (the "Plan") in the Office aforesaid, and as outlined on a portion of the Plan appended as Exhibit "A" to the Declaration (such Lots and Common Area being collectively called "Brennan Estates, Phase 1" or the "Community" or the "Planned Unit Development"); and

WHEREAS, in order to satisfy certain requirements imposed by one or more agencies of the federal government (Department of Housing and Urban Development, and the Veterans Administration) as a condition of insuring homeowner mortgages on Lots, Declarant made and recorded a First Amendment to Declaration of Restrictions (the "First Amendment") which appears in the Office aforesaid in Deed Book 2262, Page 0167; and

WHEREAS, Declarant now wishes to further amend the Declaration of Restrictions (which term as hereinafter used shall mean the Declaration as amended by the First Amendment) pursuant to the rights of expansion reserved by Declarant in Article V of the Declaration and elsewhere referenced therein, in order to include certain additional portions of Brennan Estates within the Community that is governed by the Declaration of Restrictions,

subject nevertheless to specific provisions applicable only to some of the additional Lots hereby being included:

NOW, THEREFORE, intending hereby for itself, its successors, assigns, grantees and all subsequent Lot Owners, legal or equitable ("Owners") to be legally bound under seal, and further intending that the Declaration of Restrictions as hereby amended shall impose covenants, reservations, restrictions, easements, limitations and agreements upon the Community which shall run with the land, Declarant hereby amends the Declaration as follows:

A. Legal Description. The legal description for the Community which is subject to the Declaration of Restrictions, expressed in terms of courses and distances, shall henceforth consist of (i) Exhibit 1 to the First Amendment and (ii) the Legal Descriptions appended as Exhibit 2 to this Second Amendment, all of which Legal Descriptions are hereby made a part hereof and of the Declaration of Restrictions by reference, and shall together constitute the legal description of and for the Community, subject to further amendment in accordance with the Declaration of Restrictions.

B. The Lots. In addition to the Lots submitted to the Declaration of Restrictions as listed in the original Declaration and confirmed in the First Amendment, the following additional Lots are hereby submitted to the Declaration of Restrictions, namely, Lots 717 through and including 720 as shown on Microfilm No. 13112 recorded in the aforesaid Office, and Lots 721 through and including 727, Lot 816, and Lots 446 through and including 448 as shown on Microfilm No. 13274 recorded in the aforesaid Office (collectively the "additional Lots"). The term "Lot Owner" or "Owner" shall henceforth mean and include any owner, legal or equitable, of any of the additional Lots.

C. Restrictive Covenants. The additional Lots, together with all other portions of Brennan Estates contained within the Legal Descriptions appended hereto as Exhibit 2, are hereby submitted to all of the provisions of the Declaration of Restrictions except as otherwise expressly noted herein, with the same force and effect as if such Lots had been named and such Legal Descriptions had been included (subject to the same exception, and effective on the date of this Second Amendment) in the Declaration of Restrictions heretofore recorded. Notwithstanding this submission, however, with respect to the additional Lots:

1.02. Dwelling Houses. Section 1.02 of the Declaration is hereby amended by adding the following sentence thereto: "This prohibition shall not be construed as requiring that all dwelling have garages, and no townhouses constructed without garages shall be deemed in violation of this Declaration of Restrictions."

1.05 Outbuildings, Pools and Antennas. Section 1.05 of the Declaration is hereby amended by adding the following sentence thereto: "No in-ground pool shall be permitted on any Lot occupied by a dwelling which shares one or more common walls with any other dwelling (commonly known, and herein elsewhere referred to, as an attached home).

1.06. Landscape and Fences. Section 1.06 of the Declaration is hereby amended by adding the following sentence thereto as a new paragraph: "Notwithstanding anything elsewhere herein to the contrary, no fences shall be erected on any Lot on which an attached home has been constructed, except wooden shadow box fences not exceeding four feet (4') in height, located to the rear of the attached home on such Lot, as determined and approved by Declarant.

D. Effect of Amendment. As heretofore and as hereby amended, the provisions of the Declaration are hereby ratified and confirmed. Nothing herein shall affect any Lots, Common Area or other portions of Brennan Estates lying outside the Community as defined and delineated in the Declaration as amended, and as described in Exhibit 2 to this Second Amendment.

IN WITNESS WHEREOF, the Declarant has caused this Second Amendment to be duly executed, sealed, witnessed, acknowledged and delivered for recordation, as of this 29th day of December, 1997.

In the Presence of:

Dana A. Mattei

BLENHEIM BRENNAN, L.L.C.

By: Ray H. Samuels (SEAL)
Authorized Member

STATE OF DELAWARE)

: SS.

NEW CASTLE COUNTY)

BE IT REMEMBERED, that on this 29th day December, 1997, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, Jay N. Sonecha, Authorized Member of Blenheim Brennan, L.L.C., a Delaware limited liability company, party to this Indenture, personally known to me to be such, and acknowledged this Indenture to be his act and deed and the act and deed of said limited liability company, that the signature of the Authorized Member thereto is in his own proper handwriting, and that his act of sealing, executing, acknowledging and delivering said Indenture was duly authorized by the limited liability company.

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

Dana A. Mattia

Notary Public

DANA A. MATTIA

Print Name: _____

NOTARY PUBLIC, DELAWARE

My Commission : _____

APPOINTED MAY 18, 1995

EXPIRES MAY 17, 1999

EXHIBIT 1

[INTENTIONALLY OMITTED]

EXHIBIT 2

Karins

Consulting Engineers

17 Polly Drummond Center • Suite 201 • Newark, DE 19711 • (302) 369-2900 • Fax (302) 369-2975

and Associates

December 22, 1997

LOT NOS. 717 THROUGH 720 -- BRENNAN ESTATES

Description of property situate in Pencader Hundred, New Castle County, State of Delaware, being Lot Nos. 717 through 720 Inclusive as shown on the Record Resubdivision Plan for "Brennan Estates" prepared by Karins and Associates, Professional Engineers and Land Surveyors, Drawing No. 1362-A01, Consisting of Two Sheets, dated January 16, 1997, recorded March 6, 1997, in the Office of the Recorder of Deeds in and for New Castle County on Microfilm No. 13112. Being more particularly bounded and described as follows to wit:

BEGINNING at a point along the northwesterly side of Shawn Lane (50' wide R/W), said point being a common corner for herein described property and Lot 716, said point being further located from the southeasterly end of a 35.00 feet radius junction curve joining said northwesterly side of Shawn Lane with the southwesterly side of Brennan Boulevard (80' wide R/W) by the following described course and distance: Southwesterly, along a 375.00 feet radius curve to the right, said curve having a chord bearing of South 47°-42'-24" West and a chord distance of 123.91 feet, an arc distance of 124.49 feet to the point and place of Beginning; thence, from said point of Beginning, along said northwesterly side of Shawn Lane, the following two (2) described courses and distances: 1) Southwesterly, along a 375.00 feet radius curve to the right, said curve having a chord bearing of South 65°-21'-30" West and a chord distance of 106.22 feet, an arc distance of 106.58 feet to a point of tangency, and 2) South 73°-30'-02" West, 17.69 feet to a point, a corner in common with Lot 721; thence, leaving said northwesterly side of Shawn Lane, along lands of said Lot 721, North 16°-29'-58" West, 115.00 feet to a point along lands designated "Private Open Space"; thence, thereby, the following two (2) described courses and distances: 1) North 73°-30'-02"

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LOT NOS. 717 THROUGH 720 - BRENNAN ESTATES
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East. 2.12 feet to a point, and 2) North $66^{\circ}-23'-01''$ East, 88.98 feet to a point, a corner in common with said Lot 716; thence, along lands of said Lot 716, South $32^{\circ}-47'-01''$ East, 115.62 feet to the point and place of Beginning.

Containing within said described-metres and bounds 0.29 acre of land, be the same more or less.

Property subject to and benefiting from any and all applicable easements, rights of way, reservations, and restrictions as shown or noted on the aforementioned Record Resubdivision Plan for "Brennan Estates".

MTS:bh

Karins

Consulting Engineers

17 Polly Drummond Center • Suite 201 • Newark, DE 19711 • (302) 369-2900 • Fax (302) 369-2975

and Associates

December 22, 1997

LOT NOS. 721 THROUGH 727, & 816 - BRENNAN ESTATES

Description of property situate in Pencader Hundred, New Castle County, State of Delaware, being Lot Nos. 721 Through 727, & 816 Inclusive as shown on the Record Resubdivision Plan for "Brennan Estates" prepared by Karins and Associates, Professional Engineers and Land Surveyors, Drawing No. 1362-A01, Consisting of Three Sheets, dated May 5, 1997, recorded August 12, 1997, in the Office of the Recorder of Deeds in and for New Castle County on Microfilm No. 13274. Being more particularly bounded and described as follows to wit:

BEGINNING at a point along the northwesterly side of Shawn Lane (50' wide R/W), said point being a corner in common for herein described property and Lot 720, said point being further located from the southeasterly end of a 35.00 feet radius junction curve joining said northwesterly side of Shawn Lane with the southwesterly side of Brennan Boulevard (80' wide R/W) by the following two (2) described courses and distances along said northwesterly side of Shawn Lane: 1) Southwesterly, along a 375.00 feet radius curve to the right, said curve having a chord bearing of South 55°-50'-55" West and a chord distance of 227.42 feet, an arc distance of 231.06 feet to a point of tangency, and 2) South 73°-30'-02" West, 17.69 feet to the point and place of Beginning; thence, from said point of Beginning, along said northwesterly side of Shawn Lane, South 73°-30'-02" West, 212.00 feet to a point, a corner in common with lands designated "Private Open Space"; thence, leaving said northwesterly side of Shawn Lane, along said lands designated "Private Open Space", the following two (2) described courses and distances: 1) North 16°-29'-58" West, 115.00 feet to a point, and 2) North 73°-30'-02" East, 212.00 feet to a point, a corner in common with said Lot 720; thence, along lands of said Lot 720, South 16°-29'-58" East, 115.00 feet to the point and place of Beginning.

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LOT NOS. 721 THROUGH 727, & 816 - BRENNAN ESTATES
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Containing within said described metes and bounds 0.56 acre of land, be the same more or less.

Property subject to and benefiting from any and all applicable easements, rights of way, reservations, and restrictions as shown or noted on the aforementioned Record Resubdivision Plan for "Brennan Estates".

MTS:bh

Karins

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17 Polly Drummond Center • Suite 201 • Newark, DE

and Associates

December 22, 1997

LOT NOS. 446, 447, & 448 - BRENNAN ESTATES

Description of property situate in Pencader Hundred, New Castle County, State of Delaware, being Lot Nos. 446, 447, & 448 Inclusive as shown on the Record Resubdivision Plan for "Brennan Estates" prepared by Karins and Associates, Professional Engineers and Land Surveyors, Drawing No. 1362-A01, Consisting of Three Sheets, dated May 5, 1997, recorded August 12, 1997, in the Office of the Recorder of Deeds in and for New Castle County on Microfilm No. 1-274. Being more particularly bounded and described as follows to wit:

BEGINNING at a point along the southeasterly side of Shawn Lane (50' wide R/W), said point being a common corner for herein described property and lands designated "Private Open Space", said point being further located from the northwesterly end of a 25.00 feet radius junction curve joining said southeasterly side of Shawn Lane with the southwesterly side of Kelly Drive (50' wide R/W) by the following described course and distance along said southeasterly side of Shawn Lane: Southwesterly, along a 35.00 feet radius curve to the left, said curve having a chord bearing of South 48°-44'-15" West and a chord distance of 22.13 feet, an arc distance of 22.51 feet to the point and place of Beginning; thence, from said point of Beginning, leaving said southeasterly side of Shawn Lane, along said lands designated "Private Open Space", the following six (6) described courses and distances: 1) South 28°-06'-19" West, 29.87 feet to a point, 2) South 56°-58'-17" West, 107.57 feet to a point, 3) North 75°-50'-08" West, 14.83 feet to a point, 4) North 33°-01'-43" West, 77.12 feet to a point, 5) North 56°-58'-17" East, 117.65 feet to a point, and 6) North 82°-49'-27" East, 18.26 feet to a point along the southwesterly side of said Shawn Lane; thence, along said southwesterly, southerly, and said southeasterly side of Shawn Lane, in respective order, Southeasterly, along a 35.00 feet radius cul-de-sac curve to the left, said

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LOT NOS. 446, 447, & 448 - BRENNAN ESTATES

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curve having a chord bearing of South $41^{\circ}-27'-32''$ East and a chord distance of 66.33 feet,
an arc distance of 87.20 feet to the point and place of Beginning.

Containing within said described metes and bounds 0.25 acre of land, be the same more or
less.

Property subject to and benefitting from any and all applicable easements, rights of way,
reservations, and restrictions as shown or noted on the aforementioned Record Resubdivision
Plan for "Brennan Estates".

MTS:bh