

FILED ELECTRONICALLY
 CABARRUS COUNTY NC
 M. WAYNE NIXON

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Prepared by and return to:

Homesley & Wingo Law Group PLLC ()
 330 South Main St.
 Mooresville, NC 28115
 File No. 126345

NORTH CAROLINA

**FIRST AMENDMENT TO DECLARATION OF
 CONDOMINIUM FOR HARRISBURG TOWN
 CENTER BUILDING II CONDOMINIUM**

CABARRUS COUNTY

THIS FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM FOR HARRISBURG TOWN CENTER BUILDING II CONDOMINIUM (this "**First Amendment**") dated October 28th, 2016 is entered into by and between DUBLIN REALTY COMPANY, INC., a North Carolina corporation ("**Owner**"), and HARRISBURG TOWN CENTER BUILDING II CONDOMINIUM ASSOCIATIONS, INC., a North Carolina non-profit corporation ("**Association**").

Recitals

- WHEREAS, that certain Declaration of Condominium for Harrisburg Town Center Buildings II Condominium recorded in Book 6582, Page 229, Cabarrus County Registry ("**Declaration**") established the condominium known as Harrisburg Town Center Building II Condominium (the "**Condominium**"), which Condominium is shown on the plats and plans of the building and other improvements of the Condominium recorded in Condominium Book 1, Map 34, Pages 1-5, Cabarrus County Registry.
- WHEREAS, the Owner owns the following described property (collectively, the "**Units**"):

BEING all of condominium unit numbers 107 and 109 of HARRISBURG TOWN CENTER BUILDING II CONDOMINIUM, as referred to in that certain Declaration of Condominium for Harrisburg Town Center Building II Condominium recorded in Book 6582, Page 229, along with the plats and plans of the building and other improvements of the condominium recorded in Condominium Book 1, Map 34, Pages 1-5, Cabarrus County Registry, together with each units respective undivided interest in the common elements of said condominium, said declaration, plats and plans being incorporated herein in their entirety.
- WHEREAS, the Association is the property owners' association formed to administer the operation and maintenance of the Condominium pursuant to the Declaration.
- WHEREAS, both Article 13 of the Declaration and the applicable provisions of the North Carolina submitted electronically by "Homesley & Wingo Law Group PLLC" in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Cabarrus County Register of Deeds.

Condominium Act (the "Act") provide that the Declaration may be amended by the Members (as defined therein) holding 67% of the total voting power of the Association.

- WHEREAS, this First Amendment has been approved and duly adopted by affirmative vote of more than 67% of the Members, as provided for in the Declaration and the Act.
- WHEREAS, the Owner has applied to the Association to relocate the common boundary line between the Units in accordance with Section 47C-2-112 of the Act and Section 4.5 of the Declaration as shown on the plat plans attached as **Exhibit A** and incorporated herein by this reference (the "**Relocation**"), and the Association has approved said Relocation.
- WHEREAS, as part of the Relocation, the Association has further approved the reallocation of the allocated interests between the Units, as set forth below.

NOW, THEREFORE, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and in the further consideration of the agreements contained herein, the parties hereby agree as follows:

1. The common boundary line between Units 107 and 109 is hereby relocated as shown on the plat plans of Harrisburg Town Center Building II Condominium attached hereto as **Exhibit A** and incorporated herein by this reference. In furtherance of the foregoing, Owner, in its capacity as the owner of Unit 107, does hereby grant, bargain, sell and convey unto itself, in its capacity as the owner of Unit 109, that portion of Unit 107 that is now part and parcel of Unit 109.

2. No additional Unit is created, and the reallocation of the shares of the Common Elements and Common Expenses applicable to such Units, and set forth in Exhibit B of the Declaration, are hereby amended as follows:

Unit Number	Square Feet	Allocated Interest of Whole
107	1,779	7.0%
109	1,861	7.4%

3. Except as specifically amended herein, the remaining provisions of the Declaration shall continue in full force and effect. Any capitalized terms not defined herein shall have the meanings set forth in the Declaration. If there is any conflict between this First Amendment and the Declaration, this First Amendment shall control. Except where the context otherwise requires, all references in this First Amendment to the Declaration shall be deemed to include the provisions of this First Amendment.

4. The Parties have caused this instrument to be signed in its corporate name by its duly authorized officers to signify its confirmation and acceptance of the relocated boundaries of the affected Units and the reallocation of the allocated interests among the affected Units.

- 5. The terms and provisions of this First Amendment shall be binding upon and shall inure to the benefit of the parties hereto, their respective successors, heirs and assigns, if any. This First Amendment may be executed in counterparts and/or with counterpart signature pages, all of which together shall constitute a single agreement. Electronic facsimiles of signatures shall be acceptable and binding upon the parties hereto.

[Signature Pages Follow]

This First Amendment will become effective when all parties have signed it. The date of this First Amendment will be the date this First Amendment is signed by the last party to sign it (as indicated by the date associated with that party's signature).

Each party is signing this First Amendment on the date stated opposite that party's signature.

OWNER:

DUBLIN REALTY COMPANY, INC.,
a North Carolina corporation

Date: OCTOBER 28th, 2016

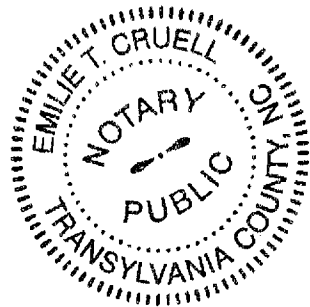
By: Joseph C. Furr V. Pres -
[Name] Joseph C. Furr
[Title] President

STATE OF	<u>North Carolina</u>	COUNTY OF	<u>Transylvania</u>
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I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document for the purpose stated therein and in the capacities indicated: Joseph C. Furr,
Member-Manager of DUBLIN REALTY COMPANY, INC.

Date: 10/28/16

(Affix Official/Notarial Seal)



Notary Public Signature

Emilie T. Cruell

Printed or Typed Name of Notary Public

Emilie T. Cruell

My commission expires:

2-2-17

ASSOCIATION:

HARRISBURG TOWN CENTER BUILDING II
CONDOMINIUM ASSOCIATIONS, INC.,
a North Carolina non-profit corporation

Date: November 7th, 2016

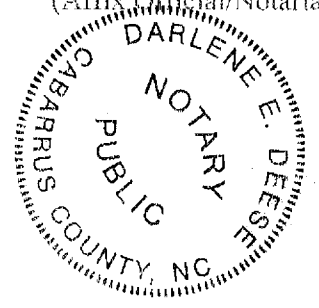
By: [Signature] President
[Name] Mark Swartz
[Title] President

STATE OF	<u>North Carolina</u>	COUNTY OF	<u>Cabarrus</u>
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I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document for the purpose stated therein and in the capacities indicated: Mark Swartz,
President of HARRISBURG TOWN CENTER BUILDING II CONDOMINIUM ASSOCIATIONS, INC.

Date: 11/07/2016

(Affix Official/Notarial Seal)



Notary Public Signature	<u>Darlene E. Deese</u>
Printed or Typed Name of Notary Public	<u>Darlene E. Deese</u>
My commission expires:	<u>September 14, 2019</u>

12227 0295

EXHIBIT A

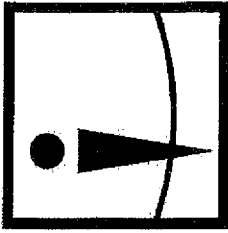
[TO BE ATTACHED]

EXHIBIT "A"
BEFORE EXPANSION
OF SUITE 109

HARRISBURG TOWN CENTER
BUILDING II CONDOMINIUM

PLAT PLANS

(EXTERNAL PLAT IS RECORDED IN UNIT FILE _____ AT PAGE _____)

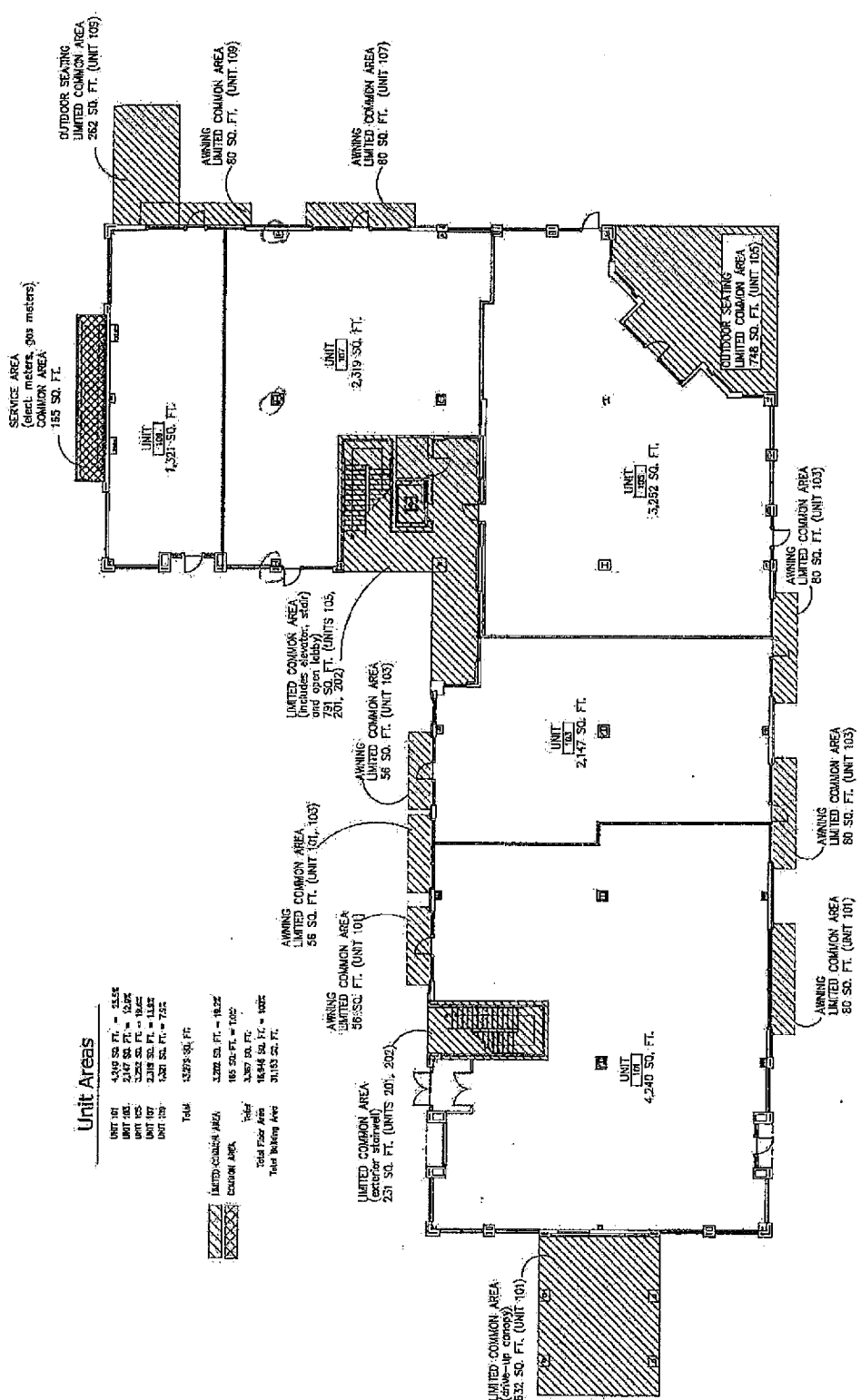


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12227 0297

Unit Areas

UNIT NO.	UNIT AREA (sq. ft.)	UNIT AREA (sq. meters)
UNIT 101	4,240	392
UNIT 102	3,262	302
UNIT 103	2,497	229
UNIT 104	2,319	215
UNIT 105	1,321	122
Total	13,645	1,260



STATE OF NORTH CAROLINA
COUNTY OF CHANDLER
CERTIFICATION
I, _____, ARCHITECT, DO HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORDING AS FILED WITH ME IN THE OFFICE OF THE REGISTERED PROFESSIONAL ARCHITECTS OF THE STATE OF NORTH CAROLINA, AND THAT THE SAME IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE ARCHITECTURAL ACT OF 1991, AS AMENDED.

STATE OF NORTH CAROLINA
COUNTY OF HARRISBURG
I, _____, ARCHITECT, DO HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL RECORDING AS FILED WITH ME IN THE OFFICE OF THE REGISTERED PROFESSIONAL ARCHITECTS OF THE STATE OF NORTH CAROLINA, AND THAT THE SAME IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE ARCHITECTURAL ACT OF 1991, AS AMENDED.

ZONING DISTRICT: HARRISBURG, NC
EXEMPT AS PER: PER CONVEYANCE
PURPOSES ONLY

FIRST FLOOR
PLAN:
A1