

FOR REGISTRATION JUDITH A. GIBSON
REGISTER OF DEEDS
MECKLENBURG COUNTY, NC
2005 JUN 09 02:41 PM
BK: 18863 PG: 226-228 FEE: \$20.00
INSTRUMENT # 2005106422

2005106422

STATE OF NORTH CAROLINA

SECOND AMENDMENT TO
DECLARATION OF PROTECTIVE
COVENANTS FOR
MOUNTAIN ISLAND VILLAGE

COUNTY OF MECKLENBURG

THIS SECOND AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS FOR MOUNTAIN ISLAND VILLAGE (the "Amendment") is made this 9th day of June, 2005, by CROSLAND MIV, LLC, a North Carolina limited liability company, hereinafter referred to as "Declarant";

WITNESSETH

WHEREAS, the Declaration of Protective Covenants for Mountain Island Village was recorded in the Mecklenburg County Public Registry in Book 13681, at Page 732 and amended in Book 17872, Page 226 (the "Declaration"); and

WHEREAS, Section 3 of Article IX of the Declaration provides that the Declaration may be amended by an instrument signed by the Owners of at least fifty-one percent (51%) of the Total Votes and by the Declarant, so long as the Declarant still owns any portion of the Properties (unless the context otherwise requires, all defined terms utilized herein shall have the same meaning ascribed to them in the Declaration); and

Drawn by and Mail to:
Susan K. Irvin
P.O. Box 2376
Davidson, North Carolina 28036



WHEREAS, Section 3 of Article III of the Declaration provides that notwithstanding any contrary provisions of the Declaration, the Declarant shall be entitled to fifty-one percent (51%) of the Total Votes of the Master Association Members until December 31, 2013;

NOW, THEREFORE, the undersigned Declarant does hereby amend the Declaration as follows:

1. The following Section 15 shall be added to Article I of the Declaration:

"Section 15. "Professional Center" shall mean and refer to Lots 2, 3, 4, 5, 7 and 8 as shown on plat entitled "Final Plat for Lots 2-5 & 7-9, Map 3, Mountain Island Village, City of Charlotte, Mecklenburg County, North Carolina", recorded in Map Book 43, Page 753, Mecklenburg County Public Registry.

2. The first paragraph of Section 3 of Article V shall be amended to read as follows:

"Section 1. Annual Assessment. The Annual Assessment for each Member for each calendar year shall be the product of (a) the actual acreage of land contained within said Member's Lot (excluding public and private road rights-of-way) times (b) the Annual Assessment per acre as established by the Association based on projected expenditures for the calendar year for which such computation is made, with fractions of acres and fractions of calendar years to be computed and prorated equitably, at the same uniform rate for each calendar year. The Annual Assessment shall not commence until the calendar year 2003. Notwithstanding the foregoing, the total Annual Assessment for Lots within the Professional Center, as calculated in the first sentence of this Section 3, shall be allocated prorata among the Lots within the Professional Center based on the square footage of the buildings situated on each Lot within the Professional Center; provided, however, until the issuance of a Certificate of Occupancy for any building within the Professional Center, the allocation shall be based on the following estimates of building square footage for such building: Lot 2 - 7,080 square feet; Lot 3 - 7,080 square feet; Lot 4 - 7,080 square feet; Lot 5 - 7,080 square feet; Lot 7 - 7,080 square feet; Lot 8 - 10,000 square feet.

3. The amendments set forth herein are effective on the date hereof. In all other respects the Declaration shall remain unchanged and the Declaration, as amended, shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned Declarant has caused these presents to be
duly executed by authority duly given as of the day and year first above written.

DECLARANT:

CROSLAND MIV, LLC, a North Carolina limited
liability company

By: Crosland, Inc., a North Carolina
corporation, its Manager

By: *James E. McLaughlin*
via President

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

I, *James M. Crotti*, a Notary Public of the County and State aforesaid, certify
that *James E. McLaughlin* personally came before me this day and
acknowledged that he is *via* President of Crosland, Inc., a North Carolina corporation,
Manager of Crosland MIV, LLC, a North Carolina limited liability company, and that by
authority duly given and as the act of the corporation, as manager of Crosland MIV, LLC, the
foregoing instrument was signed in its name by its *via* President.

Witness my hand and official stamp or seal, this *9th* day of *June*, 2005.

James M. Crotti
NOTARY PUBLIC

My Commission Expires:



7-23-05
[SEAL]



JUDITH A. GIBSON
REGISTER OF DEEDS, MECKLENBURG
COUNTY & COURTS OFFICE BUILDING
720 EAST FOURTH STREET
CHARLOTTE, NC 28202

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and/or cancellation.

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Filed For Registration: 06/09/2005 02:41 PM
Book: RE 18863 Page: 226-229
Document No.: 2005106422
DECL. 4 PGS \$20.00
Recorder: LYVANH PHETSARATH

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State of North Carolina, County of Mecklenburg

The foregoing certificate of FRANCES M CIOTTI Notary is certified to be correct. This 9TH of June 2005

JUDITH A. GIBSON, REGISTER OF DEEDS By: _____
Deputy/Assistant Register of Deeds



2005106422