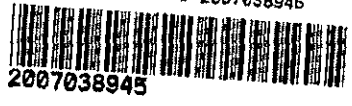


FOR REGISTRATION JUDITH A. GIBSON  
REGISTER OF DEEDS  
MECKLENBURG COUNTY, NC  
2007 FEB 27 01:57 PM  
BK: 21032 PG: 670-692 FEE: \$47.00

INSTRUMENT # 2007038945



PREPARED BY AND MAIL TO:  
T.C. Homesley, Jr., Attorney  
Homesley, Jones, Gaines, Dudley, Childers,  
McLurkin, Donaldson & Johnson, PLLC  
P.O. Box 3010  
 Mooresville, NC 28117

**AMENDMENT TO  
DECLARATION OF  
AREY AT HUNTERS CROSSING  
CONDOMINIUM I, INC.**

THIS AMENDMENT TO DECLARATION OF AREY AT HUNTERS CROSSING CONDOMINIUM I, INC. ("Amendment") is made and entered into as of December 31st, 2006 by VIEWMONT PARTNERS, LLC ("Viewmont") a North Carolina limited liability company, AREY AT HUNTERS CROSSING CONDOMINIUM I ASSOCIATION, INC. ("Association") a North Carolina non-profit corporation, BJS PROPERTIES ONE, LLC ("BJS") a North Carolina limited liability company, and KGC AT HUNTERS CROSSING, LLC ("KGC").

**RECITALS**

A. Arey at Hunter's Crossing, LLC, a North Carolina limited liability company ("Arey"), as Declarant of Arey at Hunters Crossing Condominium, Inc. (the "Condominium"), previously executed and recorded a Declaration of Arey at Hunters Crossing Condominium I, Inc., dated April 8, 2005 (the "Declaration"), covering certain property which was previously owned by Arey and located in Charlotte, Mecklenburg County, North Carolina as more particularly described in Exhibit A of the Declaration (the "Property"). The Declaration is recorded in Book 18583, Page 205 in the Mecklenburg County, North Carolina Public Registry.

B. The plans of the Condominium, including a survey map depicting the Condominium (the "Plans") are recorded in Unit Ownership File No. 731, Page 1 of the Mecklenburg County, North Carolina Public Registry.

C. The parties hereto desire to (i) amend the Declaration and Plans to subdivide Unit A into two (2) Units, to subdivide Unit C into two (2) Units and (ii) replace the Plans of the Condominium to reflect the additional Units.

D. In accordance with Article XI of the Declaration and applicable law, this Amendment has been executed by the Association, all Unit owners, including Viewmont, BJS and KGC and the Mortgagee of Unit A.

NOW, THEREFORE, for and in consideration of the recitals set forth above, which recitals are made a substantive part of this Amendment, the undersigned hereby amend the Declaration by declaring that the Property that is the subject to the Declaration shall be held, developed, improved, leased, sold, transferred, conveyed and occupied subject to the covenants, conditions, restrictions, reservations, and easements set forth in this Amendment, all of which are for the purpose of protecting the value and desirability of, and which shall run with the title to, the Property and shall be binding on all parties having a right, title or interest therein, along with their heirs, successors and assigns, and which shall inure to the benefit of each owner thereof. Accordingly, the undersigned amend the Declaration as follow:

1. **Defined Terms.** Any capitalized words used in this Amendment and not otherwise defined herein shall have the same meaning attributed to such words in the Declaration.

2. **Recitals.** The foregoing recitals are true and correct and are herein incorporated by this reference.

3. **Subdivision of Units A and C; Amendment to Exhibit B.** Viewmont hereby subdivides Unit A into two (2) Units as shown on the Plans (as amended). BJS hereby subdivides Unit C into two (2) Units as shown on the Plans (as amended). The new allocation of Common Elements interests, reflecting this subdivision, is attached hereto as Exhibit B-1. Exhibit B of the Declaration is hereby replaced by Exhibit B-1 and any reference to Exhibit B in the Declaration shall be deemed to refer to Exhibit B-1 attached to this First Amendment.

4. **Amendment to Plans.** The Plans are amended to subdivide Unit A of the Condominium into Units A1 and A2 and to subdivided Unit C of the Condominium into Units C1 and C2 as shown on the Revised Plans (as described below). Revised Plans (the "Revised Plan") for the Plans shall be filed contemporaneously herewith as an amendment to the Plans in conjunction with the recording of this Amendment, which shall supersede and replace the Plans.

5. **Ratification.** The Declaration is hereby ratified and confirmed and remains in full force and effect as expressly, or by necessary implication, modified by this Amendment.

6. **Joinder by Other Unit Owner.** The other Unit Owner, KCG, executing this Amendment has joined in the execution of this Amendment to confirm that it agrees to, ratifies and approves this Amendment and the subdivision of Unit A into two (2) Units and Unit C into two (2) units of the Condominium.

*[Signatures appear on following pages.]*

IN WITNESS WHEREOF, each of the parties hereto has executed this Amendment with the intended effective date as first above written.

**VIEWMONT PARTNERS, LLC**, a North Carolina limited liability company

By: *[Signature]*  
Name: *Will Harrell, MD*  
Title: *Managing Partner*

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**AREY AT HUNTERS CROSSING CONDOMINIUM I ASSOCIATION, INC.**, a North Carolina non-profit corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**BJS PROPERTIES ONE, LLC**, a North Carolina limited liability company

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**KGC AT HUNTERS CROSSING, LLC**, a North Carolina limited liability company

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

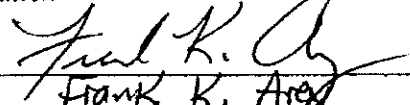
IN WITNESS WHEREOF, each of the parties hereto has executed this Amendment with the intended effective date as first above written.

**VIEWMONT PARTNERS, LLC**, a North Carolina limited liability company

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**AREY AT HUNTERS CROSSING CONDOMINIUM I ASSOCIATION, INC.**, a North Carolina non-profit corporation

By:   
Name: Frank K. Arey  
Title: Manager/President

**M J LARIAN, LLC**, a North Carolina limited liability company

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**KGC AT HUNTERS CROSSING, LLC**, a North Carolina limited liability company

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

IN WITNESS WHEREOF, each of the parties hereto has executed this Amendment with the intended effective date as first above written.

**VIEWMONT PARTNERS, LLC**, a North Carolina limited liability company

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**AREY AT HUNTERS CROSSING CONDOMINIUM I ASSOCIATION, INC.**, a North Carolina non-profit corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**BJS PROPERTIES ONE, LLC**, a North Carolina limited liability company

By: Brian A. Spivey  
Name: Brian Spivey  
Title: Managing member

**KGC AT HUNTERS CROSSING, LLC**, a North Carolina limited liability company

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

IN WITNESS WHEREOF, each of the parties hereto has executed this Amendment with the intended effective date as first above written.

**VIEWMONT PARTNERS, LLC**, a North Carolina limited liability company

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_


**AREY AT HUNTERS CROSSING CONDOMINIUM I ASSOCIATION, INC.**, a North Carolina non-profit corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**M J LARIAN, LLC**, a North Carolina limited liability company

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**KGC AT HUNTERS CROSSING, LLC**, a North Carolina limited liability company

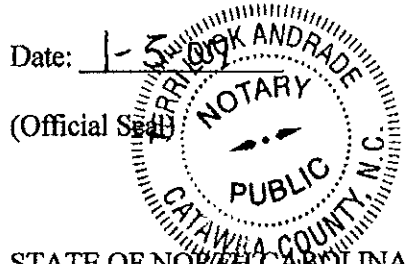
By:   
Name: Karl G. Calhoun  
Title: member/manager

STATE OF NORTH CAROLINA

COUNTY OF Catawba

I certify that the following person(s) personally appeared before me this day, and I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a N.C. driver license; each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

Will Harrill  
\_\_\_\_\_  
(name of person signing). as Managing Partner of  
**VIEWMONT PARTNERS, LLC**, a North Carolina limited liability company.



Date: 1-5-09  
(Official Seal)

Name: Jemi Luck Andrade, Notary Public  
My commission expires: ~~My Commission Expires~~ March 10, 2009

STATE OF NORTH CAROLINA

COUNTY OF \_\_\_\_\_

I certify that the following person(s) personally appeared before me this day, and I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a \_\_\_\_\_ driver license; each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

\_\_\_\_\_  
\_\_\_\_\_  
(name of person signing). as \_\_\_\_\_ of  
**AREY AT HUNTERS CROSSING CONDOMINIUM I ASSOCIATION, INC.**, a  
North Carolina corporation.

Date: \_\_\_\_\_  
(Official Seal)

Name: \_\_\_\_\_, Notary Public  
My commission expires: \_\_\_\_\_



STATE OF NORTH CAROLINA

COUNTY OF \_\_\_\_\_

I certify that the following person(s) personally appeared before me this day, and I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a \_\_\_\_\_ driver license; each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

\_\_\_\_\_ (name of person signing), as \_\_\_\_\_ of **VIEWMONT PARTNERS, LLC**, a North Carolina limited liability company.

Date: \_\_\_\_\_

(Official Seal)

Name: \_\_\_\_\_, Notary Public  
My commission expires: \_\_\_\_\_

STATE OF NORTH CAROLINA

COUNTY OF Mecklenburg

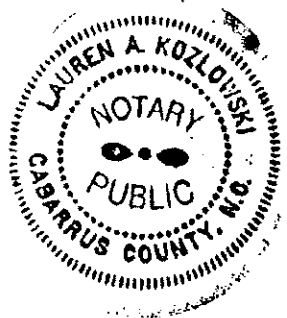
I certify that the following person(s) personally appeared before me this day, and I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a NC driver license; each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

FRANK K. AREY  
\_\_\_\_\_ (name of person signing), as President of **AREY AT HUNTERS CROSSING CONDOMINIUM I ASSOCIATION, INC.**, a North Carolina corporation.

Date: 12/21/06

(Official Seal)

Lauren A. Kozlowski  
Name: LAUREN A. KOZLOWSKI, Notary Public  
My commission expires: 11/26/08



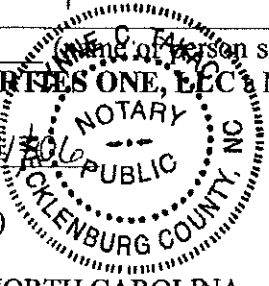
STATE OF NORTH CAROLINA

COUNTY OF Mecklenburg

I certify that the following person(s) personally appeared before me this day, and I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a North Carolina driver license; each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:  
Brian J. Spiers

\_\_\_\_\_  
(name of person signing), as managing member of BJS PROPERTIES ONE, LLC, North Carolina limited liability company.

Date: 12/31/06  
(Official Seal)



Lynne C. Takac  
Name: Lynne C. Takac, Notary Public  
My commission expires: My Commission Expires May 15, 2008

STATE OF NORTH CAROLINA

COUNTY OF \_\_\_\_\_

I certify that the following person(s) personally appeared before me this day, and I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a \_\_\_\_\_ driver license; each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

\_\_\_\_\_  
(name of person signing), as \_\_\_\_\_ of KGC AT HUNTERS CROSSING, LLC, a North Carolina limited liability company.

Date: \_\_\_\_\_  
(Official Seal)

Name: \_\_\_\_\_, Notary Public  
My commission expires: \_\_\_\_\_

STATE OF NORTH CAROLINA

COUNTY OF \_\_\_\_\_

I certify that the following person(s) personally appeared before me this day, and I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a \_\_\_\_\_ driver license; each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

\_\_\_\_\_ (name of person signing), as \_\_\_\_\_ of  
**M J LARIAN, LLC** a North Carolina limited liability company.

Date: \_\_\_\_\_

Name: \_\_\_\_\_, Notary Public

(Official Seal)

My commission expires: \_\_\_\_\_

STATE OF NORTH CAROLINA

COUNTY OF Mecklenburg

I certify that the following person(s) personally appeared before me this day, and I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a North Carolina driver license; each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

Karl G. Cahoon  
\_\_\_\_\_ (name of person signing). as Member/Manager of  
**KGC AT HUNTERS CROSSING, LLC**, a North Carolina limited liability company.

Date: 12-15-06

*Leslie Fleming Sturgis*

Name: Leslie Fleming Sturgis, Notary Public

(Official Seal)

My commission expires: March 6, 2011



**EXHIBIT B-1**

**SCHEDULE OF UNITS AND COMMON ELEMENTS INTEREST**

<u>Unit</u>	<u>Square Footage</u>	<u>Percentage Interest</u>
Unit A1	1,501	20.460%
Unit A2	1,455	19.835%
Unit B	1,424	19.410%
Unit C1	1,455	19.835%
Unit C2	1,501	20.460%



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

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