

DEEDS  
FERRY

CHANDLER, N.C. 28012

**SECOND AMENDMENT TO  
DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS  
FOR NORTHCROSS**

**STATE OF NORTH CAROLINA**

**COUNTY OF MECKLENBURG**

JUDITH A GIBSON REG OF DEEDS MECK NC  
BK: 07659 / PG: 0569/0572 X #: 0406 X 14.00  
FILED FOR REGISTRATION 02/04/94 15:59

THIS SECOND AMENDMENT TO DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS FOR NORTHCROSS (the "Amendment") is  
made this 4th day of February, 1994 by HUNTLANDS LIMITED  
PARTNERSHIP, a North Carolina limited partnership, hereinafter  
referred to as "Declarant";

**W I T N E S S E T H:**

WHEREAS, the Declaration of Covenants, Conditions and  
Restrictions for NorthCross was recorded in the Mecklenburg  
County Public Registry in Book 6229 at Page 610; and

WHEREAS, the above referenced Declaration was amended by  
Amendment to Declaration of Covenants, Conditions and  
Restrictions for NorthCross recorded in Book 6959 at Page 250  
and re-recorded in Book 7071 at Page 803 in the aforesaid  
Public Registry (as amended, hereinafter called the  
"Declaration"); and

WHEREAS, Declarant desires to amend the Declaration in the  
manner hereinafter set forth; 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

This document is being re-recorded pursuant to N.C.G.S. 47-36.1 for the purpose  
of attaching Exhibit A, which was inadvertently omitted. The undersigned is the  
attorney who drafted the original document.

JCO/csb/1785/2-3-94

PERRY, PATRICK, FARMER & MICHAUX, P.A.

By:   
B. D. Farmer, III

BK: 08421 PG: 0491/0495 #:0360 14.00  
JUDITH A GIBSON REG OF DEEDS MECK NC  
FILED FOR REGISTRATION 01/04/96 15:55

still owns any Lots (unless the context otherwise requires, all defined terms utilized herein shall have the same meaning ascribed to them in the Declaration); and

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 Master Association Members until January 1, 2000;

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

1. The provisions of Exhibit E of the Declaration entitled "Permitted Uses" are hereby amended such that with respect to the real property more particularly described on Exhibit A attached hereto and incorporated herein by this reference (the "Property"), which Property is contained entirely within the boundaries of Parcel D as referenced on said Exhibit E, the Permitted Uses for the Property shall be those applicable to Parcel E, rather than those of Parcel D, and the Permitted Uses of Parcel D shall no longer be applicable to the Property.

2. Declarant hereby acknowledges and agrees that in all other respects the Declaration shall remain unchanged and in full force and effect and the Declaration, as amended herein, is hereby ratified, affirmed and approved.

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

DECLARANT:

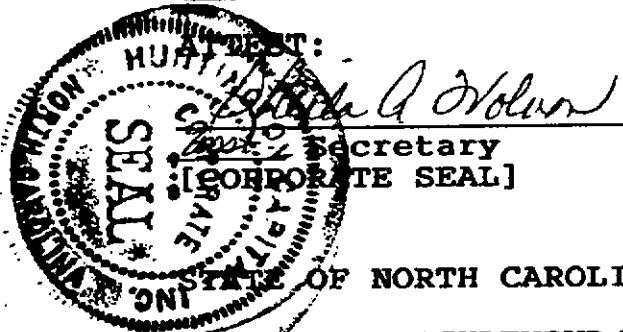
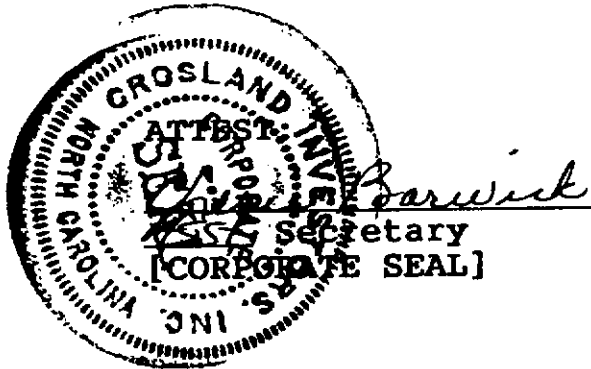
HUNTLANDS LIMITED PARTNERSHIP, a North Carolina Limited Partnership (SEAL)

By: Crosland Investors, Inc.,  
General Partner

By: [Signature]  
President

By: Huntington Capital, Inc.,  
General Partner

By: [Signature]  
President



STATE OF NORTH CAROLINA  
COUNTY OF MECKLENBURG

This 4<sup>th</sup> day of February, 1994, personally came before me, James E. Merrifield, who being by me duly sworn, says that he is vice President of Crosland Investors, Inc., general partner of HUNTLANDS LIMITED PARTNERSHIP, a North Carolina Limited Partnership; that the seal affixed to the foregoing instrument in writing is the corporate seal of said Crosland Investors, Inc.; and that said writing was signed and sealed by him on behalf of said corporation, acting as general partner of HUNTLANDS LIMITED PARTNERSHIP, a North Carolina Limited Partnership, by authority duly given. And the said vice President acknowledged the said writing to be the act and deed of said corporation, acting as general partner of HUNTLANDS LIMITED PARTNERSHIP, a North Carolina Limited Partnership.

[Signature]  
Notary Public

My commission expires July 1, 1997



STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

This 24<sup>th</sup> day of February, 1994, personally came before me, Mark W. Erwin, who being by me duly sworn, says that he is \_\_\_\_\_ President of Huntington Capital, Inc., general partner of HUNTLANDS LIMITED PARTNERSHIP, a North Carolina Limited Partnership; that the seal affixed to the foregoing instrument in writing is the corporate seal of said Huntington Capital, Inc.; and that said writing was signed and sealed by him on behalf of said corporation, acting as general partner of HUNTLANDS LIMITED PARTNERSHIP, a North Carolina Limited Partnership, by authority duly given. And the said \_\_\_\_\_ President acknowledged the said writing to be the act and deed of said corporation, acting as general partner of HUNTLANDS LIMITED PARTNERSHIP, a North Carolina Limited Partnership.

Jane M. Raymond  
Notary Public



My commission expires:

June 30, 1997

(NOTARIAL SEAL)

EXHIBIT A  
UNZONED PROPERTY

BEING located in Huntersville Township, Mecklenburg County, North Carolina, and being more particularly described as follows:

To locate the point of BEGINNING, commence at a point located in the easterly margin of the right-of-way of Statesville Road, which point is located S. 70-16-30 E. 213.16 feet (grid distance) from N.C.G.S. Monument "COWAN", having grid coordinates of N = 621229.01 and E = 1444157.40, and run thence from said point along the easterly margin of the right-of-way of Statesville Road the following five courses and distances: (1) in a northwesterly direction with the arc of a circular curve to the left having a radius of 6504.04 feet an arc distance of 313.77 feet to a point; (2) N. 09-58-46 W. 34.44 feet to a point; (3) S. 80-00-50 W. 10.0 feet to a point; (4) N. 09-58-46 W. 445.79 feet to a point; and (5) with the arc of a circular curve to the right having a radius of 10,648.16 feet an arc distance of 441.26 feet, said arc being subtended by chord bearing N. 08-47-32 W. 441.23 feet, to a new iron pin, the point or place of BEGINNING; thence continuing along the easterly margin of the right-of-way of Statesville Road the following two (2) courses and distances: (1) with the arc of a circular curve to the right having a radius of 10,648.16 feet, an arc distance of 251.21 feet, said arc being subtended by chord bearing N. 06-55-45 W. 251.20 feet to a point; and (2) N. 05-53-31 W. 129.66 feet to a point; thence leaving the easterly margin of the right-of-way of Statesville Road N. 88-31-59 E. 930.45 feet to a point; thence S. 52-10-30 E. 858.27 feet to a point; thence S. 10-20-24 E. 506.54 feet to a stone in the common boundary lines of Huntlands Limited Partnership (now or formerly) as described in Deed Book 6224 at page 982 of the Mecklenburg County Registry, Robert F. Knox, Jr. (now or formerly) as described in Deed Book 1902 at page 173 of the Mecklenburg County Registry and Danny L. Burris (now or formerly) as described in Deed Book 5383 at page 609 of the Mecklenburg County Registry; thence with a new line N. 58-07-02 W. 1,209.03 feet to a point; thence S. 88-31-59 W. 628.96 feet to a point or place of BEGINNING.

Containing 16.57 acres, more or less, as shown on a Boundary Survey entitled "Portion of NorthCross Development", prepared by Jack R. Christian & Associates dated July 15, 1993, as last revised February 2, 1994.

State of North Carolina, County of Mecklenburg

The foregoing certificate(s) of

Janita Cuthbertson and

Gene M. Raymond

Notary(ies) Public is/are certified to be correct. This 4th day of January 1996.

JUDITH A. GIBSON, REGISTER OF DEEDS

By:

Valerie J. White

Deputy Register of Deeds