



FOR REGISTRATION REGISTER OF DEEDS
 Willie L. Covington
 DURHAM COUNTY, NC
 2004 APR 15 11:41:18 AM
 BK: 4350 PG: 866-869 FEE: \$20.00

INSTRUMENT # 2004019132

<p><i>Prepared by and mail after recording to:</i> <i>Westgate Durham, LLC</i> <i>5430 LBJ Freeway, Suite 800</i> <i>Dallas, Texas 75240</i></p>	
<p>STATE OF NORTH CAROLINA COUNTY OF DURHAM</p>	<p>RELEASE AND AMENDMENT OF COVENANTS</p>

This Release and Amendment (this "Amendment") to the Declaration of Covenants, Conditions, and Restrictions for Centerpoint Distribution Center is made as of the 14th day of April, 2004, by Westgate Durham, LLC, a Delaware limited liability company (the "Declarant" or "Developer").

RECITALS

WHEREAS, Declarant is the current "Declarant" under the Declaration of Covenants, Conditions and Restrictions for Centerpoint Distribution Center, dated September 11, 2002, and recorded in Book Number 3570, Page 136 - 188, Instrument Number 2002042725, Durham County Registry (the "Declaration");

WHEREAS, the Declaration subjected Lots 1 and 2 as shown on the plat entitled Final Plat for Westgate Durham, LLC dated June 28, 2002 prepared by Triangle Surveyors, Inc. and filed in Plat Book 156, Page 209 - 211, Durham County Registry;

WHEREAS, Lot 1 was subdivided into Lots 1 and 5 by plat entitled Final Plat for Westgate Durham, LLC dated August 5, 2003 prepared by Triangle Surveyors, Inc. and filed in Plat Book 159, Page 213, Durham County Registry (the "Replat");

WHEREAS, Declarant owns Lot 1 (the "North Lot") and Lot 5 (the "South Lot") of the Replat;

WHEREAS, as provided in Article XI, Section 1, the Declaration may be amended as more particularly described herein;

WHEREAS, Declarant desires to release the North Lot from the provisions of the Declaration, such that the North Lot shall be deleted from the "Property" as defined in the Declaration; and

WHEREAS, the North Lot no longer satisfies the requirements of the Declaration in that the North Lot has been rezoned for residential use.

NOW, THEREFORE, Declarant hereby amends the Declaration as hereinafter provided:

1. Declarant, as owner of the North Lot and as the current Declarant under the Declaration, releases said the North Lot from all of the covenants, restrictions, easements, liens, encumbrances, and charges set forth in the Declaration and declares that the North Lot is deleted from the definition of "Property" as set forth in the Declaration and that the North Lot shall no longer be held, transferred, sold, conveyed and occupied subject to all of the covenants, restrictions, easements, liens and charges of the Declaration.
2. Any person or entity, becoming an owner of any part of the North Lot shall not be obligated to become a member of the Association.
3. The North Lot and/or any owner thereof, shall not be subject to Assessments or any liens pursuant to the terms of the Declaration.
4. The Declaration, as amended hereby, remains in full force and effect, but shall not be applicable to the North Lot described herein.
5. Capitalized terms used in this Amendment that are not specifically defined herein shall have the meanings defined in the Declaration.

[Remainder of page intentionally left blank.]

Executed the date first written above.

DECLARANT:

WESTGATE DURHAM, LLC,
a Delaware limited liability company,

By: PDC DURHAM, LLC,
A Delaware limited liability company,
Managing Member

By: PANATTONI INVESTMENTS, LLC,
A California limited liability company,
Its managing member,

By: PANATTONI LIVING TRUST,
Dated April 8, 1998,
Managing Member

By: [Signature]
Name: Carl D. Panattoni
Title: Trustee

STATE OF CALIFORNIA

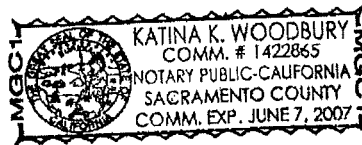
COUNTY OF SACRAMENTO

I, Katrina K. Woodbury, a Notary Public of the County and State aforesaid, certify that Carl D. Panattoni, as the trustee of the Panattoni Living Trust dated April 8, 1998, ~~sole~~ ^{Managing} member of Panattoni Investments, LLC, a California limited liability company, managing member of PDC Durham, LLC, a Delaware limited liability company, managing member of Westgate Durham, LLC, a Delaware limited liability company, personally came before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this the 13th day of April, 2004.

[Signature]
Notary Public

My commission expires: JUNE 7, 2007





WILLIE L. COVINGTON
REGISTER OF DEEDS, DURHAM COUNTY
DURHAM COUNTY COURTHOUSE
200 E. MAIN STREET
DURHAM, NC 27701

PLEASE RETAIN YELLOW TRAILER PAGE

It is part of recorded document, and must be submitted with original for re-recording
and/or cancellation.

Filed For Registration: 04/15/2004 11:41:18 AM
Book: RE 4350 Page: 866-869
Document No.: 2004019132
AMD 4 PGS \$20.00

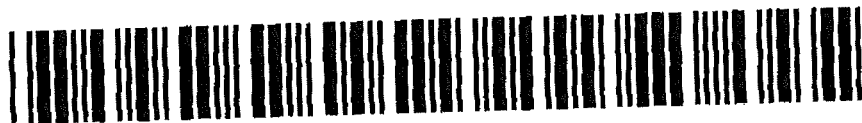
Recorder: APRIL J WILLIAMS

State of North Carolina, County of Durham

The foregoing certificate of KATINA K WOODBURY Notary is certified to be correct. This 15TH of April 2004

WILLIE L. COVINGTON , REGISTER OF DEEDS

By: April J Williams
Deputy/Assistant Register of Deeds



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