

Drawn By/Mail To:  
David R. Cannon  
Nexsen Pruet Jacobs & Pollard, PLLP  
R/D Box 165

FOR REGISTRATION JUDITH A. GIBSON  
REGISTER OF DEEDS  
MECKLENBURG COUNTY, NC  
1999 NOV 17 04:24 PM  
BOOK: 10908 PAGE: 923-932 FEE: \$24.00  
INSTRUMENT # 1999205564

AMENDMENT TO DECLARATION OF CONDOMINIUM-  
BILLINGSLEY MEDICAL/DENTAL CENTER CONDOMINIUM

THIS AMENDMENT TO DECLARATION OF CONDOMINIUM (this "Amendment") is made this 6th day of October, 1999, by OMS REAL ESTATE VENTURES, a North Carolina general partnership (the "Owner") and BILLINGSLEY MEDICAL/DENTAL CENTER OWNERS' ASSOCIATION, INC. (the "Association").

WITNESSETH

WHEREAS, Archer-Wohlbruck Enterprises, a North Carolina general partnership ("Declarant") has executed that certain Declaration of Condominium - Billingsley Medical/Dental Center Condominium dated July 30, 1990 and recorded July 31, 1990 in Book 6325, Page 276 of the Mecklenburg County Register of Deeds (the "Declaration");

WHEREAS, pursuant to Section 8.5 (b) of the Declaration, a Unit may be subdivided upon approval of the Association and upon recordation of an Amendment to the Declaration executed by the Owner of the Unit to be subdivided and consented to by said owner's mortgagee;

WHEREAS, by deed dated July 14, 1999 and recorded July 16, 1999 in Book 10618, Page 688 of the Mecklenburg County Register of Deeds, Owner acquired title to Unit 105 and now wishes to subdivide that Unit as permitted by the terms of the Declaration; and

WHEREAS, the Association has approved the subdivision of Unit 105.

NOW, THEREFORE, Owner, pursuant to Section 8.5 (b) of the Declaration, hereby amends the Declaration as follows:

1. The Owner does hereby agree to subdivide Unit 105 to create a new Unit 105 and a new Unit 107, each as more particularly shown on Exhibit A attached hereto. Hereafter, "Unit" as defined in Section 1.18 of the Declaration shall include the new Unit 105 and Unit 107. All references in the Declaration providing that the office building has six (6) units will be amended to reflect seven (7) units.
2. Pursuant to Exhibit D of the Declaration, the Owner is currently allocated 31.5745% interest in the Common Elements. Subsequent to recordation of this Amendment, said Common Element ownership interest shall be allocated as follows:

|          |          |
|----------|----------|
| Unit 105 | 22.8906% |
| Unit 107 | 8.6839%  |
3. All capitalized terms not specifically defined herein shall have the definition given thereto in the Declaration.
4. Unless specifically modified herein, the Declaration shall continue in full force and effect.

5. The Association joins in this Amendment to acknowledge its approval of the subdivision of Unit 105 pursuant to Section 8.5 of the Declaration, including the approval of the plat amendment and plans reflecting such subdivision which, along with this Amendment, will be filed with the Mecklenburg Public Registry.

See Unit Ownership file Book 380, at Page 1 et seq.,  
as amended.

[THE BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, Owner, the Association and First Citizens Bank as owner's mortgagee have executed and sealed this Amendment the day and year first above written.

OWNER:

OMS REAL ESTATE VENTURES, a North Carolina general partnership (SEAL)

By: [Signature] (SEAL)  
Title: \_\_\_\_\_

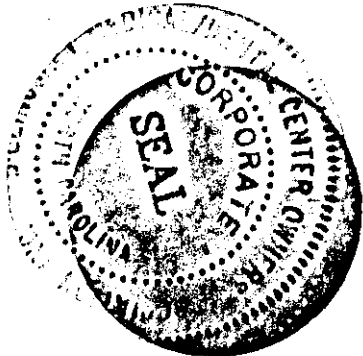
ASSOCIATION:

BILLINGSLEY MEDICAL/DENTAL CENTER OWNERS' ASSOCIATION, INC.

By: [Signature]  
Title: President



Danna S. Melton  
Secretary

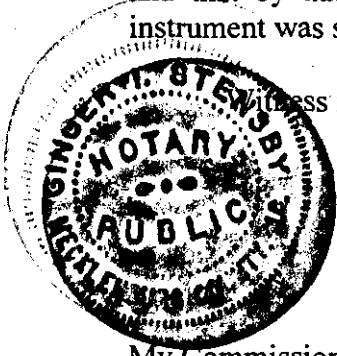


STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I, Ginger I. Stensby, a Notary Public for said County and State aforesaid do hereby certify that Robert Galup, Jr. personally came before me this day and acknowledged that he/she is a general partner of OMS REAL ESTATE VENTURES, a North Carolina partnership, and that by authority duly given and as the act of said general partnership, the foregoing instrument was signed in its name by him/her.

Witness my hand and official stamp or seal, this the 6th day of Oct., 1999.



Ginger I. Stensby  
Notary Public

My Commission Expires: My Commission Expires October 9, 2002

(SEAL)

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

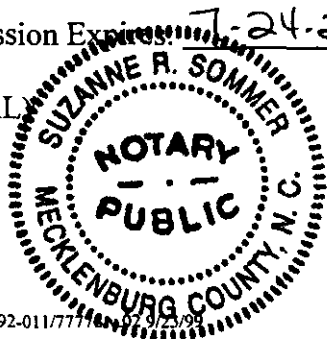
I, Suzanne R. Sommer, a Notary Public of the County and State aforesaid, do hereby certify that David H. Moore personally came before me this day and acknowledged that he/she is President of BILLINGSLEY MEDICAL/DENTAL CENTER OWNERS' ASSOCIATION, INC., a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by David H. Moore, its President, sealed with its corporate seal and attested by himself/herself as its Secretary.

Witness my hand and official stamp or seal, this the 25th day of October, 1999.

Suzanne R. Sommer  
Notary Public

My Commission Expires: 7-24-2002

(SEAL)



CONSENT AND SUBORDINATION OF MORTGAGEE

First Citizens Bank and Trust Company, being the Beneficiary under that certain Deed of Trust (the "Deed of Trust") from Owner to William D. Elder, Trustee, recorded in Book 10618, at Page 702, in the Mecklenburg County, North Carolina, Public Registry, conveying the property described on Exhibit A attached to this Amendment, does hereby consent to the recordation of this Amendment and the imposing of the provisions hereof and the provisions of the North Carolina Condominium Act on said property described on Exhibit A and does hereby consent to the subordination of the lien of the Deed of Trust to the provisions of this Amendment and the provisions of the North Carolina Condominium Act. The execution of this Consent and Subordination of Mortgagee by the Beneficiary shall not be deemed or construed to have the effect of creating between said Beneficiary and Declarant the relationship of partnership or of joint venture nor shall anything contained hereunder be deemed to impose upon said Beneficiary any of the liabilities, duties or obligations of the Declarant under the foregoing Amendment. Said Beneficiary executed this Consent and Subordination of Mortgagee solely for the purposes set forth herein. The said Trustee also joins in and executes this Consent and Subordination as Trustee of said Deed of Trust for the said purposes hereinabove set forth.

TRUSTEE:

William D. Elder (SEAL)  
William D. Elder

BENEFICIARY:

FIRST CITIZENS BANK AND TRUST  
COMPANY

By: David G. Amber  
Vice President

ATTEST:

Kimberly D. Henderson  
Asst Secretary

(CORPORATE SEAL)

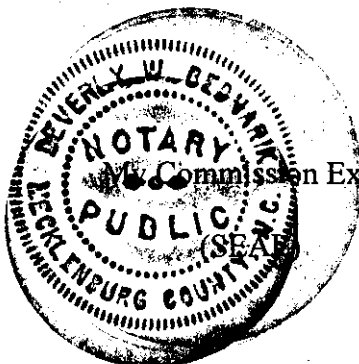


STATE OF NORTH CAROLINA

COUNTY OF Mecklenburg

I, a Notary Public of the County and State aforesaid, certify that William D. Elder  
*trustee* personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 27<sup>th</sup> day of October, 1999.



Beverly W. Blank  
Notary Public

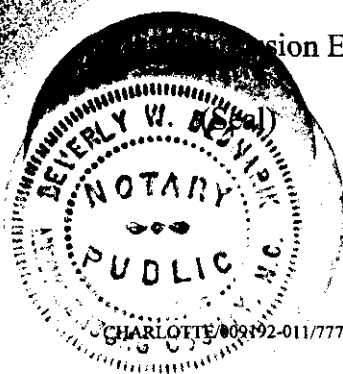
Commission Expires: July 9, 2000

STATE OF NORTH CAROLINA

COUNTY OF Mecklenburg

I, a Notary Public of the County and State aforesaid, certify that Kimberly A. Vandewiet  
personally came before me this day and acknowledged that (s)he is Asst. Secretary of  
First Citizens Bank and Trust Company, a banking corporation, and that by authority duly given  
and as the act of the corporation, the foregoing instrument was signed in its name by its  
Vice President, sealed with its corporate seal and attested by Kimberly A. Vandewiet  
as its Asst. Secretary.

Witness my hand and official stamp or seal, this 27<sup>th</sup> day of October, 1999.



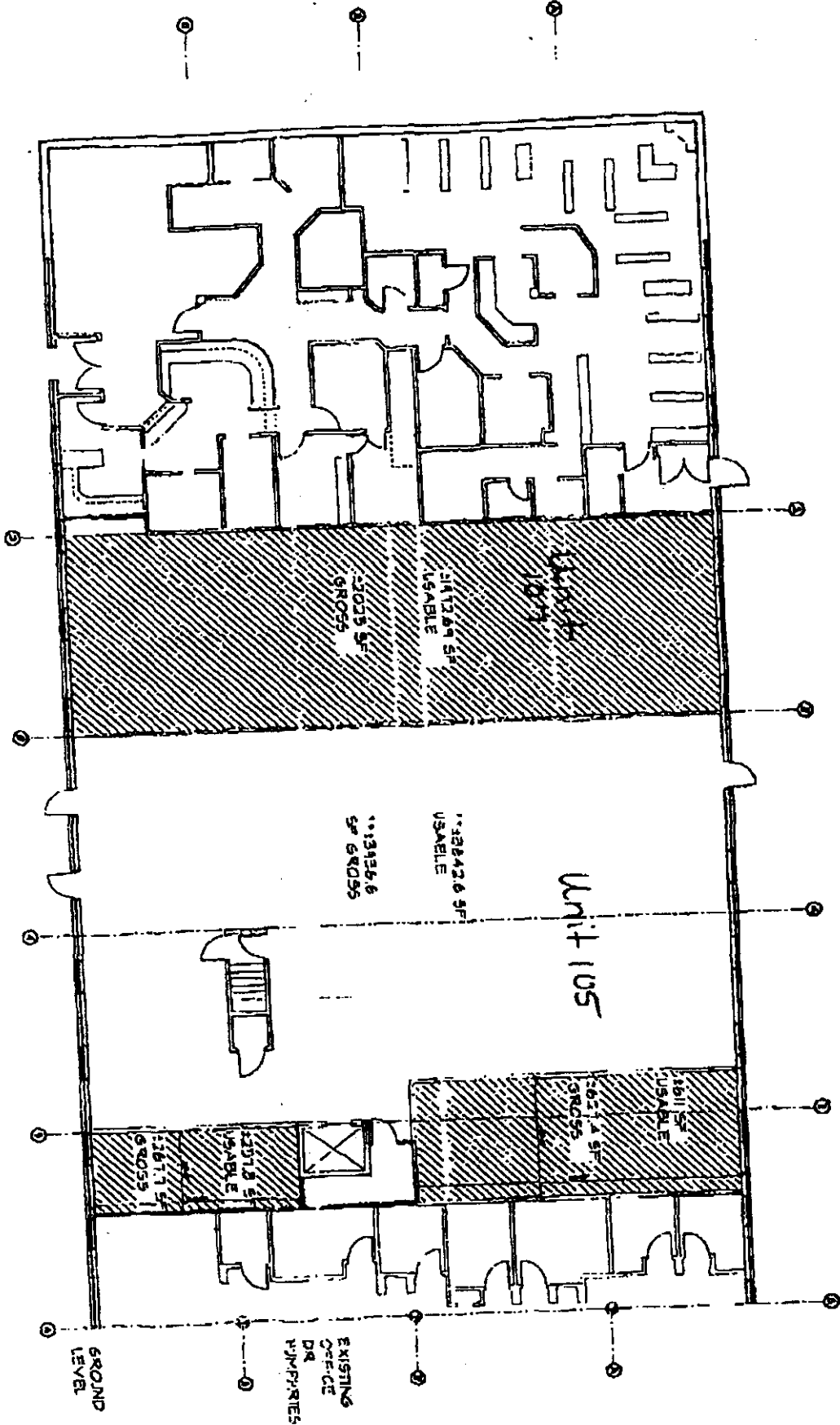
Beverly W. Blank  
Notary Public

Commission Expires: July 9, 2000

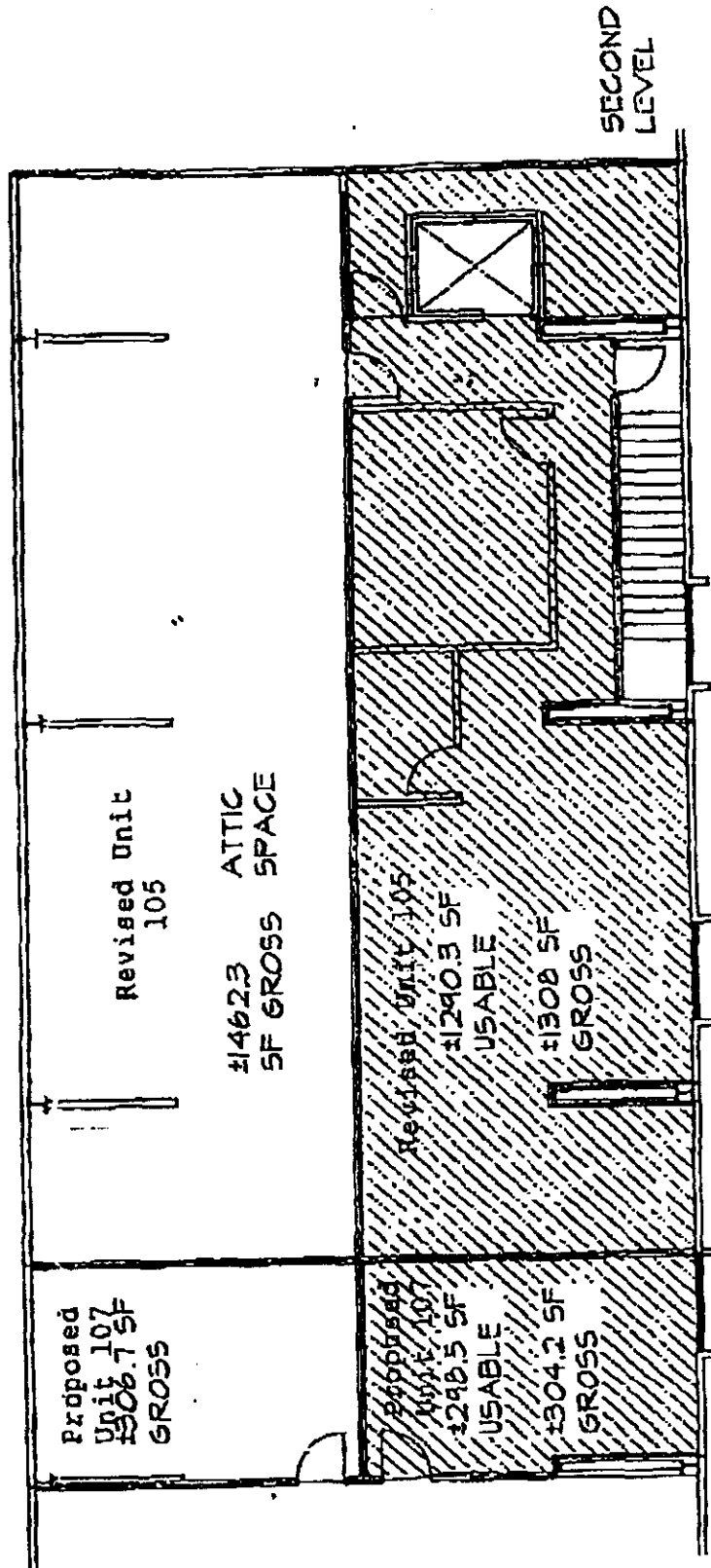
Exhibit A

Unit 105 and Unit 107

Exhibit A



\*\*INCLUDES ELEVATOR AND STAIR AREA





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

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Filed For Registration: 11/17/1999 04:24 PM  
Book: RE 10908 Page: 923-932  
Document No.: 1999205564  
ADMT 10 PGS \$24.00

Recorder: REBECCA MCGOWAN

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State of North Carolina, County of Mecklenburg

The foregoing certificate of BEVERLY W. BEDNARIK , GINGER I. STENSBY , SUZANNE R. SOMMER Notaries are certified to be correct. This 17TH of November 1999

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

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1999205564