

FILED
UNION COUNTY
CRYSTAL CRUMP
REGISTER OF DEEDS

FILED Jan 18. 2008
AT 02:55 pm
BOOK 04788
START PAGE 0895
END PAGE 0898
INSTRUMENT # 02072
EXCISE TAX (None)
SWC

STATE OF NORTH CAROLINA

FIFTH SUPPLEMENTARY
DECLARATION OF PROTECTIVE
COVENANTS FOR
OLD HICKORY BUSINESS PARK

COUNTY OF UNION

THIS FIFTH SUPPLEMENTARY DECLARATION OF PROTECTIVE COVENANTS FOR OLD HICKORY BUSINESS PARK (the "Supplement") is made this 16 day of January, 2008, by OLD HICKORY, LLC, a North Carolina limited liability company, and NJV INVESTMENT, LLC, a North Carolina limited liability company, hereinafter collectively referred to as "Declarant";

WITNESSETH

WHEREAS, the Declaration of Protective Covenants (the "Declaration") for Old Hickory Business Park was recorded in the Union County Public Registry in Book 1773, at Page 308, as amended in Book 1894, Page 395 and Book 3781, Page 722, and supplemented in Book 1895, Page 019, Book 4423, Page 404, Book 4481, Page 476, and Book 4481, Page 481 in the Union County Public Registry; and

WHEREAS, Section 2 of Article II of the Declaration provides that any additional real estate contiguous or adjacent to the Property may be subjected to this Declaration by Declarant

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

and the owner of such real property upon the filing of record of a supplemental declaration describing same and thereupon the operation and effect of the Declaration shall be extended to such additional property and such additional property shall thereafter be and become part of the Property.

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

1. Pursuant to the provisions of Article II, Section 2 of the Declaration, Declarant does hereby subject to the Declaration the following described property (the "Annexed Property"):

Lots 1 – 17, Lots 23 – 25 and Lot 34, as shown on map or plat entitled "Old Hickory, Phase 6, Map 4", recorded in Plat Cabinet K, File 384 and 385, Union County Public Registry.

Declarant does hereby bring the Annexed Property within the jurisdiction of the Association as set forth in the Declaration. The operation and effect of the Declaration shall be extended to such Annexed Property and such Annexed Property shall hereafter be and become part of the Property.

2. In all other respects the Declaration shall remain unchanged and in full force and effect.

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:

NJV INVESTMENT, LLC, a North Carolina limited liability company

By: ITF Commercial, Inc., a North Carolina corporation, its Manager

By: James E. Merritt

_ President

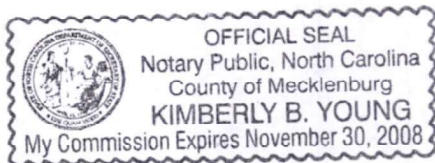
STATE OF NORTH CAROLINA
COUNTY OF Mecklenburg

I, Kimberly B. Young, a Notary Public for the County and State aforesaid, certify that James E. Merritt personally came before me this day and acknowledged that he is President of ITF Commercial, Inc., a North Carolina corporation, Manager of NJV Investment, LLC, a North Carolina limited liability company, and that he, being authorized to do so, executed the foregoing on behalf of said corporation, acting as Manager of NJV Investment, LLC.

I certify that the following person personally appeared before me this day, acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: James E. Merritt

1/16, 2008

Kimberly B. Young
(Official Signature of Notary)



STAMP/SEAL

Notary's printed name: Kimberly B. Young
Notary Public

My commission expires: 11/30/08

OLD HICKORY, LLC, a North Carolina limited liability company

By: CROSLAND OLD HICKORY, LLC, a North Carolina limited liability company, Manager

By: CROSLAND, LLC, a North Carolina limited liability company, Manager

By: James E Merrifield
Name: James E Merrifield
Title: V.P.

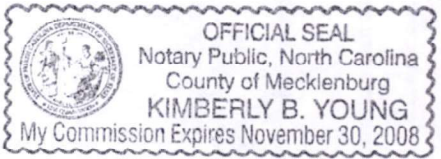
STATE OF NORTH CAROLINA
COUNTY OF Mecklenburg

I, Kimberly B Young, a Notary Public for the County and State aforesaid, certify that James E Merrifield personally came before me this day and acknowledged that he is V.P. of Crosland, LLC, a North Carolina limited liability company, Manager of Crosland Old Hickory, LLC, a North Carolina limited liability company, Manager of Old Hickory, LLC, a North Carolina limited liability company, and that he, being authorized to do so, executed the foregoing on behalf of said limited liability company, acting as Manager of Crosland Old Hickory, LLC, Manager of Old Hickory, LLC.

I certify that the following person personally appeared before me this day, acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: James E Merrifield

1/16, 2008

Kimberly B Young
(Official Signature of Notary)



Notary's printed name: Kimberly B Young
Notary Public

STAMP/SEAL

My commission expires: 11/30/08