

FOR REGISTRATION
J. David Granberry
REGISTER OF DEEDS
Mecklenburg County, NC
2014 NOV 14 11:26:18 AM
BK:29571 PG:564-582
FEE:\$42.00
INSTRUMENT # 2014132578

JONESAW



Prepared by and please mail to:

Russell S. Woodward, Esq.
Woodward & Woodward PLLC
1023 W. Morehead Street Suite 301
Charlotte NC 28208

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

**SIXTH AMENDMENT TO
DECLARATION OF EASTOVER MEDICAL PARK II CONDOMINIUM**

THIS SIXTH AMENDMENT TO DECLARATION OF EASTOVER MEDICAL PARK II CONDOMINIUM (the "Sixth Amendment") is made and entered into as of the 14TH day of NOVEMBER, 2014, by CHARLOTTE RADIOLOGY CAPITAL PARTNERS, LLC, a North Carolina limited liability company, formerly known as COM-RAD Leasing Company ("New Unit Owner"), and is consented to by EASTOVER MEDICAL PARK II CONDOMINIUM ASSOCIATION, INC., a North Carolina non-profit corporation (hereinafter the "Association"); 2600 EAST SEVENTH STREET, LLC, a North Carolina limited liability company; CAAC REAL ESTATE PARTNERS, LCC, a North Carolina limited liability company; PAULA MYERS STEELE, unmarried; W. BRIAN O' MALLEY, LLC, a North Carolina limited liability company, LUONG-HUY NGOC LE, DDS, unmarried; CEENTA FAIRVIEW PROPERTIES, LLC, a North Carolina limited liability company; COSMETIC SURGERY ASSOCIATES, LLC, a North Carolina limited liability company; ARNOLD I. SNITZ and wife, VIRGINIA R. SNITZ; and CURTIS W. SCHUPBACH and JANET S. SCHUPBACH (collectively, the "Current Unit Owners").

Sixth Amendment to Eastover Med Pk. II Declaration

RECITALS

A. In accordance with Chapter 47C of the North Carolina General Statutes (the "Condo Act"), ELIZABETH SQUARE ASSOCIATES, a North Carolina limited partnership ("Declarant") submitted certain real property to the provisions of the Condo Act by filing a Declaration of Eastover Medical Park II Condominium (the "Declaration") recorded in Book 5422 at Page 884 in the Mecklenburg County Public Registry (the "Registry"). The Declaration was subsequently amended by that certain First Amendment to Declaration recorded in Book 5575 at page 449, and further amended by that certain Second Amendment to Declaration recorded in Book 5918 at page 892, and further amended by that certain Third Amendment to Declaration recorded in Book 5959 at page 376, and further amended by that certain Fourth Amendment to Declaration recorded in Book 6139 at page 407, and further amended by that certain Fifth Amendment to Declaration recorded in Book 29073 at page 965, all recorded in the Registry, as described and designated in the plans thereof recorded in Unit Ownership File 341 (the "Plans") (collectively, the "Amended Declarations").

B. Pursuant to the Fourth Amendment to Declaration, Declarant added a parcel of land to the Eastover Medical Park II Condominium (the "Condominium") as Phase III (the "Phase III Land").

C. New Unit Owner acquired the Phase III Land from Declarant by a deed recorded at Book 6139, page 500 of the Registry. In 1990, New Unit Owner constructed a building on the Phase III Land which came to be known as 2612 East Seventh Street (the "2612 Building"). The 2612 Building was used by New Unit Owner as a medical imaging center for over 20 years.

D. It was the original intention of New Unit Owner and Declarant that, upon completion of the 2612 Building, the Declaration would be amended as permitted under Section 13.4 of the Declaration and Section 47C-2-117 of the Condo Act, to add the medical office contained within the 2612 Building as an additional unit in the Condominium (the "New Unit").

E. Declarant and New Unit Owner actually prepared a draft amendment to the Declaration for the express purpose of adding the New Unit to the Condominium. For reasons unknown, the amendment was never recorded in the Registry.

F. Despite the fact that the draft amendment was not recorded, the Association has treated the New Unit as if it had been properly added to the Condominium and the New Unit Owner has paid regular assessments to the Association since the New Unit was completed in 1990.

G. Pursuant to Paragraph 13.4 of the Declaration and Section 47C-2-117 of the Condo Act, all of the Current Unit Owners must consent to the addition of the New Unit to the Condominium.

H. To correct the oversight and to confirm the addition of the New Unit to the Condominium, the Association and all Current Unit Owners of Eastover Medical Park II Condominium join in the execution of this instrument.

AMENDMENTS

NOW, THEREFORE, for and in consideration of the Recitals set forth above and other good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned do hereby amend the Declaration and Plans as follows:

1. The New Unit and the Common Elements and Limited Common Elements located on the Phase III Land, as the same are shown and described on the Plats and Plans recorded in Unit Ownership File 341 and on the plat attached as Exhibit A hereto, are hereby added to the Condominium and are hereby made subject to all of the terms, conditions, and restrictions of the Amended Declarations.

2. The New Unit shall be designated as Unit 2612, as shown and described on Exhibit A and in the Plats and Plans recorded in Unit Ownership File 341.

3. Upon the addition of Unit 2612 and the Common Elements and Limited Common Elements located on the Phase III Land to the Condominium, the Allocated Interests of each Unit in the Condominium shall be unchanged and shall be as set forth on Exhibit B attached hereto.

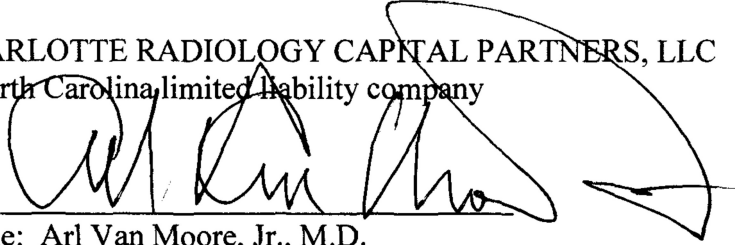
4. Except as expressly amended hereby, the Amended Declarations shall remain in full force and effect. Capitalized terms used but not defined in this Sixth Amendment shall have the meaning as set forth in the Amended Declarations.

[Signatures follow]

IN WITNESS WHEREOF, New Unit Owner, the Association, and all Current Unit Owners have hereunto set their hand and seal, the day and year first above written.

NEW UNIT OWNER:

CHARLOTTE RADIOLOGY CAPITAL PARTNERS, LLC
a North Carolina limited liability company

By: 

Name: Arl Van Moore, Jr., M.D.

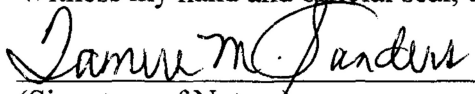
Title: Manager

State of North Carolina

County of Mecklenburg

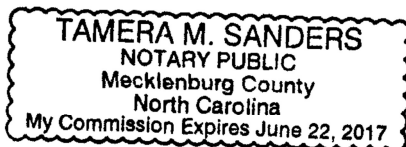
I, Tamera M. Sanders a Notary Public for Mecklenburg County, North Carolina, do hereby certify that Arl Van Moore, Jr., M.D. personally came before me this day and acknowledged that he is Manager of Charlotte Radiology Capital Partners, LLC, a North Carolina limited liability company and that he, as Manager, being authorized to do so, executed the foregoing on behalf of the limited liability company.

Witness my hand and official seal, this the 30th day of October, 2014


(Signature of Notary)

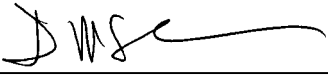
Notary Public

My commission expires: 6/22/2017



THE ASSOCIATION:

EASTOVER MEDICAL PARK II CONDOMINIUM ASSOCIATION, INC.,
A North Carolina non-profit corporation

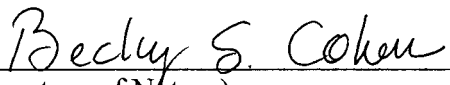
By: 
Name: IRA M. SLOMKA
Title: PRESIDENT

State of North Carolina

County of Mecklenburg

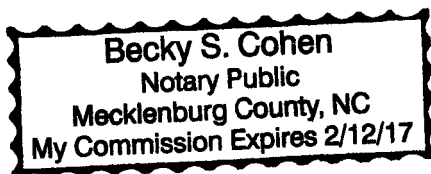
I, Becky S. Cohen a Notary Public for Mecklenburg County, North Carolina, do hereby certify that Ira M. Slomka personally came before me this day and acknowledged that she/he is President of Eastover Medical Park II Condominium Association, Inc., a North Carolina non-profit corporation, and that she/he, as President, being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official seal, this the 30 day of October, 2014


(Signature of Notary)

Notary Public

My commission expires: 2.12.17



CURRENT UNIT OWNER:

2600 EAST SEVENTH STREET, LLC,
a North Carolina limited liability company

By: 
Name: IRA M. SLOMKA
Title: MEMBER, MANAGER

State of North Carolina

County of Mecklenburg

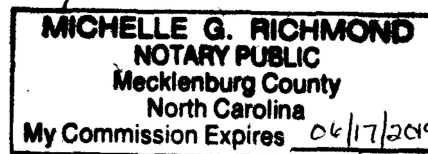
I, Michelle G. Richmond a Notary Public for Mecklenburg County, North Carolina, do hereby certify that Ira M. Slomka personally came before me this day and acknowledged that she/he is Manager of 2600 East Seventh Street, LLC, a North Carolina limited liability company, and that she/he, as Manager, being authorized to do so, executed the foregoing on behalf of the limited liability company.

Witness my hand and official seal, this the 30 day of October, 2014

Michelle G. Richmond
(Signature of Notary)

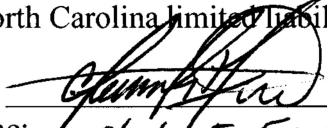
Notary Public

My commission expires: 06/17/2019



CURRENT UNIT OWNER:

CAAC REAL ESTATE PARTNERS, LLC,
a North Carolina limited liability company

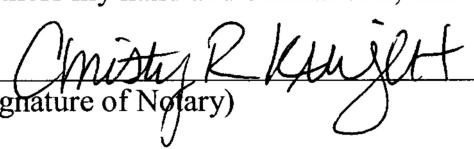
By: 
Name: Charles F. Furr, Jr.
Title: Practice Administrator

State of North Carolina

County of Mecklenburg

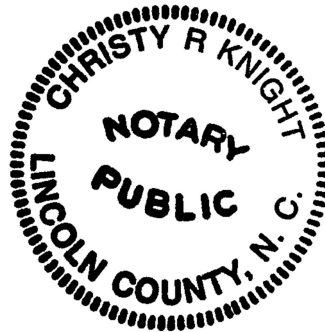
I, Christy R. Knight a Notary Public for Lincoln County, North Carolina, do hereby certify that Charles F. Furr, Jr. personally came before me this day and acknowledged that she/he is Manager of CAAC Real Estate Partners, LLC, a North Carolina limited liability company, and that she/he, as Manager, being authorized to do so, executed the foregoing on behalf of the limited liability company.

Witness my hand and official seal, this the 21st day of October, 2014


(Signature of Notary)

Notary Public

My commission expires: April 26, 2017



CURRENT UNIT OWNER:

Paula Myers Steele
PAULA MYERS STEELE

State of North Carolina

County of Mecklenburg

I, Barbara D. Witteborn a Notary Public for Iredell County, North Carolina, do hereby certify that Paula Myers Steele personally came before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal, this the 31 day of October, 2014

Barbara D. Witteborn
(Signature of Notary)

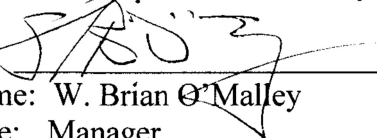
Notary Public

My commission expires: November 7, 2014



CURRENT UNIT OWNER:

W. BRIAN O'MALLEY, LLC,
a North Carolina limited liability company

By: 

Name: W. Brian O'Malley

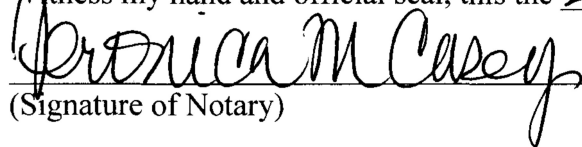
Title: Manager

State of North Carolina

County of Mecklenburg

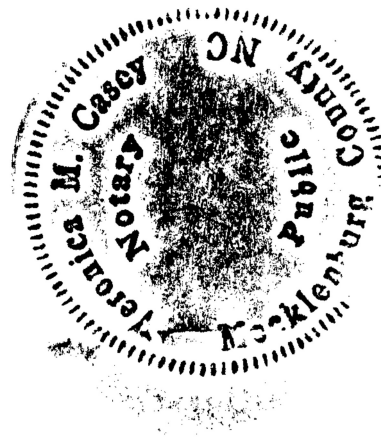
I, Veronica M Casey a Notary Public for Mecklenburg County, North Carolina, do hereby certify that W. Brian O'Malley personally came before me this day and acknowledged that he is Manager of W. Brian O'Malley, LLC, a North Carolina limited liability company, and that he, as Manager, being authorized to do so, executed the foregoing on behalf of the limited liability company.

Witness my hand and official seal, this the 20 day of October, 2014



(Signature of Notary)

Notary Public

My commission expires: NOV. 1, 2017

CURRENT UNIT OWNER:



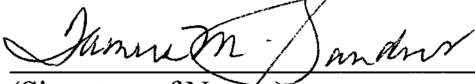
LUONG-HUY NGOC LE, D.D.S.

State of North Carolina

County of Mecklenburg

I, Tamera M. Sanders a Notary Public for Mecklenburg County, North Carolina, do hereby certify that Luong-Huy Ngoc Le, D.D.S. personally came before me this day and acknowledged the execution of the foregoing instrument.

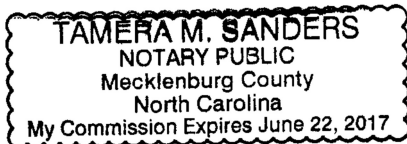
Witness my hand and official seal, this the 4th day of November, 2014



(Signature of Notary)

Notary Public

My commission expires: 6/22/2017



CURRENT UNIT OWNER:

CEENTA FAIRVIEW PROPERTIES, LLC,
a North Carolina limited liability company

By: [Signature]
Name: STEVEN GOLD
Title: vice - president

State of North Carolina

County of Mecklenburg

I, DEBORAH C. BLANKEMEYER a Notary Public for Mecklenburg County, North Carolina, do hereby certify that STEVEN R. GOLD, MD personally came before me this day and acknowledged that she/he is Manager of CEENTA Fairview Properties, LLC, a North Carolina limited liability company, and that she/he, as Manager, being authorized to do so, executed the foregoing on behalf of the limited liability company.

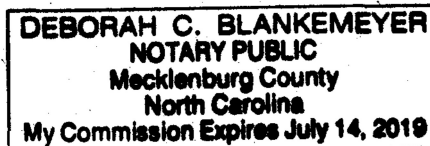
Witness my hand and official seal, this the 22nd day of OCTOBER, 2014

[Signature]
(Signature of Notary)

Notary Public

My commission expires:

July 14, 2019



CURRENT UNIT OWNER:

COSMETIC SURGERY ASSOCIATES, LLC,
a North Carolina limited liability company

By: [Signature]
Name: Vincent E. Voci
Title: Manager

State of North Carolina

County of Mecklenburg

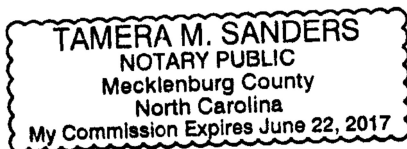
I, Tamera M. Sanders a Notary Public for Mecklenburg County, North Carolina, do hereby certify that Vincent E. Voci personally came before me this day and acknowledged that he is Manager of Cosmetic Surgery Associates, LLC, a North Carolina limited liability company, and that he, as Manager, being authorized to do so, executed the foregoing on behalf of the limited liability company.

Witness my hand and official seal, this the 30th day of October, 2014

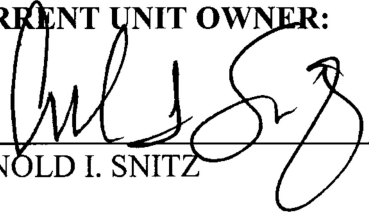
Tamera M. Sanders
(Signature of Notary)

Notary Public

My commission expires: 6/22/2017



CURRENT UNIT OWNER:



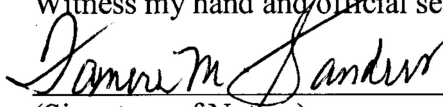
ARNOLD I. SNITZ

State of North Carolina

County of Mecklenburg

I, Tamera M. Sanders a Notary Public for Mecklenburg County, North Carolina, do hereby certify that Arnold I. Snitz personally came before me this day and acknowledged the execution of the foregoing instrument.

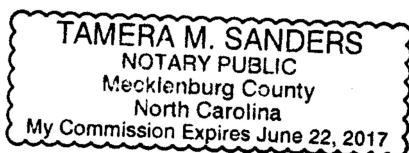
Witness my hand and official seal, this the 30th day of October, 2014



(Signature of Notary)

Notary Public

My commission expires: 6/22/2017



CURRENT UNIT OWNER:

Virginia R. Snitz
VIRGINIA R. SNITZ

State of North Carolina

County of Mecklenburg

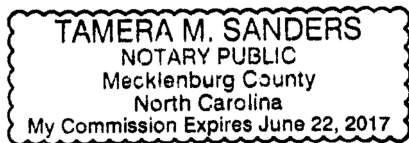
I, Tamera M. Sanders a Notary Public for Mecklenburg County, North Carolina, do hereby certify that Virginia R. Snitz personally came before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal, this the 30th day of October, 2014

Tamera M. Sanders
(Signature of Notary)

Notary Public

My commission expires: 6/22/2017



CURRENT UNIT OWNER:

Curtis W. Schupbach
 CURTIS W. SCHUPBACH

State of North Carolina

County of Mecklenburg

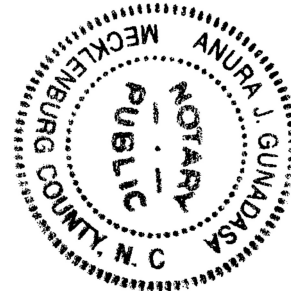
I, Anura S. Gunadasa a Notary Public for Mecklenburg County, North Carolina, do hereby certify that Curtis W. Schupbach personally came before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal, this the 29ⁿ day of Octo, 2014

Anura S. Gunadasa
 (Signature of Notary)

Notary Public

My commission expires: 25th Nov 2014



CURRENT UNIT OWNER:

Janet S. Schupbach
 JANET S. SCHUPBACH

State of North Carolina

County of Mecklenburg

I, Shannon Delahanty a Notary Public for Mecklenburg County, North Carolina, do hereby certify that Janet S. Schupbach personally came before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal, this the 28 day of October, 2014

Shannon Delahanty
 (Signature of Notary)

Notary Public

My commission expires: May 10, 2017

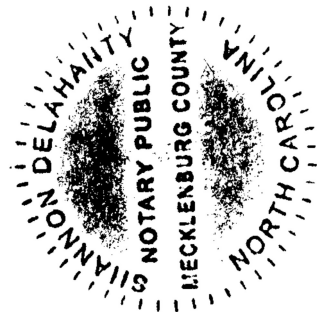
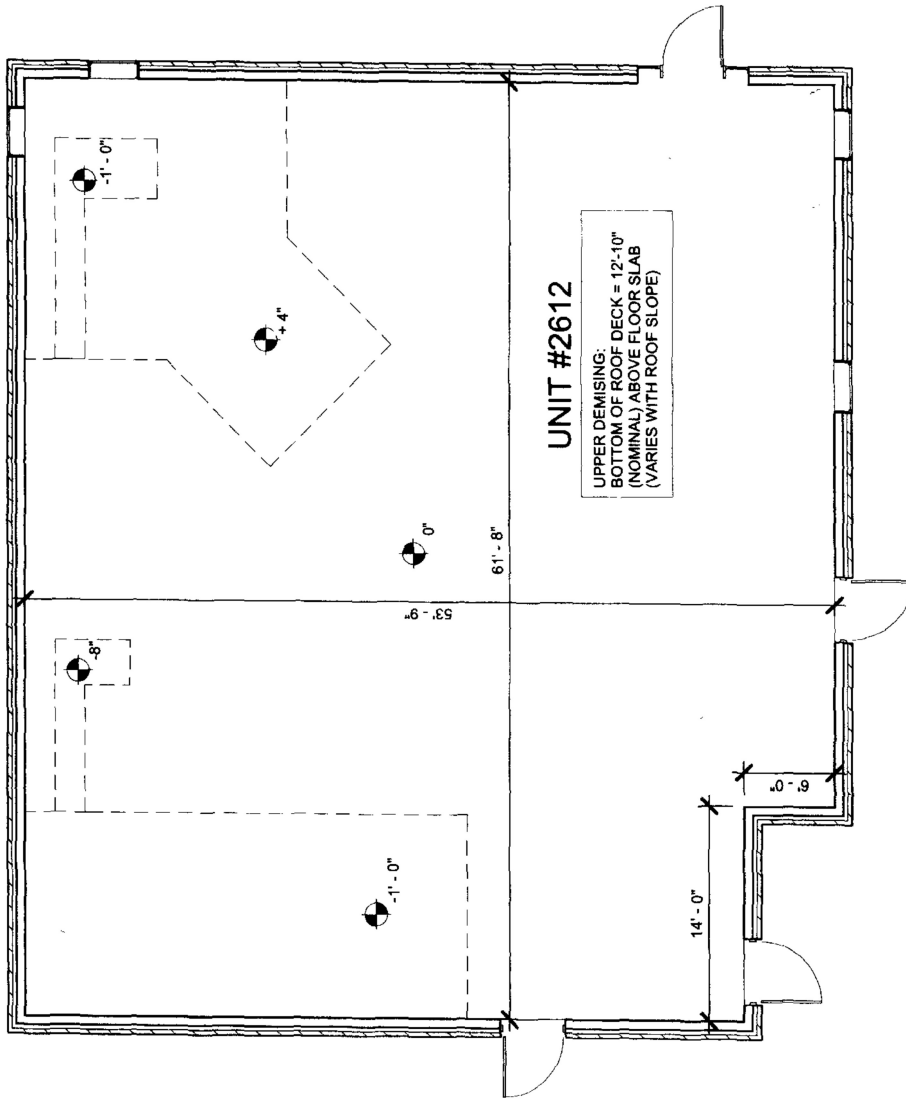


EXHIBIT A

Plat of New Unit

[to be attached]



1 UNIT 2612 FLOOR PLAN

1/8" = 1'-0"

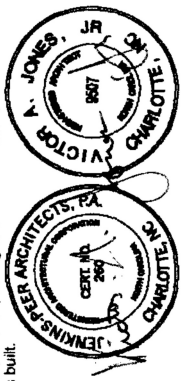
SYMBOL LEGEND

- LINE OF CHANGES IN FLOOR ELEVATION
- SPOT ELEVATION @ STRUCTURAL FLOOR SLAB
- ▬ DEMISING WALL

GENERAL NOTES

1. SPOT ELEVATIONS SHOWN FOR FLOORS ARE RELATIVE TO SITE ELEVATION DATA ESTABLISHED BY A.G. ZOUTEWELLE, N.C. PLS L-3098, REGISTERED SURVEYORS AND REPRESENTED ON CONDOMINIUM PLAT "EASTOVER MEDICAL PARK II CONDOMINIUM PHASE III - UNIT 2612" DATED OCTOBER 22, 2014

I, Victor A. Jones, an Architect, licensed under the provisions of Chapter 89C of the North Carolina General Statutes do hereby state that all structural components and mechanical systems of all buildings containing or comprising any units thereby created are substantially completed in accordance with the Plans attached hereto in compliance with Section 47C-2-101 of the North Carolina General Statutes, this plan contain all of the information required by Section 47C-2-109 of the North Carolina General Statutes, and this plan fully and accurately depicts the layout, location, ceiling and floor elevations, unit numbers and dimensions of the units, as built.



1 NOVEMBER 2014

ANTHONY L. SAMUEL
NOTARY PUBLIC
Mecklenburg County
North Carolina
My Commission Expires 2/1/15

The Declaration of Condominium for EASTOVER MEDICAL PARK II CONDOMINIUM PHASE III, is recorded in Deed Book , Page of Superior Court of Mecklenburg County, North Carolina records.

CONDOMINIUM PLAN

EASTOVER MEDICAL PARK II CONDOMINIUM PHASE III - UNIT 2612

Jenkins+Peer Architects
112 South Tryon Street, Suite 1300
Charlotte, North Carolina 28284
(t) 704/372-6665
(f) 704/372-0102

EXHIBIT B

Allocated Interests

Building/Suite	Ownership	S.F.	% Common Int.
2600 - A	2600 E. 7th St., LLC	11,388	21.17%
2600 - B	CAAC	4,212	7.83%
2608	Carolina's Wellness	8,255	15%
2610	Rehab Center	5,295	10%
2612	Charlotte Radiology	2,978	6%
2614	CEENTA	6,579	12%
2614 - A	Dr. Le	1,212	2%
2620	Voci Center	10,113	19%
2620 - A	Dr. Snitz	1,765	3%
2620 - B	Dr. Schupbach	1,735	3%
TOTAL		53,532	100%