

FOR REGISTRATION  
Fredrick Smith  
REGISTER OF DEEDS  
Mecklenburg County, NC  
2019 FEB 06 09:51:28 AM  
BK:33268 PG:916-923  
FEE:\$26.00  
INSTRUMENT # 2019013385

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2019013385

## SEVENTH MODIFICATION OF DECLARATION OF RESTRICTIVE COVENANTS

THIS SEVENTH MODIFICATION OF DECLARATION OF RESTRICTIVE COVENANTS (“**Seventh Modification**”) is made as of the 8th day of January, 2019, by **FAISON-ARROWOOD PROPERTIES LIMITED PARTNERSHIP**, a North Carolina limited partnership (“**Declarant**”); **SRPF A/8215 FOREST POINT, L.L.C.**, a Texas limited liability company (“**SRPF**”); **FOREST PARK OFFICE CENTER LLC**, a Florida limited liability company (“**Forest Park Office**”); **VIKING PARTNERS FOREST PARK, LLC**, an Ohio limited liability company (“**Viking**”); **FOREST PARK X, LLC**, an Alabama limited liability company (“**FPX**”); and **FOREST PARK V, LLC**, an Alabama limited liability company (“**FPV**”).

### PRELIMINARY STATEMENT

A. Declarant has previously executed and recorded a Declaration of Restrictive Covenants (as amended, the “**Declaration**”) dated December 6, 1985 and recorded in Book 5141 at Page 927 in the Office of the Register of Deeds for Mecklenburg County, North Carolina (the “**Mecklenburg County Public Registry**”), which Declaration was subsequently amended by a First Modification of Declaration of Restrictive Covenants dated January 1, 1986, and recorded in Book 5162 at Page 397 in the Mecklenburg County Public Registry, a Second Modification of Declaration of Restrictive Covenants dated May 8, 1998, and recorded in Book 9681 at Page 540 in the Mecklenburg County Public Registry, a Third Modification of Declaration of Restrictive Covenants dated November 13, 1998, and recorded in Book 10040 at Page 772 in the Mecklenburg County Public Registry, a Fourth Modification of Declaration of Restrictive Covenants dated July 6, 1999, and recorded in Book 10596 at Page 809 in the Mecklenburg County Public Registry, a Fifth Modification of Declaration of Restrictive Covenants dated October 21, 1999, and recorded in Book 10866 at Page 486 in the Mecklenburg County Public Registry, and a Sixth Modification of Declaration of Restrictive Covenants dated June 1, 2010, and recorded in Book 25674 at Page 512 in the Mecklenburg County Public Registry. All capitalized terms not otherwise defined in this Seventh Modification shall have the meanings given to them in the Declaration, as previously amended.

B. The Declaration imposes certain conditions and restrictions on the Properties, as defined in the Declaration. The Properties contain a total of 122.101 acres (prior to release of the Release Tract, as defined below). The Declaration provides that each Class A Member of the Association shall have one vote in the Association for each acre owned in the Properties, plus a fractional vote for each

Drawn By and Return To:

Robinson, Bradshaw & Hinson, P.A.  
Attention: Chris Loeb  
101 N. Tryon Street, Suite 1900  
Charlotte, NC 28246

fractional acre. The Class B membership under the Declaration has terminated, so all Members are Class A Members. The total number of votes in the Association held by all Members is 122.101.

C. Declarant owns 47.997 acres of the Properties and holds 47.997 votes in the Association; SRPF owns 7.76 acres of the Properties and holds 7.76 votes in the Association; Forest Park Office Center owns 10.479 acres of the Properties and holds 10.479 votes in the Association, Viking owns 6.52 acres of the Properties and holds 6.52 votes in the Association, FPX owns 9.07 acres of the Properties and holds 9.07 votes in the Association, and FPV owns 9.0 acres of the Properties and holds 9.0 votes in the Association.

D. Section 7 of Article X of the Declaration provides that the Declaration may be amended by an instrument executed by Declarant and Members holding at least two-thirds of the votes in the Association. Declarant, SRPF, Forest Park Office Center, Viking, FPX and FPV (collectively the "**Parties**") hold a total of 90.826 votes in the Association, which is more than two-thirds of the votes in the Association.

E. The Parties wish to amend and modify the Declaration as set forth below.

**NOW, THEREFORE**, in consideration of the premises, the mutual covenants set forth below, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties amend and modify the Declaration as follows.

1. Exhibit A attached to the Declaration is amended by deleting from the property described therein the property described below (the "**Release Tract**"):

BEING all of that property described as "Greenway 8.11 Acres Dedicated to Mecklenburg County Parks and Recreation" shown on map recorded in Map Book 39 at Page 669 in the Mecklenburg County Public Registry.

Designated as Tax Parcel: 203-031-42.

The Release Tract is hereby released from the operation of the Declaration, and shall be held, sold and conveyed free and clear of the covenants, easements, conditions and restrictions in the Declaration. From and after the date hereof, the Properties contain a total of 113.991 acres (after release of the Release Tract).

2. Except as expressly amended hereby, the Declaration shall remain in full force and effect and is hereby ratified and confirmed.

[Signatures begin on next page]

IN WITNESS WHEREOF, the Parties have executed this Seventh Modification as of the day and year first above written.

DECLARANT:

FAISON-ARROWOOD PROPERTIES LIMITED PARTNERSHIP

By: Faison-Charlotte Properties NC, LLLP, a North Carolina limited liability limited partnership, its general partner

By: Faison & Associates, LLC, a North Carolina limited liability company, partner

By: Chris M. Poplin  
Name: Chris M. Poplin  
Title: Vice President

STATE OF NORTH CAROLINA  
COUNTY OF MECKLENBURG

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

(insert name(s) of those signing): CHRIS M. POPLIN

Date: NOVEMBER 26, 2018

Official Signature of Notary: Susan Marie Hopkins  
Notary's printed or typed name: SUSAN MARIE HOPKINS

My commission expires: 4-21-2023

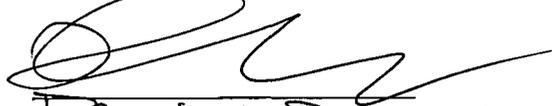
(Official Seal)



[Signatures continue on next page]

SRPF:

SRPF A/8215 FOREST POINT, L.L.C.

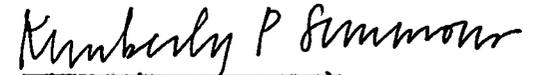
By:   
Name: Daniel Farrar  
Title: Managing Partner

STATE OF North Carolina  
COUNTY OF Mecklenburg

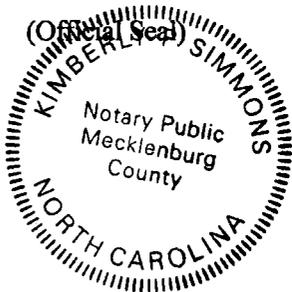
I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

(insert name(s) of those signing): Daniel Farrar

Date: 27 November 2018

Official Signature of Notary:   
Notary's printed or typed name: Kimberly P Simmons

My commission expires: 6/26/21



[Signatures continue on next page]

FOREST PARK OFFICE CENTER:

FOREST PARK OFFICE CENTER LLC

By: Albert S. Livingston  
Name: Albert S. Livingston  
Title: Authorized Agent

STATE OF Florida  
COUNTY OF Hillsborough

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

(insert name(s) of those signing): Albert S. Livingston

Date: November 28, 2018

Official Signature of Notary: Patricia D. Clemens  
Notary's printed or typed name: PATRICIA D. CLEMENS

My commission expires: 08/29/2020

(Official Seal)  Patricia D. Clemens  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# GG025769  
Expires 8/29/2020

VIKING:

VIKING PARTNERS FOREST PARK, LLC

By: Viking Partners Management, Inc., its manager

By: Bret A. Callen  
Name: Bret A. Callen  
Title: CEO

STATE OF OHIO  
COUNTY OF HAMILTON

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

(insert name(s) of those signing): BRET CALLEN

Date: November 25, 2018

Official Signature of Notary:

Notary's printed or typed name:

Scott Blanding  
Scott Blanding

My commission expires: 5-18-2021

(Official Seal)



SCOTT BLANDING  
Notary Public, State of Ohio  
My Commission Expires 05-18-2021

[signatures continue on next page]

FPX:

FOREST PARK X, LLC

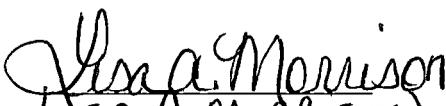
By:   
Name: C. Greg Cherry  
Title: V.P.

STATE OF Alabama  
COUNTY OF Jefferson

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

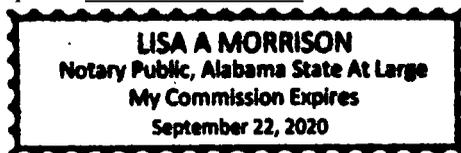
(insert name(s) of those signing): C. Greg Cherry

Date: January 8, 2018<sup>19</sup>

Official Signature of Notary:   
Notary's printed or typed name: Lisa A. Morrison

My commission expires: \_\_\_\_\_

(Official Seal)



[signatures continue on next page]

FPV:

FOREST PARK V, LLC

By: [Signature]  
Name: C. GREG CHERRY  
Title: V.P.

STATE OF Alabama  
COUNTY OF Jefferson

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

(insert name(s) of those signing): C. Greg Cherry

Date: January 8, 2019

Official Signature of Notary: [Signature]  
Notary's printed or typed name: LISA A. MORRISON

My commission expires: LISA A MORRISON  
Notary Public, Alabama State At Large  
My Commission Expires  
September 22, 2020  
(Official Seal)