

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

FIRST AMENDMENT TO
DECLARATION OF CONDOMINIUM
DANIEL AT BELLE GROVE
OFFICE CONDOMINIUM

THIS FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM FOR DANIEL AT BELLE GROVE OFFICE CONDOMINIUM ("First Amendment") is made and entered into this 8th day of July, 2004, by DANIEL AT BELLE GROVE, LLC, a North Carolina limited liability company ("Declarant"), pursuant to the provisions of Chapter 47C of the North Carolina General Statutes.

STATEMENT OF PURPOSE

Declarant has previously executed and recorded a Declaration of Condominium for Belle Grove Office Condominium (the "Declaration"), dated April 22, 2004, covering certain property owned by Declarant located at 3111 Springbank Lane, Charlotte, Mecklenburg County, North Carolina, said Declaration recorded in Book 17087, Page 940 of the Mecklenburg County Public Registry ("Registry"), together with the Condominium Plans filed in Unit Ownership File No. 679 (the "Plans"). Pursuant to Article VI of the Declaration, Declarant reserved the right to create new Units and Limited Common Elements appurtenant to those Units. Section 6.1 of the Declaration provides that Declarant may exercise this Development Right by recording an Amendment to Declaration, without the necessity of obtaining the consent of any other party. By this First Amendment, Declarant now subdivides former Unit B to create Unit B and Unit C and subdivided former Unit F to create Unit F and Unit G. The location of these Units are more particularly shown on the revised Plans prepared by Newman Bower Architects to be recorded under the name of the Condominium, simultaneously with the recording of this First Amendment, in the Unit Ownership File in the Office of the Register of Deeds. In order to accomplish the exercise of its Development Right to create the new Units and Limited Elements as shown on the Plans, Declarant is executing and recording this First Amendment.

NOW, THEREFORE, in consideration of the premises and purposes set forth herein, and pursuant to the authority set forth in Article VI of the Declaration, Declarant, for itself and its successors and assigns, hereby amends and supplements the Declaration as follows:

1. Amendment to Article I. From and after the date of recordation of this First Amendment, any reference in the Declaration to the Plans shall mean and refer to the Surveys, Plans and Specifications recorded under the name of the Condominium, in connection with the recording of the Declaration, in Unit Ownership File No. 679, as amended and supplemented by the revised Plans recorded in connection with the recording of this First Amendment.

2. Amendment to Article III. Article III of the Declaration is amended to provide that there are seven (7) Units.

3. Amendment to Article IV. Section 4.2 of the Declaration is amended to provide that there are a total of seven (7) Units in the Building.

4. Amendment to Article V and Exhibit B. As contemplated by Section 5.3 and Article VI of the Declaration, this First Amendment contains a new allocation of Common Elements Interest, reflecting the additional Units created hereby, which is attached hereto as Exhibit B-1. Any reference to "Exhibit B" in Section 5.3 or elsewhere in the Declaration (as amended) shall be deemed a reference to Exhibit B-1 attached to this First Amendment.

5. Consent of Lenders.

(a). The Land and the Building are encumbered by the lien of a Deed of Trust and Security Agreement dated November 5, 2003 and recorded in Book 16407 at Page 99 in the Mecklenburg County, North Carolina Public Registry (the "Deed of Trust"), executed and delivered by Declarant to JAN G. GRIFFIN, PATRICIA M. VOGEL OR RONNIE D. BLANTON, as Trustee for FIRST CHARTER BANK, a North Carolina banking corporation (the "Lender"). A Consent of Mortgagee executed by the Lender and Jan G. Griffin, Patricia M. Vogel or Ronnie D. Blanton, as Trustee, consenting to the execution and recordation of this First Amendment, is attached to and made a part of this First Amendment.

(b). The Land and the Building are encumbered by the lien of a Deed of Trust and Security Agreement dated November 5, 2003 and recorded in Book 16407 at Page 13 in the Mecklenburg County, North Carolina Public Registry, as modified and amended by that certain Assignment of Note and Deed of Trust recorded in Book 16911 at page 501, in said registry (as amended and modified, the "Deed of Trust"), executed and delivered by Declarant to THE FIDELITY COMPANY, as Trustee for DON GALLOWAY, an individual residing in Charlotte, North Carolina, DOWNIE SAUSSY, an individual residing in Charlotte, North Carolina, KAY ENTERPRISES, LLC a North Carolina limited liability company, CATHERINE ROBERTS AND KENNETH BRYAN ROBERTS, husband and wife, individuals residing in Charlotte North Carolina, and F.A. CASH, JR. an individual residing in Charlotte, North Carolina, being, collectively (the "Lender"). A Consent of Mortgagee executed by The Fidelity Company (as provided for in the Deed of Trust), as Trustee, consenting to the execution and recordation of this First Amendment, is attached to and made a part of this First Amendment.

6. Ratification of Original Declaration. The Declaration, as amended, shall continue in full force and effect in accordance with its terms, except as expressly or by necessary implication modified and supplemented by this First Amendment, and is hereby ratified and confirmed by Declarant. Any capitalized term used in this First Amendment and not otherwise defined herein shall have the meaning attributed to such term in the Declaration.

IN WITNESS WHEREOF, Declarant has executed this First Amendment the day and year first above written.

DANIEL AT BELLE GROVE, LLC,
a North Carolina limited liability company

By: First Colony Corporation, Manager

By: Heidi M. Barringer
Its: PRESIDENT - OFFICE DIVISION

STATE OF NORTH CAROLINA

MECKLENBURG COUNTY

I, Jan B Taylor, a Notary Public of said County and State, certify that Heidi M Barringer personally came before me this day and acknowledged that she is PRESIDENT - OFFICE DIVISION of FIRST COLONY CORPORATION, a North Carolina corporation, Manager of DANIEL AT BELLE GROVE, LLC, a North Carolina limited liability company and that she, as PRESIDENT - OFFICE DIVISION being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official seal, this the 12 day of July, 2004



Jan B Taylor
Notary Public

[NOTARIAL SEAL]

CONSENT OF MORTGAGEE

ATTACHED TO DECLARATION OF CONDOMINIUM FOR DANIEL AT BELLE GROVE OFFICE CONDOMINIUM

FIRST CHARTER BANK, a North Carolina banking corporation, being the Beneficiary under that certain Deed of Trust and Security Agreement dated November 5, 2003 and recorded in Book 16407 at Page 99 in the Mecklenburg County, North Carolina Public Registry (the "Deed of Trust"), executed and delivered by Declarant to JAN G. GRIFFIN, PATRICIA M. VOGEL OR RONNIE D. BLANTON, as Trustee, conveying the property described on Exhibit A attached to this First Amendment, does consent to the recordation of this First Amendment and the imposition of the provisions hereof and the provisions of the North Carolina Condominium Act to the real property described in Exhibit A and agrees that such Deed of Trust shall be subordinate to the terms of such Declaration. The execution of this Consent of Mortgagee by the Beneficiary shall not be deemed or construed to have the effect of creating between the Beneficiary and Declarant the relationship of partnership or of joint venture, nor shall it be deemed to impose upon the Beneficiary any of the liabilities, duties or obligations of Declarant under the Declaration. Beneficiary executes this Consent of Mortgagee solely for the purposes set forth above. The Trustee also joins in and executes this Consent as Trustee for the purposes set forth above.

TRUSTEE:

Jan G. Griffin

BENEFICIARY:

FIRST CHARTER BANK

By: [Signature]
Its: Senior Vice President President

STATE OF NORTH CAROLINA

MECKLENBURG COUNTY

I, Sherrel D Brown, a Notary Public of said County and State, certify that Sean G Griffin, Trustee, personally came before me this day and acknowledged that he, as Trustee, executed the foregoing instrument.

Witness my hand and official seal, this the 13th day of July, 2004.

Sherrel D Brown
Notary Public



Expires:

7-21-09

STATE OF NORTH CAROLINA

MECKLENBURG COUNTY

I, C.S. Morrisia, a Notary Public of said County and State, certify that Jeffrey Mylton personally came before me this day and acknowledged that (s)he is Senior Vice Pres of FIRST CHARTER BANK, a North Carolina banking corporation and that (s)he, as Senior Vice President, being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official seal, this the 13th day of July, 2004.

CMorrisia
Notary Public



Expires:

2-5-06

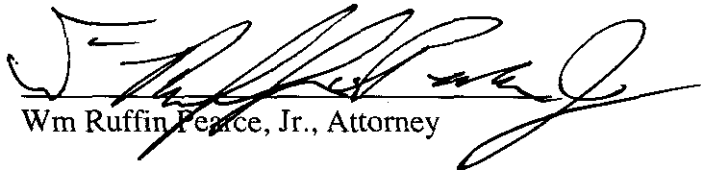
EXHIBIT B-1
SCHEDULE OF UNITS AND COMMON ELEMENTS INTEREST

Unit	Gross SF	% Int. in Common Elements
A	4,177	25.62%
B	1,314	8.06%
C	2,630	16.13%
FX	2,333	14.31%
GY	1,908	11.70%
IH	1,625	9.97%
JH	2,318	14.22%
Total	16306	100.00%

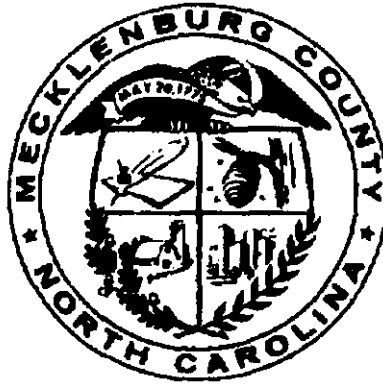
EXPLANATION OF RE-RECORDING

Pursuant to N.C.G.S. Sec. 47-36.1, the undersigned being the attorney who drafted the instrument being re-recorded, hereby re-records the First Amendment to Declaration of Condominium for Belle Grove Office Condominium, dated July 8, 2004 and recorded July 13, 2004 in Book 17478 at Page 711 of the Mecklenburg County Public Registry in order to correct a typographical numbering error on Exhibit A which incorrectly numbered the condominium units and their related common elements interest. This correction is necessary to make the First Amendment consistent with the condominium in conflict with the condominium plans filed July 8, 2004 in Unit File 679.

This the 1st day of September, 2004.

A handwritten signature in black ink, appearing to read 'Wm Ruffin Pearce, Jr.', is written over a horizontal line. The signature is fluid and cursive.

Wm Ruffin Pearce, Jr., Attorney



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

PLEASE RETAIN YELLOW TRAILER PAGE

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

Filed For Registration: 07/13/2004 12:32 PM
Book: RE 17476 Page: 711-718
Document No.: 2004152379
DEC/U 8 PGS \$32.00

Recorder: GRACE TUCKER

State of North Carolina, County of Mecklenburg

The foregoing certificate of JAN B TAYLOR , SHERREL D BROWN , C S MORRISON Notaries are certified to be
correct. This 13TH of July 2004

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



2004152379



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

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and/or cancellation.

Filed For Registration: 09/01/2004 01:37 PM

Book: RE 17703 Page: 265-274

Document No.: 2004191481

DEC/U 10 PGS \$36.00

Recorder: EMEM DREHER



2004191481