

JUDITH A GIBSON REG OF DEEDS MECK NC

FILED FOR REGISTRATION 09/26/97 16:08

STATE OF NORTH CAROLINA  
COUNTY OF MECKLENBURG

FIRST AMENDMENT TO  
DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS  
FOR UNIVERSITY EAST BUSINESS  
PARK

This First Amendment to Declarations of Covenants, Conditions and Restrictions for University East Business Park (the "First Amendment") is made and entered into this 24th day of September, 1997 by University East, LLC, a North Carolina limited liability company (hereinafter referred to "Declarant").

WHEREAS, the Declaration of Covenants, Conditions and Restrictions for University East Business Park was recorded in the Mecklenburg County Public Registry in Book 9241, Page 180 (hereinafter called the "Declaration"); and

WHEREAS, Declarant is the owner of the property described in the Declaration and holds at least fifty-one percent (51%) of the total votes pursuant to Article IX of the Declaration; and

WHEREAS; Declarant desires to amend the Declaration in the manner hereinafter set forth.

NOW, THEREFORE, Declarant does hereby amend the Declaration so that the Exhibit B, attached hereto and incorporated herein for all purposes, shall replace the Exhibit B attached to the Declaration and hereinafter, the Exhibit B attached to this First Amendment shall be deemed to be the Exhibit B referred to in the Declaration. In Witness Whereof, the undersigned has caused these presents to be duly executed under seal by authority duly given, the day and year first above written.

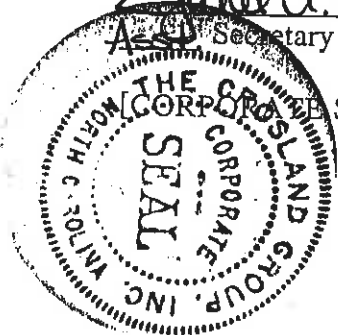
UNIVERSITY EAST, LLC (SEAL)

By: The Crosland Group, Inc., Manager

By: [Signature]  
Vice President

ATTEST:

[Signature]  
Secretary



DRAWN BY  
PERRY PATRICK  
200 THE V...  
217 W. ...  
CHARLOTTE, N.C. 28202

13-11

STATE OF NORTH CAROLINA

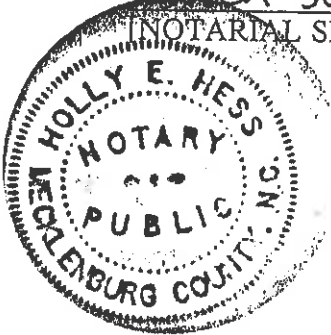
COUNTY OF MECKLENBURG

This 24<sup>th</sup> day of September, 1997, personally came before me, James E. Merrifield, who being by me duly sworn, says that he is Vice President of The Crosland Group, Inc., Manager of UNIVERSITY EAST, LLC, a North Carolina limited liability company; that the seal affixed to the foregoing instrument in writing is the corporate seal of The Crosland Group, Inc.; and that said writing was signed and sealed by him on behalf of said corporation, acting as Manager of UNIVERSITY EAST, LLC, by authority duly given. And the said Vice President acknowledged the said writing to be the act and deed of said corporation, acting as Manager of UNIVERSITY EAST, LLC.

Holly E. Hess  
\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:

March 30, 2002  
[NOTARIAL SEAL]



LYING AND BEING in Charlotte, Mecklenburg County, North Carolina and being more particularly described as follows:

TO FIND THE BEGINNING POINT, Begin at a set iron pin in the common westerly corner of that certain property of Earl R. Farles and wife, Louise C. Farles, pursuant to a deed recorded in Book 1639 at Page 210 in the Mecklenburg County Public Registry and that certain property of E. Rhyne Farles and wife, Louise C. Farles, pursuant to a deed recorded in Book 4563 at Page 893 in said Registry, said iron pin also being NCGS NAD 83 (having grid coordinates of X = 1,405,065.12 feet and Y = 564,979.84 feet); thence with the westerly boundary of said E. Rhyne Farles Property (now or formerly) S 27-38-05 W 230.91 feet to an existing iron pin in the southwesterly corner of said E. Rhyne Farles Property and in the northwesterly corner of that certain property of Amon L. Baucom, Amon L. Baucom, Jr. and Gary C. Baucom pursuant to a deed recorded in Book 4531 at Page 319 in said Registry; thence with the westerly boundary of said Baucom Property (now or formerly) S 27-38-05 W 744.44 feet to a set iron pin in the northerly margin of the variable width right of way of East W. T. Harris Blvd.; thence with the northerly margin of said East W. T. Harris Blvd. right of way the following three (3) courses and distances: (1) N 59-02-16 W 103.27 feet to an existing concrete monument, (2) N 55-55-12 W 347.10 feet to a point, and (3) N 58-18-53 W 165.23 feet to an existing concrete monument in the easterly margin of a 200 foot right of way of the Norfolk Southern Railway; thence with the easterly margin of said Norfolk Southern Railway right-of-way the following two (2) courses and distances: (1) with the arc of a circular curve to the right having a radius of 5,829.58 feet (chord bearing of S 29-48-13 W and chord distance of 43.67 feet) 43.67 feet to a point, and (2) S 30-01-06 W 221.33 feet to an existing concrete monument in the southerly margin of said East W. T. Harris Blvd. right-of-way, the BEGINNING POINT; thence from said Beginning Point with the southerly margin of said East W. T. Harris Blvd. right-of-way the following two (2) courses and distances: (1) S 60-03-01 E 165.31 feet to a point, and (2) S 63-23-56 E 458.58 feet to a set iron pin in the westerly boundary of said Baucom Property; thence with the westerly boundary of said Baucom Property S 27-38-05 W 1,506.76 feet to an existing iron pin in the southwesterly corner of said Baucom Property and in the northerly boundary of that certain property of D. Larry Crumbley pursuant to a deed recorded in Book 5396 at Page 849 in said Registry; thence with the northerly boundary of said Crumbley Property (now or formerly) N 47-34-23 W 341.92 feet to an existing iron pin in a northwesterly corner of said Crumbley Property and in the northeasterly corner of that certain property of William M. Untz and wife, Laura P. Untz, pursuant to a deed recorded in Book 6268 at page 767 in said Registry; thence with the northerly boundary of said Untz Property (now or formerly) N 47-34-23 W 395.40 feet to a set iron pin in the easterly boundary of said Norfolk Southern Railway right-of-way; thence N 17-23-03 W, a distance of 89.17 feet to the centerline of the right of way of the Norfolk Southern Railway; thence with said centerline N 30-01-06 East, a distance of 1,259.01 feet to a point marking the intersection of the Norfolk Southern Railway centerline and the northwesterly prolongation of the southerly right of way limit of East W.T. Harris Boulevard; thence with said prolongation S 60-03-01 E, a distance of 100.00 feet to the BEGINNING.

EXHIBIT B

Tract 2

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BEGINNING at a point located S 57-10-32 E, 120.61 feet from an iron pin set on the western boundary line of the right-of-way of East W. T. Harris Boulevard, as shown in Deed Book 5266, Page 503, Mecklenburg County Public Registry, which iron pin also marks the intersection of the northeastern boundary of the property of Duke Power Company (now or formerly), Deed Book 6224, Page 131, Mecklenburg County Public Registry and the western boundary line of said East W. T. Harris Boulevard right-of-way; thence with the northeastern boundary line of the property of Duke Power Company three (3) lines as follows: (1) N 57-14-03 W, 577.25 feet to an existing iron pin located on the northeastern boundary line of the property of Duke Power Company; (2) N 69-23-05 W, 759.71 feet to an iron pin set on the northeastern boundary of the property of Duke Power Company; and (3) N 47-34-23 W, 267.03 feet to an existing iron pin; thence with the southeastern boundary line of the property of Leon McTycire Johnston, III (now or formerly) as shown in Deed Book 5307, Page 396, Mecklenburg County Public Registry, N 27-38-05 E 1,506.76 feet to an iron pin set on the western boundary line of the right-of-way of East W. T. Harris Boulevard; thence with said western boundary line of said right-of-way two (2) lines as follows: (1) S 63-23-56 E, 83.26 feet to a point; (2) in a southeasterly direction with the arc of a circular curve to the right, having a radius of 1,809.86 feet, a chord bearing and distance of S 34-49-09 E, 1,369.50 feet and an arc distance of 1,404.48 feet to an iron pin set in the western boundary line of the right-of-way of East W. T. Harris Boulevard, which iron pin is located at the intersection of the northwestern boundary of the property of Russell G. Faulk and wife, Mrs. Russell G. Faulk (now or formerly) as shown in Deed Book 1387, Page 287, Mecklenburg County Public Registry and the western boundary line of the East W. T. Harris right-of-way; thence with the northwestern boundary of the Faulk property S 09-49-49 W, 947.24 feet to the POINT OR PLACE OF BEGINNING; said property containing 42.3512 acres, more or less, and being shown on Boundary Survey dated March 26, 1996 and prepared by WK Dickson, to which survey reference is hereby made.

EXHIBIT B

Tract 3

Page 3 of 3

BEGINNING at a point in the western boundary line of the right-of-way of East W. T. Harris Boulevard, as shown in Book 5266, Page 503, Mecklenburg County Public Registry, said point of beginning being the intersection of the northeastern boundary of the property of Duke Power Company (now or formerly) as shown in Deed Book 6224, Page 131, Mecklenburg County Public Registry and the western boundary line of said East W. T. Harris right-of-way; thence with said western boundary of East W. T. Harris Boulevard right-of-way five (5) lines as follows: (1) in a northeasterly direction with the arc of a circular curve to the left having a radius of 1,809.86 feet, a chord bearing and distance of N 10-32-07 E, 564.41 feet and an arc distance of 566.73 feet to a point; (2) thence N 05-58-32 W, 95.02 feet to a point; (3) thence N 04-52-33 W, 197.75 feet to a point; (4) thence N 01-43-00 W 85.73 feet to a point; and (5) in a northwesterly direction with the arc of a circular curve to the left having a radius of 1,809.86 feet, a chord bearing and distance of N 11-30-44 W, 67.95 feet and an arc distance of 67.95 feet to an iron pin set on the western boundary of the East W. T. Harris right-of-way; thence with the southeastern boundary of the property of Amon L. Baucom, Amon L. Baucom, Jr., and Gary C. Baucom (now or formerly) as shown in Deed Book 4431, Page 319, Mecklenburg County Public Registry, S 09-49-49 W, 947.24 feet to an existing iron pin on the northeastern boundary line of the property of Duke Power Company; thence S 57-10-32 E, 120.61 feet to the POINT OR PLACE OF BEGINNING; said property containing 2.2120 acres, more or less, and being shown on Boundary Survey dated March 26, 1996 and prepared by WK Dickson, to which survey reference is hereby made.

State of North Carolina, County of Mecklenburg

The foregoing certificate(s) of \_\_\_\_\_

*Halley E. Hess*

Notary(ies) Public is/are certified to be correct. This 26 day of September 1997.

JUDITH A. GIBSON, REGISTER OF DEEDS

By:

*Wanda B. Allen*

Deputy Register of Deeds