FOR REGISTRATION
J. David Granberry
REGISTER OF DEEDS
Mecklenburg County, NC
2012 DEC 20 04:15:12 PM
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STATE OF NORTH CAROLINA COUNTY OF MECKLENBURG

SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR ARBORS AT MALLARD CREEK

THIS SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR ARBORS AT MALLARD CREEK (this "Second Amendment"), is made and entered into as of the day of limited liability company ("Declarant"), and those property owners who execute this Second Amendment for purposes of consenting to the terms hereof (the "Second Amendment Executing Owners").

RECITALS:

ARBORS AT MALLARD CREEK, LLC, a North Carolina limited liability company (the "Original Declarant") has heretofore imposed certain covenants, conditions, and restrictions in that certain Declaration of Covenants, Conditions, Restrictions and Easements for Arbors at Mallard Creek dated July 30, 2004 and recorded in Book 17594, Page 893 of the Mecklenburg County Register of Deeds (the "Original Declaration") upon the property described in Exhibit A of the Declaration and all other property made subject to the Declaration by amendment, deed or otherwise (collectively, the "Property").

Original Declarant bargained, sold, assigned, transferred, conveyed, and set over to Declarant any and all of its rights, powers, easements, reservations, interests and privileges as Declarant under the Declaration by that certain Assignment and Assumption of Declarant's Rights dated May 14, 2009 and recorded May 15, 2009 in Book 24736, Page 613 in the Mecklenburg County Register of Deeds (the "Assignment").

Drawn by and mail to:
Gary T. McDermott, Esq.
Womble Carlyle Sandridge & Rice, LLP
3500 One Wachovia Center
301 S. College Street
Charlotte, NC 28202

Declarant and the Executing Owners (as that term is defined in the First Amendment) amended the Original Declaration in that certain First Amendment to Declaration of Covenants, Condition, Restrictions and Easements for Arbors at Mallard Creek dated March 1, 2010 and recorded in Book 25533, Page 953 of the Mecklenburg County Register of Deeds (the "First Amendment"). The Original Declaration, as amended by the Assignment and the First Amendment, is hereinafter referred to as the "Declaration".

Declarant and the Second Amendment Executing Owners desire to amend Article VI, Section 6.6 of the Declaration, pursuant to Article VIII, Section 8.1 of the Declaration.

The signatories hereto represent a minimum of two-thirds (2/3) of the votes of the Members of the Association, each Member's vote being equal to such Member's Prorata Share, as required by the Declaration.

NOW, THEREFORE, for and in consideration of the recitals set forth above, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and pursuant to the authority set forth in Article VIII, Section 8.1 of the Declaration, Declarant and the Executing Owners hereby amend the Declaration by declaring that the Property shall be held, developed, improved, leased, sold, transferred, conveyed and occupied subject to the covenants, conditions, restrictions and reservations set forth in this Second Amendment, all of which the parties hereto agree are harmonious with the general intent and purpose of the Declaration, and shall run with title to the Property, and shall be binding on all parties having a right, title or interest therein, along with their heirs, successors and assigns, and which shall inure to the benefit of each owner thereof. Accordingly, the Declarant and the Executing Owners hereby agree as follows:

- 1. The recitals set forth above are incorporated herein by reference. Any capitalized term used herein and not otherwise defined shall have the meaning ascribed to it in the Declaration.
- 2. The first paragraph of Article VI, Section 6.6 of the Declaration is hereby amended such that the following is added to the end of said first paragraph:

"Further notwithstanding the above to the contrary, for that certain parcel shown as "TRACT #2" on that certain plat entitled "REVISED FINAL SUBDIVISION PLAT OF THE ARBORS AT MALLARD CREEK - WEST" dated September 28, 2007 (last revised March 6, 2008) and recorded in Map Book 50 at Page 214 of the Mecklenburg County Register of Deeds ("Tract 2"), and only for Tract 2, the following shall be a Permitted Use and shall not be a Prohibited Use: operation of a dry cleaning facility that conducts onsite dry cleaning operations, laundry services and valet lane service to its customers along with other dry cleaning related services (the "Additional Tract 2 Permitted Use"), so long as such use is in conformance with all Environmental Laws and so long as any release of any Hazardous Substances from such operations is promptly remediated by the Owner of Tract 2. Without limiting

B27925 - P781

the forgoing requirements, any Owner of Tract 2 that uses Tract 2 for the Additional Tract 2 Permitted Use shall use best environmental practices for a dry cleaning facility. Without limiting the immediately proceeding sentence, any Owner of Tract 2 that uses Tract 2 for the Additional Tract 2 Permitted Use shall use products and technologies that are not harmful to the environment."

The Declaration, as amended hereby, shall continue in full force and effect in accordance with its terms, except as expressly or by necessary implication modified and supplemented by this Second Amendment, and is hereby ratified and confirmed by Declarant and the Second Amendment Executing Owners.

[SIGNATURE PAGES FOLLOW]

B27925 - P782

IN WITNESS WHEREOF, the undersigned have caused this Second Amendment to be executed under seal by authority duly given as of the day and year first above written.

ARBORS HOLDINGS, LLC,

DECLARANT AND CLASS B MEMBER:

a North Carolina limited liability company

Name: Lat W. Purser, III	
Its: Manager	
STATE OF North Carolina COUNTY OF Mecklenburg	
I, Barbara L. Westphal, a Notary Public of Mecklenbur County and State of North Carolina, do hereby certify that LAT W. Pi III (the "Signatory"), Manager of ARBORS HOLDINGS, LLC, a North Carolina limited company, personally appeared before me this day and by authority duly given, acknowled due execution of the foregoing instrument on behalf of ARBORS HOLDINGS, LLC.	landa lada.
I certify that the Signatory personally appeared before me this day, and	
(check one of the following) X (I have personal knowledge of the identity of the Signatory); or	
(I have seen satisfactory evidence of the Signatory's identity, by a	
state or federal identification with the Signatory's photograph in the for	current
(check one of the following)	m or:
a driver's license or	
in the form of); or	
(a credible witness has sworn to the identity of the Signatory).	
- · · · · · · · · · · · · · · · · · · ·	
The Signatory acknowledged to me that he/she voluntarily signed the foregoing do for the purpose stated therein and in the capacity indicated.	cument
Witness my hand and official stamp or seal this 15th day of October, 2012	 •
Notary Public	
Notary Public	
Print Name: Parbara L. Westphal	
[Note: Notary Public must sign exactly as on notary	seal]
My Commission Expires: February 4, 2017	
NOTARY SEAL] (MUST BE FULLY LEG	IBLE)
Notary Public Print Name: Racbaca L. West pha [Note: Notary Public must sign exactly as on notary My Commission Expires: February 4, 2017 [NOTARY SEAL] (MUST BE FULLY LEG	

	OWNER:
	ARBORS PROFESSIONAL CENTER CONDOMINIUM LASSOCIATION, INC., (SEAL) a North Carolina non-profit corporation By: Name: Title: Chairman
STATE OF North Carolin COUNTY OF Mackdenburg	By: Patrick A. Beach Name: MTRICK A. BENCH Title: Secretary/Treasurer
and State of North Christople I variety and acknowledged that he/she CONDOMINIUM I ASSOCIATIO he/she, in such capacity and being	a Notary Public of McClenburg County Carolus, do hereby certify that en (the "Signatory"), personally came before me this day is Chairman of ARBORS PROFESSIONAL CENTER DN, INC., a North Carolina non-profit corporation, and that g authorized to do so, executed the foregoing on behalf of TER CONDOMINIUM I ASSOCIATION, INC.
(I have personal (I have seen sa state or federal id	ersonally appeared before me this day, and (check one of the following) knowledge of the identity of the Signatory); or a current dentification with the Signatory's photograph in the form of: (check one of the following)
	s license or
	rm of); or ess has sworn to the identity of the Signatory).
The Signatory acknowledged for the purpose stated therein and in	d to me that he/she voluntarily signed the foregoing document
, <u></u> , <u></u>	day of the williams to day of the williams, 2012.
~~~~	Notary Public
KIMBERLY B. YOUNG NOTARY PUBLIC Mecklenburg County, North Carolina Commission Expires 11 2013	Print Name: [Note: Notary Public must sign exactly as on notary seal]  My Commission Expires: 11   30    30  [NOTARY SEAL] (MUST BE FULLY LEGIBLE)
	' (

[NOTARY FOR THE SECRETARY/TREASURER FOLLOWS]

WCSR 4524271v3

COUNTY OF Mechania
I, Kunboth Bourg, a Notary Public of Mechania County and State of North Carolina, do hereby certify that and acknowledged that he/she is Secretary/Treasurer of ARBORS PROFESSIONAL CENTER CONDOMINIUM I ASSOCIATION, INC., a North Carolina non-profit corporation, and that he/she, in such capacity and being authorized to do so, executed the foregoing on behalf of ARBORS PROFESSIONAL CENTER CONDOMINIUM I ASSOCIATION, INC.
I certify that the Signatory personally appeared before me this day, and
(check one of the following)
(I have personal knowledge of the identity of the Signatory); or
(I have seen satisfactory evidence of the Signatory's identity, by a current
state or federal identification with the Signatory's photograph in the form of:
(check one of the following) a driver's license or
in the C
(a credible witness has sworn to the identity of the Signatory).
The Signatory acknowledged to me that he/she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.
Witness my hand and official stamp or seal this 10 day of December 2012.
Rentera Breug , (Notary Public
Print Names 12 1 7 1
ABERLY B. YOUNG (Note: Notary Public must sign exactly as an extension)
NOTARY PUBLIC
GERIOUS COUNTY (COLOR DE PRICE DE LA COLOR
mission Expires (MUST BE FULLY LEGIBLE)

WCSR 4524271v3

#### **OWNER:**

GAVI THE ARBORS II, LLC, (SEAL) a Delaware limited liability company, and

PURSER ARBORS, LLC, a North Carolina limited liability company, collectively By: LAT PURSER & ASSOCIATES, INC., a North Carolina corporation, Manager Title: Authorized Officer STATE OF North Carolina COUNTY OF Mecklenburg I, Barbara L Westphal, a Notary Public of Mecklenburg and State of North Carolina, do hereby certify that LAT W. PURSER, III (the "Signatory"), Authorized Officer of LAT PURSER & ASSOCIATES, INC., a North Carolina corporation, Manager of GAVI THE ARBORS II, LLC, a Delaware limited liability company, and also Manager of PURSER ARBORS, LLC, a North Carolina limited liability company, personally appeared before me this day and by authority duly given, acknowledged the due execution of the foregoing instrument on behalf of LAT PURSER & ASSOCIATES, INC. as Manager of GAVI THE ARBORS II, LLC and as Manager of PURSER ARBORS, LLC. I certify that the Signatory personally appeared before me this day, and (check one of the following) (I have personal knowledge of the identity of the Signatory); or (I have seen satisfactory evidence of the Signatory's identity, by a current state or federal identification with the Signatory's photograph in the form of: (check one of the following) a driver's license or in the form of (a credible witness has sworn to the identity of the Signatory). The Signatory acknowledged to me that he/she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated. Witness my hand and official stamp or seal this 15th day of October Notary Public Print Name: Barbara L. W [Note: Notary Public must sign exactly as on notary seal] My Commission Expires: February ™ [NOTARY SEAL] (MUST BE FULLY LEGIBLE)

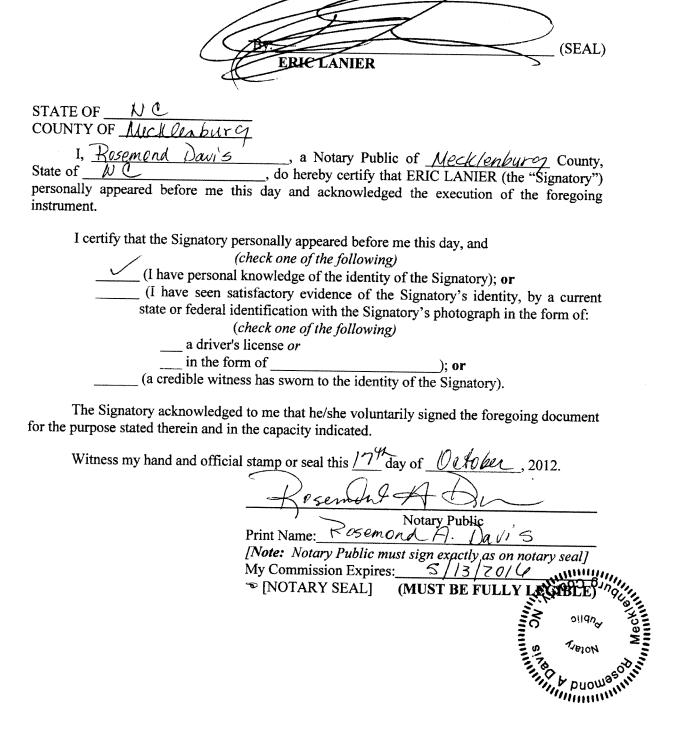
# **OWNER:**

GAVI THE ARBORS III, LLC, (SEAL) a Delaware limited liability company, and

		SER ARBORS, LLC,
	a Nor	th Carolina limited liability company, collectively
	By:	LAT PURSER & ASSOCIATES, INC.,
		a North Carolina corporation, Manager
		PW:
		Name: Lat W. Purser, III
STATE OF Made O		Title: Authorized Officer
STATE OF North Carolina COUNTY OF Mecklenburg		
I, Barbara L. West	hal,	a Notary Public of Mecklenburg Count
and State of North Lacolina	. 0	lo hereby certify that LAT W PURSED III (+b.
Digitatory ), Authorized Officer (	ILAI	PURSER & ASSUCIATES INC. a North Caroline
and also Manager of PURSER Al	E AKDI RBORS	ORS III, LLC, a Delaware limited liability company, LLC, a North Carolina limited liability company
personally appeared before me thi	s day a	nd by authority duly given, acknowledged the due
execution of the foregoing instrum	ent on t	behalf of LAT PURSER & ASSOCIATES INC. 30
Manager of GAVI THE ARBORS II	II, LLC	and as Manager of PURSER ARBORS, LLC.
I certify that the Signatory pe	ersonally	appeared before me this day, and
(c	check on	be of the following)
<u>x</u> (I have personal l	knowled	lge of the identity of the Signatory); or
(I have seen sat	isfactor	y evidence of the Signatory's identity, by a current
state or federal ide	entificat	ion with the Signatory's photograph in the form of:
(c a driver's	neck on license	e of the following)
in the form	ncense ( n of	); or
(a credible witnes	ss has sv	vorn to the identity of the Signatory).
		- • • •
for the purpose stated therein and in	to me tl	hat he/she voluntarily signed the foregoing document
	stamp o	or seal this 15th day of October, 2012.
WEST	Ω	9 1 1 0
IL RA LE CON A LE CONTRACTOR LA CONTRACTOR L		Sarbara J. Westphal
TARK Y	Print Na	Notary Public ame: Barbara L. Westohal
		Notary Public must sign exactly as on notary seal
	My Cor	nmission Expires: February 4 2017
THE STREET	D [NO	TARY SEAL] (MUST BE FULLY LEGIBLE)
WBURG CHILL		,
WCSR 4524271(5)1111		

	OWNER:	
	CIRCLE K STORES INC.,	(SEAL)
	a Texas corporation	,
	By:	
STATE OF NC COUNTY OF Mecklent	wry Loure a Notary	Public of
acknowledged that he/she is a Texas corporation, and that he/	County, State of (the "Signatory"), personally came before Vice President of CIRCLE she, in such capacity and being authorized to compare the control of the c	certify that ore me this day and
foregoing on behalf of CIRCLE I	K STORES INC	to so, executed the
(I have person (I have seen	personally appeared before me this day, and (check one of the following) all knowledge of the identity of the Signatory); satisfactory evidence of the Signatory's identity of the Signatory's identit	ntity by a current
state or federal	identification with the Signatory's photograph (check one of the following)	n in the form of:
	er's license or	
	form of; or	
(a credible wil	ness has sworn to the identity of the Signatory	·).
The Signatory acknowleds for the purpose stated therein and	ged to me that he/she voluntarily signed the for in the capacity indicated.	regoing document
Witness my hand and office	cial stamp or seal this 26 day of Octob	<u>lr</u> , 2012.
	- Telle are for	
	Print Name: Rebecco Lowe	
REBECCA LONE NOTARY PUBLIC	[Note: Notary Public must sign exactly as My Commission Expires: 3/18/1	
Medicenburg County, North Carolina My Germicaion Expires 3/18/17	-	LLY LEGIBLE)

**OWNER:** 



## OWNER:

	ARBORS OFFICE B, LLC,	(SEAL
	a North Carolina limited liability company	
	No.	
	By:	
	Name: Lat W. Purser, III	
	Title: Manager	
STATE OF North Carolina COUNTY OF Mecklenburg	<u></u>	
	<del>)</del>	
company, personally appeared before	na, a Notary Public of Mecklenburg  na, do hereby certify that LAT W. PURSER,  DRS OFFICE B, LLC, a North Carolina limited  ore me this day and by authority duly given, acknowle  rument on behalf of ARBORS OFFICE B, LLC.	liability
r certify that the Signatory p	ersonally appeared before me this day, and	
	(check one of the following)	
(I have personal	knowledge of the identity of the Signatory); or	
(I have seen sa	itisfactory evidence of the Signatory's identity, by a	i current
state or federal ic	lentification with the Signatory's photograph in the fo	rm of:
(	check one of the following)	
a driver's	s license or	
in the for	rm of	
(a credible witne	ess has sworn to the identity of the Signatory).	
	• • • • • • • • • • • • • • • • • • • •	
for the purpose stated therein and in		
	al stamp or seal this 15 th day of October, 201	2.
THE HOTARA UNITED TO TARA	Barbara L. Westphal Notary Public	
MINIMUM.	Notary Public	***************************************
IN AL. WEST	Print Name: Barbara L. Westphal	
SI'SA	[Note: Notary Public must sign exactly as on notary	17
ET JOTARL	My Commission Expires: February 4, 20	v seai j
	[NOTARY SEAL] (MUST BE FULLY LEG	111
AUBLIC AU	™ [NOTARY SEAL] (MUST BE FULLY LEC	irre)
AUBLIC AU		

OWNER:
ARBORS AT MALLARD CREEK, TIC (SEAL)
By: Much Muls Husen  Title: Sand Person MANAOR
STATE OF North Carolina COUNTY OF Mecklenburg
I, Melissa D. Elder, a Notary Public of Medilenbury County and State of North Carolina, do hereby certify that Mundy Mills Hinson (the "Signatory"), Senior Property Manager of personally appeared before me this day and by authority duly given, acknowledged the due execution of the foregoing instrument on behalf of DBSI. Arbors at Mallard Creek, TIC
I certify that the Signatory personally appeared before me this day, and  (check one of the following)  (I have personal knowledge of the identity of the Signatory); or  (I have seen satisfactory evidence of the Signatory's identity, by a current state or federal identification with the Signatory's photograph in the form of:  (check one of the following)  a driver's license or  in the form of  (a credible witness has sworn to the identity of the Signatory).
The Signatory acknowledged to me that he/she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.
Witness my hand and official stamp or seal this The day of November, 2012.
Melin D-Elder
Molisea D. Elder NOTARY PUBLIC Mackdenburg County, North Carolina My Commission Expires June 28, 2015  Notary Public Print Name: Melissa D. Elder [Note: Notary Public must sign exactly as on notary seal] My Commission Expires: June 28, 2015  NOTARY SEAL] (MUST BE FULLY LEGIBLE)