

For Registration
Fredrick Smith
Register of Deeds
Mecklenburg County, NC
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STATE OF NORTH CAROLINA

AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR SMITH CORNERS

COUNTY OF MECKLENBURG

THIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR SMITH CORNERS (the "Amendment") is made and entered into as of the 27th day of May, 2020 by PANOS/SMITH HOTEL GROUP – REAMES ROAD, LLC, a North Carolina limited liability company ("Declarant") and the additional parties set forth on the attached signature pages.

STATEMENT OF PURPOSE

Declarant, RI77, Inc. and Speedway Boulevard, LLC heretofore executed that certain Declaration of Covenants, Conditions and Restrictions for Smith Corners recorded in Book 10330 at Page 893 in the Mecklenburg County Public Registry, as amended by (i) that certain First Supplement to Declaration of Covenants, Conditions and Restrictions for Smith Corners recorded in Book 10562 at Page 40 in said Registry, (ii) that certain Second Supplement to Declaration of Covenants, Conditions and Restrictions for Smith Corners recorded in Book 10595 at Page 824 in said Registry, (iii) that certain Third Supplement to Declaration of Covenants, Conditions and Restrictions for Smith Corners recorded in Book 11146 at Page 192 in said Registry, (iv) that certain Fourth Supplement to Declaration of Covenants, Conditions and Restrictions for Smith Corners recorded in Book 16417 at Page 524 in said Registry which was joined in by Statesville Road Holdings, LLC, and (v) that certain Amendment to Declaration of Covenants, Conditions and Restrictions for Smith Corners recorded in Book 30338, Page 451 in said Registry (collectively, the "Declaration"). Declarant is the sole remaining "Declarant" as defined in the Declaration.

Drawn by and Return to:

Offit Kurman, P.A.
Attn: Louise F. Harmon, Esq.
(RD Box #194)

Pursuant to the Amendment to the Declaration of Covenants, Conditions and Restrictions for Smith Corners recorded in Book 30338, Page 451 in said Registry (the "2015 Amendment"), an approximately 17.861 acre tract of land fronting on Statesville Road and more particularly shown as all of Tract 1 (consisting of 5.113 acres) and Tract 2 (consisting of 12.748 acres) as shown on that certain Subdivision Plat of property on Statesville Road recorded in Map Book 58 at Page 148 in said Registry (collectively, the "Declarant Property"), was released from the Declaration. At the time of the 2015 Amendment, it was the intention of the Declarant to release from the Declaration the entirety of the property now shown as Lots 1, 2 and 3 on that plat entitled "Minor Subdivision and Recombination Plat of Smith Corners, Phase 1, Map 4" recorded in Map Book 60, Page 886 in said Registry. However, the description of the Declarant Property inadvertently (i) omitted a portion of Lot 2 which was intended to be released from the Declaration, and (ii) included a portion of the adjacent Lot 13B as shown on Map Book 57, page 522 in said Registry, which was not intended to be released from the Declaration.

Article X, Section 3 of the Declaration provides that the Declaration may be amended by an instrument signed by the "Owners" with at least fifty-one percent (51%) of the total votes and the prior written approval of the Declarant, so long as the Declarant owns any portion of the "Properties". Declarant, and the additional Owners set forth on the attached signature pages, currently hold more than fifty-one percent (51%) of the total votes pursuant to Article III, Section 2 of the Declaration. Declarant, and the Owners set forth on the attached signature pages, desire to amend the Declaration to (i) remove and release the additional portion of Lot 2 (Map Book 60, Page 886) from the Declaration, and (ii) submit the additional portion of Lot 13B that was inadvertently released from the Declaration, back under the Declaration.

NOW, THEREFORE, in consideration of the foregoing purposes, Declarant and the undersigned Owners hereby amend the Declaration as follows:

1. Release of Property. The undersigned Declarant and Owners, by these presents do hereby remise, release and forever discharge the following property from the Declaration (the "Released Property"):

All that certain 0.485 acre property described as "Area B to be combined with PIN 025-09-218 as shown on the plat entitled "Recombination Plat of the Panos/Smith Hotel Group – Reames Road, LLC Property" recorded in Map Book 57, Page 522 in the office of the Register of Deed for Mecklenburg County, North Carolina.

From and after the date hereof, the Released Property shall be free and discharged from the easements, lines, liability, restrictions and other obligations set forth in the Declaration with the effect that the Declaration shall have not further force or effect upon the Released Property.

2. Submission of Property. The undersigned Declarant and Owners, by these presents, do hereby subject the following property to the Declaration (collectively, the "Submitted Property"):

All that certain 0.264 acre property described as "Area C to be combined with PIN 025-09-237" on the plat entitled "Recombination Plat of the Panos/Smith

Hotel Group – Reames Road, LLC Property” recorded in Map Book 57, Page 522 in the office of the Register of Deed for Mecklenburg County, North Carolina, and

All that certain 0.251 acre property described as “Portion of Tax Parcel #025-092-18 to be combined with Tax Parcel #025-092-37” on the plat entitled “Minor Subdivision and Recombination Plat of Smith Corners, Phase 1, Map 4” recorded in Map Book 60, Page 886 in the office of the Register of Deeds for Mecklenburg County, North Carolina.

From and after the date hereof, the Submitted Property shall be within the scheme of the Declaration and the jurisdiction of the Association and the obligations set forth in the Declaration, except any specific restrictions affecting only other portions of the property subject to the Declaration.

3. Miscellaneous. Except as may be necessary to carry out the full intents and purposes hereof, all other terms and provisions of the Declaration shall remain in full force and effect without change or modification. All capitalized terms herein which are not defined shall have the meanings given such terms in the Declaration. From and after the date hereof, all references to the Declaration shall mean and refer to the original Declaration, as previously amended and as further amended hereby.

4. Multiple Counterparts. This Amendment may be executed in multiple counterparts, all of which when taken together shall constitute one and the same agreement.

[signatures appear on following pages]

IN WITNESS WHEREOF, the Declarant (as owner of the Released Property and the Submitted Property, and in its role as Declarant under the Declaration) has caused this Amendment to be executed and delivered effective as of the day and year first-above written.

DECLARANT:

PANOS/SMITH HOTEL GROUP – REAMES ROAD, LLC,
a North Carolina limited liability company

By: Timothy L. Fridley (SEAL)
Name: Timothy L. Fridley
Its: Manager

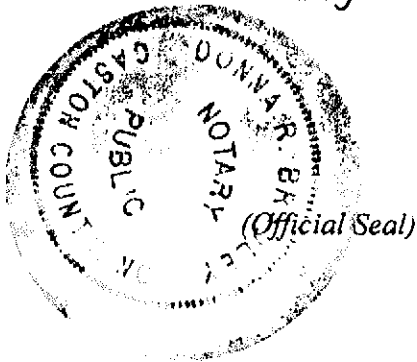
STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

I certify that the following person personally appeared before me this day, acknowledging to me that he voluntarily signed the foregoing document in the capacity indicated: Timothy L. Fridley, as Manager of Panos/Smith Hotel Group – Reames Road, LLC.

Date: May 27, 2019 2020

Donna R. Bradley
Official Signature of Notary

Donna R. Bradley
Notary's printed or typed name, Notary Public
My commission expires: 02-05-25



IN WITNESS WHEREOF, the undersigned Owner has caused this Amendment to be executed and delivered effective as of the day and year first-above written.

OWNER (3.22%):

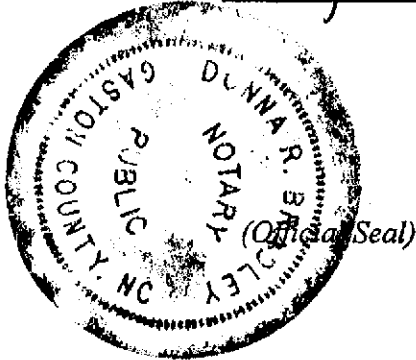
PANOS/SMITH HOTEL GROUP – REAMES ROAD, LLC,
a North Carolina limited liability company

By: Timothy L. Fridley (SEAL)
Name: Timothy L. Fridley
Its: Manager

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

I certify that the following person personally appeared before me this day, acknowledging to me that he voluntarily signed the foregoing document in the capacity indicated: Timothy L. Fridley, as Manager of Panos/Smith Hotel Group – Reames Road, LLC.

Date: May 27, 2019-2020



Donna R. Bradley
Official Signature of Notary

Donna R. Bradley
Notary's printed or typed name, Notary Public
My commission expires: 02-05-25

OWNER (4.36 %):

SMITH/CURRY HOTEL GROUP HH-HARRIS, LLC, a North Carolina limited liability company

By: Timothy L. Fridley (SEAL)

Name: Timothy L. Fridley

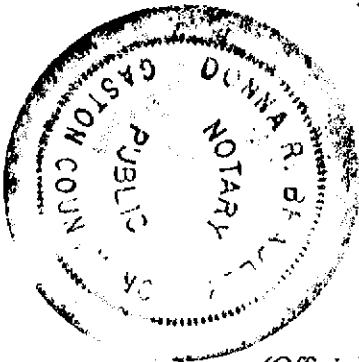
Its: Manager

STATE OF North Carolina

COUNTY OF Gaston

I certify that the following person personally appeared before me this day, acknowledging to me that (s)he voluntarily signed the foregoing document in the capacity indicated: Timothy L. Fridley, as Manager of SMITH/CURRY HOTEL GROUP HH-HARRIS, LLC, a North Carolina limited liability company.

Date: May 27, ~~2019~~-2020



(Official Seal)

Donna R. Bradley

Official Signature of Notary

Donna R. Bradley

Notary's printed or typed name, Notary Public

My commission expires: 02-05-25

OWNER (3.94 %):

JAY JAY SHREE RADHA LLC, a Georgia limited liability company

By: [Signature] (SEAL)
Name: Pina Patel
Its: _____

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

I certify that the following person personally appeared before me this day, acknowledging to me that (s)he voluntarily signed the foregoing document in the capacity indicated: Pina Patel, as managing partner of JAY JAY SHREE RADHA LLC, a Georgia limited liability company.

Date: JANUARY 18, 2020, 2019.

[Signature]
Official Signature of Notary

JONATHON PRATHER
Notary's printed or typed name, Notary Public
My commission expires: SEPTEMBER 3, 2023

(Official Seal)

JONATHON PRATHER
NOTARY PUBLIC
Mecklenburg County
North Carolina
My Commission Expires Sep. 03, 2023

OWNER (2.38 %):

MTRH, LLC, a North Carolina limited liability company

By: Michael John Smethurst (SEAL)
Name: Michael John Smethurst
Its: Manager

STATE OF North Carolina
COUNTY OF Mecklenburg

I certify that the following person personally appeared before me this day, acknowledging to me that (s)he voluntarily signed the foregoing document in the capacity indicated: Michael John Smethurst, as Manager of MTRH, LLC, a North Carolina limited liability company.

Date: December 18th, 2019.

FRANCESCO ROMANO
Notary Public
Mecklenburg Co., North Carolina
My Commission Expires Oct. 8, 2023

(Official Seal)

Francesco Romano
Official Signature of Notary

Francesco Romano
Notary's printed or typed name, Notary Public
My commission expires: 10-8-2023

OWNER (2.52 %):

FIRST CC (SMITH CORNERS LB) LLC, a North Carolina limited liability company

By: [Signature] (SEAL)

Name: James H.L. Chambers

Its: Manager

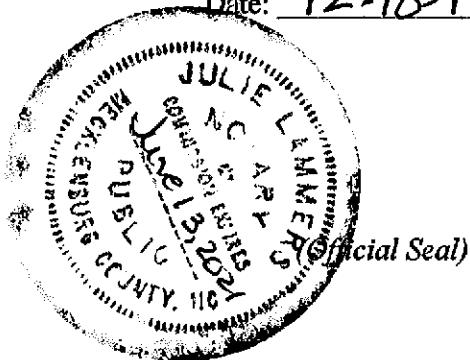
STATE OF North Carolina
COUNTY OF Mecklenburg

I certify that the following person personally appeared before me this day, acknowledging to me that (s)he voluntarily signed the foregoing document in the capacity indicated: James H.L. Chambers, as Manager of FIRST CC (SMITH CORNERS LB) LLC, a North Carolina limited liability company.

Date: 12-18-19, 2019.

[Signature]
Official Signature of Notary

Julie Lannes
Notary's printed or typed name, Notary Public
My commission expires: June 13, 2021



OWNER (7.51 %):

FOSTER STATESVILLE ROAD DEVELOPMENT, LLC, a North Carolina limited liability company

By: [Signature] (SEAL)
Name: JEFF FOSTER
Its: MANAGER

STATE OF North Carolina
COUNTY OF Mecklenburg

I certify that the following person personally appeared before me this day, acknowledging to me that (s)he voluntarily signed the foregoing document in the capacity indicated: Jeff Foster, as Manager of FOSTER STATESVILLE ROAD DEVELOPMENT, LLC, a North Carolina limited liability company.

Date: December 18, 2019.

[Signature]
Official Signature of Notary

Kimberly Crawford
Notary's printed or typed name, Notary Public

My commission expires: My Commission Expires
June 10, 2024

(Official Seal)



OWNER 4.13 %

SAI SMITH CVM, LLC, a North Carolina limited liability company

By: G. Venu Hadlow (SEAL)
Name: VENU GUMMADI
Its: MEMBER

STATE OF VIRGINIA
COUNTY OF LOUDOUN

I certify that the following person personally appeared before me this day, acknowledging to me that (s)he voluntarily signed the foregoing document in the capacity indicated:
VENU GUMMADI as MEMBER of SAI SMITH CVM, LLC, a North Carolina limited liability company.

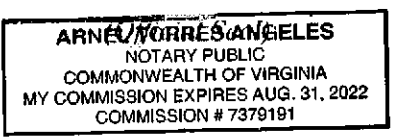
Date: December 30 2019

Official Signature of Notary

ARNEL TORRES ANGELES

Notary's printed or typed name, Notary Public

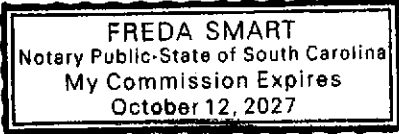
My commission expires: 08/31/2022



OWNER (6.05%):

BNV Investment II, LLC
a Limited Liability Company

By: H. Patel (SEAL)
Name: Hitesh Patel
Its: Chief Development Officer



STATE OF South Carolina
COUNTY OF York

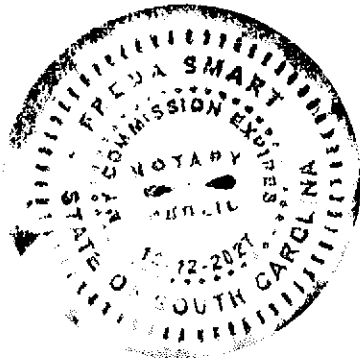
I certify that the following person personally appeared before me this day, acknowledging to me that (s)he voluntarily signed the foregoing document in the capacity indicated: Hitesh Patel, as Chief Development Officer of BNV Investment II, LLC.

Date: February 5, 2020

Freda Smart
Official Signature of Notary

Freda Smart
Notary's printed or typed name, Notary Public
My commission expires: 10/12/2027

(Official Seal)



OWNER (5.67 %):

SMITH CORNERS SYSTEMS, L.L.C., a North Carolina limited liability company

By: *Pritesh V. Nagarji* (SEAL)
Name: Pritesh V. Nagarji
Its: Manager

STATE OF North Carolina
COUNTY OF Mecklenburg

I certify that the following person personally appeared before me this day, acknowledging to me that (s)he voluntarily signed the foregoing document in the capacity indicated: Pritesh V. Nagarji, as Manager of SMITH CORNERS SYSTEMS, L.L.C., a North Carolina limited liability company.

Date: January 22, 2020
~~2019~~

KATHRYN A. LAMPETER
Notary Public
Mecklenburg Co., North Carolina
My Commission Expires Jan. 31, 2022
(Official Seal)

Kathryn A. Lampeter
Official Signature of Notary

Kathryn A. Lampeter
Notary's printed or typed name, Notary Public
My commission expires: 1-31-2022

OWNER (6.08%):

Signature page to Amendment to Declaration of Covenants, Conditions and Restrictions for Smith Corners

RUGSOURCE OUTLET, INC.,

a North Carolina corporation

By: Moh Shams (SEAL)

Name: Mohsen Shams

Its: President

STATE OF NORTH CAROLINA

COUNTY OF Mecklenburg

I certify that the following person personally appeared before me this day, acknowledging to me that (s)he voluntarily signed the foregoing document in the capacity indicated: Mohsen Shams, as President of Rugsources Outlet, Inc.

Date: May 27, 2020.



Shannon S Sivula

Official Signature of Notary

Shannon S. Sivula

Notary's printed or typed name, Notary Public

My commission expires: _____

Shannon S Sivula
NOTARY PUBLIC, North Carolina
Mecklenburg County
My Commission Expires
December 7, 2020

OWNER (7.82 %):

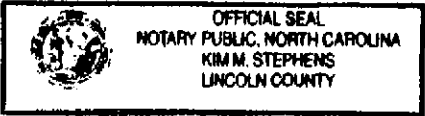
HUDSON INVESTMENTS OF NORTH CAROLINA LLC, a Delaware limited liability company

By: [Signature] (SEAL)
Name: Joseph Logano
Its: Member

STATE OF North Carolina
COUNTY OF Mecklenburg

I certify that the following person personally appeared before me this day, acknowledging to me that (s)he voluntarily signed the foregoing document in the capacity indicated: Joseph Logano, as Member of HUDSON INVESTMENTS OF NORTH CAROLINA LLC, a Delaware limited liability company.

Date: 12/24, 2019.



(Official Seal)

[Signature]
Official Signature of Notary

Kim M Stephens
Notary's printed or typed name, Notary Public
My commission expires: 1-18-2022