

FOR REGISTRATION JUDITH R GIBSON
REGISTER OF DEEDS
MECKLENBURG COUNTY, NC
2002 NOV 26 10:00 AM
BOOK 14445 PAGE 664-669 FEE \$28.00
INSTRUMENT # 2002235825

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

THIRD SUPPLEMENTAL DECLARATION
OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR UNIVERSITY EAST
EAST BUSINESS PARK

THIS THIRD SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR UNIVERSITY EAST BUSINESS PARK (this "Supplemental Declaration"), made on this 21st day of November, 2002 by UNIVERSITY EAST, LLC ("Declarant");

WITNESSETH:

WHEREAS, Declarant has heretofore imposed a Declaration of Covenants, Conditions and Restrictions for University East Business Park upon a portion of the commercial development known as University East Business Park, which Declaration is recorded in Book 9241 at Page 180, and amended by First Amendment to Declaration of Covenants, Conditions and Restrictions for University East Business Park recorded in Book 9271, Page 673, and as supplemented by Supplementary Declaration of Covenants, Conditions and Restrictions for University East Business Park recorded in Book 10914, Page 431 and Book 11348, Page 614, all in the Mecklenburg County Public Registry (the "Declaration"); and

WHEREAS, the property currently subject to and affected by the Declaration is more particularly described in the Declaration and all supplements thereto which have been filed in the Mecklenburg County Public Registry (the "Existing Property"); and

WHEREAS, the Declaration provides in Article II, Section 2 that additional land which is contiguous to the Existing Property and within one-half mile of the boundary of the Existing Property may be annexed to the Existing Property by Declarant with the consent of a majority of the Total Votes; and

WHEREAS, the Declarant desires to incorporate the property described in Exhibit A attached hereto ("Incorporated Property") into the property subject to the Declaration and thereby also amend Exhibit A to the Declaration.

WHEREAS, the Incorporated Property is contiguous to the Existing Property and within one-half mile of the boundary of the Existing Property; and

WHEREAS, pursuant to Article III, Section 3 of the Declaration, the Declarant shall be entitled to fifty-one percent (51%) of the Total Votes until January 1, 2007; and

Drawn by and mail to:
Susan K. Irvin, Esq.
Kennedy Covington Lobdell & Hickman, L.L.P.
Hearst Tower
214 North Tryon Street, 47th Floor
Charlotte, North Carolina 28202

2070307.D
LIB: CFT

NOW, THEREFORE, pursuant to the provisions of the aforesaid Declaration, Declarant does hereby amend the Declaration to annex the Incorporated Property to the Existing Property which is subject to the Declaration to the end that the Incorporated Property shall be within the scheme of said Declaration and to the further end that all present and future owners of all or any portion of the Incorporated Property shall be subject to the terms and conditions of the aforesaid Declaration and the owners thereof shall have the rights, privileges and obligations therein set out. The Existing Property shall hereafter include all of the property described in Exhibit A hereof.

Terms not defined in this Third Supplemental Declaration shall have the meaning given them as set forth in the Declaration. The Declaration, as amended herein, shall remain in full force and effect.

IN WITNESS WHEREOF, the Declarant has caused this instrument to be duly executed as of the day and year first above written.

UNIVERSITY EAST, LLC
a North Carolina limited liability company

By: Grosland, Inc., its Manager

By: *James E. McField*
Vice President

STATE OF NORTH CAROLINA

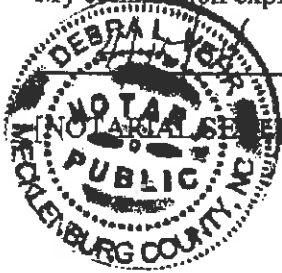
COUNTY OF MECKLENBURG

I, Debra L. Vehr a Notary Public of the County and State aforesaid, certify that James D. Menz personally came before me this day and acknowledged that s/he is Vice President of Crosland, Inc., a North Carolina corporation, Manager of University East, LLC, and that he/she, as Vice President, being authorized to do so, executed the foregoing instrument on behalf of the corporation, as Manager of the limited liability company.

Witness my hand and official seal this 21st day of November, 2002.

Debra L. Vehr
Notary Public

My commission expires:



UNFILED DOCUMENT

EXHIBIT A

1. That certain 0.509 acre tract of land conveyed by Harry K. Beaty and wife, Mary W. Beaty to University East, LLC by deed dated March 30, 2001, recorded March 30, 2001 in Book 12063, Page 831 in the Mecklenburg County Public Registry;
2. That certain 0.496 acre tract of land conveyed by Giovanni Carlos Ulloa and spouse, Kelly Anne Finley, to University East, LLC by deed dated February 8, 2001, recorded March 1, 2001 in Book 11978, Page 298 in the Mecklenburg County Public Registry;
3. That certain 1.528 acre tract of land conveyed by Russell E. Krieder and wife, Terry Kreider to University East, LLC by deed dated February 7, 2001, recorded February 8, 2001 in Book 11919, Page 419 in the Mecklenburg County Public Registry;
4. That certain 0.769 acre tract of land conveyed by Robert Lloyd Myers and Elizabeth S. Myers to University East, LLC by deed dated February 5, 2001, recorded February 6, 2001 in Book 11913, Page 394 in the Mecklenburg County Public Registry;
5. That certain 2.290 acre tract of land conveyed by James C. DeArmon and Sheila U. DeArmon to University East, LLC by deed dated January 30, 2001, recorded January 30, 2001 in Book 11893, Page 867, Mecklenburg County Public Registry; and
6. That certain 22.375 acre tract of land conveyed by D. Larry Crumbley and wife, Donna Lofin Crumbley to University East, LLC by deed dated January 4, 2001, recorded January 5, 2002 in Book 11845, Page 760, Mecklenburg County Public Registry;

LESS AND EXCEPT:

All that certain tract or parcel of land lying in the Crab Orchard Township, Mecklenburg County, North Carolina, and being more particularly described as follows:

To find the TRUE POINT AND PLACE OF BEGINNING commence at a #6 rebar found located on the western corner of property owned by University East, L.L.C. (now or formerly), as described in an instrument recorded in Book 11893 at Page 867 in the Office of the Register of Deeds of Mecklenburg County (the "Registry"), said #6 rebar found also located on the eastern right of way margin of an existing 14' access road (said 14' access road also lying within the 200' railway right of way); thence S 29-46-37 W 104.19 feet to a railroad spike found, said railroad spike found being the TRUE POINT AND PLACE OF BEGINNING, thence running with the southern boundary line of the said University East, LLC property ("University East"), S 59-09-08 E 208.84 feet to a 1" pipe found, thence leaving said southern boundary line of the said University East property and running with the eastern boundary lines of property owned by University East (now or formerly), as described in instruments recorded in (i)

Book 11845 at Page 760 in the Registry, (ii) Book 11919 at Page 419 in the Registry; and (iii) Book 11913 at Page 394 in the Registry, S 29-52-05 W 395.77 feet to a #5 rebar set, thence leaving said eastern boundary lines of the University East properties and running with the northern boundary line of Historic Property, as recorded in Book 4803 at Page 482 in the Registry, N 60-33-23 W 207.59 feet to a #5 rebar found; thence leaving said northern boundary line of Historic property and running within the 14' access road, N 29-41-35 E 400.88 feet to a railroad spike found, said railroad spike found being the TRUE POINT AND PLACE OF BEGINNING, containing approximately 1.094 acres, as shown on a plat of survey entitled "Boundary Survey - 1.904 Acres," dated May 30, 2001, prepared by Joseph E. Whaley, Jr., P.L.S. of Yarbrough-Williams & Houle, Inc., reference to which is hereby made for a more particular description.



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

Filed For Registration: 11/26/2002 10:00 AM
Book: RE 14449 Page: 664-669
Document No.: 2002235825
RESTR 6 PGS \$26.00

Recorder: MARILYN SMITH

State of North Carolina, County of Mecklenburg

The foregoing certificate of DEBRA L VEHR Notary is certified to be correct. This 26TH of November 2002

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



2002235825

UNOFFICIAL COPY OF DOCUMENT