

FOR REGISTRATION
J. David Granberry
REGISTER OF DEEDS
Mecklenburg County, NC
2014 MAR 27 10:53:04 AM
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INSTRUMENT # 2014031544

PHETSL



DRAWN BY & MAIL TO:
CRANFORD, BUCKLEY, SCHULTZE, TOMCHIN, ALLEN & BUIE, P.A.
7257 Pineville-Matthews Road, Suite 2100
Charlotte, North Carolina 28226
ROD Box # 129

STATE OF NORTH CAROLINA)
) FIFTH AMENDMENT TO
) DECLARATION OF EASTOVER MEDICAL
) PARK II CONDOMINIUM
COUNTY OF MECKLENBURG)

THIS FIFTH AMENDMENT OF DECLARATION OF EASTOVER MEDICAL PARK II CONDOMINIUM is made and entered into as of the 28 day of February, 2014, by 2600 EAST SEVENTH STREET, LLC (hereinafter the "Unit Owner"), and is consented to by EASTOVER MEDICAL PARK II CONDOMINIUM ASSOCIATION, INC., a North Carolina non-profit corporation (hereinafter the "Association"); Paula Myers Steele, unmarried; W. Brian O'Malley, LLC, a North Carolina limited liability company; Charlotte Radiology Capital Partners, LLC, a North Carolina limited liability company; Luong-Huy Ngoc Le, DDS, unmarried; CEENTA Fairview Properties, LLC, a North Carolina limited liability company; Cosmetic Surgery Associates, LLC, a North Carolina limited liability company; Arnold I. Snitz and wife, Virginia R. Snitz; and Curtis W. Schupbach and Janet S. Schupbach (hereinafter the "Remaining Unit Owners").

RECITALS:

A. In accordance with Chapter 47A of the North Carolina General Statutes, Declarant submitted certain real property to the provisions of North Carolina Condominium Act as set forth in said Chapter 47A by filing a Declaration of Eastover Medical Park II Condominium recorded in Book 5422 at Page 884 in the Mecklenburg County Public Registry (hereinafter the "Declaration"), said Declaration being amended by that certain First Amendment

to Declaration recorded in Book 5575 at page 449, and further amended by that certain Second Amendment to Declaration recorded in Book 5918 at page 892, and further amended by that certain Third Amendment to Declaration recorded in Book 5959 at page 376, and further amended by that certain Fourth Amendment to Declaration recorded in Book 6139 at page 407, all recorded in the Mecklenburg County Public Registry, as described and designated in the plans thereof recorded in Unit Ownership File 341 (hereinafter the "Amended Declarations").

B. Unit Owner is the owner of one (1) condominium unit in EASTOVER MEDICAL PARK II CONDOMINIUM. Said unit is designated as Unit 2600 in the Plans, and is located in the building known as 2600 East Seventh Street (hereinafter the "Unit").

C. Unit Owner acquired title to the Unit by a deed recorded in Book 9409 at Page 143 of the Mecklenburg County Public Registry.

D. Unit Owner desires to subdivide the Unit into two (2) separate units through the recordation of an amendment to Declaration and Plans and the erection of a common party wall dividing said units.

E. Pursuant to Paragraph 13.4 of the Declaration, all of the Unit Owners must consent to the subdivision of this Unit.

F. The Association, as required by NCGS § 47C-2-113 and the Declaration as amended, joins in the execution of this instrument. All of the Unit Owners of Eastover Medical Park II join in the execution of this instrument.

NOW, THEREFORE, for and in consideration of the Recitals set forth above and other good and valuable consideration, the receipt of which is hereby acknowledged, Unit Owner with the consent of the Association do hereby amend the Declaration and Plans as follows:

1. The unit previously designated as Unit 2600 of EASTOVER MEDICAL PARK II CONDOMINIUM in the Plans, shall hereinafter be designated as Unit 2600A and Unit 2600B of EASTOVER MEDICAL PARK II CONDOMINIUM. Contemporaneously herewith, an amended plan of said units shall be filed in Unit Ownership File No. 341 in the Mecklenburg County Public Registry which correctly shows the location of the party wall dividing said units.

2. All of the parties agree that the percentage ownership interest in and to the Common Elements and Limited Common Elements which had previously been allocated to Unit 2600 shall be divided equally between the two (2) new units in the percentages listed below. It is the intention of all parties not to diminish or affect the percentage ownership interest in and to said Common Elements and Limited Common Elements of any of the other Unit Owners in the Association.

3. Further, the allocation of undivided percentage ownership interests for the subdivided Unit 2600, as previously set forth in the Declaration shall be re-assigned as follows:

A. Unit 2600A 73%

B. Unit 2600B 27%

4. The Association, by and through its duly authorized officer, is signing hereunder to indicate its due participation and approval of the process of this Unit subdivision, as required by NCGS § 47C-2-113 and the Declaration and by this amendment shall cause the Association's records for the Condominium to be updated so as to reflect these changes.

[SIGNATURES APPEAR ON THE FOLLOWING PAGES]

IN WITNESS WHEREOF, the Unit Owner, all of the Remaining Unit Owners, and the Association have hereunto set their hand and seal, the day and year first above written.

UNIT OWNER:

2600 EAST SEVENTH STREET, LLC

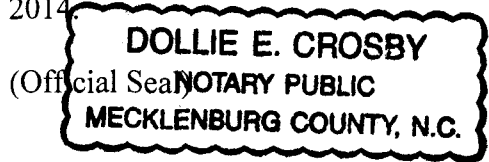
By: *DMS* (SEAL)

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I, *Dollie E. Crosby*, a Notary Public of the County and State aforesaid, do hereby certify that *Ira M. Slomka* personally appeared before me this day and acknowledged that s/he is the Manager of 2600 EAST SEVENTH STREET, LLC, a North Carolina limited liability company, and that the said Manager executed the foregoing instrument on behalf of 2600 EAST SEVENTH STREET, LLC with authority duly given.

Witness my hand and official stamp or seal, this *11th* day of *March*, 2014.



Dollie E. Crosby
Notary Public

My commission expires: *04-24-2016*

ASSOCIATION:

EASTOVER MEDICAL PARK II
CONDOMINIUM ASSOCIATION, INC.

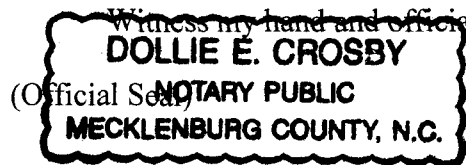
By:  (SEAL)


STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I, Dollie E. Crosby, a Notary Public of the County and State aforesaid, certify that J.M. Slomka personally appeared before me this day and acknowledged that he is _____ President of EASTOVER MEDICAL PARK II CONDOMINIUM ASSOCIATION, INC., a North Carolina non-profit corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by him/her as its _____ President.

Witness my hand and official stamp or seal, this 11th day of March, 2014.




Notary Public

My commission expires: 04-24-2016

REMAINING UNIT OWNERS:

Paula Myers Steele (SEAL)
Paula Myers Steele

STATE OF NORTH CAROLINA

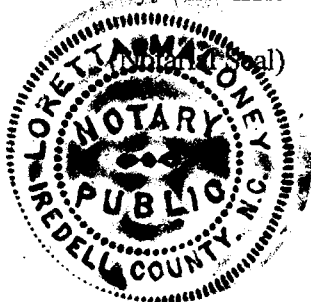
COUNTY OF Iredell

I, Loretta Maloney, a Notary Public of the County and State aforesaid, certify that Paula Myers Steele personally appeared before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my hand and official stamp or seal, this the 28 day of February, 2014.

Loretta Maloney
Notary Public

My commission expires: July 25, 2014



W. BRIAN O'MALLEY, LLC

By: [Signature] (SEAL)
W. Brian O'Malley, Manager

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

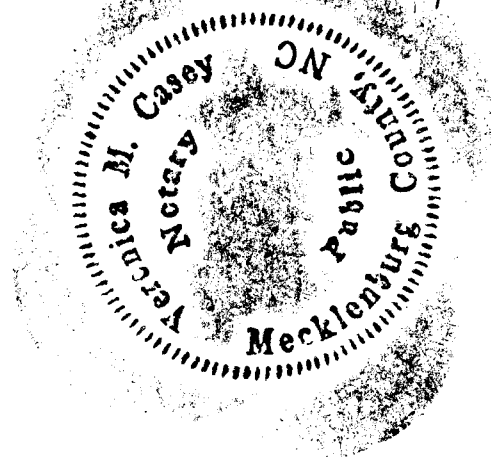
I, Veronica M Casey, a Notary Public of the County and State aforesaid, do hereby certify that W. Brian O'Malley personally appeared before me this day and acknowledged that he is the Manager of W. BRIAN O'MALLEY, LLC, a North Carolina limited liability company, and that the said Manager executed the foregoing instrument on behalf of W. BRIAN O'MALLEY, LLC with authority duly given.

Witness my hand and official stamp or seal, this 4 day of March, 2014.

(Official Seal)

Veronica M Casey
Notary Public Veronica M Casey

My commission expires: Nov. 1, 2017



CHARLOTTE RADIOLOGY CAPITAL PARTNERS, LLC

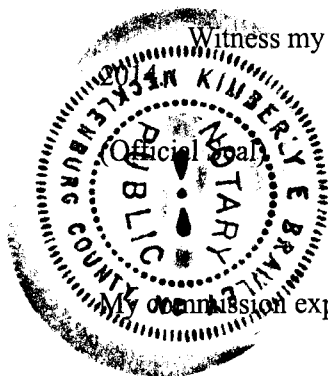
By: [Signature] (SEAL)

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I, Kimberly E. Brawley, a Notary Public of the County and State aforesaid, do hereby certify that Arl Van Moore, Jr. personally appeared before me this day and acknowledged that he is the Manager of CHARLOTTE RADIOLOGY CAPITAL PARTNERS, LLC, a North Carolina limited liability company, and that the said Manager executed the foregoing instrument on behalf of CHARLOTTE RADIOLOGY CAPITAL PARTNERS, LLC with authority duly given.

Witness my hand and official stamp or seal, this 4 day of March.



Kimberly E. Brawley
Notary Public

My commission expires: 6-28-14

Luong-Huy Ngoc Le (SEAL)
Luong-Huy Ngoc Le, DDS

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

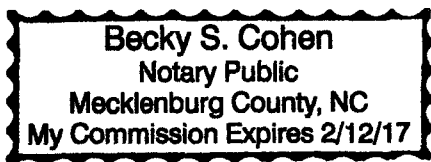
I, *Becky S. Cohen*, a Notary Public of the County and State aforesaid, certify that Luong-Huy Ngoc Le, DDS, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my hand and official stamp or seal, this the *5* day of *March*, 2014.

Becky S. Cohen
Notary Public

My commission expires: *2.12.17*

(Notarial Seal)



CEENTA Fairview Properties, LLC

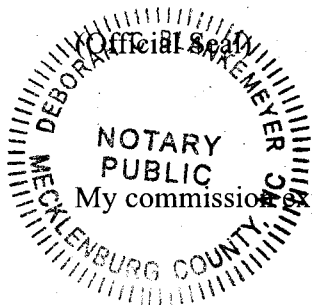
By: [Signature] (SEAL)
_____, Manager

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I, DEBORAH C. Blumhagen, a Notary Public of the County and State aforesaid, do hereby certify that STEVEN GOLD, MD personally appeared before me this day and acknowledged that s/he is the Manager of CEENTA Fairview Properties, LLC, a North Carolina limited liability company, and that the said Manager executed the foregoing instrument on behalf of CEENTA Fairview Properties, LLC with authority duly given.

Witness my hand and official stamp or seal, this 5th day of MARCH, 2014.



My commission expires: July 14, 2014

[Signature]
Notary Public

COSMETIC SURGERY
ASSOCIATES, LLC

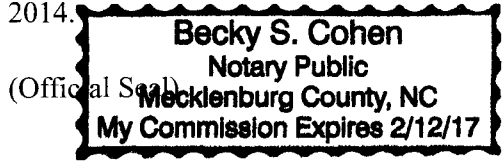
By: [Signature] (SEAL)
Vincent E. Voci, Manager

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I, Becky S. Cohen, a Notary Public of the County and State aforesaid, do hereby certify that Vincent E. Voci personally appeared before me this day and acknowledged that he is the Manager of COSMETIC SURGERY ASSOCIATES, LLC, a North Carolina limited liability company, and that the said Manager executed the foregoing instrument on behalf of COSMETIC SURGERY ASSOCIATES, LLC with authority duly given.

Witness my hand and official stamp or seal, this 4 day of March, 2014.



Becky S. Cohen
Notary Public

My commission expires: 2-12-17

Arnold I. Snitz (SEAL)
Arnold I. Snitz

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

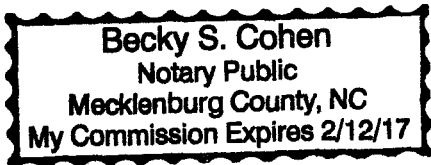
I, Becky S. Cohen, a Notary Public of the County and State aforesaid, certify that Arnold I. Snitz personally appeared before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my hand and official stamp or seal, this the 4 day of March, 2014.

Becky S. Cohen
Notary Public

My commission expires: 2-12-17

(Notarial Seal)



Virginia R. Snitz (SEAL)
Virginia R. Snitz

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

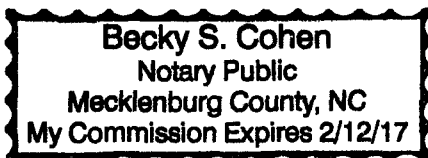
I, Becky S. Cohen, a Notary Public of the County and State aforesaid, certify that Virginia R. Snitz personally appeared before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my hand and official stamp or seal, this the 4 day of March, 2014.

Becky S. Cohen
Notary Public

My commission expires: 2-12-17

(Notarial Seal)



Curtis W. Schupbach (SEAL)
Curtis W. Schupbach

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I, Brian M. Staff, a Notary Public of the County and State aforesaid, certify that Curtis W. Schupbach personally appeared before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my hand and official stamp or seal, this the 3rd day of March, 2014.

Brian M Staff
Notary Public

My commission expires: July 17, 2016

(Notarial Seal)



Janet S. Schupbach (SEAL)
Janet S. Schupbach

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I, Shannon Delahanty, a Notary Public of the County and State aforesaid, certify that Janet S. Schupbach personally appeared before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my hand and official stamp or seal, this the 3 day of March, 2014.

Shannon Delahanty
Notary Public

My commission expires: May 10, 2017

(Notarial Seal)

