

Drawn by and mail to: Tucker, Hicks, Hodge and Cranford, P.A.  
1308 East Fourth Street  
Charlotte, NC 28204

192

UNIT FILE NO. 341 PAGE

NORTH CAROLINA

MECKLENBURG COUNTY

THIRD AMENDMENT TO DECLARATION OF  
EASTOVER MEDICAL PARK II CONDOMINIUM

THIS THIRD AMENDMENT is made and entered into as of this  
31st day of January, 1989 by ELIZABETH SQUARE ASSOCIATES,  
North Carolina limited partnership ("Declarant") and EASTOVER  
MEDICAL PARK II CONDOMINIUM ASSOCIATION, INC., a North Carolina  
non-profit corporation ("Association").

W I T N E S S E T H :

WHEREAS, Declarant has created Eastover Medical Park II  
Condominium (the "Condominium") under the terms of that certain  
Declaration of Eastover Medical Park II Condominium recorded in  
Book 5422, Page 884 of the Mecklenburg County Public Registry,  
said Declaration being amended by that certain First Amendment to  
Declaration of Eastover Medical Park II Condominium recorded in  
Book 5575, Page 449 in the Mecklenburg Public Registry, and  
further amended by that certain Second Amendment to Declaration  
of Eastover Medical Park II Condominium recorded in Book 5918,  
Page 892 in the Mecklenburg Public Registry, as described and  
designated in the plans thereof recorded in Unit Ownership File  
341 (the "Declaration");

WHEREAS, Declarant and Association desire to add the real  
estate and the Unit described in paragraph 1 below, to Phase II  
of the Condominium, together with the Common Elements and Limited  
Common Elements located thereon to the Condominium by appropriate  
amendment to the Declaration;

26.00  
26.00  
26.00

02/03/89

WHEREAS, the Table of Interests attached as Exhibit B to  
First Amendment to the Declaration incorrectly referred to "Unit  
2613-A" instead of "Unit 2614-A" and the Table of Interests  
attached as Exhibit B to the Second Declaration incorrectly  
referred to "Unit 2613-A" and "Unit 2613-B" instead of "Unit  
2614-A" and "Unit 2614-B" and Declarant and Association desire to  
amend the Declaration in order to correctly state the allocated  
interests of each unit;

NOW, THEREFORE, in accordance with Article 6 of the  
Declaration and in accordance with the provisions of Chapter 47C  
of the General Statutes of North Carolina, Declarant and  
Association hereby amend the Declaration as follows:

1. The real estate described in Exhibit A hereto, and  
Unit 2620, Common Elements, and Limited Common Elements located  
thereon as the same are shown and described on the Plats and  
Plans recorded in Unit Ownership File No. 341 are hereby added to  
the Condominium and are hereby made subject to all of the terms,  
conditions and restrictions of the Declaration.

PRESENTED FOR  
REGISTRATION

FEB 3 1989

AT 1:23 P.M.

ANNE A. POWERS  
MECKLENBURG COUNTY, N. C.  
REGISTER OF DEEDS

DEED BOOK PAGE  
5959 0376

PRESENTED FOR  
REGISTRATION  
FEB 3 1989  
AT 1:23 P.M.  
ANNE A. POWERS  
MECKLENBURG COUNTY, N. C.  
REGISTER OF DEEDS

2. The Unit hereby added to the Condominium shall be designated as Unit 2620, as shown and described on the Plats and Plans recorded in Unit Ownership File No. 341.

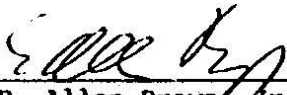
3. Upon the addition of the real estate described on Exhibit A attached hereto, Unit 2620, Common Elements and Limited Common Elements located thereon to the Condominium, the Allocated Interests of each Unit in the Condominium shall be as set forth on Exhibit B attached hereto.

4. Certain record owners of units in the Condominium and certain beneficiaries of deeds of trust encumbering certain units join in the execution of this amendment in order to evidence their consent to this amendment which adds Unit 2620 to the Condominium and which Unit is partially located on an area previously designated as a Common Element on the Plats and Plans, and said Association, owners and beneficiaries do hereby give, grant and convey unto Declarant, its successors and assigns, a perpetual and permanent easement, including the right to rebuild in the case of damage or destruction, for Unit 2620 to be located as shown on the Plats and Plans recorded in Unit Ownership File No. 341 on an area previously designated as a Common Element on the Plats and Plans.

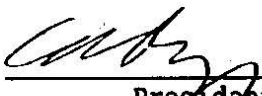
5. Except as hereby amended, the Declaration shall remain in full force and effect. Capitalized terms used in this Amendment shall have the same meaning as set forth in the Declaration.

IN WITNESS WHEREOF, this Amendment has been duly executed with an effective date as set forth above.

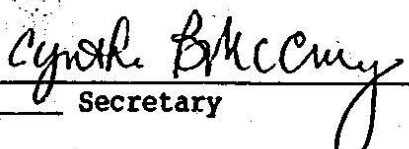
ELIZABETH SQUARE ASSOCIATES, (SEAL)  
a North Carolina limited partnership

By:  (SEAL)  
E. Allen Brown, Jr.,  
General Partner

By: FIRST COLONY CORPORATION,  
General Partner

By:   
President

ATTEST:

  
Secretary



STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I, Cynthia L. Demchak, a notary public of the County and State aforesaid, do hereby certify that E. ALLEN BROWN, JR. personally appeared before me this day and acknowledged that he is a General Partner of ELIZABETH SQUARE ASSOCIATES, a North Carolina limited partnership, and acknowledged the due execution of the foregoing instrument on behalf of said partnership and with authority duly given.

WITNESS my hand and official seal this the 31 day of January, 1989.

[Official Seal]

Cynthia L. Demchak  
Notary Public

My Commission Expires: My Commission Expires September 1, 1992

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

This 31 day of January, 1989 personally appeared before me E. ALLEN BROWN, JR. who, being by me duly sworn, says that he is the \_\_\_\_\_ President of FIRST COLONY CORPORATION which is a general partner of ELIZABETH SQUARE ASSOCIATES, and that the seal affixed to the foregoing instrument in writing is the corporate seal of said Corporation and that said writing was signed and sealed by him, in behalf of said Corporation, by its authority duly given. And the said \_\_\_\_\_ President acknowledged the said writing to be the act and deed of said Corporation.

WITNESS my hand and official seal this the 31 day of January, 1989.

[Official Seal]

Cynthia L. Demchak  
Notary Public

My Commission Expires: My Commission Expires September 1, 1992



DEED BOOK PAGE  
5959 0379

ARNOLD I. SNITZ, M.D., P.A.  
Record Owner of Unit 2755-A

(CORPORATE SEAL)

By: Arnold I. Snitz  
Arnold I. Snitz, President

ATTEST:

Virginia R. Snitz  
Secretary

NORTH CAROLINA

MECKLENBURG COUNTY

This 2 day of February, 1989, personally came before me, Cynthia L. Demchak, a notary public of the County and State, ARNOLD I. SNITZ, M.D., who, being by me duly sworn, says that he is President of the Arnold I. Snitz M.D., P.A. a corporation, and that the seal affixed to the foregoing (or annexed) instrument in writing is the corporate seal of said company, and that said writing was signed and sealed by him in behalf of said corporation by its authority duly given. And the said ARNOLD I. SNITZ, M.D. acknowledged the said writing to be the act and deed of said corporation.

Witness my hand and official seal, this the 2 day of February, 1989.

[Official Seal]

Cynthia L. Demchak  
Notary Public

My Commission Expires: September 1, 1992





DEED BOOK PAGE  
5959 0380

2608 7th STREET ASSOCIATES (SEAL)  
LIMITED PARTNERSHIP, Record Owner  
of Unit 2608

By: [Signature] (SEAL)  
General Partner

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I, Cynthia L. Demchak, a notary public of the  
County and State aforesaid, do hereby certify that E. Allen  
Brown, Jr. personally appeared before me this day and  
acknowledged that he is a General Partner of 2608 7th STREET  
ASSOCIATES LIMITED PARTNERSHIP, a North Carolina limited  
partnership, and acknowledged the due execution of the foregoing  
instrument on behalf of said partnership and with authority duly  
given.

WITNESS my hand and official seal this the 31 day of

January, 1989.

[Official Seal]

Cynthia L. Demchak  
Notary Public

My Commission Expires: My Commission Expires September 1, 1992

DEED BOOK PAGE  
6959 0381

SEVENTH ELIZABETH ASSOCIATES (SEAL)  
LIMITED PARTNERSHIP, Record  
Owner of Unit 2600

By: *E. Allen Brown, Jr.* (SEAL)  
E. Allen Brown, Jr., General Partner

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I, *Cynthia L. Demchak*, a notary public of the  
County and State aforesaid, do hereby certify that E. ALLEN  
BROWN, JR. personally appeared before me this day and  
acknowledged that he is a General Partner of SEVENTH ELIZABETH  
ASSOCIATES LIMITED PARTNERSHIP, a North Carolina limited  
partnership, and acknowledged the due execution of the foregoing  
instrument on behalf of said partnership and with authority duly  
given.

WITNESS my hand and official seal this the 31 day of  
January, 1989.

[Official Seal]

*Cynthia L. Demchak*  
Notary Public

My Commission Expires: September 1, 1992



DEED BOOK PAGE  
6959 0383  
0382



(CORPORATE SEAL)

1ST HOME FEDERAL SAVINGS AND LOAN  
ASSOCIATION OF THE CAROLINAS, F.A.  
Owner and Holder of Deeds of Trust  
Encumbering Units 2600 and 2608

By: Robert L. Kitterman  
Its: Senior Vice President

ATTEST:

Janet M. Murray  
Asst. Secretary

STATE OF NORTH CAROLINA

COUNTY OF ~~MCKENNA~~ GUILFORD

This 1st day of February, 1989 personally appeared before me Robert L. Kitterman who, being by me duly sworn, says that he is the Sr. Vice President of 1ST HOME FEDERAL SAVINGS AND LOAN ASSOCIATION OF THE CAROLINAS, F.A., and that the seal affixed to the foregoing instrument in writing is the corporate seal of said Corporation and that said writing was signed and sealed by him, in behalf of said Corporation, by its authority duly given. And the said Vice President acknowledged the said writing to be the act and deed of said Corporation.

WITNESS my hand and official seal this the 1st day of February, 1989.

NOTARY

(Official Seal)

Notary Public

My Commission Expires: January 22, 1991

DEED BOOK PAGE  
5959 0383

ELIZABETH SQUARE ASSOCIATES, (SEAL)  
A North Carolina limited partnership  
Owner of Units 2755-B and 2620

By: *E. Allen Brown, Jr.*  
E. Allen Brown, Jr., General Partner

By: First Colony Corporation, General  
Partner

By: *Colony*  
Its: \_\_\_\_\_

  
*Cynthia L. Demchak*  
Secretary

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I, *Cynthia L. Demchak*, a notary public of the  
County and State aforesaid, do hereby certify that E. ALLEN  
BROWN, JR. personally appeared before me this day and  
acknowledged that he is a General Partner of ELIZABETH SQUARE  
ASSOCIATES, a North Carolina limited partnership, and  
acknowledged the due execution of the foregoing instrument on  
behalf of said partnership and with authority duly given.

WITNESS my hand and official seal this the 31 day of

*January*, 1989.

(Official Seal)

  
*Cynthia L. Demchak*  
Notary Public

My Commission Expires: My Commission Expires September 1, 1992

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

This 31 day of January, 1989 personally appeared before me E. Allen Brown, Jr. who, being by me duly sworn, says that he is the — President of FIRST COLONY CORPORATION, a general partner of Elizabeth Square Associates, and that the seal affixed to the foregoing instrument in writing is the corporate seal of said Corporation and that said writing was signed and sealed by him, in behalf of said Corporation, by its authority duly given. And the said — President acknowledged the said writing to be the act and deed of said Corporation.

WITNESS my hand and official seal this the 31 day of January, 1989.

[Official Seal]

Cynthia L. Demchak  
Notary Public

My Commission Expires: My Commission Expires September 1, 1992

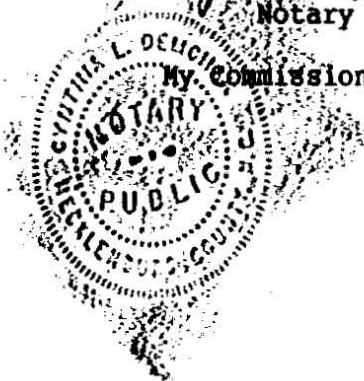




Exhibit A

DEED BOOK PAGE  
5959 0385

Lying and being in Charlotte, Mecklenburg County, North Carolina being more particularly described as follows:

To locate the POINT AND PLACE OF BEGINNING of this description begin at a point located at the southern most corner of that certain tract of land conveyed to B&W by deed recorded in Book 4281 at Page 406 in the Mecklenburg County Public Registry, said point being a common corner with that certain tract of land conveyed to Eastover Manor Ltd. by deed recorded in Book 5155 at Page 58 in the Mecklenburg Public Registry and Phase II of Eastover Medical Park II as the same is shown in Unit Ownership File No. 341 in the Mecklenburg Public Registry and running thence North 14-47-00 East 164.5 feet to the POINT AND PLACE OF BEGINNING OF THIS DESCRIPTION; thence from said beginning point North 14-47-00 East 125 feet to a point; thence South 75-13 East 232.24 feet to a point; thence South 38-37-30 West 136.66 feet to a point; thence North 75-13 West 177 feet to the POINT AND PLACE OF BEGINNING as shown on a survey of Robert E. Rembert, registered surveyor, dated January 18, 1988.

## EXHIBIT B

DEED BOOK PAGE

5959 0386

TABLE OF INTERESTS

| <u>Unit No.</u> | <u>Floor Area</u> | <u>Share of Common Elements</u> | <u>Share of Common Expenses</u> | <u>Vote in the Association</u> |
|-----------------|-------------------|---------------------------------|---------------------------------|--------------------------------|
| 2600            | 15,750            | 15,750/50,564                   | 15,750/50,564                   | 15,750/50,564                  |
| 2608            | 8,255             | 8,255/50,564                    | 8,255/50,564                    | 8,255/50,564                   |
| 2614-A          | 1,364             | 1,364/50,564                    | 1,364/50,564                    | 1,364/50,564                   |
| 2614-B          | 6,490             | 6,490/50,564                    | 6,490/50,564                    | 6,490/50,564                   |
| 2755-A          | 1,785             | 1,785/50,564                    | 1,785/50,564                    | 1,785/50,564                   |
| 2755-B          | 1,515             | 1,515/50,564                    | 1,515/50,564                    | 1,515/50,564                   |
| 2610            | 5,292             | 5,292/50,564                    | 5,292/50,564                    | 5,292/50,564                   |
| 2620            | 10,113            | 10,113/50,564                   | 10,113/50,564                   | 10,113/50,564                  |

EXHIBIT A

DEED BOOK PAGE  
5959 0987

BEGINNING at a point or place of Beginning located as follows:

BEGINNING at a point in the center line of Johnston Oehler Road, State Road 2477, said point being the common front corner between the property of A.O. Wallace as described in a deed recorded in Book 1022 at page 24 in the Mecklenburg Public Registry and the property of the Grantor herein as described in a deed recorded in Book 2627 at page 65 in the Mecklenburg Public Registry and running thence with the common boundary line between the property of Wallace as described above and the property of the Grantor herein N. 2 W. 811.56 feet to a point, the point or place of Beginning. From the point or place of Beginning so located S. 88 W. 306.42 feet to a point; thence N. 2 W. 672.60 feet to a point to Little Stoney Creek; thence with Little Stoney Creek in an easterly direction in two (2) courses and distances as follows: (1) N. 70-15 E. 152 feet and (2) N. 84-15 E. 162 feet to a point in the line of the property of Wallace as described above; thence with the line of the property of Wallace S. 2 E. 729.53 feet to the point or place of Beginning and containing 5.0 acres.

There is included with this conveyance of 20 foot easement described as follows:

BEING a 20 foot strip extending from the center line of Johnston Oehler Road to the southerly boundary of the above-described property, said strip being more particularly described as follows:

BEGINNING at a point in the center line of Johnston Oehler Road, said point being the common front corner between the property of A.O. Wallace (now or formerly) and the property of O.O. Thompson, Sr., (now or formerly) and running thence N. 2 W. 811.56 feet to a point; thence S. 88 W. 20 feet to a point; thence S. 2 E. 811.56 feet to a point in the center line of Johnston Oehler Road; thence with the center line of Johnston Oehler Road in a westerly direction 20 feet to the point or place of Beginning.

All of the above is as shown on that certain survey prepared for O. O. Thompson, Sr. by Bobby J. Raye, Registered Surveyor, and dated January 20, 1989.

DEED BOOK PAGE  
5959 0388

State of North Carolina, County of Mecklenburg

The foregoing certificate(s) of Cynthia L. Demchak  
and Kathy Hooker

a Notar(y) (ies) Public (is) (are) certified to be correct.

This 3rd day of February 19 89.

Anne A. Powers, Register of Deeds

By: *Anne A. Powers* Deputy

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500  
10.00

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