

WAKE COUNTY, NC 70  
LAURA M RIDDICK  
REGISTER OF DEEDS  
PRESENTED & RECORDED ON  
06/17/2014 AT 10:02:29

BOOK:015691 PAGE:01296 - 01300

SPACE ABOVE RESERVED FOR RECORDER'S USE

**This instrument prepared by  
and after recording, return to:**

Duke Realty Corporation  
3715 Davinci Court, Suite 300  
Peachtree Corners, GA 30092  
Attn: Raleigh Market Attorney

**Cross References:**

Book 6659, page 700.  
Book 8155, page 912,  
Register of Deeds, Wake  
County, North Carolina

**SECOND AMENDMENT TO  
AMENDED AND RESTATED DECLARATION**

THIS SECOND AMENDMENT TO AMENDED AND RESTATED DECLARATION (this "Amendment") is made this 22nd day of May, 2014, by **DUKE REALTY LIMITED PARTNERSHIP**, an Indiana limited partnership, doing business in North Carolina as Duke Realty of Indiana Limited Partnership, successor by merger to Weeks Realty, L.P., a Georgia limited partnership ("Declarant") and by **1259 INNOVATION LLC**, a North Carolina limited liability company ("1259 Innovation").

WHEREAS, an Amended and Restated Declaration dated January 31, 1995 was recorded in Book 6659, Page 700, with the Register of Deeds, Wake County, North Carolina, as amended by that certain First Amendment to Amended and Restated Declaration dated September 29, 1998 and recorded in Book 8155, Page 912, with the Register of Deeds, Wake County, North Carolina (as so amended, the "**Declaration**");

WHEREAS, Declarant and 1259 Innovation are the owners of all of the property encumbered by the Declaration;

WHEREAS, Declarant and 1259 Innovation wish to amend the Declaration on the terms hereinafter set forth.

NOW, THEREFORE, the Declaration is hereby amended as follows:

1. Terms. All capitalized terms used herein but undefined shall have the meaning given such term in the Declaration.

2. Storage Tanks. Article V, Paragraph I, of the Declaration is hereby deleted in its entirety and replaced with the following:

"I. Storage Tanks:

No storage tanks shall be permitted on the Property, except as specifically approved by Declarant. Notwithstanding the foregoing, an Owner shall have the right to install, operate and maintain above-ground propane gas storage tanks on its Property in accordance with all federal, state and local laws and regulations so long as such tanks are properly screened so as not to be visible from the Park roadways."

3. Declarant's Address for Notices. Pursuant to the first sentence of Article VIII of the Declaration, Declarant's address for approvals and notices shall be as follows:

Duke Realty Limited Partnership  
c/o Duke Realty Corporation  
3005 Carrington Mill Blvd., Suite 100  
Morrisville, North Carolina 27560

4. Miscellaneous. Except as amended hereby, the Declaration shall be and remain in full force and effect and unchanged, and is hereby reaffirmed. To the extent the terms hereof are inconsistent with the terms of the Declaration, the terms hereof shall control.

(SIGNATURES CONTAINED ON THE FOLLOWING PAGES)



1259 INNOVATION:

1259 INNOVATION LLC,  
a North Carolina limited liability company

By: Pitcairn Company, Manager

By: *William C. McCormick*

Name: William C. McCormick

Title: Executive Vice President



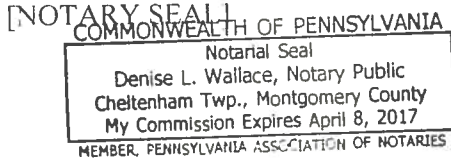
Commonwealth  
STATE OF Pennsylvania )

) ss:

COUNTY OF Montgomery )

I, Denise L. Wallace of Pitcairn Company, Manager, a Notary Public within and for said County and State, do hereby certify that William C. McCormick personally came before me this day and acknowledged that (X)he is the Exec Vice President of 1259 Innovation LLC, a North Carolina limited liability company, and that by authority duly given and as the act of the limited liability company, the foregoing instrument was signed in its name by its Manager, and sealed with its corporate seal.

WITNESS my hand and official seal, this the 22<sup>nd</sup> day of May, 2014.



*Denise L. Wallace*  
Notary Public

My Commission Expires: April 8, 2017

The foregoing Second Amendment to Amended and Restated Declaration is certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

REGISTER OF DEEDS FOR WAKE COUNTY

By: \_\_\_\_\_  
Deputy/Assistant-Register of Deeds



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**Please retain yellow trailer page**

It is part of the recorded document and must be submitted with the original for re-recording.

**Laura M. Riddick  
Register of Deeds**

Wake County Justice Center  
300 South Salisbury Street, Suite 1700  
Raleigh, NC 27601

New Time Stamp

\$25 Non-Standard Fee

Additional Document Fee

Additional Reference Fee

**This Customer Group**

\_\_\_\_\_ # of Time Stamps Needed

**This Document**

5 # of Pages

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