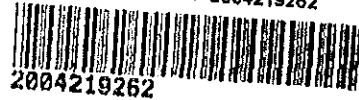


FOR REGISTRATION JUDITH A. GIBSON  
REGISTER OF DEEDS  
MECKLENBURG COUNTY, NC  
2004 OCT 13 02:36 PM  
BK: 17072 PG: 226-231 FEE: \$26.00  
INSTRUMENT # 2004219262



STATE OF NORTH CAROLINA  
COUNTY OF MECKLENBURG

FIRST AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS  
FOR  
MOUNTAIN ISLAND VILLAGE

This First Amendment to Declaration of Protective Covenants for Mountain Island Village (the "First Amendment") is made and executed this 11<sup>th</sup> day of October, 2004, by CROSLAND MIV, LLC, a North Carolina limited liability company, hereinafter called the "Declarant," with reference to the following facts:

RECITALS:

A. Declarant executed and recorded that certain Declaration of Protective Covenants for Mountain Island Village (the "Declaration") which is recorded in Book 13681 at Page 732 in the Mecklenburg County Public Registry.

B. Article IX, Section 3 of the Declaration provides that the Declaration can be amended by an instrument signed by the Owners with at least 51% of the Total Votes and the prior written approval of the Declarant, so long as it owns any portion of the Properties.

C. Pursuant to Article III, Section 3, Declarant is entitled to 51% of the Total Votes of the Association Members until December 31, 2013.

D. That portion of the Properties described on Exhibit A attached hereto and incorporated herein by reference ("Parcels 1 and 2") is isolated from the rest of the Properties, it being separated by Tema Circle. Pursuant to the provisions of Article IX, Section 3 and Article III, Section 3 of the Declaration, Declarant, as the holder of 51% of the Total Votes of the Association Members and the Declarant under the Declaration, desires to amend the Declaration to withdraw Parcels 1 and 2 from the Declaration.

NOW, THEREFORE, the Declarant does hereby amend the Declaration as follows:

*Drawn by mad to Sellers Warehouse Box 91*

1. Pursuant to the provisions of Article IX, Section 3 and Article III, Section 3, Declarant does hereby withdraw Parcels 1 and 2 from the terms, provisions and operation of the Declaration.

2. The legal description set forth in Exhibit A to the Declaration is hereby deleted in full and replaced with the legal description set forth in Exhibit B attached to this First Amendment and incorporated herein.

3. All capitalized terms not otherwise defined in this First Amendment shall have the same meanings as in the Declaration.

4. Declarant hereby certifies that this First Amendment has been correctly adopted in accordance with the provisions of this Declaration.

5. The Declaration shall remain in full force and effect, as amended hereby.

IN WITNESS WHEREOF, the Declarant has caused this First Amendment to be executed by its duly authorized officer, as of the day and year first above written.

CROSLAND MIV, LLC, a North Carolina limited liability company

By: Crosland, Inc., a North Carolina corporation, its Manager

By: James E. Merrifield  
James E. Merrifield, Vice President

STATE OF NORTH CAROLINA

COUNTY OF MECKLENBURG

I, Valarie Gankenbry a Notary Public of the County and State aforesaid, certify that James E. Merrifield personally came before me this day and acknowledged that he is Vice President of Crosland, Inc., a North Carolina corporation, the Manager of Crosland MIV, LLC, a North Carolina limited liability company, and that he, as Vice President, being authorized to do so, executed the foregoing instrument on behalf of Crosland, Inc. acting as Manager of Crosland MIV, LLC.

Witness my hand and official seal, this 11 day of October, 2004.



My commission expires: 09-02-2008

Valarie Gankenbry  
Notary Public

EXHIBIT A

Being all of that certain 1.262 acre parcel described as Parcel 1 on a plat recorded in Map Book 41 at Page 707 (the "Plat") in the Mecklenburg County Registry and all of that certain 1.719 acre parcel described as Parcel 2 on the Plat.

## EXHIBIT B

### **Tract 1**

BEGINNING at a stake in the centerline of NC Highway No. 16, R. S. Latham's corner (now or formerly), and runs thence, N. 87-00 E 345 feet to a stake in the center of Old Rozzelle Ferry Road, Price's corner (now or formerly); thence N 57-00 W 554 feet to an iron in said road; thence S 87-00 W 45 feet to a stake in the center of said NC Highway No. 16; thence S 28-00 E with said Highway, 362 feet to the point and place of BEGINNING, containing 1.3 acres more or less all as shown on survey of F. B. Rankin, LS, dated June 12, 1947.

### **Tract 2**

ALL that tract and parcel of land situate and lying in the City of Charlotte, Township of Paw Creek, Mecklenburg County, North Carolina, more particularly described as follows:

BEGINNING at an iron pin located at the intersection of the northeasterly right of way margin of Tema Circle (said road having a 50 foot wide right of way) with the easterly or northeasterly right of way margin of Rozzelles Ferry Road (said road having a 60 foot wide right of way at said point); and running thence with the northerly right of way margin of Rozzelles Ferry Road, North 26-37-29 West 204.77 feet to an iron pin; thence with the expanded right of way of Rozzelles Ferry Road, North 63-45-56 East 19.99 feet to an iron pin in said right of way; thence continuing with the new right of way of Rozzelles Ferry Road in two calls as follows: (1) North 26-15-59 West 149.98 feet to an iron pin; (2) thence North 16-57-11 West 141.04 feet to an iron pin; thence with the controlled access line of Rozzelles Ferry Road, North 18-26-41 West 100.58 feet to an iron pin; thence continuing with the controlled access of Rozzelles Ferry Road, North 8-21-56 West 179.03 feet to an iron pin; thence North 33-08-27 East 37.51 feet to an iron pin located in the southerly or southwesterly right of way margin of Highway 16; (said road having a 300 foot wide right of way at said point); and running thence with said southerly or southwesterly right of way margin of Highway 16 (and with the controlled access of said road), South 48-00-32 East 225.15 feet to a concrete monument; thence continuing with said southerly right of way margin South 52-17-34 East 199.90 feet to a concrete monument; thence continuing with the southerly right of way margin of Highway 16 (and with said controlled access line) South 47-58-20 East 909.17 feet to a new iron pin in said right of way, said point being also a corner of the N.P. Hester property (reference to Deed Book 5046 at Page 423 in the Mecklenburg County Registry); thence with the N.P. Hester property line, South 39-32-52 West 320.79 feet to an iron pin in the northeasterly right of way margin of Tema Circle (said road having a 50 foot wide right of way); thence with the northeasterly right of way margin of Tema Circle, North 57-49-02 West 682.8 feet to the point and place of Beginning, and containing 9.826 acres, all according to boundary and physical survey of the property dated November 25, 1986, made by R. B. Pharr, North Carolina Registered Surveyor.

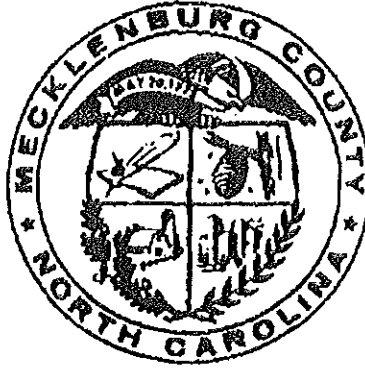
**Tract 3**

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

BEGINNING at a stake in the center line of the Old Rozzells Ferry Road and runs thence with line of said Old Rozzells Ferry Road S. 57 E. 432 feet to a stake; thence S. 87 W. 566 feet to a stake in the center line of the New Rozzells Ferry Road; thence with center line New Rozzells Ferry Road N. 26½ W. 288½ feet, more or less, to a stake in said road; thence N. 87 E. 341½ feet to the BEGINNING, containing 2 ¼ acres, more or less, and being all of the property lying on the east of the center line of the New Rozzells Ferry Road, as now laid out, the same being part of the property conveyed to W. C. Rozzelle by E. T. Rozzelle, et al, by deed recorded in the Mecklenburg Public Registry.

Being in all respects, the same property conveyed to J. E. Price and wife, Mabel R. Price, by deed of W. C. Rozzelle and wife, Emma J. Rozzelle, dated February 17, 1943, and duly recorded in the Mecklenburg Public Registry in Book 1112, Page 358.

LESS AND EXCEPT that certain 1.262 acre parcel described as Parcel 1 on a plat recorded in Map Book 41 at Page 707 (the "Plat") in the Mecklenburg County Registry and that certain 1.719 acre parcel described as Parcel 2 on the Plat.



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

**PLEASE RETAIN YELLOW TRAILER PAGE**

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

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Filed For Registration: 10/13/2004 02:36 PM  
Book: RE 17872 Page: 226-231  
Document No.: 2004219262  
ADMT 6 PGS \$26.00

Recorder: LYVANH PHETSARATH

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State of North Carolina, County of Mecklenburg

The foregoing certificate of VALARIE FAULKENBURY Notary is certified to be correct. This 13TH of October  
2004

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

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2004219262