

For Registration  
 Fredrick Smith  
 Register of Deeds  
 Mecklenburg County, NC  
 Electronically Recorded  
 2022 Apr 20 03:18 PM RE Excise Tax: \$ 0.00  
 Book: 37268 Page: 246 - 256 Fee: \$ 26.00  
 Instrument Number: 2022060832

*Fredrick Smith*

## NINTH MODIFICATION OF DECLARATION OF RESTRICTIVE COVENANTS

**THIS NINTH MODIFICATION OF DECLARATION OF RESTRICTIVE COVENANTS** (“Ninth Modification”) is made as of the 20th day of April, 2022, by **FAISON-ARROWOOD PROPERTIES LIMITED PARTNERSHIP**, a North Carolina limited partnership (“**Declarant**”); **RP4, LLC**, a Florida limited liability company (“**RP4**”); **CCP FOREST PARK, LLC**, a Virginia limited liability company (“**CCP**”); **ONEBLOOD, INC.**, a Florida nonprofit corporation (“**Oneblood**”); **LONGVALLEY II, LLC**, an Illinois limited liability company (“**Longvalley**”); **LESER, LLC**, a North Carolina limited liability company (“**Leser**”); **FOREST PARK V, LLC**, an Alabama limited liability company (“**FP-V**”); **FOREST PARK X, LLC**, an Alabama limited liability company (“**FP-X**”); and **FSP FOREST PARK IV NC LIMITED PARTNERSHIP**, a North Carolina limited partnership (“**FSP-IV**”).

### PRELIMINARY STATEMENT

A. Declarant has previously executed and recorded a Declaration of Restrictive Covenants (as amended, the “**Declaration**”) dated December 6, 1985 and recorded in Book 5141 at Page 927 in the Office of the Register of Deeds for Mecklenburg County, North Carolina (the “**Mecklenburg County Public Registry**”), which Declaration was subsequently amended by a First Modification of Declaration of Restrictive Covenants dated January 1, 1986, and recorded in Book 5162 at Page 397 in the Mecklenburg County Public Registry, a Second Modification of Declaration of Restrictive Covenants dated May 8, 1998, and recorded in Book 9681 at Page 540 in the Mecklenburg County Public Registry, a Third Modification of Declaration of Restrictive Covenants dated November 13, 1998, and recorded in Book 10040 at Page 772 in the Mecklenburg County Public Registry, a Fourth Modification of Declaration of Restrictive Covenants dated July 6, 1999, and recorded in Book 10596 at Page 809 in the Mecklenburg County Public Registry, a Fifth Modification of Declaration of Restrictive Covenants dated October 21, 1999, and recorded in Book 10866 at Page 486 in the Mecklenburg County Public Registry, a Sixth Modification of Declaration of Restrictive Covenants dated June 1, 2010, and recorded in Book 25674 at Page 512 in the Mecklenburg County Public Registry, a Seventh Modification of Declaration of Restrictive Covenants dated June 1, 2010, and recorded in Book 33268 at Page 916 in the Mecklenburg County Public Registry, and an Eighth Modification of Declaration of Restrictive Covenants (“**Eighth Modification**”) dated June 10, 2021, and recorded in Book 36166 at Page 448 in the Mecklenburg County Public Registry. All capitalized terms not otherwise defined in this Ninth Modification shall have the meanings given to them in the Declaration, as previously amended.

Drawn By and Return To:

Robinson, Bradshaw & Hinson, P.A.  
 Attention: Chris Loeb  
 101 N. Tryon Street, Suite 1900  
 Charlotte, NC 28246

Submitted electronically by "Robinson, Bradshaw & Hinson, P.A."  
 in compliance with North Carolina statutes governing recordable documents  
 and the terms of the submitter agreement with the Mecklenburg County Register of Deeds.

B. The Declaration imposes certain conditions and restrictions on the Properties, as defined in the Declaration. The Properties contain a total of 113.991. The Declaration provides that each Class A Member of the Association shall have one vote in the Association for each acre owned in the Properties, plus a fractional vote for each fractional acre. The Class B membership under the Declaration has terminated, so all Members are Class A Members. The total number of votes in the Association held by all Members is 113.991.

C. Declarant owns 29.48 acres of the Properties and holds 29.48 votes in the Association; RP4 owns 7.04 acres of the Properties and holds 7.04 votes in the Association; CCP owns 10.479 acres of the Properties and holds 10.479 votes in the Association, Oneblood owns 6.52 acres of the Properties and holds 6.52 votes in the Association, Longvalley owns 7.76 acres of the Properties and holds 7.76 votes in the Association, Leser owns 10.407 acres of the Properties and holds 10.407 votes in the Association, FP-V owns 9.00 acres of the Properties and holds 9.00 votes in the Association, FP-X owns 9.07 acres of the Properties and holds 9.07 votes in the Association, and FSP-IV owns 7.28 acres of the Properties and holds 7.28 votes in the Association.

D. Section 7 of Article X of the Declaration provides that the Declaration may be amended by an instrument executed by Declarant and Members holding at least two-thirds of the votes in the Association. Declarant, RP4, CCP, Oneblood, Longvalley, Leser, FP-V, FP-X and FSP-IV (collectively the "Parties") hold a total of 97.036 votes in the Association, which is more than two-thirds of the votes in the Association.

E. The Parties wish to amend and modify the Declaration as set forth below.

**NOW, THEREFORE**, in consideration of the premises, the mutual covenants set forth below, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties amend and modify the Declaration as follows.

1. Article VIII, Section 1, on page 7 of the Declaration is amended by replacing the sentence at the end of the first paragraph, added by the Eighth Modification, with the following sentence:

"For purposes of this Section 1 of this Declaration, (i) references to use for warehouse purposes shall be deemed to include ancillary assembly, calibration and product enhancement (including without limitation light painting) in connection with warehouse use, (ii) references to use for warehouse purposes shall be deemed to include small parts fabrication for related products in connection with warehouse use, and (iii) references to use for office, warehouse and restaurant purposes shall be deemed to include ancillary test kitchen, cooking and training in connection with office, warehouse and/or restaurant uses (provided that the area of any test kitchen may not exceed ten percent [10%] of the gross leasable area of the building, provided further that this limitation shall apply only to test kitchens and not kitchens in restaurants or kitchens for employee use); and all such ancillary uses in items (i) – (iii) above shall be permitted uses under this Section 1."

2. Except as expressly amended hereby, the Declaration shall remain in full force and effect and is hereby ratified and confirmed.

[Signatures begin on next page]

IN WITNESS WHEREOF, the Parties have executed this Ninth Modification as of the day and year first above written.

**DECLARANT:**

**FAISON-ARROWOOD PROPERTIES LIMITED PARTNERSHIP**

By: Faison-Charlotte Properties NC, LLLP, a North Carolina limited liability limited partnership, its general partner

By: Faison & Associates, LLC, a North Carolina limited liability company, partner

By: Chris M. Poplin  
Name: Chris M. Poplin  
Title: Vice President

STATE OF NORTH CAROLINA  
COUNTY OF MECKLENBURG

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

(insert name(s) of those signing): CHRIS M. POPLIN

Date: MARCH 22, 2022

Official Signature of Notary: Susan Marie Hopkins  
Notary's printed or typed name: SUSAN MARIE HOPKINS

My commission expires: 4-21-2023



[Signatures continue on next page]

RP4:

RP4, L.L.C.

By: [Signature]  
Name: Richard Travis  
Title: Managing member

STATE OF FLORIDA  
COUNTY OF Duval

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

(insert name(s) of those signing): Richard TRAVIS

Date: 4-4, 2022

Official Signature of Notary:

Notary's printed or typed name: JAMIE

My commission expires: 6/7/2024

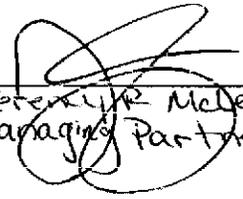
(Official Seal)



[Signatures continue on next page]

CCP:

CCP FOREST PARK, LLC:

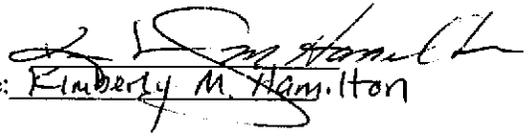
By:   
 Name: Jeremy R. McLendon  
 Title: Managing Partner

STATE OF Virginia  
 COUNTY OF Virginia Beach

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

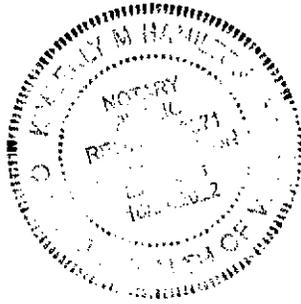
(insert name(s) of those signing): Jeremy R. McLendon

Date: March 22, 2022

Official Signature of Notary:   
 Notary's printed or typed name: Kimberly M. Hamilton

My commission expires: 10-31-2022

(Official Seal)



ONEBLOOD:

ONEBLOOD, INC.

By: [Signature]  
Name: MARTIN GRABBE  
Title: VP, CFO

STATE OF North Carolina  
COUNTY OF Mecklenburg

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

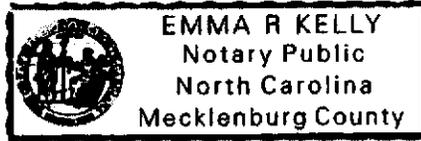
(insert name(s) of those signing): Martin Grabbe

Date: April 12, 2022

Official Signature of Notary: [Signature]  
Notary's printed or typed name: Emma R. Kelly

My commission expires: 5/9/26

(Official Seal)



[signatures continue on next page]

LONGVALLEY:

LONGVALLEY II, LLC

By: KA Hoagland  
Name: Keith A Hoagland  
Title: Managing Member

STATE OF Illinois  
COUNTY OF Cook

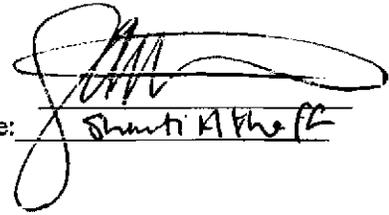
I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

(insert name(s) of those signing): Keith A Hoagland

Date: March 23, 2022

Official Signature of Notary:

Notary's printed or typed name: Shaunti M Althoff



My commission expires: 1/14/24

(Official Seal)



LESER:

LESER, LLC

By: [Signature]  
Name: STEPHEN LESIAK  
Title: PRESIDENT

STATE OF North Carolina  
COUNTY OF Mecklenburg

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

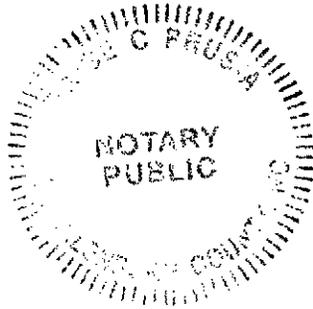
(insert name(s) of those signing): Stephen Lesiak

Date: March 22, 2022

Official Signature of Notary: [Signature]  
Notary's printed or typed name: Paige C Prusia

My commission expires: 9/20/2023

(Official Seal)



FP-V:

FOREST PARK V, LLC

By: The Thompson Development Company, Inc., an  
Alabama corporation, its Manager

By: [Signature]  
Name: C. Greg Cherry  
Title: Vice President - Leasing

STATE OF Alabama  
COUNTY OF Jefferson

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

(insert name(s) of those signing): C. Greg Cherry

Date: March 29, 2022

Official Signature of Notary: [Signature]  
Notary's printed or typed name: VICKI MORGAN MCCLUNG

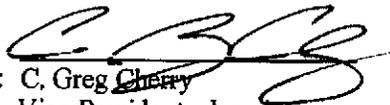
My commission expires: 12/2/2024

(Official Seal)  
VICKI MORGAN MCCLUNG  
Notary Public  
Alabama State at Large  
My Commission Expires Dec. 2, 2024

FP-X:

FOREST PARK X, LLC

By: The Thompson Development Company, Inc., an  
Alabama corporation, its Manager

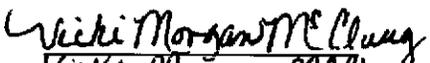
By:   
Name: C. Greg ~~Cherry~~  
Title: Vice President - Leasing

STATE OF Alabama  
COUNTY OF Jackson

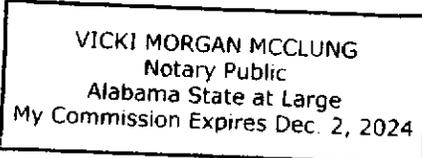
I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

(insert name(s) of those signing): C. Greg Cherry

Date: March 29, 2022

Official Signature of Notary:   
Notary's printed or typed name: Vicki Morgan McClung

My commission expires: 12/2/2024

(Official Seal) 

FSP-IV:

FSP FOREST PARK IV NC LIMITED PARTNERSHIP, a North Carolina limited partnership

BY: FSP Forest Park IV LLC, its General Partner

By: [Signature]  
Name: Jeffrey B. Carter  
Title: President

STATE OF MASSACHUSETTS  
COUNTY OF MIDDLESEX

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

(insert name(s) of those signing): Jeffrey B. Carter

Date: April 13, 2022

Official Signature of Notary: [Signature]  
Notary's printed or typed name: Lara Ryan

My commission expires: April 22 2022

(Official Seal)

