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Drawn by and mail after recording to:
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Charlotte, NC 28204

STATE OF NORTH CAROLINA

COUNTY OF CABARRUS

**FIFTH AMENDMENT TO DECLARATION OF CONDOMINIUM
FOR HARRISBURG TOWN CENTER BUILDING II CONDOMINIUM**

THIS FIFTH AMENDMENT TO DECLARATION OF CONDOMINIUM FOR HARRISBURG TOWN CENTER BUILDING II CONDOMINIUM (this "Amendment") is made as of the 8th day of July, 2020 (the "Effective Date"), by and between **HTC DEVELOPMENT, INC.**, a North Carolina corporation ("Declarant"), and **HARRISBURG TOWN CENTER BUILDING II CONDOMINIUM ASSOCIATION, INC.**, a North Carolina non-profit corporation (referred to as "Association").

RECITALS:

WHEREAS, Declarant, by recordation of that certain Declaration of Condominium for Harrisburg Town Center Building II Condominium recorded in Book 6582, Page 229 of the Cabarrus County Registry, as amended by that certain First Amendment to Declaration of Condominium for Harrisburg Town Center Building II Condominium recorded in Book 12227, Page 291 of the Cabarrus County Registry, as further amended by that certain Second Amendment to Declaration of Condominium for Harrisburg Town Center Building II Condominium recorded in Book 12621, Page 304 of the Cabarrus County Registry, as further amended by that certain Third Amendment to Declaration of Condominium for Harrisburg Town Center Building II Condominium recorded in Book 12785, Page 134 of the Cabarrus County Registry, and as further amended by that certain Fourth Amendment to Declaration of Condominium for Harrisburg Town Center Building II Condominium recorded in Book 13419, Page 114 of the Cabarrus County Registry (as amended, the "Declaration"), established the condominium known as Harrisburg Town Center Building II Condominium (the "Condominium"), which Condominium is shown on the plats and plans of the Condominium recorded in Condominium Book 2, Map 34, Pages 1-5 of the Cabarrus County Registry, Condominium Book 3, Map 14, Pages 1-2, Condominium Book 3, Map 16, Page 1, Condominium Book 3,

Map 17, Page 1, Map Book 39, Page 19, and Condominium Book 3, Map 20, Page 1 (collectively, the “Condominium Plats”).

WHEREAS, the Declarant currently owns fee simple title to Unit Number 202 of the Condominium, as defined in the Declaration and shown on the Condominium Plats (“Unit 202”), which Unit 202 contained approximately 5,280 square feet prior to the Subdivision (defined herein).

WHEREAS, the Declarant also currently owns fee simple title to Unit Number 201 of the Condominium, as defined in the Declaration and shown on Condominium Book 3, Map 17, Page 1, which Unit Number 201 contains approximately 1,374 square feet.

WHEREAS, the Association is charged with the operation and maintenance of the Condominium pursuant to the Declaration and the North Carolina Condominium Act, N.C.G.S. § 47C-1-101 *et seq.* (the “Act”).

WHEREAS, the Declarant and Association desire to amend the Declaration to reflect the fact that the name of Unit Number 201 has been changed to Unit Number 220 (“Unit 220”), as shown on Condominium Book 3, Map 20, Page 1.

WHEREAS, the Declarant applied to the Association to subdivide Unit 202 (the “Subdivision”) in accordance with Section 47C-2-113 of the Act and Section 4.5 of the Declaration to create a new Unit Number 201 containing approximately 879 square feet (“New Unit 201”, and, together with Units 202 and 220, collectively referred to herein as the “Units”). The Subdivision is shown on the plat plans attached hereto as Exhibit A and incorporated herein by this reference (the “Subdivision Plats”).

WHEREAS, the Association has approved the Subdivision, as well as the reallocation of the allocated interests of the Common Elements and Common Expenses between the Units, as set forth below.

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

1. The Recitals above are hereby incorporated into this Amendment. Capitalized terms used but not defined herein shall have the meanings given them in the Declaration.

2. The name of Unit Number 201 is hereby changed to Unit Number 220. For avoidance of any doubt, the Unit of the Condominium which contains approximately 1,374 square feet and was previously designated as Unit 201 shall hereinafter be referred to as Unit 220.

2. Unit 202 is hereby subdivided as shown on the Subdivision Plats. As a result of the Subdivision, New Unit 201 has been created, and the reallocation of the shares of the Common Elements applicable to such Units, as set forth in Exhibit B of the Declaration, is hereby amended as follows:

Unit Number	Square Feet	Allocated Interest of Whole
202	4,401	17.41%
201	879	3.48%
220	1,374	5.40%

3. Declarant and Association hereby certify that the Subdivision has been accomplished in compliance with the Act and Section 4.5 of the Declaration.


4. Except as specifically amended herein, the remaining provisions of the Declaration shall continue in full force and effect. If there is any conflict between this Amendment and the Declaration, this Amendment shall control. Except where the context otherwise requires, all references in this Amendment to the Declaration shall be deemed to include the provisions of this Amendment. The terms and provisions of this Amendment shall be binding upon and shall inure to the benefit of the parties hereto, their respective successors, heirs and assigns, if any. This Amendment may be executed in counterparts and/or with counterpart signature pages, all of which together shall constitute a single agreement. Electronic facsimiles of signatures shall be acceptable and binding upon the parties hereto.

[SIGNATURES APPEAR ON FOLLOWING PAGE(S)]

IN WITNESS WHEREOF, the Declarant and Association have caused this Amendment to be executed and delivered as of the day and year first above written.

DECLARANT:

HTC DEVELOPMENT, INC.,
a North Carolina corporation

By: 
Mark Swartz, Vice President

STATE OF NORTH CAROLINA

COUNTY OF Mecklenburg

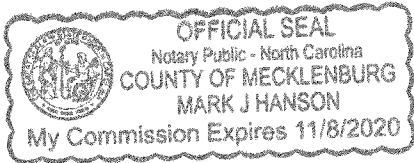
I, the undersigned, a Notary Public of the County and the State aforesaid, certify that Mark Swartz, personally appeared before me this day and acknowledged that he is the Vice President of HTC Development, Inc., a North Carolina corporation, and that by authority duly given and as the act of the corporation, he executed the foregoing instrument.

Witness my hand and official seal, this the 8th day of July, 2020.


Notary Public

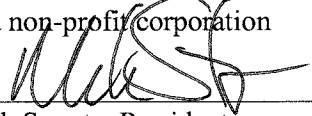
Mark J. Hanson
Print Name

My commission expires: 11/8/20



ASSOCIATION:

**HARRISBURG TOWN CENTER BUILDING II
CONDOMINIUM ASSOCIATION, INC.**, a North
Carolina non-profit corporation

By: 
Mark Swartz, President

STATE OF NORTH CAROLINA

COUNTY OF Mecklenburg

I, the undersigned, a Notary Public of the County and the State aforesaid, certify that Mark Swartz, personally appeared before me this day and acknowledged that he is the President of Harrisburg Town Center Building II Condominium Association, Inc., a North Carolina non-profit corporation, and that by authority duly given and as the act of the corporation, he executed the foregoing instrument.

Witness my hand and official seal, this the 8th day of July, 2020.


Notary Public

Mark J. Hanson
Print Name

My commission expires: 11/8/2020



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Exhibit A
Subdivision Plats

[see attached]

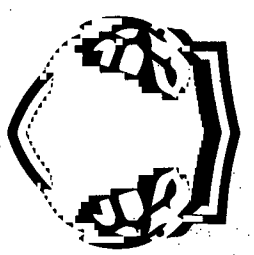
HARRISBURG TOWN CENTER BUILDING II CONDOMINIUM PLAT PLANS

(EXTERNAL PLAT IS RECORDED IN Condo Bk 3, MAP 30, AT PAGE 1)

FILED
COUNTY NC
WAYNE NIXON
REGISTER
OF DEEDS

FILED
JUL 06, 2020 11:02 am
BOOK 340020
PAGE 0001 TRSU 0001
INSTRUMENT # 21300
EXCISE TAX \$0.00

Condo Book 3 Map Book 30 Page 1



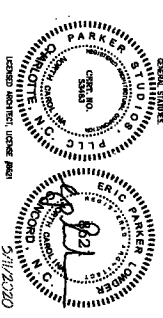
1300 Mint Street, Suite 110
Charlotte, NC 28203
980-819-0416
STATE OF NORTH CAROLINA
COUNTY OF CLAYTON

CERTIFICATION

I, **ERIC P. PARKER**, Licensed Architect, declare that I am the author of the above plat and that I am a duly licensed architect in the State of North Carolina.

I, **ERIC P. PARKER**, Licensed Architect, declare that I am the author of the above plat and that I am a duly licensed architect in the State of North Carolina.

I, **ERIC P. PARKER**, Licensed Architect, declare that I am the author of the above plat and that I am a duly licensed architect in the State of North Carolina.



STATE OF NORTH CAROLINA
COUNTY OF WECOUNTY

NOTARY PUBLIC
AT COMMISSION EXPIRES

ZONING DISTRICT: Harrisburg, NC
PURPOSE OF PLAT: FOR CONVEYANCE
PURPOSE ONLY
**SECOND FLOOR
PLAN**

A-2

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Unit Areas

UNIT 101	4,240 SQ. FT. = 16.6%
UNIT 103	2,147 SQ. FT. = 8.5%
UNIT 105	3,287 SQ. FT. = 12.9%
UNIT 107	2,319 SQ. FT. = 9.2%
UNIT 109	1,321 SQ. FT. = 5.2%
UNIT 201	879 SQ. FT. = 3.5%
UNIT 202	4,200 SQ. FT. = 16.6%
UNIT 207	3,788 SQ. FT. = 14.9%
UNIT 213	918 SQ. FT. = 3.7%
UNIT 215	856 SQ. FT. = 3.3%
UNIT 220	1,374 SQ. FT. = 5.4%
Units Total	25,274 SQ. FT. = 100%

LIMITED COMMON AREA
(Includes stairwells, corridor
core toilets, elect room, elevators)
1,989 SQ. FT.
(UNITS 201, 202, 207, 211, 213, 220)

LIMITED COMMON AREA
1st Floor
Total
169 SQ. FT.
169 SQ. FT.

LIMITED COMMON AREA
220 SQ. FT.
(UNITS 201, 203, 207)

ELECT. RM
LIMITED COMMON AREA
148 SQ. FT. (UNITS 201, 202)
(207, 211, 213, 220)

LIMITED COMMON AREA
9 SQ. FT. (UNIT 109 chase)

UNIT 201
879 SQ. FT.

UNIT 202
1,138 SQ. FT.

UNIT 207
3,788 SQ. FT.

LIMITED COMMON AREA
25 SQ. FT. (UNIT 107 chase)

LIMITED COMMON AREA
75 SQ. FT. (UNIT 105 chase)

LIMITED COMMON AREA
355 SQ. FT.
(UNIT 207 balcony)

UNIT 202
3,062 SQ. FT.

LIMITED COMMON AREA
45 SQ. FT. (UNIT 101 chase)

UNIT 220
1,374 SQ. FT.

LIMITED COMMON AREA
9 SQ. FT. (UNIT 103 chase)

UNIT 213
856 SQ. FT.

UNIT 211
918 SQ. FT.