

BK012310PG01253

WAKE COUNTY, NC 257
LAURA M RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
12/14/2006 AT 11:22:22

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**FIRST AMENDMENT TO DECLARATION
FOR GROVE BARTON PLACE CONDOMINIUM
(Condominium File No. 360)**

Prepared by and Return To:
ROD O'DONOGHUE, JR., P.A., Attorney at Law
1120 SE Cary Parkway, Suite 201
Cary, NC 27511

STATE OF NORTH CAROLINA

COUNTY OF WAKE

THIS FIRST AMENDMENT TO DECLARATION ("Amendment") is made this 14th day of December, 2006, by **GROVE BARTON PARTNERS, LLC**, a North Carolina limited liability company (the "Declarant")

WITNESSETH:

WHEREAS, the Declarant did make, declare and establish the Grove Barton Place Condominium (the "Condominium") by recording in the Office of the Register of Deeds of Wake County, North Carolina (the "Wake County Registry"), the Declaration of Condominium For Grove Barton Place Condominium in Book 11132, Page 919 (the "Declaration"); and

WHEREAS, pursuant to Article V of the Declaration, the Declarant reserved the rights to construct additional Buildings, subdivide the Land Unit into Developed Units, to create and add Units to the Condominium, to establish additional Common Elements, and to designate additional Limited Common Elements; and

WHEREAS, in accordance with the Declaration and the provisions of Chapter 47C of the North Carolina General Statutes, entitled the "North Carolina Condominium Act", the Declarant wishes to subdivide the Land Unit and create new Developed Units as more particularly described in this Amendment; and

WHEREAS, the Declarant desires to create, to add to and to bring within the Condominium, and to make subject to the Declaration, the Developed Units in the Building located at 3811 Lunceston Way as more particularly described in this Amendment; and

WHEREAS, the Declarant desires to amend the Declaration in order to effect the establishment of additional Condominium Common Elements, the designation of additional Limited Condominium Common Elements, and the creation and addition of new Developed Units.

NOW, THEREFORE, in consideration of these premises and of the terms and conditions of this Amendment and of the Declaration, and of other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the Declarant, for and on behalf of itself and its heirs, successors and assign, declares that the Property and the Developed Units previously created, the new Building that has been constructed, and the Developed Units created by this Amendment shall be held, sold and conveyed subject to the easements, restrictions, covenants, uses, limitations and obligations of the Declaration and this Amendment in furtherance of a plan for the division of the Property (as defined in the Declaration) into condominium units, all of which shall be deemed to run with the land and to be binding on all parties having any right, title, or interest in the Property or any part thereof, their heirs, successors and assigns, and to that end the Declarant amends the Declaration as follows:

1. Subdivision of Land Unit #1/Creation of New Developed Units/Common Elements.

The Land Unit identified as Land Unit #1 on that plat recorded in Condominium Map Book CM 2004, Page 360 A1, in the Wake County Registry, is subdivided into 28 Developed Units (the "New Developed Units"), as more particularly shown and described on those plats and plans (the "New Developed Units Plans") recorded in Condominium Map Book CM 2004, Pages 360 B6 through 360 C ~~8~~, inclusive, in the Wake County Registry. As a result of the subdivision by this Amendment, the New Developed Units and Common Elements described in Section 2 below are created and added to the Condominium and Land Unit #1 shall not longer exist and will be replaced by the New Developed Units and Common Elements described in Section 2 below.

2. Description of New Developed Units/Common Elements.

A. Each of the New Developed Units is identified on the New Developed Unit Plans and on Exhibit "B" attached to this Amendment, including the unit designation numbers and Allocated Interests of each New Developed Unit. The precise location and the dimensions of each of the New Developed Units are shown on the New Developed Unit Plans.

B. The Common Elements created include all of Land Unit #1 other than the portions of Land Unit #1 comprising the New Developed Units. This Amendment shall convert to Common Elements all portions of Land Unit #1, if any, located outside the boundaries of the New Developed Units. Limited Common Elements are created and the New Developed Units to which such Limited Common Elements are reserved or allocated are as follows:

A deck or patio located adjacent to a New Developed Unit is allocated exclusively for the use of such New Developed Unit.

3. Reallocation of Allocated Interests. As a result of the creation of the New Developed Units under this Amendment, and in accordance with the Declaration and the provisions of Chapter 47C of the North Carolina General Statutes, the Allocated Interests appurtenant to the Units of the Condominium are reallocated as set forth on Exhibit "B" attached to this Amendment. The Declaration is amended by deleting the previous Exhibit B of the Declaration and by substituting the Exhibit "B" attached to this Amendment in its place.

4. Incorporation By Reference. The Declaration, the Exhibits attached to this Amendment, and the New Unit Plans are incorporated by reference as if fully set forth herein. The definitions of the Declaration shall have the same meaning in this Amendment unless a different meaning is clearly indicated.

5. Binding Effect. The terms, easements, covenants, conditions, restrictions and reservations of the Declaration, as amended by this Amendment, shall run with the Property and shall be binding on all parties having or acquiring any right, title or interest in the Property or any part of the Property, their heirs, successors, successors-in-title and assigns, and shall inure to the benefit of each Owner thereof.

[The rest of this page is left blank. Signatures are on the following page.]

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

DECLARANT:

GROVE BARTON PARTNERS, LLC,
a N.C. limited liability company (SEAL)

By: *[Signature]* (SEAL)
Tyler B. Morris, Manager

STATE OF NORTH CAROLINA

COUNTY OF Wake

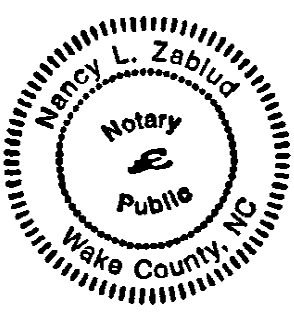
I, the undersigned Notary Public of the County and State aforesaid, do hereby certify that **TYLER B. MORRIS**, personally came before me this day, and

I have personal knowledge of the identity of such person, or
I have seen satisfactory evidence of such person's identity, by a current state or federal identification with the person's photograph in the form of a license, or
A credible witness has sworn to the identity of such person,
[cross out identity information that does not apply]

and that such person acknowledged to me that he is Manager of **GROVE BARTON PARTNERS, LLC**, a North Carolina limited liability company, and that he voluntarily signed the foregoing document, for the purpose stated therein, for and on behalf of said limited liability company as its Manager.

WITNESS my hand and official seal, this the 14th day of December, 2006.

(SEAL-STAMP)



[Signature]
Notary Public
My Commission expires: My Commission Expires 12-28-2008.

EXHIBIT "B"

GROVE BARTON PLACE CONDOMINIUM

SCHEDULE OF UNIT INFORMATION

<u>DEVELOPED</u>		<u>LIABILITY SHARE</u>	<u>UNDIVIDED INTEREST</u>
<u>UNIT NO.</u>	<u>VOTES</u>	<u>OF COMMON EXPENSES</u>	<u>IN COMMON ELEMENTS</u>

Building 1 (3810 Lunceston Way):

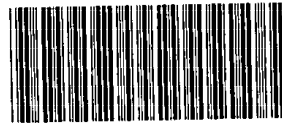
1-101	1	1/52nd	1/52nd
1-102	1	1/52nd	1/52nd
1-103	1	1/52nd	1/52nd
1-104	1	1/52nd	1/52nd
1-105	1	1/52nd	1/52nd
1-106	1	1/52nd	1/52nd
1-107	1	1/52nd	1/52nd
1-108	1	1/52nd	1/52nd
1-201	1	1/52nd	1/52nd
1-202	1	1/52nd	1/52nd
1-203	1	1/52nd	1/52nd
1-204	1	1/52nd	1/52nd
1-205	1	1/52nd	1/52nd
1-206	1	1/52nd	1/52nd
1-207	1	1/52nd	1/52nd
1-208	1	1/52nd	1/52nd
1-301	1	1/52nd	1/52nd
1-302	1	1/52nd	1/52nd
1-303	1	1/52nd	1/52nd
1-304	1	1/52nd	1/52nd
1-305	1	1/52nd	1/52nd
1-306	1	1/52nd	1/52nd
1-307	1	1/52nd	1/52nd
1-308	1	1/52nd	1/52nd

[Exhibit B continued on following page.]

EXHIBIT "B" (Continued)

SCHEDULE OF UNIT INFORMATION

<u>DEVELOPED UNIT NO.</u>	<u>VOTES</u>	<u>LIABILITY SHARE OF COMMON EXPENSES</u>	<u>UNDIVIDED INTEREST IN COMMON ELEMENTS</u>
Building 2 (3811 Lunceston Way):			
2-001	1	1/52nd	1/52nd
2-002	1	1/52nd	1/52nd
2-003	1	1/52nd	1/52nd
2-004	1	1/52nd	1/52nd
2-101	1	1/52nd	1/52nd
2-102	1	1/52nd	1/52nd
2-103	1	1/52nd	1/52nd
2-104	1	1/52nd	1/52nd
2-105	1	1/52nd	1/52nd
2-106	1	1/52nd	1/52nd
2-107	1	1/52nd	1/52nd
2-108	1	1/52nd	1/52nd
2-201	1	1/52nd	1/52nd
2-202	1	1/52nd	1/52nd
2-203	1	1/52nd	1/52nd
2-204	1	1/52nd	1/52nd
2-205	1	1/52nd	1/52nd
2-206	1	1/52nd	1/52nd
2-207	1	1/52nd	1/52nd
2-208	1	1/52nd	1/52nd
2-301	1	1/52nd	1/52nd
2-302	1	1/52nd	1/52nd
2-303	1	1/52nd	1/52nd
2-304	1	1/52nd	1/52nd
2-305	1	1/52nd	1/52nd
2-306	1	1/52nd	1/52nd
2-307	1	1/52nd	1/52nd
2-308	<u>1</u>	<u>1/52nd</u>	<u>1/52nd</u>
TOTALS	52	1	1



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**Yellow probate sheet is a vital part of your recorded document.
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**Wake County Register of Deeds
Laura M. Riddick
Register of Deeds**

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