

BK013706PG01670

WAKE COUNTY, NC 371  
LAURA M RIDDICK  
REGISTER OF DEEDS  
PRESENTED & RECORDED ON  
09/24/2009 AT 16:37:01

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Prepared by and return to:

Robert Charles Lawson, Esq.  
Wyrick Robbins Yates & Ponton LLP  
4101 Lake Boone Trail, Suite 300  
Raleigh, North Carolina 27607

FIRST AMENDMENT TO  
DECLARATION OF CONDOMINIUM  
FOR  
HIGH HOUSE OFFICE CENTER CONDOMINIUMS

FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM  
FOR HIGH HOUSE OFFICE CENTER CONDOMINIUMS

This FIRST AMENDMENT TO DECLARATION ("First Amendment") effective on this 24th day of September, 2009, by High House Office Center Associates LLC, a North Carolina limited liability company ("Declarant") and SunTrust Bank ("SunTrust").

**RECITALS:**

WHEREAS, Declarant filed a Declaration of Condominium for High House Office Center Condominiums recorded on July 2, 2008, in Book 13165, Page 2211, Wake County Registry ("Original Declaration") (the Original Declaration and this First Amendment are collectively referred to as the "Declaration");

WHEREAS, SunTrust is a holder of a security interest in the Property (as defined in the Original Declaration and as described in Exhibit A attached hereto) by virtue of a Deed of Trust recorded in Book 12626, Page 1396, Wake County Registry, North Carolina, ("Deed of Trust"), together with any other documents evidencing, securing or in any manner, relating to the indebtedness evidenced or secured by the Deed of Trust (all such documents are collectively referred to herein as the "SunTrust Security Documents");

WHEREAS, SunTrust desires to consent to the terms of this First Amendment and to subordinate the lien of the SunTrust Security Documents and by execution of this First Amendment does hereby subordinate the lien of the SunTrust Security Documents and any amendments or modifications thereto, to the Declaration.

WHEREAS, Declarant has the authority to amend the Declaration pursuant to Part II, Article I, Section 10(c) and 10(f) of the Original Declaration.

WHEREAS, Declarant desires to alter the size of certain Units and to reallocate the Allocated Interest among the Units, and Declarant desires to file amended Plats and Plans amending the Plats and Plans recorded in CM2008, Condominium File 484, Page A1 through Page A5, Wake County Registry.

NOW, THEREFORE, Declarant declares that all of the Property, together with the alterations described herein, shall be held, sold, transferred, conveyed, occupied and used subject to the Declaration, which shall run with the land and be binding on all parties having any right, title or interest in the Property or any part thereof, their heirs, successors and assigns. The defined terms set out in this First Amendment shall have the same meanings as defined in the Original Declaration, unless otherwise defined in this First Amendment. The recitals set out above are adopted by the parties and incorporated as terms of this First Amendment.

1. The Declarant hereby (a) alters the size and configuration of Unit 120 situated in Building A, 401 High House Road and (b) alters the size and configuration of Unit 130 situated in Building A, 401 High House Road, as such Units are described in the amended Table of

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Allocated Interest, attached hereto as Exhibit B and amended Plans recorded in Book CM2008, Condominium File 484, Page A6, in the Wake County Registry and incorporated herein by reference. Units 120 and 130 are located on the Property with a street address of 401 High House Road, Cary, NC 27513.

2. Exhibit B, attached hereto, hereby replaces and supercedes the previous table of allocated interests attached to the Original Declaration as Exhibit C.

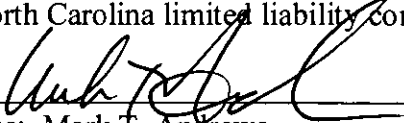
3. Except as amended herein, the Original Declaration shall remain in full force and effect.

**[The remainder of this page is intentionally left blank.  
The following pages are the signature pages.]**

Declarant Signature and Notary Page

IN WITNESS WHEREOF, Declarant has caused this First Amendment, effective the date first above written, to be executed in its name by its duly authorized manager.

High House Office Center Associates, LLC,  
a North Carolina limited liability company

By:   
Name: Mark T. Andrews  
Title: Manager

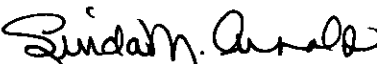
STATE OF NORTH CAROLINA  
COUNTY OF WAKE

I certify that the following person personally appeared before me this day, acknowledging to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Mark T. Andrews, Manager of High House Office Center Associates, LLC, a North Carolina limited liability company.

Date: 9/23, 2009



(Official Seal)

  
Linda M. Arnold  
Notary Printed Name  
My Commission Expires: \_\_\_\_\_

SunTrust Signature and Notary Page

IN WITNESS WHEREOF, SunTrust has executed this First Amendment effective the date first above written to acknowledge its consent hereto and for the purpose of subordinating the lien of the SunTrust Security Documents hereto.

SunTrust Bank

By: Robert L. Brady Jr  
Name: Robert L. Brady Jr.  
Title: EVP

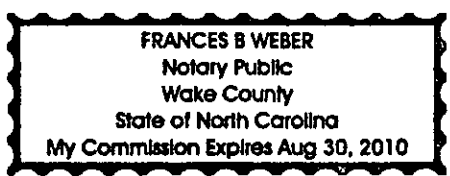
STATE OF NORTH CAROLINA  
COUNTY OF WAKE

I certify that the following person personally appeared before me this day, acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Robert L. Brady, Jr.,  
EVP of SunTrust Bank.

Date: Sept 24, 2009

Frances B Weber  
Notary Public  
FRANCES B Weber  
Notary Printed Name

My Commission Expires: 8-30-10



**EXHIBIT A**

**PROPERTY DESCRIPTION**

All of that parcel of land containing 2.495 acres as set forth and described on survey dated October 14, 2005 entitled "Topographic and Boundary Survey for Hi-Ho Associates Limited Partnership, a North Carolina Limited Partnership, Cary Township, Wake County, North Carolina" prepared by Smith and Smith Surveyors, more particularly described as follows:

BEGINNING at an Iron Pipe, said point being the Southwest corner of the Good Shepherd United Church of Christ property as described in Deed Book 8860, Page 1709, Wake County Registry; thence starting as a curve to the right with a radius of 805.00 feet and a chord bearing of N 34°32'25" West a chord distance of 359.93 feet to an Iron Pipe Set; thence S 86°59'59" E 30.28 feet to an Existing Iron Pipe; thence N 00°58'10" E a distance of 411.42 feet to an Existing Iron Pipe, said point being the Northeast corner of the property of the Masonic Home for Children at Oxford, Inc., as recorded in Estate File 99-E-986; thence S 86°32'32" E 180.17 feet to an Existing Iron Pipe, said point being the Northwest corner of the Alexander Chiamonti and Susan Chiamonti property as shown on map recorded in Book 1980, Page 680, Wake County Registry; thence S 01°02'24" W a distance of 329.52 feet to an Existing Iron Pipe; thence S 01°05'37" W, a distance of 365.99 feet to the point and place of BEGINNING.

TOGETHER WITH AND SUBJECT TO the terms and conditions of that Joint Driveway and Cross Access Easement dated May 2, 2005, and recorded in Book 12626, Page 1371, Wake County Registry.

**EXHIBIT B**  
**TABLE OF ALLOCATED INTERESTS**

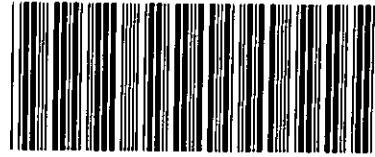
**BUILDING A: 401 High House Road**

<u>Unit Number</u>	<u>Gross Rentable SF</u>	<u>Percentage Share</u>
Unit 110	2,130	13.19%
Unit 120	2,438	15.11%
Unit 130	1,374	8.51%
Unit 140	<u>2,130</u>	<u>13.19%</u>
Subtotal	8,072	50.00%

**BUILDING C: 1100 NW Maynard Road**

<u>Unit Number</u>	<u>Gross Rentable SF</u>	<u>Percentage Share</u>
Unit 110	2,130	13.19%
Unit 120	1,906	11.81%
Unit 130	1,906	11.81%
Unit 140	<u>2,130</u>	<u>13.19%</u>
Subtotal	8,072	50.00%

<b>TOTAL</b>	<b><u>16,144</u></b>	<b><u>100.00%</u></b>
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**Wake County Register of Deeds  
Laura M. Riddick  
Register of Deeds**

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