

BK014752PG01581

WAKE COUNTY, NC 341  
LAURA M RIDDICK  
REGISTER OF DEEDS  
PRESENTED & RECORDED ON  
05/02/2012 AT 14:33:34

BOOK:014752 PAGE:01581 - 01588

Prepared by and return to:

William L. Kimmey, Jr., Esq.  
Wyrick Robbins Yates & Ponton LLP  
4101 Lake Boone Trail, Suite 300  
Raleigh, North Carolina 27607

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

Plans filed in Condominium Map Book 2008, Condominium File 484

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

This Fifth Amendment to Declaration of Condominium for High House Office Center Condominiums ("Fifth Amendment") effective on this 12 day of April, 2012, by High House Office Center Associates LLC ("Declarant"), and Southern Community Bank and Trust ("Southern Community").

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"), as amended by that First Amendment to Declaration of Condominium recorded on September 24, 2009, in Book 13706, Page 1670, Wake County Registry ("First Amendment"), as amended by that Second Amendment to Declaration of Condominium recorded on February 22, 2010, in Book 13857, Page 2455, Wake County Registry ("Second Amendment"), as amended by that Third Amendment to Declaration of Condominium recorded on May 20, 2010, in Book 13945, Page 1824, Wake County Registry ("Third Amendment"), and as further amended by that Fourth Amendment to Declaration of Condominium recorded on November 17, 2010, in Book 14160, Page 263, Wake County Registry ("Fourth Amendment"), (the Original Declaration, the First Amendment, the Second Amendment, the Third Amendment, the Fourth Amendment, and this Fifth Amendment are collectively referred to as the "Declaration").

WHEREAS, Southern Community 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 13982, Page 2274, 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 "Southern Community Security Documents").

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

WHEREAS, Pursuant to Part II, Article I, Section 11 of the Declaration, Declarant desires to expand the Condominium to include an additional Phase, designated "Phase 2" and consisting of one (1) building ("Building B") that will contain no more than eight (8) Units.

WHEREAS, Declarant desires to file amendments to the Plats and Plans recorded in CM2008, Condominium File 484, Page A1 through Page A9, Wake County Registry ("Plans") to depict Building B and new Unit 110 and Unit 120 located therein.

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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 Fifth Amendment shall have the same meanings as defined in the Original Declaration, unless otherwise defined in this Fifth Amendment. The recitals set out above are adopted by the parties and incorporated as terms of this Fifth Amendment.

1. Pursuant to Part II, Article I, Section 11 of the Declaration, Declarant hereby establishes Phase 2 of the Condominium within the Property, consisting of one (1) building designated as Building B that may contain a maximum of eight (8) Units, each of which are designated for separate ownership. The street address for Building B shall be 1150 NW Maynard Road, Cary, NC 27513.

2. Pursuant to Part II, Article I, Section 11 of the Declaration, Declarant hereby creates Unit 110 and Unit 120 in Building B of the Condominium.

3. Declarant hereby amends the Plans to depict Building B, Unit 110 and Unit 120 by recording new plats and plans in CM2008, Condominium File 484, Page B1-B3, Wake County Registry.

4. Exhibit B, attached hereto, hereby replaces and supersedes all previous tables of allocated interests attached to the Original Declaration as Exhibit C (as amended).

5. All capitalized terms used but not defined herein shall have the meanings set forth in the Declaration.

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

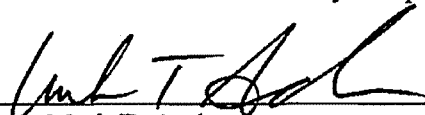
**[The signature pages follow.]**

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Declarant Signature and Notary Page

IN WITNESS WHEREOF, Declarant has caused this Fifth 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

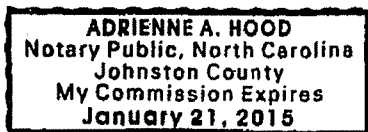
I certify that the following person personally appeared before me this day, acknowledging to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Mark T. Andrews, Manager of High House Office Center Associates, LLC.

Date: April 10, 2012

  
Adrienne A. Hood  
Notary Printed Name

My Commission Expires: 1-21-2015

(Official Seal)



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Southern Community Signature and Notary Page

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

Southern Community Bank and Trust

By: A. Steele Hall  
Name: A. Steele Hall  
Title: Vice President

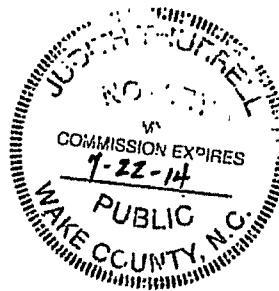
STATE OF NORTH CAROLINA  
COUNTY OF WAKE

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: A. STEELE HALL  
VICE PRESIDENT of Southern Community Bank and Trust.

Date 4-12-2012, 2012

Judith Thurrell  
Notary Public  
JUDITH THURRELL  
Notary Printed Name

My Commission Expires: 7-22-14



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**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 Chiaramonti and Susan Chiaramonti 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.

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**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	8.80%
Unit 120	2,438	10.06%
Unit 130	1,374	5.67%
Unit 140	<u>2,130</u>	<u>8.80%</u>
Subtotal	8,072	33.33%

**BUILDING B: 1150 NW Maynard Road**

<u>Unit Number</u>	<u>Gross Rentable SF</u>	<u>Percentage Share</u>
Unit 110	2,130	8.80%
Unit 120	<u>5,942</u>	<u>24.54%</u>
Subtotal	8,072	33.34%

**BUILDING C: 1100 NW Maynard Road**

<u>Unit Number</u>	<u>Gross Rentable SF</u>	<u>Percentage Share</u>
Unit 110	2,130	8.80%
Unit 120	2,856	11.79%
Unit 130	1,072*	4.42%
Unit 140	<u>2,014**</u>	<u>8.32%</u>
Subtotal	8,072	33.33%
<b>TOTAL</b>	<b><u>24,216</u></b>	<b><u>100.00%</u></b>

\* Unit 130 is 1,050 gross rentable square feet, plus 22 gross rentable square feet to reflect a one-half undivided interest in the Building C Vestibule.

\*\* Unit 140 is 1,992 gross rentable square feet, plus 22 gross rentable square feet to reflect a one-half undivided interest in the Building C Vestibule.

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**Wake County Register of Deeds  
Laura M. Riddick  
Register of Deeds**

**This Customer Group**  
\_\_\_\_\_ # of Time Stamps Needed

**This Document**  
\_\_\_\_\_ New Time Stamp  
\_\_\_\_\_ # of Pages

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WAKE COUNTY, NC 348  
LIQUID N. RIDGEC  
REGISTERED OF DEEDS  
PRESENTED & RECORDED ON  
03/22/2012 AT 14:33:34

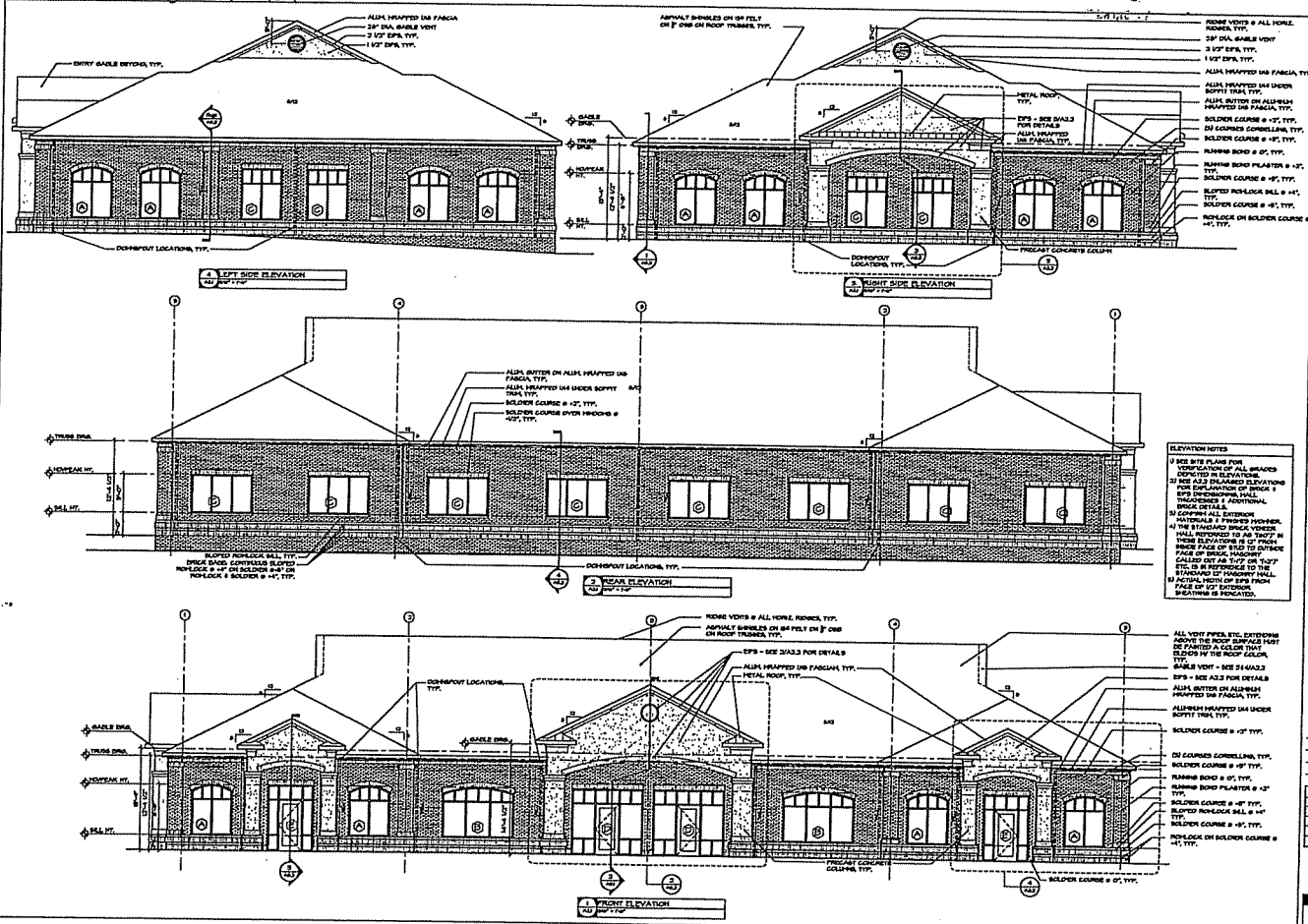
I, Daniel B. Maurer, do hereby certify that the above and foregoing is a true and correct copy of the original as the same appears on file in my office. My commission expires March 3, 2014.



North Carolina  
Notary Public  
I, Daniel B. Maurer, do hereby certify that the above and foregoing is a true and correct copy of the original as the same appears on file in my office. My commission expires March 3, 2014.



BKCM 2008 PG 4483 B3



BUILDING BY:  
High House Office Center  
Condominiums  
1150 NW MAYNARD ROAD  
CARY, NC

MAURER ARCHITECTURE  
226 EAST MARTIN STREET, RALEIGH, NC 27601  
TEL. 919-852-8699 FAX: 919-852-8692

ELEVATIONS

DATE	12/21/10
DR.	DB, TW
CHK.	DSM
FIELD #	10120
REVISIONS	DATE

A2.1