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FILED
CUMBERLAND COUNTY NC
J. LEE WARREN, JR.
REGISTER OF DEEDS
FILED Sep 21, 2010
AT 03:43:00 pm
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START PAGE 0007
END PAGE 0013
INSTRUMENT # 30399
RECORDING \$32.00
EXCISE TAX (None)
KSJ

Prepared By and Return To:
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**SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM
FOR 300 HAY STREET CONDOMINIUM**

**THIS SECOND AMENDMENT TO DECLARATION OF
CONDOMINIUM FOR 300 HAY STREET CONDOMINIUM** (this "Amendment")
is made and entered into as of the date set forth in the below notary acknowledgment by
300 BLOCK INVESTORS, LLC, a North Carolina limited liability company (the
"Declarant").

WITNESSETH:

WHEREAS, the Declarant previously executed that certain Declaration of
Condominium for 300 Hay Street Condominium (the "Condominium") which was
recorded in Book 8125, Page 710, with First Amendment recorded in Book 8176, Page
275, all Cumberland County, NC Registry (collectively, the "Declaration");

WHEREAS, the Declaration subjected the Building, as well as the Building's
first-floor, second-floor, and third-floor Units (and first-floor Garage Units), all as more
particularly described therein, to condominium ownership under the provisions of
Chapter 47C of the General Statutes of North Carolina;

WHEREAS, the Declarant desires to execute this Amendment to
incorporate the Building's final top floor Units as "phase three" of the Condominium
("Phase 3") pursuant to its rights under the Declaration, as set forth herein.

NOW, THEREFORE, pursuant to its rights under Article IV of the Declaration,
as well as pursuant to authority contained elsewhere in the Declaration, and for and in
consideration of the covenants herein contained and other good and valuable
consideration, the receipt and sufficiency of which are hereby acknowledged, the

Declarant hereby amends the Declaration as follows:

1. The Declarant hereby submits the property and all improvements located thereon as described in Exhibit A attached hereto and incorporated herein by reference to condominium ownership under the provisions of Chapter 47C of the General Statutes of North Carolina, as the final Phase 3 of the Condominium.

Phase 3 consists of four (4) Residential Units, which are two-level penthouse units, located on the fourth and fifth floors of the Building;

2. The Declarant hereby revises the Percentage Interest in the Common Elements appurtenant to each Unit as shown on Exhibit E attached hereto and incorporated herein by reference. Said Exhibit E shall replace the original "Exhibit E" of the Declaration;
3. With respect to the Limited Common Elements appurtenant Units 401, 402, 403, and 404, respectively, which are specifically labeled as "Roof Deck" areas on the plats referenced on Exhibit A attached hereto, it is noted that Owner of any such Unit shall not be exclusively responsible for the expense of removing/ replacing the pavers (or other finished surfaces) located thereon, in the event of any roof-related repair/ replacement that benefits the larger Condominium building; rather, in such event, all Unit Owners within the Condominium builder shall be assessed on a prorated basis in accordance with Article XXIV of the Declaration;
4. With respect to Units 401, 402, 403, and 404 only, the definition of "Unit" is hereby modified to add that all finished (and unfinished) flooring and ceiling areas between the first level and the second level of said Units 401, 402, 403, and 404, as well as all structural load-bearing columns and/ or supports, shall not be considered part of the Unit, but shall instead be considered Limited Common Elements;
5. Except as specifically amended herein, the Declaration remains unchanged and in full force and effect, and the Declarant by its execution hereof, hereby ratifies, affirms and approves the Declaration, as specifically amended hereby. All capitalized terms that are not specifically defined herein shall have the meanings attributed to them in the Declaration.

[The Remainder of This Page Intentionally Left Blank]

IN WITNESS WHEREOF, the undersigned has executed this Amendment as of the day and year set forth in the below notary acknowledgment.

DECLARANT:

300 BLOCK INVESTORS, LLC

By: *Thomas L. Bradford*

Print Name: THOMAS L. BRADFORD

Title: Member/ Manager

STATE OF NORTH CAROLINA

COUNTY OF Cumberland

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: Thomas L. Bradford as Member/ Manager of 300 BLOCK INVESTORS, LLC, a North Carolina limited liability company.

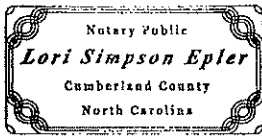
Date: Sept. 21, 2010

Official Signature of Notary: *Lori Simpson Epler*

Notary's Printed Name: LORI SIMPSON EPLER

My commission expires: 11-14-2014

[Affix Notary Seal or Stamp]



(N.P. SEAL)

EXHIBIT A

Those certain plats entitled "300 Hay Street Condominium - Fourth Floor", said plats having been duly recorded in Condominium Plat Book 8, Pages 74 through 75, Cumberland County, NC Registry.

It is noted that the above-referenced plats comprise the certified, as-built drawings for the four (4) Residential Units located within Phase 3 of the Condominium; and it is noted that said four (4) Residential Units are penthouse units that are each comprised of two (2) levels.

EXHIBIT E

(Revised Percentage Interest in the Common Elements)

Phase 1

<u>Unit Number</u>	<u>Heated Square Footage**</u>	<u>Percentage Interest in Common Elements</u>
101	2110	4.761%
102	560	1.263%
103	448	1.010%
104	914	2.062%
105	630	1.421%
106	1072	2.418%
201	1779	4.014%
202	1790	4.039%
203	1596	3.601%
204	1705	3.847%
205	890	2.008%
206	841	1.897%
207	1161	2.619%
208	1129	2.547%

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Phase 2

<u>Unit Number</u>	<u>Heated Square Footage**</u>	<u>Percentage Interest in Common Elements</u>
301	1773	4.000%
302	1782	4.021%
303	1567	3.535%
304	1722	3.885%
305	895	2.019%
306	825	1.861%
307	1138	2.567%
308	1137	2.565%

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Phase 3

<u>Unit Number</u>	<u>Heated Square Footage**</u>	<u>Percentage Interest in Common Elements</u>
401	3,456	7.798%
402	3,520	7.942%
403	4,776	10.777%
404	<u>5,100</u>	<u>11.508%</u>
<u>TOTAL:</u>	44,316	100%

**It is noted that the "gross" square footages of the Units (as referenced in Article XXIV, Section A of the Declaration) are available upon request of the Association.
