

39352

RECEIVED

9-6-2002 AM 8:51:9

GEORGE E. TATUM
REGISTER OF DEEDS
CUMBERLAND CO., N.C.

Addition of phase
5

Prepared By and Return To:
L. Holden Reaves
Smith, Dickey, Smith, Hasty & Dempster, P.A.
P.O. Box 58209
Fayetteville, NC 28305

**FOURTH AMENDMENT TO DECLARATION
OF HUFF BUILT OFFICE CONDOMINIUMS**

WHEREAS, Breezewood Associates, LLC, a North Carolina limited liability company, H&H Investments, Inc., a North Carolina corporation, Ralph Huff Family Limited Partnership, a North Carolina limited partnership, and Breezewood Six, LLC, a North Carolina limited liability company, as Declarants and Co-Declarants (collectively, "Declarants") under the terms of that certain Declaration of Condominium of Huff Built Condominiums, recorded in Book 5226, Page 281, Cumberland County Registry, as subsequently amended by first amendment recorded in Book 5615, Page 344 and re-recorded in Book 5720, Page 773; second amendment recorded in Book 5615, Page 341 and re-recorded in Book 5720, Page 802 and third amendment recorded in Book 5720, Page 812, aforesaid Registry (as amended, the "Declaration"), desire to amend the Declaration to add additional real estate pursuant to Section 4.1 thereof.

NOW, THEREFORE, the Declarants do hereby amend the Declaration as follows:

1. The additional real property, together with improvements known and described as "Huff Built Office Condominiums, Phase Five" shall be and are hereby subjected to the terms of the Declaration. Phase Five consists of approximately 0.721 acres located in Cross Creek Township, Cumberland County, North Carolina, together with a two-story office condominium building located thereon, as more specifically described in Exhibit A attached hereto and incorporated herein by reference.
2. The condominium plat or plan for Phase Five prepared in accordance with N.C.G.S. 47C-2-109 that describes the condominium units, common areas and limited common areas is described in Exhibit B attached hereto and incorporated herein by reference.

3. Exhibit "C" to the Declaration, entitled "Percentage Interest of Common Area, Common Expenses and Votes" is amended to incorporate Phase Five by substituting in its place the new Exhibit C attached hereto and incorporated herein by reference.
4. Except as specifically amended, all terms and provisions of the Declaration shall remain in full force and effect.

[The Remainder of This Page Intentionally Left Blank]

IN WITNESS WHEREOF, the undersigned have caused this Fourth Amendment to Declaration to be executed by the appropriate members, partners and/or officers as of this 19th day of August, 2002.

BREEZEWOOD ASSOCIATES, LLC

By: [Signature]
D. Ralph Huff, Member/Manager

By: [Signature]
W. Lyndo Tipton, Member/Manager

By: [Signature]
Harold D. Tyndall, Member/Manager

H&H INVESTMENTS, INC.

By: [Signature]
D. Ralph Huff, President

RALPH HUFF FAMILY LIMITED PARTNERSHIP

By: [Signature]
D. Ralph Huff, General Partner

BREEZEWOOD SIX, LLC

By: [Signature]
D. Ralph Huff, Member/Manager

By: [Signature]
Thomas Bradford, Member/Manager

By: [Signature]
Harold D. Tyndall, Member/Manager

EXHIBIT A

Being all of that 0.721 acre tract of land described as Lot 1 as shown on that certain plat entitled "Future Phases Huff Built Office Condominiums" recorded in Map Book 5, Page 146 in the Cumberland County Register of Deeds, and being more particularly described as follows:

Beginning at an existing iron at the intersection of southern right-of-way of Breezewood Avenue (40 feet right-of-way) with the eastern right-of-way of Marlborough Road (40 feet right-of-way) and running with said right-of-way of Breezewood Avenue North 81 degrees 45 minutes 00 seconds East, 325.78 feet to an existing iron;

Thence leaving said right-of-way and running South 08 degrees 15 minutes 00 seconds East, 155.21 feet to an existing concrete monument in the northern right-of-way of the A&R Railroad (80 feet right-of-way);

Thence with said railroad right-of-way North 78 degrees 28 minutes 57 seconds West, 346.13 feet to an existing concrete monument where said railroad right-of-way intersects the aforementioned right-of-way of Marlborough Road;

Thence with said Marlborough right-of-way North 08 degrees 19 minutes 04 seconds West, 38.15 feet to the beginning.

And being subject to any and all easements of record.

EXHIBIT B

The condominium plan recorded in Condominium Plat Book 6, Pages ~~30~~ - ~~32~~ through _____, Cumberland County Registry, is incorporated herein by reference.

EXHIBIT C

**Percentage Interest in Common Area, Common Expenses and Votes in
Huff Built Office Condominiums**

PHASE ONE – Cain Road

<u>Unit No.*</u>	<u>Fair Market Value</u>	<u>Percent Interest</u>
100	\$145,700	2.71
101	\$35,300	0.66
102	\$52,500	0.98
103	\$35,700	0.66
200	\$77,800	1.45
Reserved for Future Units	\$190,300**	3.54

PHASE TWO – Pamelee Drive

<u>Unit No.*</u>	<u>Fair Market Value</u>	<u>Percent Interest</u>
100	\$232,750	4.33
101	\$111,750	2.08
Reserved for Future Units	\$344,500**	6.41

PHASE FOUR – Ramsey Street

<u>Unit No.*</u>	<u>Fair Market Value</u>	<u>Percent Interest</u>
100	\$293,000	5.45
101	\$177,680	3.31
102	\$117,600	2.19
103	\$71,200	1.32
201	\$253,650	4.72
202	\$413,270	7.67

PHASE FIVE* – 2939 Breezewood Ave.**

<u>Unit No.*</u>	<u>Fair Market Value</u>	<u>Percent Interest</u>
100	\$285,200	5.31
101	\$262,300	4.88
102	\$76,500	1.42
200	\$681,800	12.68

PHASE SIX – Breezewood 6, Breezewood Ave.

<u>Unit No. *</u>	<u>Fair Market Value</u>	<u>Percent Interest</u>
100	\$155,000	2.88
101	\$155,000	2.88
102	\$77,300	1.44
103	\$300,000	5.58
200	\$438,000	8.15
201	\$392,150	7.30

*The Units are sometimes referred to as Suites and the terms "Units" and "Suites" have synonymous meanings for purposes of this Declaration and this Condominium.

**Declarant reserves the right to adjust and allocate the fair market value of any Unit as constructed consistent with the terms of this Declaration and applicable law.

***Phase Five incorporates on this Exhibit C the same unit numbers, fair market values and percent interests that were referenced previously as being within "Phase Three". "Phase Three" has not been incorporated into the Declaration and reference thereto is hereby deleted.

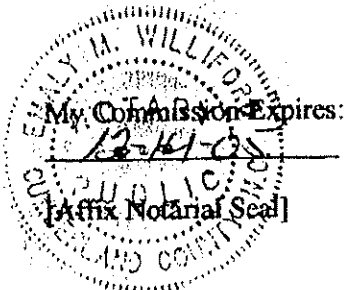
STATE OF NORTH CAROLINA

COUNTY OF Cumberland

I, Emily M. Willis Notary Public, do hereby certify that **D. Ralph Huff**, as a member/manager of Breezewood Associates, LLC, a North Carolina limited liability company, personally appeared before me this day and acknowledged that he is a member/manger of said limited liability company and that by authority duly given, and as the act of the limited liability company, the foregoing instrument was signed in its name by such person.

WITNESS my hand and official seal or stamp, this the 29 day of August, 2002.

Emily M. Willis
Notary Public



STATE OF NORTH CAROLINA

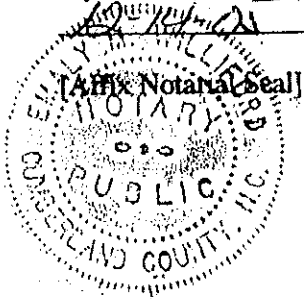
COUNTY OF Cumberland

I, Emily M. Willis Notary Public, do hereby certify that **W. Lyndo Tippett**, as a member/manager of Breezewood Associates, LLC, a North Carolina limited liability company, personally appeared before me this day and acknowledged that he is a member/manager of said limited liability company and that by authority duly given, and as the act of the limited liability company, the foregoing instrument was signed in its name by such person.

WITNESS my hand and official seal or stamp, this the 29 day of August, 2002.

Emily M. Willis
Notary Public

My Commission Expires:



STATE OF NORTH CAROLINA

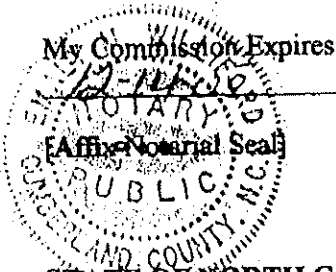
COUNTY OF Lincolnton

I, Emaly M. Williford a Notary Public, do hereby certify that **Harold D. Tyndall** as a member/manager of Breezewood Associates, LLC, a North Carolina limited liability company, personally appeared before me this day and acknowledged that he is a member/manger of said limited liability company and that by authority duly given, and as the act of the limited liability company, the foregoing instrument was signed in its name by such person.

WITNESS my hand and official seal or stamp, this the 29 day of August, 2002.

Emaly M. Williford
Notary Public

My Commission Expires:



STATE OF NORTH CAROLINA

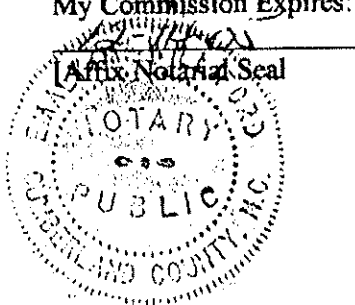
COUNTY OF Lincolnton

I, Emaly M. Williford a Notary Public of said County and State, do hereby certify that **D. Ralph Huff** personally appeared before me this day and acknowledged that he is the President of H&H Investments, Inc., a North Carolina corporation, and that by authority duly given, and as the act of said corporation, said person executed the foregoing instrument on behalf of said corporation.

WITNESS my hand and official seal or stamp, this the 29 day of August, 2002.

Emaly M. Williford
Notary Public

My Commission Expires:



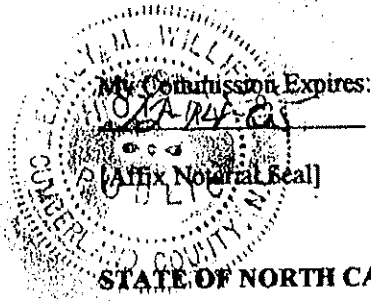
STATE OF NORTH CAROLINA

COUNTY OF Cumberland

I, Emily M. Williford a Notary Public of said County and State, do hereby certify that **D. Ralph Huff** personally appeared before me this day and acknowledged that he is the general partner of Ralph Huff Family Limited Partnership, a North Carolina limited partnership, and that by authority duly given, and as the act of said limited partnership, the foregoing instrument was signed in its name by said person.

WITNESS my hand and official seal or stamp, this the 29 day of August, 2002.

Emily M. Williford
Notary Public



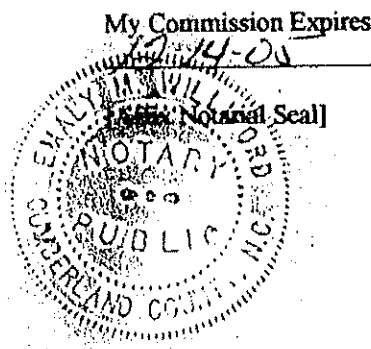
STATE OF NORTH CAROLINA

COUNTY OF Cumberland

I, Emily M. Williford Notary Public, do hereby certify that **D. Ralph Huff**, as a member/manager of Breezewood Six, LLC, a North Carolina limited liability company, personally appeared before me this day and acknowledged that he is a member/manger of said limited liability company and that by authority duly given, and as the act of the limited liability company, the foregoing instrument was signed in its name by such person.

WITNESS my hand and official seal or stamp, this the 29 day of August, 2002.

Emily M. Williford
Notary Public



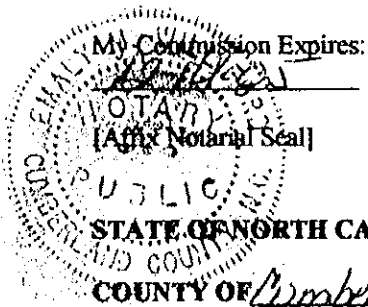
STATE OF NORTH CAROLINA

COUNTY OF Cumberland

I, Emily M. Williford Notary Public, do hereby certify that **Thomas Bradford** as a member/manager of Breezewood Six, LLC, a North Carolina limited liability company, personally appeared before me this day and acknowledged that he is a member/manager of said limited liability company and that by authority duly given, and as the act of the limited liability company, the foregoing instrument was signed in its name by such person.

WITNESS my hand and official seal or stamp, this the 29 day of August, 2002.

Emily M. Williford
Notary Public



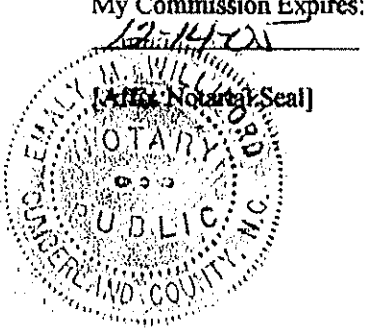
STATE OF NORTH CAROLINA

COUNTY OF Cumberland

I, Emily M. Williford Notary Public, do hereby certify that **Harold D. Tyndal** as a member/manager of Breezewood Six, LLC, a North Carolina limited liability company, personally appeared before me this day and acknowledged that he is a member/manager of said limited liability company and that by authority duly given, and as the act of the limited liability company, the foregoing instrument was signed in its name by such person.

WITNESS my hand and official seal or stamp, this the 29 day of August, 2002.

Emily M. Williford
Notary Public



The foregoing Certificate(s) of Emily M. Williford

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

by Robin Jones GEORGE E. TATUM REGISTER OF DEEDS FOR CUMBERLAND COUNTY, Deputy/Assistant - Register of Deeds