

WAKE COUNTY, NC 40
TAMMY L. BRUNNER
REGISTER OF DEEDS
PRESENTED & RECORDED ON
09/11/2023 11:15:40

BOOK:019430 PAGE:00327 - 00336

Prepared by and Mail after recording to:
Burns, Day & Presnell, P. A.
P. O. Box 10867
Raleigh, NC 27605
(Fill in Plat recording Page 4)

**FIRST SUPPLEMENTAL DECLARATION OF CONDOMINIUM
FOR FRANKLIN PARK CONDOMINIUMS OF CARPENTER VILLAGE**

This **FIRST SUPPLEMENTAL DECLARATION OF CONDOMINIUM FOR FRANKLIN PARK CONDOMINIUMS OF CARPENTER VILLAGE** (hereinafter referred to as the "First Supplemental Declaration") is made and entered into this the 18th day of July, 2023 by **H&H Constructors, Inc.** (hereinafter referred to as the "Declarant") and Franklin Park, LLC ("FPLLC").

WITNESSETH

WHEREAS, Declarant and Franklin Park, LLC ("FPLLC") executed and recorded that certain **DECLARATION OF CONDOMINIUM FOR FRANKLIN PARK CONDOMINIUMS OF CARPENTER VILLAGE** in Book 019285, Page 01245 in the Office of the Register of Deeds of Wake County (the "Declaration") on Lot A1-R, Franklin Park of Carpenter Village as shown on plat recorded in Book of Maps 2017, Pages 1407-1408, Wake County Registry, as revised in Book of Maps 2023, Page 227, Wake County Registry; and

WHEREAS, the Declaration and certain plat(s) and plan(s) are more fully shown and described in Condo Maps 2023, Pages 13-17, Wake County Registry; and

WHEREAS, pursuant to Section 6.1 of the Declaration, Declarant reserved the right to annex Future Land; to create new Residential Units and Suites, and to create new Common Elements and Limited Common Elements; and

WHEREAS, Declarant desires to annex all of Lot A2, Franklin Park of Carpenter Village as shown on plat recorded in Book of Maps 2017, Pages 1407-1408, Wake County Registry ("Lot A2") and the Building thereon, with an address of 1200 Gathering Park Place,

Cary North Carolina 27519, into the Franklin Park Condominiums of Carpenter Village Condominium Regime to create new eight (8) Residential Units and six (6) Suites, and to create new Common Elements and Limited Common Elements under its rights under the Declaration; and

WHEREAS the Declarant desires to amend the Declaration to correct the reference to Suite 101 in Exhibit B to Suite 100 and to adjust and reallocate the Common Element Interests appurtenant to the Units as a result of the annexation of Lot A2 into the Franklin Park Condominiums of Carpenter Village Condominium Regime; and

WHEREAS, the Declarant is authorized and empowered by the Declaration to amend it to annex Lot A2 into the Franklin Park Condominiums of Carpenter Village Condominium Regime and to adjust and reallocate the Common Element Interests appurtenant to each Unit in the Franklin Park Condominiums of Carpenter Village Condominium Regime as a result of such annexation; and

NOW THEREFORE, in consideration of the covenants herein and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree to be bound as follows and the Declarant hereby submits Lot A2 and the Building and other improvements located thereon to condominium ownership under the provisions of Chapter 47C of the General Statutes of North Carolina:

1. CAPITALIZED TERMS. That for purposes of this First Supplemental Declaration, capitalized terms as used herein shall have the same meanings as the defined terms in the Declaration as the context may require.

2. ANNEXATION OF LOT A2. That Exhibit "A-1" to the Declaration shall be and the same is hereby further amended so as to annex Lot A2 into the Franklin Park Condominiums of Carpenter Village Condominium Regime, submit Lot A2 to the Condominium Documents for the Franklin Park Condominiums of Carpenter Village Condominium Regime and the Act and make Lot A2 a part of the Franklin Park Condominiums of Carpenter Village Condominium Regime, said A2 being more fully described as all of Lot A2, Franklin Park of Carpenter Village as shown on plat recorded in Book of Maps 2017, Pages 1407-1408, Wake County Registry; and accordingly A2 shall be and the same is hereby subjected to the lien and operation of each and every term and provision of the Condominium Documents for the Franklin Park Condominiums of Carpenter Village Condominium Regime and the Act. Upon the execution, delivery and recording of this First Supplemental Declaration, the defined term "Land" contained in the Declaration shall include Lot A2 as that term is defined herein.

3. EXHIBIT B. Exhibit B is revised to change the reference to Building A1-R Suite 101 to Suite 100 as shown on the recorded condominium plats and plans.

4. CREATION AND IDENTIFICATION OF ADDITIONAL UNITS. That the following eight (8) Residential Units, six (6) Suites and nine (9) Limited Residential Common Elements Residential Storage Units (hereinafter referred to as the "Lot A2 Units") shall be and they are hereby established in and made a part of the thereby bringing the total number of Units in the Franklin Park Condominiums of Carpenter Village Condominium Regime to Sixteen (16) Residential Units and Twelve (12) Suites plus Eighteen (18) Limited Residential Common Elements Residential Storage Units:

Building A2 - 1200 Gathering Park Circle, Cary, North Carolina 27519**Residential Units**

<u>Unit Number</u>	<u>Square Feet</u>	<u>Total A2 Percent Interest</u>	<u>Parking Space Number</u>
201	2301	9.17%	P-201
202	2301	9.17%	P-202
203	2301	9.17%	P-203
204	2301	9.17%	P-204
301	2381	9.49%	P-301
302	2381	9.49%	P-302
303	2327	9.28%	P-303
304	2327	9.28%	P-304

Residential Storage Units (to be assigned separately if acquired)

<u>Unit Number</u>	<u>Square Feet</u>	<u>Total A2 Percent Interest</u>
5A	69	0.28%
5B	73	0.29%
6	77	0.31%
7	56	0.22%
8	56	0.22%
9	103	0.41%
10	107	0.43%
11	56	0.22%
12	56	0.22%

Suites

<u>Suite Number</u>	<u>Square Feet</u>	<u>Total A2 Percent Interest</u>
100	1431	5.71%
103	724	2.89%
104	749	2.99%
105	749	2.99%
106	724	2.89%
107	1431	5.71%
TOTAL	25,081	100%

(Total of all Lot A2 Suites, Units, Residential Common Elements and Residential Limited Common Elements is 34,750 Sq. Ft)

Addresses for 1200 Gathering Park Circle, Cary, North Carolina 27519

Residential Unit Addresses: Unit(s) #201, 202, 203, 204, 301, 302, 303, 304

Residential Storage Addresses: S-5A, S-5B, S-6, S-7, S-8, S-9, S-10, S-11, S-12

Suite Addresses: Suite(s) #100, 103, 104, 105, 106, 107

Accordingly Exhibit "B" to the Declaration, as amended, shall be and the same is hereby deleted in its entirety and Exhibit "B" attached hereto is substituted in its place and stead, such Exhibit "B" containing the Building Number, the Unit Number, the Unit Address, and the adjusted and reallocated Common Element Interests now appurtenant to all Units and Suites in the Franklin Park Condominiums of Carpenter Village Condominium Regime as a result of such annexation. Each of the Lot A2 Units are of the same style and composition as the other 14 existing Units.

5. ADDITIONAL DEFINITIONS. That to give full effect to the foregoing, Article I of the Declaration shall be and each such section is hereby amended to add, as a new Defined Term, the following Section 1.31:

Section 1.31 "Franklin Park Condominiums of Carpenter Village Condominium Regime" shall mean the Declaration, the Plans, the Units, the Suites, the Condominiums and the Common Elements of the Franklin Park Condominiums of Carpenter Village Condominium.

6. ADJUSTMENT AND REALLOCATION OF COMMON ELEMENTS INTERESTS. That as a result of this First Supplemental Declaration, the Common Element Interests appurtenant to Units and Suites within the Franklin Park Condominiums of Carpenter Village Condominium shall be and they are hereby adjusted and reallocated in accordance with Exhibit "B" attached hereto. Such Common Element Interests are subject to further adjustment and reallocation as and when additional Future Land is annexed into and made a part of the Franklin Park Condominiums of Carpenter Village Condominium.

Accordingly by this First Supplemental Declaration, Exhibit "B" to the original Declaration shall be and it is hereby deleted therefrom and Exhibit "B" attached hereto shall and it is hereby made a part of the Declaration.

7. FRANKLIN PARK CONDOMINIUMS OF CARPENTER VILLAGE CONDOMINIUM PLAT(S) AND PLAN(S). That the Franklin Park Condominiums of Carpenter Village Condominium Plat(s) and Plan(s) recorded in Condominium Map 2023, Pages 13-17 in the Office of the Wake County Register of Deeds shall be and they are hereby supplemented by the following plat(s) and plan(s) pertaining to the Lot A2 and the Lot A2 Units and Suites:

Those certain Plat(s) and Plan(s) for Franklin Park Condominiums of Carpenter Village – Building A2 recorded in Condominium Map 2023, Pages 00140-00144 in the Office of the Wake County Register of Deeds [hereinafter referred to as the Lot A2 Plat(s) and Plan(s)].

Accordingly by way of this First Supplemental Declaration, the Lot A2 Plat(s) and Plan(s) shall be and they are hereby made a part of the Plans in the Declaration.

8. CERTIFICATES OF COMPLETION. Andrew W. Privette, AIA, Architect has executed the Certificates of Completion as to the structural and mechanical components as affixed to the Plans. Such Certificates of Completion are hereby incorporated into and made a part of the Declaration as if originally attached thereto and a part thereof, and are in satisfaction of the requirements of N.C.G.S. 47C-2-101(b).

9. GOVERNING LAW. That this First Supplemental Declaration shall be governed by and construed in accordance with the laws of the State of North Carolina and shall inure to the benefit of and bind the Declarant, the Franklin Park Condominiums of Carpenter Village Condominium Regime, the Owners of Units and Suites in the Franklin Park Condominiums of Carpenter Village Condominium Regime and the Property.

10. REAFFIRMATION. That except as hereby amended, the Declaration shall be and remain unaltered, unchanged and in full force and effect.

(Signatures on subsequent page)

IN WITNESS WHEREOF, Declarant and FPLLC have executed this Declaration the day and year first above written.

H & H Constructors, Inc.
a North Carolina corporation

By: [Signature]
Name/Title: CEO D. Ralph Huff III

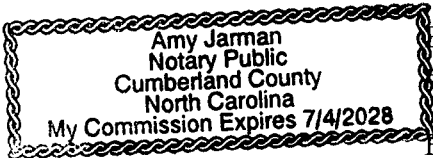
CUMBERLAND COUNTY, NORTH CAROLINA

* D. Ralph Huff, III

I, the undersigned Notary Public, certify that the following person(s) personally appeared before me this day, and I have seen satisfactory evidence of the principals' identity, by (choose one) [] a current state or federal identification with the principals' photograph in the form of a driver's license, or [X] I have personal knowledge of the identity of the principals, or [] a credible witness has sworn to the identity of the principals, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

Date: July 18, 2023
Signature of Notary Public [Signature]
Notary Name: Amy Jarman
Printed or Typed Name

My Commission expires: 7/4/28
(Official Seal)



Franklin Park, LLC
a North Carolina limited liability company

By: [Signature]
Name/Title: member/manager D. Ralph Huff III

CUMBERLAND COUNTY, NORTH CAROLINA

* D. Ralph Huff, III

I, the undersigned Notary Public, certify that the following person(s) personally appeared before me this day, and I have seen satisfactory evidence of the principals' identity, by (choose one) [] a current state or federal identification with the principals' photograph in the form of a driver's license, or [X] I have personal knowledge of the identity of the principals, or [] a credible witness has sworn to the identity of the principals, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:

Date: July 18, 2023
Signature of Notary Public [Signature]
Notary Name: Amy Jarman
Printed or Typed Name

My Commission expires: 7/4/28
(Official Seal)

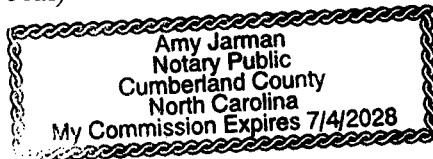


EXHIBIT B
TO THE DECLARATION
COMMON ELEMENTS INTEREST

Building A1-R - 800 Gathering Park Circle, Cary, North Carolina 27519

Residential Units

<u>Unit Number</u>	<u>Square Feet</u>	<u>Total A1-R Percent Interest</u>	<u>Parking Space Number</u>
201	2301	4.585%	P-201
202	2301	4.585%	P-202
203	2301	4.585%	P-203
204	2301	4.585%	P-204
301	2381	4.745%	P-301
302	2381	4.745%	P-302
303	2327	4.64%	P-303
304	2327	4.64%	P-304

Residential Storage Units (to be assigned separately if acquired)

<u>Unit Number</u>	<u>Square Feet</u>	<u>Total A1-R Percent Interest</u>
5A	69	0.14%
5B	73	0.145%
6	77	0.155%
7	56	0.11%
8	56	0.11%
9	103	0.205%
10	107	0.215%
11	56	0.11%
12	56	0.11%

Suites

<u>Suite Number</u>	<u>Square Feet</u>	<u>Total A1-R Percent Interest</u>
101	1431	2.855%
103	724	1.445%
104	749	1.495%
105	749	1.495%
106	724	1.445%
107	1431	2.855%

Building A2 - 1200 Gathering Park Circle, Cary, North Carolina 27519**Residential Units**

<u>Unit Number</u>	<u>Square Feet</u>	<u>Total A1-R Percent Interest</u>	<u>Parking Space Number</u>
201	2301	4.585%	P-201
202	2301	4.585%	P-202
203	2301	4.585%	P-203
204	2301	4.585%	P-204
301	2381	4.745%	P-301
302	2381	4.745%	P-302
303	2327	4.64%	P-303
304	2327	4.64%	P-304

Residential Storage Units (to be assigned separately if acquired)

<u>Unit Number</u>	<u>Square Feet</u>	<u>Total A1-R Percent Interest</u>
5A	69	0.14%
5B	73	0.145%
6	77	0.155%
7	56	0.11%
8	56	0.11%
9	103	0.205%
10	107	0.215%
11	56	0.11%
12	56	0.11%

Suites

<u>Suite Number</u>	<u>Square Feet</u>	<u>Total A1-R Percent Interest</u>
101	1431	2.855%
103	724	1.445%
104	749	1.495%
105	749	1.495%
106	724	1.445%
107	1431	2.855%
TOTAL	50,162	100%

Addresses for 800 and 1200 Gathering Park Circle, Unit or Suite #(as appropriate), Cary, North Carolina 27519

Residential Unit Addresses: Unit(s) #201, 202, 203, 204, 301, 302, 303, 304

Residential Storage Addresses: S-5A, S-5B, S-6, S-7, S-8, S-9, S-10, S-11, S-12

Suite Addresses: Suite(s) #100, 103, 104, 105, 106, 107

(Total of all Suites, Units, Residential Common Elements and Residential Limited Common Elements and Residential Storage Units is 69,500 Sq. Ft

Consent of Lender

THIS CONSENT OF LENDER is made this 27th day of JULY, 2023 by Flagstar Bank, N.A., a national bank ("Lender") for the benefit of H&H Constructors, Inc.

WITNESSETH:

WHEREAS, Lender is the beneficiary of a deed of trust recorded in Book 018580 Page 01476, Wake County Registry securing the amount stated therein ("Deed of Trust"), which encumbers Lots A1 and A2, Franklin Park of Carpenter Village, as shown on plat recorded in Book of Maps 2017, Pages 1407 and 1408, Wake County Registry as revised in Book of Maps 2023, Page 227 (the "Property") and in the Declaration of Condominium for Franklin Park Condominiums of Carpenter Village recorded in Book 019285, Page 01245 in the Office of the Register of Deeds of Wake County, North Carolina, and the First Supplemental Declaration of Condominium for Franklin Park Condominiums of Carpenter Village to which this Consent and Subordination is attached and made a part thereof (the "Declaration");

NOW, KNOW ALL MEN BY THESE PRESENTS, that Lender joins in the foregoing Declaration for the sole purpose of consenting to the recording of the Declaration on the property upon which it has a lien and the imposition of the provisions hereof and the provisions of the North Carolina Condominium Act to the real property described therein. Lender makes no representations or warranties as to the validity of the Declaration. Lender agrees that any subsequent foreclosure of the Lender's lien shall not extinguish the Declaration but shall merely vest in Lender the rights and duties set forth herein; provided, however, that should Lender acquire title to the property encumbered by the Deed of Trust, any liability Lender shall have for the duties set forth in the Declaration shall be non-recourse except to the extent of its interest in such property; that all present and future owners of any of the property described in the Declaration shall be entitled to the full rights and easements to the extent the same are granted herein; that the submission of the recording of the Declaration will not trigger the "due-on-sale" clause in the Deed of Trust, should such clause exist; and, that upon full satisfaction of the loan secured by the Deed of Trust, the rights of Lender and the Trustee (or such successor trustees as permitted by the Deed of Trust) set forth in this Declaration shall terminate.

IN WITNESS WHEREOF, Lender and Trustee have caused this instrument to be executed and effective as of the day and year first above written.

LENDER:

Flagstar Bank, N.A., a national bank

By: [Signature]
Name: Drew C Szilagy
Title: FVP

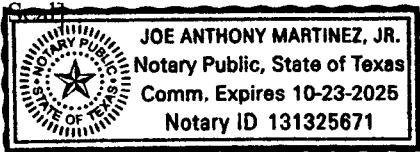
STATE OF Texas
COUNTY OF Harris

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Drew C. Szilagy.

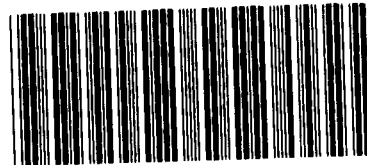
Date: 07/27/2023

[Signature]
Notary Public
Print Name: Joe A. Martinez

[Official Seal]



My commission expires: 10/23/2025



BOOK:019430 PAGE:00327 - 00336

Please retain yellow trailer page

It is part of the recorded document and must be submitted with the original for re-recording.

**Tammy L. Brunner
Register of Deeds**

Wake County Justice Center
300 South Salisbury Street, Suite 1700
Raleigh, NC 27601

New Time Stamp

\$25 Non-Standard Fee

Additional Document Fee

Additional Reference Fee

This Customer Group

_____ # of Excessive Entities

_____ # of Time Stamps Needed

This Document

10 # of Pages